

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MARCH 15, 2022 – 7:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Commissioners Gardner, Dumas, Volkenant, Thompson (virtual) and Alternate Story (virtual)
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: None
VISITORS: See Sign-In Sheet

3. APPROVAL OF MINUTES:

- a. January 18, 2022, Planning Commission Meeting
- b. March 1, 2022, City Council Meeting Minutes (For Information Only)

Motion by Volkenant to approve the January 18, 2022 Planning Commission minutes, second by Palmquist. Ayes: Gardner, Dumas, Volkenant, and Thompson. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

4. PUBLIC HEARING: Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following action for the property located at 4390 Woodhill Drive and property associated with the home on 4363 S Lake Sarah Drive (PID No.s 01-118-24-32- 0015 and 02-118-24-41-0001) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4363 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.

Property/Site Information:

The subject properties are located at 4390 Woodhill Drive and property associated with the home on 4363 S Lake Sarah Drive. The properties both have shoreland on Lake Sarah. There is an existing home and two accessory structures located on the 4390 Woodhill Drive property. The property associated with the home on 4363 S Lake Sarah Drive does not have any structures. 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: 4390 Woodhill Drive (PID No. 01-118-24-32-0015)

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential Acreage:*

(Before) .57 acres (24,796 SF)

(After) 1.17 acres

Property Information: (PID No. 02-118-24-41-0001)

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) 25.01 acres

(After) 24.41 acres

Discussion:

The applicants approached the City about the possibility of a lot line rearrangement to add acreage to the 4390 Woodhill Dr. property. The proposed minor subdivision would allow the 4390 Woodhill Dr. property to be brought closer to compliance with applicable lots size and public frontage requirements. 4390 Woodhill Dr. does not currently meet the minimum 1-acre lot size for sewer properties located within the S-Shoreland Overlay zoning district. 4390 Woodhill Dr. is considered legal non-conforming 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:

4390 Woodhill Dr.

- The property does not have the minimum public road frontage required (97.96 LF existing, 200 LF required).
- Woodhill Dr. is proposed to be extended to the west in a future condition. The existing ROW width is 60 feet for the majority of the road and then expands to 80 feet in width at the very west end of the ROW. The City is not currently looking for more ROW in this area, but would want to maintain a minimum of 66' of potential future ROW. The applicant may need to revise the plan to accommodate the minimum 66' wide ROW.
- The property is connected to City sewer.
- The additional property will be combined with the existing property and no new lots will be created. The combined property would not meet the minimum lots size to allow for the future subdivision of the combined property.
- The existing home does not meet applicable building setbacks. In the after condition, the west side of the building will meet applicable building setbacks which is an improvement over the existing condition.
- There is an existing shed that is partially located in the Woodhill Dr. ROW. The proposed subdivision does not change this condition in the after condition.
- The property does not meet all applicable impervious surface requirements (25% maximum impervious surface). In the after condition the property will meet applicable impervious surface requirements.

(PID No. 02-118-24-41-0001)

- The proposed subdivision does not create any non-conformities in the after condition.

The proposed minor subdivision to allow a lot line rearrangement generally allows the 4390 Woodhill Dr. 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 has not received any comments at the time this report was prepared.

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 confirm that there is a minimum width of 66' to accommodate the extension of the Woodhill Dr. to the west in the future.
3. The applicant shall pay for all costs associated with the City's review and recording of the requested minor subdivision.
4. The City Council Resolution shall be recorded with the County.

Kaltsas explained that this is a request for a lot line rearrangement. They would combine Parcel B with new Parcel A to essentially double the size of their property. Woodhill Dr. is planned to extend through in the future. We would want to maintain 66' of ROW going North. There are no new setback issues. The property will go from 0.57 acres to 1.17 acres which is closer to applicable standards.

Thompson asked if the city's rights to Woodhill Drive have to be extended to be flush with the Western edge of Parcel A or 66' be maintained to the edge of the property. Kaltsas said it is 66' going to the North. Thompson asked if the existing property owner that the land is coming from, okay with the ROW extending 100'? Kaltsas said they are not asking for the ROW at this time, we are just trying to reserve it since it could be done in the future. Thompson asked why wouldn't we extend the ROW to the flush SE, NW line in Parcel A for Woodhill Dr. Kaltsas said we could. When the property develops that's when we would need it or if something changes, it may or may not be beneficial to the City. Gardner said that he sees Thompson's point, but undeveloped property owner may or may not use Woodhill for the access when it comes up to be developed. The property is not under consideration for tonight.

Dumas said it looks pretty straight forward. Gardner said it's a lakeshore lot bending around the corner. He asked if the owner wanted to say anything. Doug said no.

Motion by Volkenant to approve the lot line rearrangement with the consideration of extending 66' extending up to ROW, second by Gardner. Ayes: Gardner, Dumas, Volkenant, and Thompson. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

5. PUBLIC HEARING: Kelly Brouwer (Applicant) requests that the City consider a relocation permit to bring in an existing home on the newly created 20-acre portion of the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN.

Request:

Kelly Brouwer (Applicant) requests that the City consider a relocation permit to move an existing home onto the newly created 20-acre property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0003) in Independence, MN.

Property/Site Information:

The subject property identified as PID No. 19-118-24-34-0003 which is generally located near 1730 County Line Rd SE on the south side of the road.

Property Information: 1759 County Line Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 20 acres

Discussion:

The applicant approached the City about the possibility of moving an existing home onto the subject property. The existing home was constructed in the 1970's and is approximately 26x50 with an attached 26x24 garage and 21 feet in total height. The subdivision of this property was recently approved by the City. The City has requirements relating to relocating structures into the City. The criteria are further defined in Section 800.09 of the City's ordinance (provided below). Review of the proposed relocation is intended to ensure that the home to be moved into the City is in good repair and when placed on the property will be able to comply with all applicable requirements.

800.09. Application for relocation permit.

Subd. 1. *Contents of application.* Application for a relocation permit shall be made to the clerk-treasurer on forms provided by the clerk-treasurer. The application shall include among other things:

- (i) A description of the roads and streets over which the building shall be moved;
- (ii) A site plan drawn to scale, showing the location of the proposed building or structure and all other buildings or structures on the site together with the location of driveways, drainageways, boundary lines, and other matters required to determine compliance with applicable codes;
- (iii) Plans setting forth construction detail of any reconstruction planned and required to meet or exceed

applicable building and other construction codes. Four copies of all documents shall be submitted.

Subd. 2. *Staff review.* The clerk-treasurer shall forward a copy of the application to the building inspector, the director of public works and the planning commission. The director of public works, the building inspector and the planning commission shall examine the application for compliance with the applicable statutes and codes and shall submit to the clerk-treasurer in writing their recommendations upon the compliance or non-compliance of the application with applicable codes.

Subd. 3. *Hearing.* The clerk-treasurer shall mail notice of the time and place of the planning commission meeting at which the relocation permit shall be considered to the owner of record of all property abutting the property upon which the building will be relocated.

Subd. 4. *City council review.* The clerk-treasurer's copy of the application shall be presented to the city council at its next regular meeting together with the written report of the building inspector, the director of public works and the planning commission.

Subd. 5. *Fee.* A permit fee as set by resolution of the city council shall accompany the application. The full amount thereof shall be remitted to the clerk-treasurer and deposited in the general fund. No action by any city official shall be taken on said application until said fee is paid.

The City's Building Official has visited the property with the existing home and completed a general inspection. The home was found to be in good shape and capable of meeting applicable building code requirements once renovated by the applicant.

The applicant has provided the City with a site plan, on-site septic site verification report and proposed moving route. The overall size and configuration of the existing property will support the proposed structure as it relates to applicable building setbacks and proposed site development standards. Due to the property size, its geographic location and character of the surrounding properties, there does not appear to be potential impacts to neighboring properties as a result of moving the existing home onto the subject property.

Planning Commissioners should review the information provided and consider if the requested application to relocate this home into the City of Independence meets applicable requirements.

Recommendation:

Staff is seeking a recommendation from the Planning Commission relating to the requested relocation permit.

Kaltsas explained that this applicant would like to move an existing home outside of the city onto their lot on 1759 Townline Road. Kaltsas said that the building inspector has looked at the home, meets the setbacks in good condition. This property was split off from Anita Branson's property. All setbacks are applicable. It can accommodate a primary and secondary septic site. It will be brought down Hwy 55. Thompson asked who does the review of the route to insure there are no hiccups when it comes to turns or issues. Kaltsas said it would be permitted by the counties and cities involved. Story asked if there is renovation to be done before or after the move. Kaltsas said there are certain things that they would do after the move to bring it up to code with things that are needed. Certain things are allowed to remain, but pre-inspected.

Kaltsas said most are smaller properties so dealing with more issues. This is a large lot so there really are no issues. Gardner asked about the septic. Kaltsas said there will be a primary and secondary.

Motion by Dumas to approve the relocation of the home to Town Line Road, second by Story. Ayes: Gardner, Dumas, Volkenant, and Thompson. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

6. PUBLIC HEARING: Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- a. Rezoning from AG-Agriculture to RR-Rural Residential.
- b. A conditional use permit to allow a cluster development. Cluster developments have additional standards which require the preservation of open space within a development.
- c. Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Request:

Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No's. 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- a. Rezoning from AG-Agriculture to RR-Rural Residential.
- b. A conditional use permit to allow a cluster development. Cluster developments have additional standards which require the preservation of open space within a development.
- c. Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Property/Site Information:

The overall property is comprised of six (6) individual properties located on the north and south sides of Koch's Crossing between County Road 90 and Independence Road. The property also touches Brei Kessel Road on the south. There is an existing home and a series of detached accessory buildings located across several of the properties. The properties are comprised primarily of agriculture land, a pond/wetlands.

Property Information: 5865 Koch's Crossing

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *~141 acres*

Discussion:

The City reviewed a concept plan for the subject property in late summer/fall of 2021. The applicant has now submitted an application for rezoning of the property from AG-Agriculture to RR-Rural Residential, a conditional use permit to allow a cluster subdivision and preliminary plat for a 33-unit subdivision developed across the 5 subject properties. The City provided guidance and feedback during the concept plan review process and has now completed a more comprehensive and detailed review of the proposed preliminary plat.

The following steps/sequencing and approvals will be required in order for the project to move forward.

1. Consider rezoning the property to Rural Residential from AG-Agriculture.
2. Consider a Conditional Use Permit to allow the proposed Cluster Subdivision.
3. Consider Preliminary Plat approval.
4. Consider Final Plat approval.

Comprehensive Plan/Rezoning

The City's adopted 2030 and proposed 2040 plan identify this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres.

Proposed Cluster Subdivision

The applicant has prepared detailed plans for further review by the City. The applicant has provided information pertaining to the total number of lots that can be realized on the subject properties using both the straight RR zoning and Cluster Subdivision provisions. Cluster Subdivisions are considered a conditional use in the RR Rural Residential zoning district. The City has criteria relating to granting a conditional user permit. Generally, the City has determined that the purpose of a cluster development is to promote the creative and efficient use of the land, protect natural features and preserve the rural character of the community.

The applicant has prepared the preliminary plat based on the cluster development standards. The City has reviewed the information and provided a comparison of the allowable development yield based on the RR-Rural Residential standards and the Cluster Subdivision standards as follows:

Subd. 3. A maximum of one (1) lot is permitted for each lot of record up to 7.59 acres. For lots of record with a minimum of 7.6 acres, one (1) additional lot shall be permitted for every five acres. The following table is illustrative of the allowed number of lots.

Area of Lot
of Record
7.59 acres or less
7.6 through 12.59 acres

Maximum Number
of Lots Permitted
One
Two, plus one additional lot for each additional five
acres

Lots Permitted Based on RR Zoning

Total Area: 141.35 acres
138.75 net acres (subtracting CSAH 90 right of way)
12.59 = 2 lots
 $138.75 - 12.59 = 126.16/5 = 25$
27 Lots Permitted

The applicant is proposing to meet all applicable cluster subdivision standards. The cluster subdivision standards are as follows:

Subd. 4. *Cluster development conditional use permit.* Cluster development is a conditional use in the Rural Residential District, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this Code.

- (a) *Purpose.* The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:
- (1) Protect natural features in common open space.
 - (2) Improve the arrangement of structures, facilities and amenities on a site.
 - (3) Preserve the rural character of the community.
- (b) *Criteria.* A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.
- (1) The development parcel must be 40 or more acres in size;
 - (2) A minimum of 50% of the gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, must be preserved as open space, recreational space or agricultural use;
 - (3) A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;
 - (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
 - (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
 - (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, or other physical impediments;
 - (7) Lots within the development must have a minimum of 150 feet of frontage on an improved public road or

street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.

- (8) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (9) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;
- (10) All utilities must be placed underground;
- (11) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;
- (12) A development agreement must be entered into with the city.

Lots Permitted Based on Cluster Subdivision

Total Area: 141.35 acres
138.75 net acres (subtracting CSAH 90 right of way)
138.75 x 50%: 69.40 acres of open space required
69.40 acres of open space provided
50% of 69.40 acres: 34.70 acres of useable open space required
40.60 acres of useable open space provided
33 Lots Proposed

Based on the cluster development standards, the applicant is proposing to develop the property in accordance with applicable provisions with several noted exceptions and or issues.

The City has completed a detailed review of the proposed subdivision as follows:

1. The proposed plan proposes to realign Koch's Crossing at the point of intersection with CSAH 90. The realignment of Koch's Crossing likely aids the sight lines at the CSAH 90/Koch's Crossing intersection. Hennepin County will ultimately need to approve the relocation of Koch's Crossing and has provided comments relating to the preliminary plat request.
 - Hennepin County supports the proactive intersection realignment. The realignment will require a site line profile to be completed by the applicant.
 - Hennepin County will review the need for turn lanes and provide additional feedback prior to City Council consideration.
 - The applicant is proposing to dedicate additional right of way to allow for a 50' half ROW. Hennepin County has initially stated that they agree with this ROW but is still finalizing their review.
2. Koch's Crossing will be fully upgraded to the City's improved street standards and will tie into the eastern half that was recently upgraded as a part of the Serenity Hills subdivision. The applicant is proposing to locate lots along the realigned Koch's Crossing. This would be consistent with the Serenity Hills subdivision.
3. A new north south cul-de-sac is proposed to serve 26 lots. The length of the proposed

cul-de-sac is 3,900 lineal feet. The concept plan that has been reviewed by the City showed the north south road as a through street connecting to Brei Kessel Road to the south. There are several things that should be considered by the City relating to the proposed cul-de-sac as follows:

- Section 5001.43 of the City’s subdivision standards provides requirements relating to minimum subdivision design standards.

500.43. Minimum subdivision design standards.

Subd. 1. *Street plan.* The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Subd. 2. *Continuation of existing streets.* The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

Subd. 3. *Future projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

Subd. 4. *Cul-de-sac easement required.* If a street terminates at the boundary line of the plat that could at a later date be extended into and through adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plats at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the subdivision, and shall conform to these regulations in all respects.

Subd. 5. *Public access roads.* A subdivision shall not be approved unless the council makes a finding that the existing public roads providing access to the land to be divided can adequately accommodate any additional traffic that the subdivision may generate. If the public roads providing access to the subdivision do not meet the minimum requirements in section 500.45 of this Code, the required finding must be supported by a traffic study prepared by a licensed traffic engineer selected by the city.

- The preliminary plat does not appear to comply with Subdivision Ordinance section 500.43, Subd. 2. The applicant would need to request a formal variance from the Subdivision Standards relating to the proposed cul-de-sac. Section 500.75 of the City’s Subdivision Ordinance provides standards pertaining to variances:

500.75. Standards for variances.

The planning commission may recommend, and the city council may grant variances from the literal provisions of this section in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Any person requesting a variance shall appear at all planning commission meetings and city council meetings where such application is considered and provide to the planning commission and the city council such maps, drawings, plans, records and other information necessary to make a determination on the application. It is the responsibility of the applicant to demonstrate that all of the following standards for variance have been met. Undue hardship can be found on the bases of the following:

- (a) Because of the particular physical surroundings, shape, or topographic conditions of the specific parcels of land involved, a particular hardship to the owner would result if the strict letter of this section were carried out.
- (b) The conditions upon which the application for variance is based are unique to the parcel of land for which the variance is sought and are not common to other properties within the city.

- (c) The hardship is related to the requirements of these regulations and has not been created by any persons presently or formerly having an interest in the parcel of land.
 - (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- Planning Commissioners should provide direction/findings relating to if/how the proposed cul-de-sas/dead end meets the applicable standards. The actual variance will need to be considered at a future meeting and any approvals of the proposed preliminary pat, if recommended, would be subject to a variance being considered.
- As requested by the Planning Commission, the City has reviewed and provided additional information relating to maximum cul-de-sac length and street design requirements of a handful of neighboring cities (attached to this report as EXHIBIT A).
- As requested by the Planning Commission, the City has researched and provided additional information relating to the approvals of Brei Kessel Subdivision (attached to this report as EXHIBIT B). Brei Kessel currently terminates with a temporary cul-de-sac. When Brei Kessel was approved in 1996, the City noted that they wanted to plan for the future development of the entire area as it related to roads and transportation. Brei Kessel was required to extend to the northern property line in order to provide for its future connection to the north. It is noted that the existing cul-de-sac does not meet current City dimensional/construction standards. The City has noted that the existing cul-de-sac bulb was not constructed as a permanent road and also that the City does not have right of way that encompasses the entirety of the cul-de-sac terminus. The existing bulb has an 85' diameter rather than 100' as required. The City currently has 66' of right of way and would require 120' for a permanent cul-de-sac. Permanent right of way and a permanent road section should be considered by the City should the road not be extended.
- The Independence subdivision ordinance requires that streets be extended through to adjacent properties unless there is a justification for not extending. The City does not currently stipulate a maximum length for cul-de-sacs. The City has several existing cul-de-sacs that exceed 2,000 LF throughout the City. For example, Polo Club Road is approximately 3,200 LF and has 15 homes on the road. Brei Kessel Rd. and Wood Hill Lane in combination are approximately 2,900 LF with 17 homes on the combined roads. Most recently, the City approved Hamilton Hills with a cul-de-sac length of 1,860 LF with 8 homes.
- There are many varying viewpoints relating to the development of cul-de-sacs, the maximum and minimum cul-de-sac lengths and similar factors that could be considered. The standard of practice most commonly accepted in the planning, public works, public safety and emergency services realm would support a connected community and subsequent transportation network. Connectivity of a transportation network within a community is generally recognized by associated professional disciplines to reduce the total number of trips taken on a given roadway, reduce travel speeds, increase emergency

response times and increase maintenance and similar efficiencies. There are a wide array of factors and considerations that can also influence and change the aforementioned elements. Elements such as traffic calming devices (choke points in a road, speed table, design speeds etc.) can also be used to accomplish some of the items noted. Ultimately, the City should consider whether or not the current ordinance requirements are aligned with the vision for the development of Independence neighborhoods. Planning Commissioners should also provide input relating to the proposed road and whether or not the City should require traffic calming measures due to the proposed length.

- There are no other future road extensions proposed within this preliminary plat. The City should consider if any additional future road connections are needed to allow the reasonable and orderly development of this portion of the City. Due to the existing wetlands and topography of the surrounding areas, it is unlikely that future roads would be beneficial to the southeast or southwest. There is a possible connection point that could be considered to the west near the location of Lots 3 & 4, Block 10 (see below).
4. The City recently revised the Cluster Subdivision section of the zoning ordinance to more clearly stipulate the minimum lot width for properties developed using the Cluster Subdivision standards. The minimum lot width now prescribed is 150 feet. All lots in the proposed development meet the minimum lot width of 150 feet. The average lot width within the development is 198 feet.
 5. The City requires a minimum of 1.5 acres of buildable area for each lot. The applicant proposes several lots that have a minimum area of 1.5 acres including wetland buffer. The City would not permit development within the wetland buffer and would therefore not count it towards buildable area. There are several lots where it is not clear if the buffer is included in the minimum buildable lot area calculation. The applicant will need to verify that the following lots meet the minimum area, not including the wetland buffer:
 - Lot 1, Block 3
 - Lots 3, 4, 5, Block 5
 - Lot 1, Block 9
 6. The proposed plan shows several lots that appear to have wetland encroachments on the private lots. Ideally, the wetlands would be located within an Outlot and not on private property. The City would recommend that wetlands and wetland buffers are removed from the private lots to prevent future limitations on the useable lot area. Several lots should be noted:
 - Lots 3, 4, 5, Block 5
 - Lot 1, Block 6
 - Lots 1,2, Block 10
 - Lot 3, Block 4
 7. The applicant has provided information verifying each lot can accommodate a

primary and secondary septic site.

8. The applicant shows all applicable building setbacks on each proposed lot along with a proposed house pad. Applicable setbacks are as follows:
 - Front Yard Setback: 85' from centerline of road
 - Corner Yard Setback: 52' from property line
 - Side Yard Setback: 30' from property line
 - Rear Yard Setback: 40' from property line
 - Wetland Setback: 10' from edge of wetland buffer

9. There are a handful of lots that have a non-traditional configuration. This is a result of the property having many unique features and geographical characteristics. Staff is seeking Planning Commissioners feedback relating to individual lot configurations.

10. The applicant is proposing to preserve existing trees located within the proposed open space/Outlots.

11. The developer has noted that they would likely phase the construction of the development going from the north to the south. Phasing of the development would be considered at the time of Final Plat.

12. The existing portion of Koch's Crossing that is proposed to be eliminated will need to be formally vacated. The applicant will be required to make application to the City for vacation of Koch's Crossing.

13. The City and Watershed have standards relating to storm water management and water quality. The City will ensure that the development of this property meets all applicable standards relating to storm water management and water quality. The City's water resource engineers have completed a detailed review of the proposed plans. The applicant will be required to revise the plans in accordance with all applicable comments. Following preliminary plat consideration, the Pioneer Sarah Watershed Management Commission will review the plans.

14. The City's engineering consultant has reviewed the plans and prepared a detailed review of the preliminary plat. The applicant will be required to make all applicable revisions to the plans based on the comments provided.

15. The proposed subdivision is subject to the City's Park dedication requirements. The City is not requesting any public park land within the development. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed Outlots. The standard park dedication requirement of \$3,500 ($\$3,500 \times 33 = \$115,500$) per lot will be applicable to all newly developed lots.

Neighbor Comments:

The City has received a petition from neighboring property owners relating to the proposed development and field several verbal questions.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for Rezoning, Preliminary Plat, Conditional Use Permit for a Cluster Development. Should the Planning Commission make a recommendation to the City Council, the following findings and conditions should be included:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - d. The Applicant shall enter into a development agreement with the City for this development.
 - e. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - g. 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. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.

5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
6. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Kaltsas explained this is a consideration for a new subdivision of 33 lots proposed to be developed under the city's cluster ordinances. The city would need to rezone to AG to RR. This site was a concept plan last year and discussed various aspects. The applicant is asking for consideration of rezoning the property, a CUP to allow a cluster development and a preliminary plat to allow the 33 lots to be known as Kochs Farms Sanctuary. There are 6 individual parcels associated with this farmstead. It is approx. 141 acres in size. In Fall 2021 the city reviewed the concept plan with 33 lots. The applicant took comments and came back with this final plat. It is consistent with the city's comprehensive plan. On the preliminary plat is shows that the access will come off of 90 realigned that will provide a better intersection. They will vacate the former portion of Kochs crossing, then it will loop back into Koch's crossing. The new street from Koch's crossing will be called William Way. The applicant is asking the city to consider 33 lots on 141 acres. There are standards relating to RR and density issues. Lots permitted are 27 lots, so we have context when considering cluster development. The city also needs preservation of open space. In exchange for density, there has to be usable upland space. The city is requiring the space preserve 50% as usable open space. This equates to approximately 70 acres preserved. There are a couple things that are noted in the ordinance such as the realignment of the Koch's crossing intersection, the additional ROW and turn lanes. The new street would be a dead end, Williams Way, is shown as 3900'. The subdivision standards talk about continuation of existing streets. Proposed street and its alignment will be decided by Council. The future projection would require potential connectivity. There is a high-level survey of surrounding communities regarding their standards on cul-de-sacs and connectivity. The length, connectivity and all needs will be decided by the city. The city needs to look at the character of the city, public safety, costs of maintenance, and speeds. There are well established studies showing that longer dead-end streets increase speeding. The issue with not connecting is the longer dead end. Our policy should reflect this. We developed some of these cluster ordinances when Providence was developed.

When Brei Kessel was developed the city had just a 66' ROW. If this cul-de-sac remains, the city can't fully maintain it. Kaltsas showed the exhibit of if the road went through what were the geologic limitations. The road to East to Independence or West to 90. There is limited access to Independence but some access to 90.

The city did revise the cluster development standards. There was a issue regarding the density calculation. There was actually a density penalty, so we mad a revision. The slopes and minimum lot frontages were also topics that were revised. There were only two other cluster developments, Providence and Serenity Hills. The average lot frontage on this project is 198 lineal feet. There are a couple areas that we were not clear on buffer. This plan meets all applicable setbacks, the house pads, and primary and secondary septic sites. There are some lots that are not your normal layouts. They are trying to provide the best building sites. They

looked at stormwater, ponds, and roads but there is nothing prohibitive, just some more detailed comments. This would be subject to watershed approval after prelim plat is approved. There is no park space that is proposed for this space so we would need to confirm where that would be located.

Gardner mentioned that the buffer is caused by the wetland but it's not wetland. He asked if this is still buildable. Kaltsas said in lot 1 block 3, there are 1.5 acres buildable and there is a buffer on the Western line included in this, but they cannot build in the wetland.

Volkenant asked if some of these odd shaped lots cause an issue with the buffer. Kaltsas said he proposes that they leave the buffer and increase the 1.5 to 1.55 with a .5 buffer.

Dumas asked about the Outlot C where there is a bunch of junk there at the end of the old driveway. Kaltsas said that they will be removed.

Story said he has received a lot of emails from Brei Kessel residents, and these people are concerned. He understands but is really concerned about the long cul-de-sac which is dangerous. He asked if there's a compromise instead of a connector. Maybe a gravel connector with bollards that would allow for emergency vehicles but prevent the everyday vehicles. Gardner said this is a very difficult problem with cities. Dumas asked if there are any studies done from the firehouse. Kaltsas said Brei Kessel is right on the border of the Maple Plain line. He asked Chief Kroells about the response time. If one of the access points are blocked, getting emergency vehicles through would be difficult. The fire code threshold is 30 lots on 1 access development. Volkenant asked about the lot line and where Brei Kessel ends. The lines seem to differ. Kaltsas said if the road is accepted as proposed, Brei Kessel would need additional ROW and would need to take some of it from the private properties on the cul-de-sac. Thompson asked about the easement for the temporary cul-de-sac and a predictable way to take the ROW from the residents. Kaltsas said if the city were to go after a permanent ROW, they would have to look at what was granted prior. As of right now there is a temporary easement shown but unsure if it was recorded. Would we have to acquire a permanent easement from the residents. Thompson asked if there is anything remaining from the development of Brei Kessel and the rest of the area to the S around HOA or an entity separate from the homeowners or is this just dealing with the property owners. Kaltsas said this is property owners granted some sort of encumbrance on their property. We need to check if these were recorded. Thomson said there are no guarantees that we could accomplish getting something to permanent standards at the end of that road and up to each individual property owner. Kaltsas said ultimately the city has the right to eminent domain and would determine if this should be upgraded or be permanently maintained. Gardner said we need to solve the cul-de-sac problem.

Gardner said we don't know which way we are going with the cul-de-sac right now. It would need to get larger. The cul-de-sac would need to be 120' in diameter to make it an official cul-de-sac. The city should own it so that the city can maintain it.

PUBLIC HEARING OPENED

Marty Chelstrom said in response to a couple arguments. Jon Paul had mentioned trees falling and the only trees that could fall is where the creek is across the road. Jon Paul said the tree falling is just an example. Marty said in regard to Kaltsas' statement that longer cul-

de-sacs make for faster speeds, but he would argue that 100% wrong. The best way out of our neighborhoods is on Hwy 12. People will figure this out quickly, so they'd cut right through and go down Brei Kessel. Marty said public safety is the issue. I wouldn't want kids out on the streets if that was a cut through street. He said he spoke with one of Gary's officers and asked if he'd ever choose Brei Kessel to get to Koch's development and the officer said no. There have been 2 fires in his 20 years living here and one was in Providence with 2 access points and the house burnt to the ground. The other was Fifinski's and had a challenge of getting up the driveway. There was a Council member that talked about the biggest challenge they're facing is rising home values. It's great for the city and developers, but what is lacking there is no balance with regard to the residents. He would like to see recognition for that.

Gardner asked if Marty was aware that this is a copy of what we did on Providence. The people that live in Providence seem to enjoy it. They have extra houses and more open space than in the traditional manner. He asked if anyone has any questions about the goal of maintaining open spaces. Marty asked if open spaces are always in conservation. Gardner said that things can change but this is decided to an outlot situation. These are supposed to stay there as long as people want it. Marty asked how it would be different in the RR piece if it isn't usable to the people. Kaltsas said it would be owned by the HOA. If it was developed, people could put structures on the 50% usable piece. It is preserving this as perpetual open space. Mary said wetlands cannot be built on. Gardner said there are 40 acres of ground that could have had houses on it but it is open. Marty said he doesn't see the benefits are to the residents. Kaltsas said it is just preservation of open space. This is fairly common and doesn't break up the landscape. This is solely a city decision, and the HOA has the access to it. The city doesn't stipulate that it has to be public.

Dumas asked if anyone has done a traffic study. Gardner said if the road gets joined, they would get to Loretto quicker. He said there are many winds and turns to it that they would prefer the fastest way out or in with less stops. This property is so big that it makes it practical to have more than one way into it.

Mark Kroskin lives at 6000 Providence Curve. He is the president of the HOA. The board voted unanimously that they do not want the connection to Brei Kessel. The reason for that is that we would disagree with the comments. They would prefer that Providence had 2 cul-de-sacs. Providence Curve is a racetrack with traffic from Independence Rd to Becker. We won't allow our daughter to bike 3/10 of a mile because of the speed on Becker. 97% of the vehicles on Becker are going over 50mph. If people need to go East, they are not going to go West to go East. People will cut through and increase the traffic on Becker.

Story asked what the length of Brei Kessel Road is. Steven Brandt lives on Brei Kessel said he can comment on that. Since he runs often, the length from Brei Kessel Cul-de sac to the stop sign at Woodhill and Becker is about $\frac{3}{4}$ of a mile which is about 3,900 feet just like the length of the William Way. Gardner said it was ok'd on the plans for them to connect the cul-de-sacs originally. The circumstances on how the Brei Kessel cul-de-sac got there was not intended to leave it that way.

Mark Perhman at 2850 Becker Rd. said that everyone that buys properties on William Way will also not want anyone on Becker Rd, Brei Kessel, etc. driving down William Way to get to Loretto.

Tim Koch, the developers, said that they brought the dropping of the cul-de-sac to tonight's meeting because they came in with the aspect from the customer point of view, meaning the 33 families that will build their homes here. The residents here tonight are also customers that need to be listened to as well. There is a great desire for cul-de-sacs. They foster a sense of community with quiet streets keeping extra traffic out. It increases the value of their homes and decreases theft. Kochs said that it offers a much safer neighborhood for the residents. Thompson asked for some more explanation with through street versus cul-de-sac. There are roughly 6 lots in a traditional cul-de-sac and then there is a divide. The first house on the beginning of the cul-de-sac will watch 20 vehicles drive by with the cul-de-sac design versus 10 if it was a through street. Tim said that the HOA homes to the South we would like to foster. We don't know what traffic flow will be. There will be added traffic from the North and South. If William Way was a through street, it would increase more traffic coming from Kochs Crossing. Thompson said that the Koch's family previously developed Brei Kessel and asked what Tim's feedback was on seeking a variance and relying on that to move forward. Tim said that he believes that today, this is what his dad would want.

David Aberling lives at 6098 Woodhill Lane, lives at the end of a cul-de-sac. He said that he is happy that the committee is thinking about public safety because Woodhill is not a safe road. There are blind spots and curves. If you add more traffic, there will be more issues. He thinks the plan is good, but we still want to live in Independence not Hamel. It seems like a very simple decision, and he doesn't feel like the residents are being heard.

Todd Hansen living at 5645 Kochs Crossing on the North side. He said he never thought about the traffic on the North end, but if you open this up, we will see a lot more traffic on Kochs Crossing and Independence Rd. It was mentioned earlier about the fire and having bollards and that did work in case of an emergency. He asked if there is a HOA and what is the minimum housing size. Koch said it was around a 2,000sqft for a 2-story. Todd Hansen suggested putting up a berm where we are, that would be appreciated by Serenity Hills development.

Sarah Chelstrom, 3150 Brei Kessel Road, she asked who is objecting to the permanent cul-de-sac. She is asking what the problem is and why is it taking so long to get approved. Gardner said that these are universally accepted design standards. All cities do the same thing. We have to consider the practical standards and layouts of these subdivisions as they come to us. These long cul-de-sacs are frowned upon by everyone that lives on them that want to keep everyone else out of them. You have to have through streets in cities and not a city of cul-de-sacs. When we looked at this in 1996, Bill Koch agreed that this would be a through street. Sarah asked if Gardner agrees that things change from 1996. Gardner said not in this wisdom. The practicality of laying these cities out is like adding on to your house. If you hadn't lived there and Bill Koch would have put this road through. Now that you live there, now you are being abused. Sarah asked why we can't have a cul-de-sac. Rules can be changed. Gardner said there is a reason for putting through streets in. Sarah said when we have a bunch of people objecting, when people move into this neighborhood, they know what they are getting and buying into, but we are having our neighborhood completely changed. You are not listening to the public. Gardner said that is what we are doing this right now with the public hearing. Thompson said that there is ordinance in the books for decades that if this plat were to progress, it would require a variance because this proposal is against the City Standards. He understands and appreciates the people's opinion, but we also have to follow the ordinances. Sarah asked if ordinances are never changed. Thompson said they are

changed all the time, and there is a process for that, but what is happening here is an ask for an acceptance of an existing ordinance. Marty Chelstom asked how does violating our neighborhood fit in with these ordinances. Thompson said we are not going to debate. Marty said if Bill Koch would have done this 25 years ago, we would have known what we were signing up for when we bought.

Tom Koch asked about the variance, and this may take a couple months more to get a variance to put in a cul-de-sac. Kaltsas said it is going to be based on the decision that planning decides on and what direction we would need to take from there. It depends on the recommendation.

Paul Otto, planning engineer on this project. He mentioned that the end of the road, there is a creek that drains NW a lot of water. We can design something across that, but we would have to account for that and he wasn't sure if that would negatively affect anyone.

Brandon Howe on Kochs Crossing wanted to make mention of any online comments online are heard.

Ryan Baumen online asked why the existing Kochs Crossing is being realigned. Kaltsas said it is HC recommendation to realign this. Story said it is sight line safety. Baumen also asked how they plan on handling the drainage. Paul Otto said there is a grading plan on the North. The water is directed to the culvert across Koch's Crossing. There is no water going to Serenity Hills. Baumen asked about the trees on the 50' outlot and if there can be a buffer. Kaltsas said that can be discussed. Ryan Baumen said the existing public easement is on Cartway comes into the West lots, why is it being moved to the East. There are existing drainage issues so the basin to the West wouldn't help us. He would like to see more engineering on this. Kaltsas said there is no ROW for Cartway currently. Paul Otto said the cartway is at the bottom of the driveway or the hill. He flip flopped it for walkouts. He said they can design houses how they want as long as it meets City standards. The drainage issues were always there. The problem is the slope.

Sarah Chelstrom said that her big thing is safety. Orono is an excellent rated school, and she would guess that since there is open enrollment in Orono many of those homes will probably open enroll. The closest bus stop is on Woodhill and Brei Kessel. There will be a lot of cars there and a larger safety issue.

Motion by Dumas to close the public hearing, second by Volkenant. Ayes: Gardner, Dumas, Volkenant, and Thompson. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

Gardner asked what our options are now. Kaltsas said you have the three action items. You can approve, deny, table, or approve with conditions. Thompson said he is thinking of this as the proposal in front of us instead of re-engineering, redesigning standpoint. From a cluster development and CUP standpoint, most of this is satisfactory. Where he is struggling is that there has been a lot of great feedback, but we have to balance that with ordinances that are on the books and the way he reads that is that to terminate this in the cluster development standards it would need a variance. He would also look to the city and homeowners to memorialize a real cul-de-sac. This is a challenge proposed. In addition to the variance, we should also address that there is a permanent cul-de-sac to the North and South.

Story there is a lot of talk about safety of residents on Brei Kessel but also a lot regarding safety of residents on William Way is a concern. This is the longest cul-de-sac by far in the city. Possible speed bumps or traffic safety things could be done. This is setting a precedent for this long of a cul-de-sac for the future developments. He is anti-cluster and super long cul-de-sacs. Thompson agreed with Story's thoughts about just being against the long cul-de-sac, not necessarily that it needs to hook up to Brei Kessel. Gardner said we grant variances for different circumstances often, but this is a far reach. Dumas said that this is midway between the two fire departments. A variance would solve an emergency response issue. Kaltsas said you could plat a ROW to the connection. Gardner asked if anyone had any feedback on the design. Dumas said that the only ones that are unique are 2 & 3. Gardner said this is incomplete so he feels like we should table it until we get the variance worked out. Kaltsas said that if they were to make a recommendation to approve as is, you would have to do it subject to the applicant coming back with a variance or resolve the need for a variance or plat ROW between the two roads.

Thompson asked what the easiest plan forward to take all comments. Is it to table or conditional approval? Kaltsas said that the options are to deny it and it would go to council either way, you can make a recommendation with conditions, or you can make a recommendation subject to connectivity, or table it.

Motion by Thompson to approve subject to conditions, 1. resolution of the need for a variance regarding access to the new development, 2. resolution to city satisfaction regarding the temporary cul-de-sac at the end of Brei Kessel, second by Volkenant. Ayes: Gardner, Dumas, Volkenant, and Thompson. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

Kaltsas said it is motion to approve subject conditions. Gardner asked if we would rezone it after this. Kaltsas said they could make it all in one motion or separately. Gardner said this motion will include rezoning from AG to RR. Story asked if we could put this out a couple months to discuss maximum lot size and other things that will allow us to really discuss what this looks like for future developments. Thomsons said that he agrees, and it would allow for all of the city to comment as well.

7. Open/Misc.

8. Adjourn.

Adjourned at 10:01 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

