

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, OCTOBER 18, 2022, AT 7:30 PM

1. CALL TO ORDER

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

2. ROLL CALL:

PRESENT: Commissioners Volkenant, Gardner (Chair), Thompson, Tearse, & Usset

ABSENT: Dumas and Story.

STAFF: City Administrator Kaltsas and Assistant Administrator Simon

VISITORS: See Sign-In Sheet

3. APPROVAL OF MINUTES:

- a. Sept 20, 2022, Planning Commission Meeting
- b. October 4, 2022, City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the September 20, 2022, Planning Commission minutes, seconded by Tearse. Ayes: Volkenant, Gardner, Thompson, Tearse, & Usset. Nays: None. Absent: Dumas and Story. Abstain: None. Motion Approved.

4. **PUBLIC HEARING:** Kelly Brouwer (Applicant) and Al and Charlene Hatfield (Owners) are requesting the following action for the properties located at 3810 and 3850 County Line Road (PID No's. 07-118- 24-22-0002 and 07-118- 24-22-0006) in the City of Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement that would reduce the acreage of 3810 and increase the acreage of 3850 County Line Road.

Request:

Kelly Brouwer (Applicant) and Al and Charlene Hatfield (Owners) are requesting the following action for the properties located at 3810 and 3850 County Line Road (PID No's. 07-118- 24-22-0002 and 07-118- 24-22-0006) in the City of Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement that would reduce the acreage of 3810 and increase the acreage of 3850 County Line Road.

Property/Site Information:

The subject properties are located at 3810 and 3850 County Line Road. There is an existing home and several small sheds located on the 3810 property. There is a non-conforming detached

accessory structure on the 3850 property. The 3850 property is primarily comprised of tillable acreage wooded areas and several wetlands. Both properties are accessed from County Line Road.

Property Information: 3850 County Line Road

Zoning: *Agriculture*

Comprehensive Plan:

Agriculture Acreage:

(Before) 19.90 acres

(After) 31.47 acres

Property Information: 3850 County Line Road

Zoning: *Agriculture*

Comprehensive Plan:

Agriculture Acreage:

(Before) 14.33 acres

(After) 2.76 acres

Discussion:

The applicant approached the City about the possibility of adjusting the lot line between the two properties. In the existing condition, there are two 15 plus acre properties. The applicant is proposing to take a portion of the south property (3810 - ~11 acres and combine it with the north property 3850). This would reduce the south property to approximately 2.75 acres and increase the north property to ~31.50 acres. The City allows lot line rearrangements in the Agriculture zoning district.

Upon review of the existing properties, it was noted that there were several existing wetlands located on the subject properties. The ordinance allows a minimum lot size of 2.5 acres of buildable upland (excluding wetlands) As a result of the probable wetlands, the applicant completed a wetland delineation to verify buildable upland acreage.

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

3810 County Line Road

- The applicant has completed and received approval of the wetland delineation. The proposed property has approximately .05 acres of wetlands. The applicant is proposing a minimum lot size

Discussion:

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Upon review of the existing properties, it was noted that there were several existing wetlands located on the subject properties. The ordinance allows a minimum lot size of 2.5 acres of buildable upland (excluding wetlands) As a result of the probable wetlands, the applicant completed a wetland

delineation to verify buildable upland acreage.

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

3810 County Line Road

- The applicant has completed and received approval of the wetland delineation. The proposed property has approximately .05 acres of wetlands. The applicant is proposing a minimum lot size of 2.5 acres of buildable upland by accounting for the wetlands and County Line Road right of way (.05 acres – wetlands and .21 acres of right of way).
- The City will require drainage and utility easements around the property perimeter and around the wetlands and requisite wetland buffers.
- The property has 264 lineal feet of frontage in both the before and after conditions. The minimum frontage required for properties between 2.50 acres and 3.49 acres is 200 lineal feet. In the before condition, the property did not meet the minimum frontage requirements for a ~15.00-acre parcel and was considered to be a legal non-conforming property. In the after condition, the property would have more than the required minimum frontage.
- The applicant has provided a report verifying a secondary on-site septic system.
- There is an existing shed located on the west side of the existing house that meets applicable building setbacks and is less than the allowed square footage for detached accessory structures.
- The existing home meets all applicable building setbacks in the before and after conditions.

3850 County Line Road

- There is an existing detached accessory structure located on the subject property without a principal structure. This property is considered legal non-conforming. The proposed lot line rearrangement would not change the status of the property in the after condition.
- The applicant has provided a report verifying a primary and secondary on-site septic system.
- The City will require drainage and utility easements around the property perimeter and around the wetlands and requisite wetland buffers.
- No change in property access is proposed as a result of the lot line rearrangement. Any future access requests would be subject to the review and approval of Hennepin County.

The proposed minor subdivision to allow a lot line rearrangement brings 3810 into compliance with applicable frontage requirements and does not change the conformity of the 3850 County Line Road property. There do not appear to be any adverse impacts resulting from the proposed lot line rearrangement.

Neighbor Comments:

The City has not received any written or verbal comments as of the time of that 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 provide the revised exhibit and corresponding drainage and requisite utility easements around all property perimeters. In addition, the applicant shall provide drainage and utility easements around all wetlands and wetland buffers as prescribed in the approved wetland delineation.
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 reviewed packet pages regarding this request by owners Al and Charlene Hatfield and applicant Kelly Brouwer for a lot line rearrangement to reduce acreage of the South property 3810 County Line Road and increase the North property 3850 County Line Road. They are located East of County Line Road and North of Hwy 12 South of Co Rd 11. There's an existing home and several small sheds on the 3810 property, and there is a nonconforming detached accessory structure on 3850 and there had been a home there that had been raised so what is left is that detached accessory building. The property is mostly pasture with woodland and some wetlands. In the BEFORE condition, both 3850 and 3810 are zoned AG and the Comp Plan zoned as AG also. 3850 – before: 19.9 acres, after: 31.47 acres and 3810 – before: 14.33 acres, after: 2.76 acres. They would break off a smaller 2.76-acre parcel with the home at 3810 (Track B) and take the remainder and combine it with 3850 (Track A). The minimum size is 2.5 acres of buildable upland noting probable wetland that showed up on HC website thus needing a wetland delineation. .05 of wetlands (dotted on map- 1,127 sqft. and 1,243 sqft. thus increasing lot size for that to meet the minimum buildable 2.5 acres outside the County Line Rd right of way.

With the rest of the subdivision, no non-conformities would be created. Building setbacks meet all applicable setbacks. Detached accessory building do not exceed minimum of 1,850 sqft, and with all proposed changes (ROW frontage), the after condition would be fully conforming. They provided primary and secondary septic sites. 3850 has an existing detach accessory building in place prior thus it is legal non-conforming since there is no other primary structure on the property. No change in status. No written comments were received but one verbal comment was concerning any potential impact on their property to the South which there will not be. They were told of tonight's public hearing.

Gardner – This is the strangest rural view lots that can happen.

Kaltsas – In AG zoning, the City prohibits the subdivision of property with 2 exceptions: 1) rural view lot and 2) lot line rearrangement. If you have 2 properties, you can move the lines around with 40. Note the AFTER condition of this, the larger lot still does not have 40 so it's not like another lot can come from this change without adding more property.

Public Hearing Opened

Kay Gabriel – My property (3660 County Line Rd) adjoins that property. I have a tile going under the property and empties. They put in a culvert under that. Rented farmland and it is active.

Gardner – Is there any proposed construction?

Kaltsas – No, not at this time. No proposed changes with the land right now.

Gabriel – How many more divisions can this property be?

Thompson – Zero

(Microphones were low and garbled and couldn't hear further discussion.)

Closed Public Hearing

Motion by Tearse, seconded by Usset.

Motion by Thompson, second by Usset for applicant Kelly Brouwer regarding properties at 3810 and 3850 County Line Road, Independence Road (PID No's. 07-118- 24-22-0002 and 07-118- 24-22-0006) to approve a minor subdivision allowing a lot line rearrangement that would reduce the acreage of 3810 County Line Road and increase the acreage of 3850 County Line Road subject to staff's recommendations #1-4. Ayes: Volkenant, Gardner, Thompson, Tearse, & Usset. Nays: None. Absent: Dumas and Story. Abstain: None. Motion Approved. 5:0

This will go on the November 1st City Council meeting.

5. Open/Misc.

Kaltsas - There's currently a little lull but a few might come back around for development.

6. Adjourn

Motion by Thompson, seconded by Usset to adjourn the meeting at 8:00pm.

Respectfully Submitted,
Linda Johnson/ Recording Secretary