

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, NOVEMBER 8, 2010 – 7:30 P.M.

1. CALL TO ORDER.

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

2. ROLL CALL.

PRESENT: Chair Crespo, Commissioners, Gardner, Palmquist, Phillips and Triplett.

STAFF: Recording Secretary Scipioni, Planner Kaltsas.

VISITORS: Jan Gardner, Brad Spencer.

3. APPROVAL OF THE OCTOBER 11, 2010 MEETING MINUTES.

Motion by Phillips, second by Gardner, to approve the minutes. Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: None. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. HARRY POOL, OWNER OF THE PROPERTY LOCATED AT 8145 COUNTY ROAD 11 (PID NO. 08-118-24-11-0002, 08-118-24-12-0001, 08-118-24-12-0001), IS REQUESTING A MINOR SUBDIVISION TO PERMIT THE CREATION OF A RURAL VIEW LOT AND LOT LINE REARRANGEMENT ON THE SUBJECT PROPERTY.

Kaltsas stated the subject property is located along the south side of County Road 11, west of County Road 92 and north of Lake Robina. The existing property is comprised of three lots (Tract A, B and C). The land is gently rolling agricultural land with some woodlands/wetlands adjacent to Lake Robina and with a minor wetland/pond in the northeast corner of the property. The original homestead is on the middle of the three properties and includes several agriculture related buildings. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City's Zoning Ordinance. The City recently updated the provisions pertaining to rural view lots to allow one rural view lot for each 40 acres of Agriculture property. The subject property has three existing lots with a total acreage of + 157.40 acres. The provisions in the Agriculture Zoning District allow one rural view lot for every 40 acres of land under the same ownership. This land can be contiguous or not contiguous. Under the current zoning standards, the subject property has the ability to realize three rural view lots for a total of six lots on this property including the existing homestead.

Kaltsas stated staff has worked with the applicant to create a buildable parcel that fits into the surrounding area with minimal impact on the surrounding properties. The proposed subdivision would create a new 10-acre lot that has a buildable area to accommodate a home site while maintaining the required setbacks. The existing homestead would be reduced down to a 10-acre parcel. The existing homestead and accessory structures will meet all applicable setbacks for the newly created lot. There will need to be a new driveway approved and built to provide access to the new 10-acre parcel. The existing farmstead has an existing on-site septic system that will remain in use with the existing home. The newly created lot will require a new on-site system and will need to accommodate the requisite secondary on-site septic system location. The newly created parcel will be required to pay the City's Park Dedication requirement. For

this property the requirement is \$7,250. In the after condition, this property will have one remaining rural view lot that can be subdivided in accordance with the City's current zoning ordinance.

Kaltsas noted if a future subdivision of the property were to occur in accordance with the current zoning ordinance, there would be a limitation on the size of the remaining rural view lot due to the available right of way frontage. The required right of way frontage for lots greater than 10 acres is 300 feet. The three original lots, due to their size being greater than 10 acres, would require a minimum of 900 LF of total frontage. That would mean that there is only 292.73 LF remaining for the rural view lot. This would limit the size of the rural view lot to no more than 4.99 acres.

Gardner asked how tract C is accessed because it does not have any road frontage.

Kaltsas stated he anticipates the applicant may apply for a lot line rearrangement in the future to provide access for tract C.

Gardner expressed a concern about the lack of access to tract C and the fact that the problem is not being addressed with the current request.

Kaltsas stated the applicant could create a permanent easement to provide access.

Public Hearing

No comments were received.

Motion by Gardner, second by Phillips, to close the public hearing. Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: none. MOTION DECLARED CARRIED.

Phillips suggested adding a condition to the approval that the two new parcels each be 4 feet narrower and 4 feet deeper so that a future rural view lot would not have size limitations because of a lack of road frontage.

Gardner suggested adding a condition that an easement be created for access to tract C or that the applicant illustrate to the City how access would be provided in the future.

Kaltsas suggested asking the applicant for a ghost plat to show how the original property lines might be rearranged and how the last rural view lot would be platted.

The Planning Commissioners and Kaltsas discussed the location of the wetland in the northeast corner of the property.

Phillips asked if the two new 10-acre parcels could have a shared access driveway.

Kaltsas responded it would be possible, but the parcel with the homestead already has a driveway that would have to be moved.

Gardner stated there should not be a problem finding a driveway access for the vacant 10-acre parcel because it has 700 feet of road frontage.

Phillips asked why the applicant is only being charged for one park dedication fee when he is creating two new lots.

Kaltsas responded the City has historically not charged a park dedication fee for the original homestead, which in this case is being encompassed on one of the newly created parcels.

Gardner stated the applicant should be charged two park dedication fees because he is creating two new lots with two new building eligibilities.

Phillips stated the City has not had a request before this one for a rural view lot that encompasses the original homestead, thus there is no precedent to follow. He suggested changing the condition for park dedication fees to require payment of two fees before the subdivision is recorded.

Kaltsas stated the new park dedication fee would be \$14,500.

Triplett agreed with charging two park dedication fees at the time of the subdivision because it would be difficult to ensure that a park dedication fee is collected when a building permit is issued on the original parcel.

Gardner stated he would like to see a ghost plat that shows how tract C will be accessed and where the third rural view lot will be created.

Motion by Phillips, second by Gardner, to recommend approval of the requested Subdivision with the following findings:

- 1. The proposed minor subdivision for two (2) rural view lots 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 provide to the City a final survey indicating the legal description and depiction of the minor subdivision for the two (2) newly created rural view lots.**
- 3. The Applicant shall receive written approval for a new driveway access to Tract F from the county and provide verification of such to the City.**
- 4. The Applicant shall provide the City with verification of the soil and percolation report that indicates there is adequate space to accommodate both required primary and secondary septic sites on Tract F.**
- 5. The Applicant shall pay the park dedication fees in the amount of \$14,500, for the newly created Tract E and Tract F, prior to the applicant receiving final approval to record the subdivision by the City.**
- 6. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.**
- 7. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.**

8. **The total combined three properties will have only one remaining rural view lot eligibility as stated and further detailed in the staff report.**
9. **The Applicant shall reduce the lot width of Tracts E and F by approximately four feet so that the remaining frontage of Tracts A and D will be a minimum of 1200 linear feet along CSAH 11. The applicant shall adjust the depth of the lots accordingly to maintain 10 acres on both Tracts E and F. This adjustment will allow the necessary minimum frontage for the remaining existing and future tracts.**
10. **The Applicant shall submit a “ghost” plat to staff that indicates how the remainder of the property (Tracts A, C and D) can be subdivided in the future to realize one additional rural view lot and access to Tract C.**

Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: none. MOTION DECLARED CARRIED.

5. OPEN/MISC.

Nothing was added to the agenda.

6. ADJOURN.

**Motion by Phillips, second by Crespo, to adjourn the Planning Commission meeting at 8:00 p.m.
Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: none. MOTION DECLARED CARRIED.**

Respectfully submitted by Christina Scipioni, Recording Secretary