



MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, MAY 16, 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), Tearse, Thompson, Alternates Story and Usset.  
ABSENT: Dumas and Volkenant.  
STAFF: City Administrator Kaltsas, Administrative Services Director Simon.  
VISITORS: See Sign-In Sheet

3. Approval of Minutes:

- a. April 18, 2023, Planning Commission Meeting Minutes.
- b. May 2, 2023, City Council Meeting Minutes (For Information Only)

**Motion by Tearse, seconded by Usset to approve minutes. Ayes: Gardner, Thompson, Story and Usset. Nays: None. Absent: Dumas and Volkenant. Abstain: None. Motion Approved. 4.0.**

4. **(PUBLIC HEARING)** BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):

- a. An ordinance amendment to allow planned unit developments as a conditional use in the Rural Residential Zoning District.
- b. A conditional use permit to allow a planned unit development.
- c. Final plat for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.

***Property/Site Information:***

The property is located on the north side of Perkinsville Road and in-between South Lake Shore Drive and County Road 19. The property has frontage on Lake Independence and is comprised primarily of agriculture land. There are two homes on the subject property along with several detached accessory buildings. The property is comprised of densely wooded areas, wetlands and tillable acreage.

**Property Information: 2236 South Lake Shore Drive**

*Zoning: Agriculture (S-Shoreland Overlay), Rural Residential*

*Comprehensive Plan: Lakeshore Estates*

*Acreage: ~48 acres*

***Discussion:***

The City approved the rezoning and preliminary plat for the proposed development in 2022. The applicant has now submitted an application for the final plat of the property (and associated PUD/CUP) for a 28-unit subdivision developed across the 2 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.

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

1. The City approved the proposed subdivision subject to approval of the Comprehensive Plan. The Comprehensive Plan is in the final stages of approval by the Metropolitan Council and is anticipated to be fully adopted by the end of June 2023. The subject property is now guided for Lakeshore Estates (see attached Comprehensive Plan Future Land Use Map).
2. The City has completed plans for the upgrade to the existing sanitary sewer lift station that will allow the new homes to connect to City sewer. In addition, the City of Medina has approved an amendment to the Quad City Agreement to allow the additional connections.
3. The proposed layout shows that those lots with direct shoreland would be developed so that the homes could be located at the top of the existing slope. This configuration is preferable due to the existing vegetation and slopes moving from south to north.
4. The proposed development would preserve a buffer and open space area along Perkinsville and South Lake Shore Drive. This area is proposed to be planted to help screen the proposed development from the surrounding properties. The applicant has prepared a preliminary landscape plan for further consideration. The applicant has provided a final landscape plan for these areas.

- a. The City will want to see buffering and screening along the rear yards of Lots 15-18, Block 1.
5. The subject property has a significant natural feature that consists of a wooded “ravine” that runs from west to southeast through the northern portion of the property. The proposed plans have identified this area and show that a significant portion of this area would be preserved. The City is requiring that a condition of the approval requires the establishment of a protective easement or similar conveyance tool and that it is shown on the final plat.
6. This plan has been approved by the Pioneer Sarah Creek Watershed Commission.
7. The proposed final plat indicates six lots with riparian access (frontage or access) on Lake Independence. Any lot directly abutting the lake would need to comply with applicable shoreland overlay standards. The shoreland overlay requires a minimum lot size of 1 acre and a minimum shoreland lot width of 100 linear feet. The subject property has approximately 700 linear feet of shoreline on Lake Independence. Detailed review of each riparian lot relating to slopes, bluffs and general grading will be required if the development is approved.
8. **Stormwater:** the applicant has agreed to strengthen the proposed stormwater management system for this development in several key locations. The applicant is now proposing to add a rain garden/infiltration area on the northern edge of Lot 3. This rain garden area will add an additional level of filtration for water that runs off of Lots, 1, 2, and 3 prior to heading towards the lakeshore. The applicant is also proposing to add a rain garden/infiltration area to Outlot A that will further filter stormwater that drains to the west under South Lake Shore.

Along with these stormwater mitigation measures, the applicant has provided the City with a table showing that the proposed stormwater system will be reducing the peak runoff rates (from the current condition) for stormwater heading towards Lake Independence that goes to the ravine system to the east and the drainage system to the west (see attached drainage exhibit).

9. **Common Area Dock:** The applicant is proposing to move the location of a potential pontoon boat dock. The applicant is no longer proposing an Outlot, but is now proposing a trail easement between lots 5 and 8 and connecting to the common area of Outlot D. This location is internal to the development. The applicant has also provided a narrative of the proposed restrictions relating to the use of the easement and dock (see attached). If recommended for approval, the City would include a condition as a part of the Planned Unit Development that would place more regulation on this development and the dock

access and dock number permitted.

10. The applicant is proposing to deed Outlot E to the City of Independence. The City's lift station currently occupies a portion of this property. There would be no access to the Maple Street easement from this property.
  
11. The City does not have applicable zoning for this type of sewer residential development. It is proposed that the City's Rural Residential zoning ordinance be amended to allow Planned Unit Developments (PUD) in the Rural Residential zoning district. The City will need to adopt physical lot standards associated with the PUD. The PUD will maintain that all riparian lakeshore lots be required to comply with applicable shoreland district standards. The City is recommending the following additional lot standards:

Minimum lot size:	1 acre (43,560 SF)
Minimum lot width:	100 feet at right of way line
Front yard setback:	35 feet from right of way line
Side yard setback:	15 feet
Corner yard setback:	35 feet
Rear yard setback:	40 feet
Shoreland setback:	100 feet
Setback from lake:	100 feet from ordinary high mark
Setback from wetland:	10 ten feet from the outside edge of the required wetland buffer

The plans will need to be revised to clearly show the building setbacks. It is also recommended that a plan be prepared that shows a "typical" house plan for each lot to verify that the lots can accommodate a home site. A draft ordinance amendment has been drafted for review and consideration.

12. The City would propose developing a new accessory structure provision with the PUD similar to the following:

Accessory Structure Maximum Size: 1,000 square feet (combined attached garage and detached accessory structures).

Accessory Structure Setbacks:	Front Yard – located to the rear of the principal structure.
	Side Yard – 15 feet
	Rear Yard – 40 feet

Accessory Structure Height: Maximum height shall be limited to 14 feet or height of principal structure, whichever is less. Maximum garage door height is eight 8 feet.

13. The proposed plan indicates open space around the perimeter and includes Outlots A, B, C, D, and F. Outlot D, which is centrally located is proposed to contain an HOA community amenity space (see attached detailed plan). Outlot E will be dedicated to the City. All remaining Outlots will become the responsibility of the homeowner's association established for this development. Documentation indicating the conveyance of this ownership and the maintenance responsibility has been provided to the City. The Outlots will be maintained as described in the HOA documents as mowed and managed landscape open areas.
14. The final plat indicates a 66-foot-wide ROW and a 26-foot-wide road in accordance with applicable standards.
15. There is an existing tree stand located on the property which is primarily along the ravine/drainage area. The City is concerned and desires that these areas are preserved and protected in the after condition of the property. The City has shoreland alteration limitations specified in the shoreland ordinance. In order to ensure that these trees and the ravine are fully preserved, it is recommended that a condition of the approval include adding language to the PUD relating to tree preservation on the lakeshore properties.
16. Cash in lieu of land will be required in accordance with the City's current park dedication fee of \$3,500 per lot (less than 4.99 acres). One park dedication credit will be given for the existing house proposed to remain. The park dedication fee requirement for this development is anticipated to be approximately \$94,500 (27 lots x \$3,500).

***Recommendation:***

The Planning Commission is being asked to consider the application for final plat, conditional use permit and planned unit development. If recommended for approval, the following findings and conditions should be included:

1. The proposed final plat, conditional use permit and planned unit development meet all applicable conditions, criteria and restrictions stated in the City of Independence Ordinance.
2. City Council approval of the final plat, conditional use permit and planned unit development is subject to approval and completion of the following items:

- a) Metropolitan Council approval of a Comprehensive Plan Amendment.
- b) Review and adoption of an ordinance amendment to include planned unit developments as a conditional use in the RR-Rural Residential zoning district.
- c) Rezoning of the property from AG-Agriculture to RR-Rural Residential.
- d) Review and approval of a conditional use permit approving a planned unit development.
- e) Approval of the Quad City Agreement (stipulates sewer connections through Medina) by the applicable cities that are a party to the agreement.
- f) The Applicant shall address all outstanding engineering comments made by the City's Civil Engineer.
- g) The Applicant shall address all engineering comments made by the City's Water Resource Engineer.
- h) The Applicant shall make all revisions requested in the staff report, Planning Commission and City Council.
- i) The Applicant shall prepare a restrictive and protective easement over and across the area generally described as the "ravine" to the satisfaction of the City.
- j) The proposed PUD will include the following provisions and restrictions:
  - a. Regulations relating to tree removal on all riparian lots within the proposed subdivision. The final language shall include the following additional provisions:
    - i. Any tree removal or vegetative clearing on Lots 1-10, Block 1 shall require the approval of the City of Independence. An application for vegetation alteration/removal (City to provide form) will need to be filled out by the applicant and submitted to the City for review and approval.
    - ii. Tree and vegetation removal shall be limited to the removal of invasive species, dead, dying or diseased trees, and removal associated with approved grading for lakeshore structures, stairs, ramps or similar improvements.

- iii. Effort shall be made to reduce the extent of tree and vegetation removals.
  - iv. Pruning of trees or vegetation to provide views of the lake shall be considered on an individual basis following the submittal and review of a vegetation alteration/removal permit.
- b. Regulations relating to the number and location of docks.
- k) The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Organization.
  - l) The Applicant shall receive the approval of the Department of Natural Resources.
  - m) The Applicant shall enter into a development agreement with the City for this development.
  - n) The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
  - o) The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance plantings and storm water easements.
  - p) The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay for all costs associated with the City's review of the comprehensive plan amendment, subdivision, rezoning, ordinance amendment and conditional use permit and preliminary plat and general plan.
  4. The Applicant shall record final plat with Hennepin County within 180 days of the final plat approval.

Kaltsas said this project came to the city for consideration of a preliminary plan and rezoning to RR and part of the request was put off until further discussion was had such as CUP and RR zoning. Tonight, there I a final plat, ordinance and CUP. The CUP and ordinance are a Public Hearing, but not the final plat. This property is located at 2236 S. Lake Shore Dr and is guided as

Lake Shore Estates. It is subject to a series of things that need completion. This is a 28-unit subdivision, and the final plat is consistent with the preliminary plat. MetCouncil allowed the city to include overall the 2040 comp plan. In the 2040 comp plan, this property is guided as Lake Shore Estates. It will be RR with a PUD for the lakeshore estates designation. It will have an upgraded sanitary life station to all properties and attached to city sewer. This will involve an amendment to the quad cities' agreement with Loretto, Medina, Greenfield and Independence. Greenfield will bring it to their council at their next meeting. Medina was the biggest because they are the gatekeeper to that pipe. They approved the additional 27 units (one is already connected). The proposed layout shows direct shoreland would be developed. The developer has done vegetation and is moving along with preliminary grading permits. There are some additional landscape plans for entryway landscaping as part of the overall development. The plan has been approved by Pioneer Sarah Creek Watershed.

Stormwater management areas are being added to the plan to help mitigate such as rain gardens to help infiltrate water prior to it leaving the property in response to some concerns that came up from residents. There are some other questions from other properties on stormwater. Stormwater management has not been installed in accordance with the plans at this time because we have not allowed for it to move forward at this point yet. There have been soil and erosion control issues and the developer has done corrective work. There are some depression areas that are starting to shape that area, but it is not complete.

Something that changed in the plans was that the common dock moved to an easement area that would be between two existing lots and removed it from Outlot E and the adjacent properties with existing housing. It is between lot 5 and 8 with a private trail and one single dock will be allowed with 1 boat to be allowed on the dock on a permanent basis.

The city recommends provisions to amend a RR ordinance. It is consistent with how we consider other developments that are unique or have separate features. We allow cluster development as a CUP. It will maintain the RR district; it is part of the shoreland district. A Planned unit development can occur in a RR district. It has a minimum of 40 acres, it is connected to city sewer, it meets a minimum lot size of 1 acre and it meets the setbacks. All requirements are met. There would be utility access and easements along Maple St, outlots would be dedicated. There is some tree removal requested and we need to review vegetation clearing and preservation. We would have a permit and review process for each lot, not as a whole. Applicant is also subject to park dedication fees.

The Hennepin County and Three Rivers Park trail connection is still being discussed. There is no clear resolution today, but we will continue to work on this.

Story asked where the Lakeshore Estates designation came from.

Kaltsas said we approved the comp plan amendment to allow development to 28 unites.

MetCouncil asked us to just name it something different. They had us specifically designate it as 27 lots. He said we will zone it specific to lakeshore estates to maintain consistency. It would need a PUD for lakeshore estates.

Gardner asked if we would have new names for the new colors on our 2040 comp plan map.

Kaltsas said yes, if we develop those. We had medium density called out in our 2030 comp plan.

We had Urban Commercial and we had high density by Delano, but it got denied by MetCouncil.

We are meeting their requirements now. The lakeshore estates was factored in our Metcouncil



plan.

Story asked about the public dock. He said we have never done it before because they are generally not a good idea, so he asked why we want to do it now.

Gardner said it is a police issue for the HOA if there are people abusing it. He said he isn't sure if he likes it either. It depends on the people involved.

Usset asked what the limitations are as far as the lake.

Kaltsas said we do not have a lake association or bylaws like other area lakes. The city follows the DNR on restrictions. With the PUD, we have the ability to dictate these things. We said no to the common dock with docking ability. We said yes to one common dock only for the residents of this development.

## PUBLIC HEARING OPENED

Randy Stinson - he said he lives across the street from the development. He said there is a hill on South Lake Shore Dr. He has called the police about making it a no parking zone. He said there are cars parked on the hill and you can't see who is coming. He asked if we could put a no parking zone sign on the hill. He also stated that there were construction vehicles and potential buyers parking there. The city allows construction from 6:30am-10:00pm and 7:00am-7:00pm on Saturday and Sunday nothing. He said they were tortured last Fall with a lot of beeping all day and night.

Kaltsas said in the development agreement the city restricts the construction times. That has been a problem and WHPS has been talked with too. They are going by the ordinance and not the more limiting factor in the development agreement.

Story asked what the construction hours are in the agreement.

Kaltsas said 7:00am-6pm Monday – Friday, 8:00am-4:00pm on Saturdays and nothing on Sunday.

Stinson asked about the holding ponds being full. He asked what is going to happen with them.

Kaltsas said those are not fully constructed. The piping, manholes and infrastructure will be done once it is approved to move forward.

Gardner asked about parking.

Kaltsas said he will talk to WHPS about that and work with the developer so site lines are not a problem.

Brittany said she lives on Perkinsville. She said she hasn't heard much about this yet. She asked if there is going to be a lot more people coming in and out at the corner of Perkinsville and 19.

She asked if there is any talk about that corner.

Kaltsas said it is something that is top of mind for the city. The solution is a pretty major cost factor. He said the city has had a lot of conversations with the county and with Medina. He stated that the city is trying to find a solution which may be a roundabout, but the question is about how to fund that. It is roughly \$4m and the city would be a solo funder in that. Funding priorities with HC have been an issue. There was a high focus on Hwy 12 that accomplished a lot but that is the most difficult intersection that needs to be done.

Thompson said there have been traffic studies done for this.

Brittany asked if the developer and buyers can help fund this project.

Kaltsas said the state of MN does not allow impact fees. He said the city has to identify how that can get funded and go after funding measures. Perkinsville is a feeder to many other people not

just residents.

Keith Becker lives on S. Lakeshore Dr. He said he is the property surrounded by the development. He asked if every homeowner would have deeded access to the dock or just the HOA.

Kaltsas said the city is working on conveyance language.

Becker said if it is deeded, the city wrote in 24 people to a dock to a lake, it is a special condition with no public benefit without access to Baker Park. Once it is established, what is stopping the members down the road from saying they want overnight docking and turning it into a marina. He said when everyone is not focused on this anymore, it is easier to slide through.

Nick lives on Perkinsville. He asked what this development will do for their property values, taxes and the extra number of cars on Perkinsville Rd.

Kaltsas said the city is doing maintenance on Perkinsville Rd. There is no plan to make changes right now. The city is bearing the cost to that. As far as property taxes, it is hard to understand or know. The assessor assesses on the home itself. The lakeshore will be more valued for like type homes. He is unsure on how it will affect values. The prices have gone up everywhere so it could cause properties to go up. This valued on the 28 houses.

Usset said it is the county that does the assessing, not the city.

Kaltsas said more than 50% of our residents had a decrease instead of increase. The city does have some control.

Steve Bohl thanked Mark for the effort to get to this point. He said they make a lot of plans to accommodate all the concerns. He addressed the trail and dock. He said they moved it from the outlot to between the two lots. There is only one boat on that dock at any given time. The lots surrounding will want to make sure there is nothing going on. He said they provided restrictions relating to the trail. IF those get out of hand, the HOA will monitor and restrict it. The management company that will be in charge is working on limiting hours, more restricting than any other dock on the lake. He said they have a lot of things in place on how we will allow use of the boat.

Thompson asked if lots 7 and 8 sold.

Bohl said lot 8 is.

Thompson asked why they changed to an easement from an outlot.

Bohl said outlot E was in between Beckers.

Thompson said the MLS shows that it has deeded access to the water. He asked whose easement is it and if it is reasonable to say that the HOA could change the rules.

Bohl said not without city approval. It will not be deeded access. There is trail access.

Thompson asked who holds the easement.

Bohl said the HOA does.

Thompson said that he sees the confusion with 28 units showing deeded access to the lake on MLS. That is where the concern is coming from.

Gardner asked if Bohl has done this type of dock before.

Bohl said yes, in Plymouth. He said they did have to call the police a couple of times.

Gardner said that is their concern.

Bohl said it will be posted that the pavilion, trail and easement are all private to the HOA.

Gardner said the dock is an issue.

**Motion by Tearse, seconded by Thompson to close the Public Hearing.**

## **PUBLIC HEARING CLOSED**

Gardner said we have A, B and C to consider. He said this is the most complicated thing he has ever done. He asked why is it RR and lakeshore.

Usset asked if Kaltsas can restate the stipulations that made it unique to sewer access right now. Kaltsas said this would change RR ordinance to include PUD 40 acre minimum and sewer access. It is the same as a cluster development.

Story asked why we need to make a new one instead of just using cluster development.

Kaltsas said a cluster is a 5 acre cluster septic. These will be 1 acre minimum with sewer access.

Gardner asked how this density works with MetCouncil.

Kaltsas said they looked at the community as a whole. This needs to be included in the calculation. He said you will see this in the comp plan.

Thompson asked what is the city track record to enforce community docks.

Kaltsas said we do have community docks. This one is being set up not as an outlot. Now it is not an owned piece of property. It is an easement in favor of the HOA. The PUD is also enforceable for the city. The city attorney said these could be blown up if it was a challenged item.

Thompson asked what are the city standards and how does the city enforce this.

Kaltsas said the access plan does not allow for public to drive into this location. It is much different than the Maple Street issue.

Thompson said if he was the owner of Lot 7 and 8, he would have a high interest on that easement.

Usset asked if there are additional pieces that the city could recommend to council such as this is in lakeshore overlay that this is a one off and not for future issues.

Thompson said the lakeshore estates has to touch a lake. It can't fit anywhere else. It has to have shoreland regulated parcels.

Kaltsas said he can take that to council to include that additional language in the PUC. You couldn't do a cluster development in AG. This is explicit to RR.

**Motion by Thompson, seconded by Tearse to approve the application for Final Plat, CUP and PUD subject to the recommendations of city staff numbered 1-4 with additions to the ordinance language under section B (criteria) to include reference to the lakeshore estates being an interval component of granting a PUD. Ayes: Gardner, Thompson and Usset. Nays: Story. Absent: Dumas and Volkenant. Abstain: None. Motion Approved. 3.1.**

5. Open/Misc.

6. Adjourn.

**Motion by Thompson, seconded by Tearse to adjourn the meeting at 8:55p.m.**

Meeting adjourned.

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Respectfully Submitted,  
Amber Simon/ Recording Secretary

