

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JANUARY 17, 2023, 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 Gardner (Chair), Dumas, Volkenant, Thompson, and Usset.

ABSENT: Story and Tearse.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon.

VISITORS: See Sign-In Sheet

3. Annual Election of Chair and Vice Chair

Motion by Dumas to re-elect Gardner as Chair and Thompson as Vice Chair for another term.

Ayes: Gardner, Dumas, Volkenant, Thompson, and Usset. Nays: None. Absent: Story and Tearse. Abstain: None. Motion Approved. 5-0

4. APPROVAL OF MINUTES:

- a. December 6, 2022, City Council Meeting Minutes (For Information Only)

Since there was no December meeting, the November minutes will be included for the February Planning Commission meeting.

5. 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. Final 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. Final 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 approved the rezoning, conditional use permit, variance and preliminary plat for the proposed development in 2022. The applicant has now submitted an application for final plat of the property for a 33-unit subdivision developed across the 6 subject properties. The City reviews the final plat to ensure consistency with the approved preliminary plat. There were several items that were noted during the review of the preliminary plat which have been addressed and revised by the applicant. The City provided guidance and feedback during the preliminary plat review process and has now completed a comprehensive and detailed review of the proposed final plat and associated construction drawings.

Proposed Cluster Subdivision

The applicant has prepared the final plat based on the cluster development standards. 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 has approved the relocation of Koch's Crossing and associated turn lane plans. The County is requiring a northbound turn lane from CSAH 90 to Koch's Crossing. This turn lane combined with the relocated intersection should help to mitigate traffic impacts associated with

the proposed development.

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.
3. The City had asked the developer to provide for a future right of way connection to the west to accommodate a future road connection. The proposed final plat accommodates a future right of way that would allow a street connection to the west between Lot 1, Block 10 and Lot 3, Block 11. The applicant is not proposing to construct a stub street at this time.
4. The City requested that the applicant provide additional right of way around the perimeter bulb of the existing Brei Kessel cul-de-sac. The additional right of way would allow the bulb to be constructed to the City's standard at some point in the future. The applicant is dedicating an easement that will allow the expansion.
5. The City requested that the applicant provide a paved trail connection between the cul-de-sac bulb on Brei Kessel and the cul-de-sac bulb proposed on William Way. The applicant is proposing to construct a new bituminous trail connection between the existing and proposed developments.
6. The City noted the existence of an existing RIM (reinvest in Minnesota) easement. The applicant has removed the existing RIM easement from the private lots as recommended.
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. The applicant is proposing to preserve existing trees located within the proposed open space/Outlots.
10. The City requires that the applicant provide a planting and maintenance plan for the Outlot areas to be maintained by the HOA. The applicant has provided the City with a disturbed upland buffer planting and maintenance plan.
11. The applicant is proposing to place a conservation easement over and across Outlot D. This will provide an additional layer of protection and preservation of the pond and woodlands.
12. The proposed final plat is not proposed to be phased and all public improvements will be constructed at the same time. Developing the public improvements at one time should help mitigate the impacts of construction on the surrounding properties.
13. The existing portion of Koch's Crossing that is proposed to be eliminated will be formally

vacated at the same time as Council consideration of the final plat. The applicant has filed a petition to the City seeking vacation of a portion of Koch's Crossing. Vacation of the portion of Koch's Crossing will be subject to the dedication and construction of the new right of way and associated street.

14. The City's water resource engineers have completed a detailed review of the proposed plans noted in the review letter dated January 3, 2023, by Hakanson Anderson. The applicant will be required to revise the plans in accordance with all applicable comments.
15. Applicant will be required to secure all applicable approvals from Pioneer Sarah Creek Watershed.
16. It is noted that a Wetland Replacement plan will be required for the wetland impacts that are proposed. The Applicant shall submit a Wetland Replacement Plan for review and approval.
17. The City's engineering consultant has reviewed the plans and prepared a detailed review of the final plat as noted in the letter dated January 3, 2023, by Bolton & Menk. The applicant will be required to make all applicable revisions to the plans based on the comments provided.
18. 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 per lot will be applicable to all newly developed lots. The City has agreed to credit the development for the six (6) existing parcels (this would reduce the total from 33 to 27 lots). The total park dedication for this property will be **\$94,500.00** (27 lots x \$3,500 per lot).

Recommendation:

The Planning Commission is being asked to consider the request for Final Plat with the following findings and conditions:

1. The proposed Final Plat meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Final Plat 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 make all recommended and required revisions and receive final approval for all proposed and regulated improvements from Hennepin County.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.

- e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - i. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement. The Applicant shall consent to the establishment of the storm sewer improvement tax district.
 - j. The Applicant shall enter into a storm water maintenance agreement pertaining to the required storm water ponds to be located on the property.
 - k. The Applicant shall submit a Wetland Replacement Plan for review and approval.
 - l. The Applicant shall provide prospective buyers with the Letter of Information Pertaining to the subdivision as prepared by the City.
 - m. Koch's Crossing will need to be vacated by the City. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.
3. The Applicant shall pay for all costs associated with the City's review of the final plat.
 4. If the final plat is approved by the city council, the subdivider shall record it with the county recorder within 90 days after the date of approval; otherwise, the approval of the final plat shall be considered void.

Kaltsas- This was previously considered by the Planning Commission and City Council had approval of the preliminary plat along with a series of things- including rezoning, CUP/conditional use permit to allow a cluster development, etc. The applicant has taken into account comments and brought back a final plat application for the 33-lot cluster development to be known as Koch Farm Sanctuary. This property was rezoned from AG/Agriculture to RR/Rural Residential and its 141 acres of 6 different properties. The City approved a 33-lot cluster subdivision according to the City's cluster standards and made a couple changes to those standards. Final plats are reviewed by the City, but we typically look to see that it is consistent with preliminary plat and were conditions of it accommodated and/or exchanged by the applicant. And if it's largely staying consistent with it, then the City would typically approve it. We'd do a detailed technical review of stormwater, outside agency comments (watershed), Hennepin County's comments. With that we did a more detailed technical review of the development and are awaiting drainage and engineering comments. From the high-level comments that came from the discussion, the Applicant is proposing to realign Koch's Crossing from its current configuration and in that realignment will be vacating a portion of the existing Koch's Crossing and then constructing a

dedicated turn lane into it per Hennepin County's review and approval process. They're also proposing additional Co Rd 90 ROW/right of way to accommodate that turn lane and realign Koch's Crossing. It will then be a fully upgraded street section bituminous road similar to Serenity Hill. The City had asked the developer to provide for a future right of way connection to the west of the property. In the report you can see that they're providing between lots Lot 1, Block 10 and Lot 3, Block 11 a full 66 ft wide right of way to accommodate a future road connection to the west if and when that develops. The City requested that the applicant provide additional right of way of the perimeter bulb of the existing Brei Kessel cul-de-sac noting it was a substandard cul-de-sac that had been built as a temporary. While the City did not require it be connected or extended through, they did request additional right of way which is shown in the plan as an additional bulb width in that outlot for future drainage utility. With that connection not being required as a full street connection, the City did request that a full trail connection between the two as noted in the packet. It's a full 8 ft bituminous trail going end to end and goes across the creek essentially connecting end of cul-de-sac to end of cul-de-sac from a pedestrian standpoint. The additional right of way would allow the bulb to be constructed to the City's standard at some point in the future. The applicant is dedicating an easement that will allow the expansion. Outside of those comments the City looked at the conditions of the preliminary plat accommodations and feel the final plat is consistent and addressed by the applicant. So now it's being asked for final plat approval for the 33-lot development. We reviewed stormwater, grading, and drainage, and a couple items were noted in the comment letters: detailed "change this" which will get updated and revised. Council will adopt development agreement to assure it is built to standards. Historically we look at our larger lot developments at a Final Plat level in front of Planning Commission and again most heavy lift we do at Preliminary Plat. The final plat is to see the set of plans comply with conditions imposed during that Preliminary Plat.

Thompson – Point 4. The additional easement to make it a standard size cul-de-sac is addressed, but why isn't building that cul-de-sac a part of this agreement?

Kaltsas- The City discussed it but ultimately the City did not require the applicant to reconstruct Brei-Kessel cul-de-sac. It is just for future development and burden was not put on the applicant. We asked for the additional right of way so it could be built to full width. The burden was not imposed on the North side developer.

Thompson – Because it is a substandard cul-de-sac, correct?

Kaltsas – Correct. It's less of a radius end was built with a temporary easement not a full dedicated right of way. Part of that temporary easement burdens one of the private property owners but it is a legitimate easement in place. The other was to be sure the other side accommodates the future expansion.

Thompson – Point 5. With the quality or size of trail, is there any public safety usage or consideration for Emergency services. Is it restricted to only pedestrian and bike use only?

Kaltsas – It is for pedestrians/bikes only. Emergency services did not want access and we had specifically asked, and it was not asked for by them. This would be a standardized trail section with some details of grades still being worked on. It would be a standard public bicycle/pedestrian trail with a 8-8.5 ft width.

Thompson – What about winter maintenance?

Kaltsas – It’s undecided if we would plow through, but it would accommodate typical pickup truck with plow. I think people would use it.

Gardner - Have you talked to adjacent owner of the stub going West?

Kaltsas - We did in the beginning, and they were in favor of the stub going to the west. The location is somewhat arbitrary and we kind of pick the top of the hill for a typical design. That road may be a little difficult, but it provides for the best location to get access going to the West. If there were a development to come in, it was available to connect.

Volkenant – I wasn’t here at the time but is this a similar situation as to Brei-Kessel.

Kaltsas- 100% the same. No public hearing is involved at this point.

Motion by Thompson, seconded by Volkenant to recommend approving resolution for Tom Koch at 5865 Koch’s Crossing recommending approval of Final Plat for the development to be known as Koch Farm Sanctuary. Ayes: Gardner, Dumas, Volkenant, Thompson, and Usset. Nays: None. Absent: Story and Tearse. Abstain: None. Motion Approved. 5.0.

This goes on to the February 7th City Council Meeting.

6. **PUBLIC HEARING:** Chad Greenway (Applicant/Owner) requests that the City consider the following action for the properties located at 2171 Copeland Rd. and 2052 Nelson Rd., Independence, MN (PID No. 19-118-24-14-0001 and 19-118-24-13-0003):

- a. A minor subdivision to permit a lot line rearrangement to adjust the property line that runs east and west between the two subject properties.

Request:

Chad Greenway (Applicant/Owner) requests that the City consider the following action for the properties located at 2171 Copeland Rd. and 2052 Nelson Rd., Independence, MN (PID No. 19-118-24-14-0001 and 19-118-24-13-0003):

- a. A minor subdivision to permit a lot line rearrangement to adjust the property lines between the two subject properties.

Property/Site Information:

There are two subject properties being considered. The applicant owns both properties and has an existing home on the north property and recently located a detached accessory structure on the south property. The north property has frontage on Copeland Road and the south property has frontage on both Copeland Road and Nelson Road. The property has the following site characteristics:

Property Information: 2171 Copeland Road and 2052 Nelson Road
Zoning: Agriculture

Comprehensive Plan: <i>Agriculture</i>		
Acreage (Before):	<i>PID No. 19-118-24-14-0001</i>	<i>2 acres</i>
	<i>PID No. 19-118-24-13-0003</i>	<i>3.4 acres</i>
Acreage (After):		<i>5.4 acres</i>

Discussion:

The applicant acquired a detached accessory structure (~22' x 35') and located on the south property which is defined as Parcel A (no principal structure). The applicant inquired whether or not a building permit was required for the accessory structure. The City reviewed the structure and noted that the structure would require a zoning permit and would have to be located on the same property as the principal structure (identified as Parcel B). The applicant asked if they could adjust the property line between their two properties. It was noted that lot line rearrangements are permitted in the AG-Agriculture zoning district. The applicant is now seeking consideration of a lot line rearrangement to expand the boundaries of Parcel B and reduce the boundaries of Parcel A.

The applicant is proposing to add 2.88 acres from Parcel A to Parcel B in the after condition. Parcel A will be reduced from 60.84 to 57.96 acres and Parcel B would be increased from 10.00 to 12.88 acres.

There are several items that should be noted by the City during consideration of the application:

1. The City does not have accessory structure square footage limitations for properties that are greater than 10 acres.
2. Parcel A in the after condition would still have a single building eligibility.
3. The proposed (existing) detached accessory building meets applicable building setbacks in the after condition.
4. The existing perimeter drainage and utility easements should be vacated and the requisite perimeter easements relating to the revised lot boundaries will need to be dedicated to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.

The proposed subdivision to allow a lot line rearrangement appears to meet all applicable standards of the City's zoning and subdivision ordinance. The revised lots will continue to be consistent with the City's zoning ordinances and Comprehensive Plan.

Neighbor Comments:

The City has not received any written comments regarding the proposed minor subdivision.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision with the following findings:

1. The proposed subdivision allowing a lot line rearrangement meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of

the City of Independence Zoning Ordinance.

2. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City. It is recommended that the applicant request vacation of the existing perimeter drainage and utility easements.
3. The applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
4. The applicant shall record the subdivision and City Council Resolution with Hennepin County within six (6) months of approval.
5. The applicant shall execute and record the requisite drainage and utility easements with Hennepin County within six (6) months of approval.

Kaltsas – This is an application for a lot line rearrangement to adjust property lines between the two subject properties at 2171 Copeland Road and 2052 Nelson Road. Applicant Chad Greenway approached the City about adding another structure on the property. It is a recently subdivided property of which he owns 2 of the 3 properties. They constructed an initial principal structure on the 2171 Copeland Rd property and there is no structure on the 2052 Nelson Rd property. So with that they won't be able to add any other accessory structures on that property without a principal structure. They'd like to utilize some of the 2052 property, and they can rearrange the property line between these 2 properties. Both are zoned as and guided by the City's CompPlan as AG/Agricultural properties. He is proposing taking 2.88 acres from parcel A and adding to Parcel B, thus reducing Parcel A from 60.84 to 57.96 acres and Parcel B would be increased from 10 acres to 12.88 acres. After surveys show Parcel A as the larger 60 acres and Parcel B (NE corner) would be increased by 2 parcels. The property's principal structure is a Barndominium but does count as it meets the City's sq footage requirements. Within the AG zoning district, a couple of things are allowed for subdivisions. A lot line rearrangement is one of the allowed subdivision provisions. So, making one parcel 2.88 acres larger and reducing the other by the same does not impact the remainder properties. The property boundaries would be expanded so that the existing principal structure would have larger setback at side and rear lot lines, but no nonconformities would be created, and the proposed shed now on Parcel B would meet applicable setbacks.

Gardner – Was the barn a primary residence?

Kaltsas – Yes, it's a Barndominium.

Thompson – Was the structure already there?

Kaltsas – Yes. It was brought in on a truck instead of being built and this is typical for this process.

Thompson – It doesn't change the nature of the development rights?

Kaltsas – The second property has no impact because there's still only one eligibility on that property because they utilized the eligibilities for these two 10 acres lots. There's still a singular eligibility on Parcel A. On Parcel B, there's still a single eligibility, it just expands it by that amount.

Gardner – And they could do this or move the building?

Kaltsas – Yes. They could put it in a different location, but there are some challenges on Parcel B. They did a full delineation and with some pockets of wetlands through there, this seemed to be where it would work for them.

Gardner – When was this subdivided?

Kaltsas – It was subdivided just a year and half ago.

Gardner opened the public hearing. Motioned by Thompson to close, seconded by Volkenant to close.

Gardner - It sounds simple to me. He's making it right, is all. (Agreement.)

Thompson – And the fact that it doesn't change eligibilities and opportunities for development in any ways. It's a no brainer.

Motion by Volkenant, seconded by Usset to recommend consideration for the lot line rearrangement for 2171 Copeland Road and 2052 Nelson Road for the minor subdivision and adjustment of property line that runs east and west between the two subject properties. Ayes: Gardner, Dumas, Volkenant, Thompson, and Usset. Nays: None. Absent: Story and Tearse. Abstain: None. Motion Approved. 5.0.

This goes on to the February 7th City Council Meeting.

7. PUBLIC HEARING: William Stoddard (Applicant) and John Zeglin (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

- a. A comprehensive plan amendment to allow a portion of the property to be re-guided to the Urban Commercial - UC zoning district. A portion of the property is already guided Urban Commercial.
- b. Rezoning of a portion of the property from AG-Agriculture to UC-Urban Commercial.
- c. Conditional Use Permit to allow a planned unit commercial development on the subject property. The proposed development would include office warehouse and private garage condominium buildings.
- d. Site Plan Review to allow the proposed development.
- e. Preliminary Plat to allow the subdivision of the property into eight (8) residential lots and associated lots to allow the proposed commercial development.

Request:

William Stoddard (Applicant) and J F Zeglin Jr & M D Zeglin (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

- a. A comprehensive plan amendment to allow a portion of the property to be re-guided to the Urban Commercial - UC zoning district. A portion of the property is already guided Urban Commercial.
- b. Rezoning of a portion of the property from AG-Agriculture to UC-Urban Commercial.
- c. Conditional Use Permit to allow a planned unit commercial development on the subject property. The proposed development would include office warehouse and private garage condominium buildings.
- d. Site Plan Review to allow the proposed development.
- e. Preliminary Plat to allow the subdivision of the property into eight (8) residential lots and associated lots to allow the proposed commercial development.

Property/Site Information:

The property is located on the south side of Highway 12 and west side of Nelson Rd. The property has frontage on both roads and is comprised primarily of agriculture land, woodlands, and wetlands. There is an existing home and several detached accessory structures on the subject property.

Property Information: 9285 Highway 12

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture/Urban Commercial*

Discussion:

The City reviewed a concept site plan in 2022 for this property and provided feedback to the applicant and staff. The applicant considered the feedback and direction and has now made a formal application to develop the subject property. The applicant has revised the proposed development to include eight (8) single-family lots along Nelson Road, 120-130 lifestyle auto condominiums and 10,600 SF of commercial/retail space. The proposed lifestyle auto condominiums would be developed to allow for vehicle storage and would include amenities associated with this type of product (i.e., loft, bathroom, etc.). The applicant and City would work to establish regulations to prohibit overnight stays and limit and define any larger events (i.e., auto show) that could occur on the property. It is acknowledged that the proposed lifestyle auto condominiums would produce less traffic, require fewer public resources, and provide more market valuation than the initial commercial/warehouse development. The facility would be secured, professionally managed, and generally concealed from Highway 12 and Nelson Road.

Approximately 10,600 SF of commercial retail is proposed by the applicant. This area would have Highway 12 frontage and visibility consistent with the City's Comprehensive Plan. The City has reviewed the initial site plan layout and is generally in agreement with the proposed layout. The City would require a more detailed site plan specifically for the proposed Lot 9 development. The plan will need to provide more detail relating to allowed and proposed uses, parking and drive aisle dimensions, landscaping and lighting. In addition, the City will want to consider how/if the site could or would accommodate retail sales such as a drive thru and restaurant. A more detailed parking analysis would need to be completed.

In order for the City to consider approval of the proposed plan, the following approvals and steps would be required:

1. Amend the Comprehensive Plan.
 - a. This would re-guide a portion of the property (~16 acres) from AG-Agriculture to Urban Commercial.
2. Rezone that portion of the property indicated from AG-Agriculture to Urban Commercial.
3. Consider Site Plan Review.
4. Consider a Conditional Use Permit to allow a planned unit commercial development on the subject property.
5. Consider Preliminary Plat approval.
6. Consider Final Plat approval.

The following land uses are proposed by the applicant (plans attached):

- Commercial office/retail (10,600 SF on ~ 1.87 acres)
- Lifestyle auto condominiums (102 units on ~ 11.65 acres)

- Eight (8) Residential Lots (approximately 4.5 acres each)
Acreage: ~58 acres

There are several key points of information that should be noted relating to the proposed development:

- The entire property is currently zoned AG-Agriculture.
- A portion of the property, approximately 12 acres on the west side is guided by the City's Comprehensive Land Use Plan for Urban Commercial.
- The applicant is asking the City to consider rezoning a larger portion of the property from AG-Agriculture to Urban Commercial (~16 acres).
- The remainder of the property (~28 acres) would remain as AG-Agriculture.
- In order for the property to be rezoned, the City would first need to approve a Comprehensive Plan Amendment. A comprehensive plan amendment process would be subject to approval by the Metropolitan Council.
- The initial submittal considered access to Nelson Road and the applicant was notified that the City would not support any commercial access to Nelson Road. The plans submitted include a right in/right out only onto Highway 12 with a future frontage road connection to the west that could connect to County Line Road (shown on site plan). MNDOT has reviewed the plan and provided formal comments to the City and applicant. MNDOT has commented that they would recommend access to this site be provided via a connection to Nelson Road or County Line Road rather than a right in/right out as proposed. As a result of the MNDOT review, access has not been finalized. The issue of access will need to be resolved prior to the City finalizing a decision relating to this application.
- The applicant has provided the City with a traffic study as requested. The study indicates that the proposed development would generate a total of 7 entering and 1 exiting trips during the morning traffic peak and 2 entering and 7 exiting during the afternoon traffic peak hour. A total of 68 trips per day would be generated by the proposed auto condos and commercial retail uses. This would equate to approximately 1 trip every 7 minutes during peak times and approximately 2 trips per hour throughout the remainder of the day (see table below). It is noted that the proposed right in/right out would allow access to the proposed development until such time as a frontage road could be constructed to connect to County Line Road. Staff is seeking direction relating to access and the overall proposal from the Planning Commission and City Council.
- Following discussion with Planning and Council, the applicant has revised the plans to include eight (8) residential lots along Nelson Rd. The proposed residential lots mirror the lots across Nelson Rd. to the east. Development of the west side of Nelson into residential lots that are similar to those in existence would provide additional buffering of the proposed commercial development. It is noted that the existing residential lots directly across and on the east side of Nelson Road from the subject property have approximately 200 LF of frontage. The City's current ordinance would require 250 LF of frontage for all lots greater than 3.49 acres. This would include Lots 1, 2 & 6-8. Lots 3-5 comply with the frontage requirements. The applicant could revise the plan to reduce the acreage of the proposed lots or increase the frontages to meet the specified requirements. The applicant is attempting to mirror the lots across the street; however, those lots are all less than 3.49 acres in size.
- The City noted in its initial review that the potential wetland impact associated with the development of driveways to serve the lots was a concern. The applicant has revised the plans to show the extent of the wetland impacts and is now proposing to utilize shared driveways for Lots 1&2 and 7 &8. Utilization of shared driveways would reduce the wetland impacts and the number of driveways located along Nelson Road.

- The applicant is proposing to provide on-site sewer (septic) and on-site water to serve the proposed development. The applicant has provided a report indicating how the development of on-site water would serve the fire suppression requirements for the proposed development. The City is continuing to evaluate and study the possibility of establishing a municipal well/water service in the location of the Urban Commercial to serve commercial development on the north and south sides of Highway 12. Should the proposed development move forward, the City will provide additional information relating to a municipal well to Council for consideration.
- The applicant has completed a wetland delineation for the property. The City initially provided feedback to the applicant relating to the potential wetland impacts. The applicant is proposing to mitigate the impacted wetlands utilizing the purchase of wetland credits. Approximately 31.36 acres of the subject property is wetlands. The applicant is proposing to impact 2.48 acres of the total wetland area (> 8%). The potential wetland impacts would need to be reviewed and approved by the City. Further review of the wetland mitigation plan would occur following an initial City approval.
- Stormwater management has been proposed for the development. The City has completed an initial review of the stormwater management plan and provided high level comments to the applicant. The proposal includes 3 stormwater ponds that would accommodate stormwater generated from the commercial portion of the proposed development. The City will continue to work with the applicant and would anticipate a more detailed submittal and calculations relating to the stormwater plan should the project proceed to final plat.
- The applicant is proposing to preserve a large portion of the mature trees on the property (see gray area below).
- A preliminary plat will need to be submitted.

The applicant has provided the City with a robust package of details and information relating to the proposed development. The proposed lifestyle auto condominium illustrations appear to utilize high quality building materials and a sophisticated design that is unique for this product in the metro area. There are many details that will need to be finalized prior to the City being able to formally act on the proposed site development and preliminary plat. Due to the significant number of pieces included in the proposed site development, staff would like additional direction and feedback relating to the overall proposal so that additional review and direction can be provided to the applicant. In particular, staff is seeking additional review and direction relating to the proposed land use, expansion of the UC – Urban Commercial zoning district, access to the property and the development of the residential properties on Nelson Road. It is anticipated that following discussion and additional direction, the City would be able to work with the applicant to finalize the preliminary plans and bring back additional information and any revisions recommended for further consideration. It is also anticipated that the City and applicant will have further discussions with MNDOT relating to their recommended access for this property.

Recommendation:

The applicant is seeking feedback from the Planning Commission pertaining to the proposed development.

Kaltsas – This had previously come before the Planning Commission and City Council as a concept plan but has changed somewhat. The Applicant is back with full submittal seeking several items: A comprehensive plan amendment to allow a portion of the property to be re-guided to the Urban Commercial from Agriculture. A portion of the property is already guided Urban Commercial. The rezoning of that property

from AG-Agriculture to UC-Urban Commercial if that CompPlan amendment were to be approved. A Conditional Use Permit/CUP to allow a planned unit commercial development. The proposed development would include retail office warehouse building and the private condominium garage buildings. A Site Plan Review to allow the proposed development. And a Preliminary Plat to allow the subdivision of the property into (8) residential lots associated with the proposed commercial development.

The property is located at 9285 Hwy 12 guided by the City's CompPlan as both AG and Urban Commercial and currently zoned Agriculture. It's approximately 58 acres in overall size. Previously, the Applicant's Concept Plan proposed a proportion of the property for an office warehouse about 300,000 sqft along with 3 residential lots in the SE corner of the parcel. The City provides general feedback without decision or determination. He has a revised plan seeking 8 single family lots along Nelson Rd, 120-130 lifestyle auto condominiums, and 10,600 SF commercial retail space on the north side of the property closest to Hwy 12. The proposed lifestyle auto condos would allow for vehicle storage with amenities of a loft, bathroom, and some upgraded facilities. They are individually owned so sold and owned by individuals. The Applicant noted some general regulations usually talked about including prohibition of overnight stays and limitations of larger events like auto shows which the City would want to further discuss if this were to move forward. Part of the 300,000 sqft office warehouse requirement was supposed to have a controlled intersection either at County Line Rd or if at Nelson Rd. needing a broader 2-way in and out full access intersection. Without it, that product is not capable of sustaining itself. It's not able to have just a limited access right in right out given the configuration with Hwy 12 and the inability to turn around on both sides like a roundabout or something. The Applicant came back with a product that does work with just a right in right out limited access off Hwy 12 and also carries a lot less daily traffic demand. That is these lifestyle auto condominiums. These Condos are everywhere right now across the country and are in Medina and another going in Watertown. They are providing a market study showing there is demand for this product. Proposing 10,600 sqft commercial retail on the Hwy 12 frontage side where it is guided Urban Commercial with "For Lease" space with Hwy 12 visibility. Additionally proposed are (8) single family lots on Nelson Road. Some discussions previously were screening from Nelson Rd and existing residents from Nelson Rd, and the 3 residential lots on the SE corner of the site. They discussed mirroring the residential lots that would mirror the lots on the East side to the West side of Nelson Rd where the property lines align. Approximately, 10,600 sf on 1.87 acres Lot 9 (multi-tenant commercial retail space with parking). Lifestyle condominiums 120-130 depending on the width would occupy about 11.65 acres. And (8) residential lots approximately 4.5 acres each. Noting the entire property is zoned AG/Agriculture. About 12 acres (shown in red) on the West are zoned as Urban Commercial in the City's CompPlan. The acres are divided as 12 acres (shown in red) and approximately 16 acres (shown in purple, middle) which the Applicant is seeking to be rezoned as Urban Commercial/UC, and the other (green) remains as Agriculture. From the City's CompPlan pictured, the blue dashed line shows the total property outline. About 12 acres is guided as Urban Commercial/UC and the remainder as long-term as Agriculture. This CompPlan was adopted in 2008-2009, and it was carried over in the latest CompPlan for both 2030 and 2040 maintaining an Urban Commercial node at the corner of Hwy 12 and County Line. Initially, the City Council said they would not support Nelson Rd as an access point with limited access with MNDot (right in, right out) if that section of the highway were upgraded in the future. We discussed with the Applicant about obtaining an easement allowing access across the adjacent property to the west that could be taken out to County Line Rd and utilize a controlled intersection at County Line Rd. The applicant was unable to obtain an easement from the adjacent owner, but the Applicant claims they have an access on Hwy 12 to serve this. MNDot would rather see a connection to Nelson Rd or County Line Rd without a right in right out/RIRO but we do not have resolution to that issue. The Applicant is proposing (& we are looking for feedback) a right in right out/RIRO access to be something temporary and will eventually connect to County Line Rd. We'd anticipated that a portion of this land guided for Urban Commercial/UC would have access to County Line Rd. There is consideration to see if we need to obtain an easement to allow a future frontage road from Nelson Rd all the way to County Line Rd to have a more controlled access to Hwy 12. With that said, the Commercial portion, there would

have to be some sort of temporary access right in right out/RIRO if we are not allowing Nelson Rd access without going into eminent domain if the City were to do that. The traffic study analysis for the proposed plan shows 7 entering and 1 exiting trips during morning peak and 2 entering and 7 exiting trips at afternoon peak about 68 daily trips. Approximately 1 trip every 7 minutes during peak times and 2 trips per hour during the remainder of the day. The proposed RIRO would be a temporary and secondary condition at some future point. Just for context if there were questions, I noted that there was no mention of the traffic impact to the 8 residential units. Typical trip generation ITE manual would state a typical residential property generates .75 peak AM and 1 peak PM, so 6 AM and 8 PM trips from those Nelson Rd lots.

Noting the 8 single family proposed lots could help the City with ensured land use or screening of the future commercial land use. That way residents who purchase the lots would have notification like current residents get when commercial property potentially adjacent and be aware of going into it. The existing residential lots directly across have 200 lineal ft each. The City's current ordinance would require 250 LF of frontage for all lots greater than 3.49 acres. This would include Lots 1, 2 & 6-8. Lots 3-5 comply with the frontage requirements. The applicant could revise the plan to reduce the acreage of the proposed lots or increase the frontages to meet the specified requirements. The applicant is attempting to mirror the lots across the street; however, those lots are all less than 3.49 acres in size. Those lots could be reduced if taking some of the depth off. The City noted in its initial review that the potential wetland impact associated with the development of driveways to serve the 8 lots was a concern. The applicant has revised the plans to show the extent of the wetland impacts and is now proposing to utilize a couple of shared driveways for Lots 1 & 2 and 7 & 8. (Red shows the impact of the wetlands.) Utilization of shared driveways would reduce the wetland impacts and the number of driveways located along Nelson Road. A shared driveway to serve Lot 6 through the wetlands and another through Lots 7 & 8 is a change and has been adjusted since the initial submittal. Impact to wetlands has to be approved by a panel of people including the City, authority over wetlands, showing you did everything possible to avoid potential wetland impact. Those driveways were just one area, and we showed other areas where they could be further reduced. The Applicant looked at the rest of the plan, and the Auto Condominiums were also adjusted for wetland. Ultimately, if it were to get approved, there would be wetland mitigation and replacement required. They are proposing mitigating wetlands offsite by the purchase of or acquisition of credits which is fairly common when using larger scale development like this. The wetland mitigation and plan would come after a City approval which would come at a Preliminary Plat level and at a future review by the City and other agencies. It would be served by onsite septic sewer, onsite septic, and has an elaborate plan. The City has looked at it from an initial level and ultimately review it with how it would be served showing septic fields able to accommodate the Auto Condominiums and also commercial retail, and similarly they'd provide the water service/wells to provide as water.

The City has no utilities to this site which was identified in the CompPlan when it was guided as Urban Commercial. We did look at onsite services being how we would serve this property noting that MetCouncil does not have facilities to serve it. Delano does but is unwilling to extend these services to the City, so unless Independence would need to allow Delano to annex the property on that border. So, short of that, an onsite system is a way to do that. The City did look at if the properties were to move forward to obtain permission by PC and CC, the City did a high-level study of providing for a municipal well to provide water services which is feasible should it move forward for this side of the road or the North side of Hwy 12. To provide suppression services for Fire, private wells is not the best. Should the proposed development move forward, the City will provide additional information relating to a municipal well to Council for consideration.

The Wetlands (green) impacts (red) – There is approximately 31 acres of wetlands and of the 58, he is proposing this would impact about 2.5 acres of wetland (less>8%). Stormwater management was provided with adding ponds by commercial retail (north), middle, and the SW corner. Preservation of a portion of the trees on the site around existing farmhouse and tree stand on the S side to the East. (grey area remaining) Tree canopy would remain in the after condition. There's high level information and high-quality

architectural products included. Tip up panel or post frame construction building. This has more substance compared to what we've seen. We must decide if this works well for what's guided for the City's Urban Commercial and if we want to expand to the original 12 acres. Secondary, the residents to Nelson Rd are not in our current system and ultimately provide to the 8 units. This property supports 1 Single family, and do we want to support 8 more? It could be closed off for development for some point in the future. This property has been on the market for 10-15 years, and we've had a wide array of different land uses on this property. We had people ask to guide entire area to something else or to a full residential area. 2-3 proposals of churches, all commercial. This is the first formal application to come forward. Recently, we have had a lot of activity on commercial development on the North side of Hwy 12 as well as this side for proposals. We did have more conversations with Delano for utilities, and Delano is not interested in serving it unless it is their property.

We do have a public hearing and thought we need to resolve the access piece before moving it to the City Council.

Dumas – re: RIRO/Right in right out- What is the proposed traffic control structure? Paint, curbs? In looking at the traffic report if that 10,600 sf ends up the Caribou Coffee, that would increase traffic.

Kaltsas – It is commercial retail supporting highway retail, office warehouse. A restaurant/ coffee shop throws off traffic control significantly. An insurance agency does not. A countertop warehouse does not. We would have to say what would be permitted.

Dumas – How far do you have to go to make the turn around?

Kaltsas – You would have to do the roundabout at 92, so go 1 mile. We just went through this for the updating Hwy 12. Roundabouts at County Line and 92 would provide for the westbound movement off Nelson Rd, and then a roundabout at County Line for the eastbound traffic. That is the spacing.

Dumas – Is there a barrier?

Kaltsas – You can't go left. We would have to figure that out. There isn't enough detail if MNDot would allow this.

Gardner - This is temporary until it spurs the interest of the space in between.

Thompson – With the parcel size and density feedback from MNDot did staff have a discussion about the proposal to future proof with an easement towards Nelson either shrinking lots 1-8 frontage-wise and having it be lots 1-7 and having an easement along the frontage?

Kaltsas – It might be the opportunity to obtain the ROW for the easement for future frontage road. Then that solves this development and the Nelson Rd issue of having a RIRO. In some of MNDot concepts for Hwy 12, there was discussion whether MNDot would obtain a frontage road, but it didn't make it all the way through their final process because of the cost of acquisition of land and cost of construction. If the City were to work with MNDot on that, it might allow for it to be constructed at some point.

Gardner – How are we guaranteed what kind of materials would be stipulated for the front of this?

Kaltsas – We would stipulate the architecture of that and garages' building materials. We don't have a standard for UC. It will come in under a PUD. Standards are when the development comes in and we can write the rules for that.

Gardner – Why are there 72 different septic systems. How many of those septic systems are serving how many units? Instead of putting in a big mound?

Kaltsas – We are not seeing huge sewer demand for auto condos. There is rough in for shower/bath. The usage is low. They are not lived in; they are recreational only. Full grading and fencing for septic areas. There would have to be more detail.

Thompson – There are frontage issues with residential lots and zoning, but it seems like an elegant solution to Nelson Rd as a residential community backing up to this. It is not a surprise, well screened, rather than pushing the commercial development right up to Nelson Rd. This seems like a good solution. What is the feedback creating 8 lots where there aren't 8 lots and the mirroring frontage?

Kaltsas – We've had lots of feedback and are concerned about traffic, or any development occurring and fully understand it.

Usset – How did the Nelson Rd current homes come to be there in the AG district?

Kaltsas – I don't have full history. Marvin might though. There was a different standard back then.

Gardner – They were split off before we had MetCouncil.

Dumas – The lots look deep. That's a good buffer.

Kaltsas – Existing is about 500 and the proposed lots are about 900. The Nelson Rd lots are shallower in depth than the proposed lots. This is a Plan Unit Development planning on screening the commercial.

Gardner – This buffer zone is unusual dimensions. Will the MetCouncil approve it?

Kaltsas – They don't have the ability to deny that. We have some grey area that allow for Rural Residential lots. It would be some sort of variance or exception to our rule. Tonight, it is difficult to do the next step. We want feedback - direction on the traffic piece and to hold a Public Hearing to get feedback as it's been postponed a few times.

Public Hearing was opened.

Bill Stoddard, Developer – The overall concept has changed with feedback from staff, and we've had some meetings already. On Nelson Rd, we went to mirror the lot widths across the street and made them deeper for more buffer instead of outlots, etc. Re: Septic and utilities – Our septic designer added primary and alternate sites are shown. We have a few meetings with MNDot with some Hwy 12 legal access. There are two access points on Hwy 12 already that we would be closing down. We're assuming that if we get approval on this concept, that we and the City would move that access to the East to avoid the wetland impact. Type 1, not type 3 (cattails). We are proposing a PUD commercial site so there would be a lot of HOA/homeowner association documents for no overnight stays, etc. My Chanhassen friends' unit is low volume. We're looking for a low impact commercial use, not a Caribou. Restrictive convenance on individual lots. We will be addressing animals, lot setbacks, driveways needing to be where they are approved, future commercial. It is all on the title. We want to compliment Nelson Rd.

Gardner – You talked with the neighbor on County Line Rd in between.

Stoddard – I've reached out but haven't had discussion yet. We could have future go that direction if we get to that point.

Thompson – What are your thoughts on MNDot feedback and discussion on future proofing easement with frontage road? Across Outlot C it wouldn't be a big deal, but it would impact the residential strategy for Nelson Rd from tip to tip.

Stoddard – I would like to get more engineering feedback. A frontage road isn't just on the North side. On the North side. from that since MNDot wants hundreds of feet on Nelson. Will it ruin lots 1 and 2? I'm not against it in theory, but that would have some future commercial traffic.

Thompson – Is there room to future proof these 30 years from now? To have a fully divided highway might be in everyone's interest.

Stoddard – I will talk with engineers more about feedback.

Ruth Clark – 2365 Nelson Rd – Who benefits from this other than the landowner? What other residents of Independence in the CompPlan. None of the residential lots are 4.5 acres. We are setting precedent here from Delano to Maple Plain along Hwy 12. What is the vision that the City has long term for commercial infiltrating AG properties? Does this fit that vision or is it capitulating for one owner?

Rick Stromer – 2828 County Line Rd / Maria Rd – I'm curious of the lighting of the units. Is it going to be fully enclosed with a fence? They are going to keep the trees. If I were to buy one of the new lots, I would cut down the trees right away. Can they control if people can cut down the trees when they buy the lots? We had to go through variance procedures to split out lot and we had to go through it why can't we? Since I back up to it, can I make 3 lots too? It looks like a nice place for a park as well. The garage thing is a nice thing, but the lighting is a concern. I know we do need to develop.

Gardner – It's a tough call. We do have lighting restrictions with lumens. It's a simple code issue. We could dictate some guidelines with saving trees in an area. Thank you.

Kathy Pluth – 2223 Nelson Rd – I moved out here for country 35 years ago. I love the open field when I turn on Nelson Rd. Putting those houses behind there, when my grandson comes down on Nelson, when the tar ends, he knows it's Grandma's. It will affect my property value. Traffic concerns and if we don't stand up with our ordinances and changing to commercial. I think we need to stand up for open spaces.

Deb Peterson – 2810 Nelson Rd – I drove into St. Louis Pk for 25 years turning right on Hwy 12 at 6:30am. You take your life into your hands every day. My concern is traffic, of course. There is enough traffic. There is property for sale back on Nelson Rd that would add to dirt road housing. People use Nelson Rd for a cut through Hwy 12 – Co Rd 6. It is going to be worse than 7 cars for entering / exiting.

Dave Potter – 2895 Nelson Rd. – I have been here for 22 years and have the largest boundary and closest to Nelson Road. I have enjoyed this view for 22 years. All good things must come to an end. I hope there would be no financial commitment burden to current Nelson Rd residents. And with an auto condo, are they really going to a roundabout when they leave or take a right? They might decide to take Nelson Rd going 140 mph. The plan looks great. We know this is going to happen. It can be policed and monitored. I appreciate the builder considering the residents and we want it to work for all. I like the buffer zone.

Mark Patterson – 2635 Nelson Rd – I graduated from Delano, moved back in 1992. I've been rear ended on that road. The traffic light by Coburns really helped. It is a temporary stop to get out onto Hwy 12. I don't know if a roundabout would help. There should be no entrance at all there. People have been talking about this spot for years. Why do you need a bathroom in every unit if it's a garage- car condos? I'm not sold on it and it could be a cheap home for someone. I'd rather have a Menards. Re: the First Lot: What is the storage building? (Existing building where the tractors are as a note.)

Stoddard – We are proposing to take down all the outbuildings other than the storage poll barn building? Mid 80s and some people think it brings value. It is there already so it has to be drawn in. (There's nothing sinister about it.)

Andrew Sonnenberg – 2455 Nelson Rd - Thank you for letting us all share our thoughts. My wife and I moved in and started having kids. This concerns me because each morning I take a left off Nelson – “life and death frogger.” There are high performance vehicles. One day my kids will be driving. Also, lighting is a concern. There are cattails along most of the stretch. Lastly, there is a federally designated wetland just down the road, and the flow downstream may be affected. Spring runoff water goes South through my backyard which is just North of the gravel turning to asphalt. I'm on the asphalt. I hear RPMS rev up from gravel on to asphalt. We were warned of how many dogs have been killed on the road. It used to be a farm road.

Gardner – You could use the service drive. For the residents to get to the stoplight would be a great thing instead of turning left.

John Zeglin - 2858 Nelson Rd. and this property's owner– The property is owned by my family. My driveway is 150 yards of the SE corner of the property. We have had a lot of people approach us on this property and everything has been shot down for a variety of reasons. It is frustrating as a property owner living on a Hwy for future development. We are 1/3 of a mile from a great area (Coburns, McDonald's, etc.) but are on the wrong side of the highway. I understand ordinances are needed. The City of Independence needs some development. We have fairly high taxes. Some developments would help. Mills Fleet Farm, Menards, and Target and all were “No's.” It is easy to be opposed to everything. I have to go to Nelson and

Hwy. 12 every day too. My family will benefit from selling the property. Coming out of my driveway, I have never turned left on the gravel road. No one with their nice cars will come down gravel. Cattails are on the property with lots of wetlands and there are rules being followed for its development. We have frustration with beautiful property, and our hands are almost tied on what we can do with the property.

Motion to close Dumas, seconded by Usset at 9:25pm.

Gardner – Are we going to continue this with a Public Hearing again?

Kaltsas – You closed it. If there is direction from the Planning Commission. I would recommend tabling it to the next meeting to see if there is some kind of resolution that we can bring back. I'd also ask that the Planning Commission give some sort of direction with residential piece and the expansion of commercial, what does that look like - # of units, is the area right. Thirdly, the small little Commercial/ Light Industrial. We've had discussions with the Applicant Obviously the initial proposal, which was for that larger light manufacturing warehouse, and because it needs access, it does not work. This smaller piece might allow for some. Long range the City's plan that was adopted has specifically restricted commercial development (1:44:14) except in 2 nodes at County Line and Co Rd 90. There's been focused areas that the City said and we get calls on it all the time because it's Hwy 12 frontage in Hennepin County. There is no interest that the City has had with further development of the corridor along Hwy 12. There is interest for the 30 acres on the north side and south side on County Line and around Co Rd 90. The CompPlan is specific on the commercial node. This property keeps coming up because it's broken by a line that the City drew where the 12 acres and 40 acres. They're selling 58 acres but what does the owner do since it's how the acres are divided? We get the same question on the north side too since there's high value highway frontage on the other side too.

Thompson – At some point there has to be a transition with Urban Commercial and the rest of the City, and because that UC line is within one property gives us an opportunity to use Eastern half with people knowing what they are moving into with the same Nelson Rd characteristics. It still attaches to what was already in the CompPlan. This is a good use of the parcel. The traffic concerns -not so much Nelson – MNDot will be heavy in that decision. We will be guided by what they do. Having a stub to West is nonnegotiable but having a stub to the East for a future proof as a potential easement. Maybe try to grab it now?

Usset – Auto Condos don't serve Independence residents but anyone can use them. Are auto condos the best usage of this buffer? I like the buffer concept. Why not put in auto condos where it is currently zoned and allowed, and see how it goes?

Thompson – It is not my position to say what kind of business as long it conforms to the use. What it does for the City? It is development, tax base, growth - even if 10 % is used by our residents. As long as the use conforms to the way we guide it and the ordinances, they're more than welcome to open a failed business. I'm not in the job of business planning. From investment, it sure would be full of pitfalls if we only allow them to start with a sliver of land first.

Dumas- Auto condos are probably a low use traffic spending all day shining up their cars up. Maybe the commercial piece should be Light Commercial- No Retail. As far as the Residential – maintaining a buffer and the character of the neighborhood is a reasonable approach.

Gardner – I don't think we can do much better than this, and we haven't seen a plan that is this palatable in 15 years. It isn't perfect. Menards, Target are not coming. They couldn't get sewer and prevented others from moving in it. We can wait 20 years for another option, but Mr. Zeglin would not want that.

Usset – What can we say to limit this from going further East?

Kaltsas – There would be houses in the way now. The Council and the City will have to be purposeful in the Comp Planning saying this is the end of the commercial node. The City has controlled the Hwy 12 frontage for a long time. We have had very little commercial development. Part of the concession of putting the residential in on Nelson is that you know you have a cut-off point. Could you jump on the backside on

those? Yes, you could. The control of that commercial node is high demand, and that property would have been developed a long time ago if it had utilities or let Delano annex it.

Gardner- Is there anything else that we could do to make it better?

Thompson – We should try to do municipal water and stay focused on that which is proposed.

Gardner – Is that a 26,000-gallon tank?

Kaltsas – The system would be high level, a municipal well system and not be a treatment plant. Like a lot of rural well systems.

Gardner – Will it be towered?

Kaltsas –It'll be towered or underground. A next phase study and feasibility report shows it can be done.

The cost would be borne by commercial or assessed to those properties.

Gardner – Are we clear on issues you'll be hammering out with the developer?

Kaltsas - There is good direction. I will go back and talk to the developer and MNDot. There is an obvious transportation issue. We started with No Access to Nelson as we don't want more traffic. The preferred connection is to County Line Road not to Hwy 12. But short of the City using eminent domain, which is not what the Council will likely do and we are not interested in doing that to our property owners, so it is right in right out/RIRO. If MNDot doesn't allow for it, then that is where we are.

Motion by Thompson, second by Dumas to table this item for commercial development along Hwy 12 for further consideration to the February 21st Council Meeting. Ayes: Gardner, Dumas, Volkenant, Thompson, and Usset. Nays: None. Absent: Story and Tearse. Abstain: None. Motion Approved. 5-0

8. Open/Misc.

Kaltsas – This will be on the next meeting along with some ordinance things for Accessory Dwelling Unit definitions.

9. Adjourn.

Motion by Usset, second by Thompson to adjourn the meeting at 9:38 pm.

Meeting adjourned.

Respectfully Submitted,
Linda Johnson/ Recording Secretary