

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JUNE 9, 2008 – 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 Spencer at 7:30 p.m.

2. ROLL CALL.

PRESENT: Chair Spencer, Commissioners Crespo, Gardella, Gardner and Phillips

STAFF: Planner Lorsung, Administrative Assistant Scipioni

VISITORS: Al Sterner, Bob Frank, John and Cathy Zeglin, Mike Zeglin, Richard & Pat Meyer, LuAnn Brenno, Barb Janas, Liza MacMillan, Brian Kirk, Michael Karn

3. APPROVAL OF MAY 12, 2008 MEETING MINUTES.

Motion by Gardner, second by Spencer, to approve the minutes as written. All present voted aye.
MOTION DECLARED CARRIED.

4. RICHARD MEYER, 705 COPELAND ROAD (PID# 31-118-24-11-0002), REQUEST FOR TWO RURAL VIEW LOTS IN THE AGRICULTURE ZONING DISTRICT.

Lorsung explained that the applicant is seeking formal approval to subdivide two rural view lots in the Agriculture zoning district. The current use of the property is a golf course, which is a Conditional Use in the Agriculture District. This proposal should not affect the operation of the golf course or the placement of any of its existing structures.

Lorsung also explained that the proposal was discussed at the Commission's May 12 meeting, but the Commission wanted two main questions answered before voting on the proposal. The first question was whether or not there had been a formal agreement to not divide the property. Lorsung stated that the City had not found any agreement about the subdivision entitlement for the property. There were some minutes from a Planning Commission meeting discussing the possible subdivision of the property, but there wasn't a condition as such, nor was there an agreement recorded against the property.

Lorsung stated that the second question the Commissioners had was related to the calculation of land, whether gross or net, that area not being used as a gold course, for purposes of entitlement to subdivide per the Agriculture zoning. Lorsung said that staff reviewed the ordinance language and consulted with the City Attorney and has concluded that the calculation is based on gross acres, and thus the subdivision can occur.

Lorsung also noted that staff is recommending adding an additional condition that would require the applicant to clean-up the metes and bounds description of his property.

Gardner asked for clarification regarding the metes and bound description.

Lorsung explained that the metes and bounds description is a legal description of the property. The applicant simply needs to clarify in the description which parts of the property are and are not being used for the golf course.

Spencer noted that he reviewed the property's file and found nothing in regards to a formal agreement about future division of the property.

Phillips stated that he had a hard time reaching the same opinion as the City Attorney because he doesn't see the property as being used for an agricultural purpose that would warrant dividing into rural view lots.

Gardella responded that Phillips interpretation seems valid because a rural view lot should have a rural view, not a golf course view.

Spencer asked Gardella if he meant that a Conditional Use on an agriculture zoned property overrode it's zoning as agriculture.

Gardella responded that he thought Phillips' had a reasonable interpretation of the Code. Gardella said that the drafters could have used the term rural view to mean a property with a view that's rural and not a golf course view.

Gardner explained that the term rural view is only a name. He said the term just speaks to the ability of the landowner to split a property in the agriculture district for the continuation of farming.

Gardella noted that rural view lots could have just been called additional lots, but the usage of the term rural view seemed to imply that it was a more specific type of property.

Gardner stated that there was no intent in using rural view to imply a certain type of lot. He explained that these type of lots had previously had a different name and were meant for land that couldn't be farmed, such as slopes or marshes. However, the County had a hard time categorizing these types of lots, so the City decided to simplify the lots by setting mathematical limits for dividing the properties and called the divided properties rural view lots.

Lorsung stated that this code is specific to the City and was created as a way to continue agriculture zoning and allow a family to add a second residence. She said that most cities will rezone these properties out of an agriculture zoning.

Gardner stated that with or without the golf course, this proposed division is consistent with divisions that have been approved in the past.

Gardella asked if Windsong Golf Course asked for 10 or 12 rural view lots, would the Commission find that division acceptable.

Gardner responded that under the City's current zoning, it would be acceptable.

Spencer added that the Commission is applying the rules for divisions, based on the agriculture zoning.

Gardella stated that the property should be rezoned from agriculture.

Spencer responded that that is something that should be discussed during Comprehensive Plan discussions.

Lorsung noted that rezoning a property would require a supermajority vote of the Council, which could lead to more discussion when these types of divisions are proposed.

Gardner stated that this issue was discussed at the time the zoning decision was made.

Spencer stated that there is nothing in the property file that would limit the property owner's ability to divide it.

Motion by Gardner, second by Spencer, to approve the request for two rural view lots in the Agriculture Zoning District, subject to the following conditions:

- Approval from the City's surface water management specialist
- Amended easement agreement describing the exception areas to the golf course

All present voted aye. MOTION DECLARED CARRIED.

5. PUBLIC HEARING. LIZA MACMILLAN, 1424 NELSON ROAD (PID# 30-118-24-12-0002), REQUEST TO REBUILD A THREE-CAR GARAGE AND ADD A ONE-BEDROOM CARETAKERS APARTMENT.

Lorsung explained that the applicant is seeking to replace an existing three-car garage with a 1,120 square foot three-car garage that would include an apartment near the existing residence. Lorsung stated that the property is currently being used as a commercial horse facility and that the City has had no problems with the operation. She also noted that there is nothing in City Code that limits the number of employees who may live in this type of housing. Lorsung also noted that some cities require the applicant to address storm water quality issues and prepare some type of manure management plan.

Phillips asked that item H on the staff report be changed so that the apartment above the garage was not called a "guesthouse." He said the name of the structure should reflect the fact that it's housing employees.

Public Hearing

MacMillan briefly described the project. She said that she would like to be able to provide housing for men and women employees, and adding this structure would allow her to do that. She also explained that it's hard to retain employees without having housing for them.

Spencer asked how many employees the proposed apartment above the garage would house.

MacMillan responded that the apartment would house one or two employees. She also explained that she needed to redo the garage anyway to better fit equipment.

LuAnn Brenno told the Commissioners that she wanted them to place a limit on the number of employees that can be housed at the facility.

Lorsung explained that the Commission would be able to place that type of a limit, but because she had never seen this type of a limit before in the City, she would not be comfortable recommending it. Lorsung recommended that the Commission review the code in the future.

Gardner asked if the proposed apartment would require a new septic tank.

MacMillan explained that she already had a large, commercial septic tank on the property and did not anticipate having to put in an additional tank for the apartment.

Spencer closed the public hearing.

Spencer asked how many bedrooms and bathrooms would be in the proposed apartment.

MacMillan responded that there would be one bedroom and one bathroom. She said that in the future, a different property owner might have a problem with a limit.

Phillips suggested placing a limit on the number of people who could reside in the proposed structure.

Spencer noted that the Commission has to take into consideration how the business might be run in the future by a different property owner.

Gardner also noted that if a limit was placed on the number of occupants in the proposed apartment, future property owners would have to amend the Conditional Use Permit in order to house more people in the structure.

MacMillan asked if the City has any limitations on the number of people residing in apartments.

Gardner explained that the Code doesn't have any provisions for apartments.

Phillips stated that he thought it was a good idea to pose a reasonable limit to protect the neighbors. He suggested limiting the number of people who could be house in the proposed apartment to four people.

Motion by Crespo, second by Gardner, to approve the amendment to the existing Conditional Use Permit with the following conditions:

- The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
- The height of the additions shall conform to City Code.
- The number of occupants in the apartment shall be limited to four people.

All present voted aye. MOTION DECLARED CARRIED.

6. PUBLIC HEARING. YMCA CAMP IHDUHAPI, 3425 IHDUHAPI TRAIL (PID# 12-118-24-41-0001), REQUEST TO AMMEND AN EXISTING CONDITIONAL USE PERMIT, PERMITTING A 5,060 SQUARE FOOT ADDITION TO THE EXISTING DINING HALL FACILITY

Lorsung explained the that applicant is requesting an amendment to their existing Conditional Use Permit in order to construct a 5,060 square foot addition onto the existing dining hall. The camp has existed since 1930; however the original Conditional Use Permit was approved by the City Council in August 1996.

Lorsung also explained that the applicant has been getting more business lately and the new addition would help accommodate it. In addition, during the construction of the proposed addition, the applicant would be bringing the building up to current code. She also noted that the City is reviewing erosion

control and storm water closely. Jim Kujawa, from the Pioneer-Sarah Creek Watershed Management Commission, has received the applicant's plan and will be reviewing it.

Lorsung said that staff is recommending approval of the amended Conditional Use Permit with the condition that the CUP be reviewed annually. She also recommended that the Commission add another condition that the Pioneer-Sarah Creek Watershed Management Commission approves the project.

Crespo asked what the size of the property is.

Kirk, speaking on behalf of the applicant, said that the property is about 175 acres, including the island.

Gardella asked what would happen if, when the City does its annual review of the Conditional Use Permit, the applicant isn't following the conditions.

Lorsung explained that the City would only be looking at the conditions for the property. Once the improvements go in, the City will check the septic operations is functioning properly. She said once the use is in, it's grandfathered until the applicant comes to the City wishing to changes its Conditional Use Permit.

Gardner noted that Camp Ihduhapi has only needed a Conditional Use Permit for its operations for the past 12 years.

Public Hearing

Kirk stated that he could answer any questions from the Commission.

Phillips asked what the plans were for handling water runoff on the site.

Kirk explained that most of the water would be contained in two low-lying areas on the site that are not near Lake Independence.

Lorsung explained that the applicant still needs to fill out a formal application with the Pioneer-Sarah Creek Watershed Management Commission. She stated that the City's water resource coordinator has approved of the plans.

Gardner asked about the process for receiving the Watershed Management Commission's approval.

Lorsung explained that the Watershed Management Commission does not give formal permits. Instead, it performs an administrative review of the plan.

Spencer closed the public hearing.

Motion by Phillips, seconded by Gardella, to approve the Conditional Use Permit amendment with the following conditions:

- The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
- The height of the additions shall conform to City Code.
- The applicant shall pay all necessary fees for the review of this application.
- Conditional Use Permit to be reviewed annually.

- The applicant received approval from the Pioneer-Sarah Creek Water Management Commission. All present voted aye. MOTION DECLARED CARRIED.

7. COMPREHENSIVE PLAN DISCUSSION.

Phillips said that at the May 15, 2008 Comprehensive Plan meeting some issues came up that he would like to discuss with the Commissioners. Those issues included diversified rural zoning for the whole city and land use options next to Maple Plain with high-density senior housing. He said that Comp Plan needs to address concerns and issues in addition to be forward-thinking. He asked what issues do Commissioners think need to be brought into the Comp Plan. Specifically, he mentioned water quality and property taxes.

Phillips said that water quality is a huge problem in the City. He said that it seems like the Metropolitan Council is not willing to offer sewer without the City changing its zoning to allow for higher density.

Gardner said that the Met Council wants to be able to make back the money it spends on the sewer line by having more density. He said

Lorsung noted that these density requirements, outlined in the Met Council's 2030 framework, are three units per one net acre, which is the developable land.

Gardner stated that he was concerned that with higher density, the City would have to approve vertical buildings.

Lorsung explained that apartment and condominium complexes were zoned at 12 to 30 units per acre. She noted that three single-family homes can fit on once acre, or twin homes are possible.

Gardner expressed doubts that that would be possible.

Phillips noted that the Met Council argued that Medina built the Gramercy senior housing on its northeastern corner, which allowed the city additional sewer access.

Lorsung said that the Met Council can only require three units per acre; it cannot require more density than that.

Phillips asked if a high-density senior center would be a good idea.

Gardner said that Maple Plain has that type of density already.

Lorsung stated that the Met Council has a long-range sewer map that show that with the next update, the area south of Maple Plain and west of the municipal boundary that suggests that at the next Comp Plan update, the City will be required to go into the Met Council sewer system.

Gardella requested that the map be forwarded to the Planning Commission members.

Gardner said that what started this discussion was the failure of the Lindgren Lane mound system that was supposed to last 20 years. He said the Met Council wants to bring sewer to that area. He also said that Greenfield has its own sewage treatment plant to deal with its commercial district and schools. Their system is a dramatic difference from what the Met Council wanted.

Phillips asked if the path of least resistance for this Comp Plan would be to offer higher density.

Crespo said another alternative would be an alternative sewer treatment plan.

Gardner said Greenfield is allowing higher-density developments with a smaller holding tank system. Occasionally a company comes to the development and empties out the tank. This service is paid for by homeowner association fees.

Lorsung noted that other cities have allowed developments that would make it hard to divide into smaller lots, thus making it harder for the Met Council to come back later and ask for higher density in order to add sewer.

Gardner said the cost of a tank would be about the same as putting in a mound system.

Spencer noted that the new City Engineer would probably be tasked with finding different solutions to that sewer problem.

Gardner asked if taxes are really an issue addressed by the Comp Plan.

Spencer explained that they are because more density can mean a larger tax base, which directly impacts the amount of taxes collected.

Lorsung explained that while the Comp Plan does not mention taxes, these issues are discussed behind the scenes while creating the Comp Plan.

Spencer noted that a related issue is whether the City should have Ag Preserve zoning in Rural Residential zoning because the land could be developed, but the Ag Preserve zoning is creating a situation where it's beneficial not to develop, which decreases the potential tax base.

Gardner said that before the Met Council drove land-use decisions, when the land became more valuable, taxes would go up. As the taxes went up, farmers would sell off their land. He said that now, there's no precedent for carving out five-acre lots and then trying to further divide them in the future.

Phillips asked if the reason to allow a commercial development on land bordering Delano would be just for the added tax benefit.

Gardner explained that it could be seen as an appropriate land use because it's a buffer. He said that there is strip zoning in the City next to U.S. Highway 12.

Lorsung said that usually, industrial zoning would be near a highway, then offices or higher-density housing, then single family homes.

Spencer asked if the Met Council would be opposed to development from the western edge of the City.

Lorsung said that it would be more of a local issue.

Phillips said that the western commercial development is not an amenity.

Spencer asked if having a Target across the street with the right kind of fencing across the street would be any more of a nuisance than the Culvers and McDonalds already has. He said that there's already commercial development, but the shields Target could have would be better.

Phillips said that the City would have more control over these types of developments if it did spot zoning.

Lorsung said that if the overlying land-use is not changed in the Comp Plan, the City would have to do a Comp Plan amendment when a development is proposed, which would require a supermajority vote from the Council. This would involve changing the Comp Plan through the Met Council.

Crespo asked if it would be difficult to annex land into a different county.

Lorsung explained that it would be very difficult because the Independence-Delano boundary is not only a county boundary, but a Met Council boundary as well.

8. OPEN/MISC.

LuAnn Brenno

Brenno wanted to let the Commission know that she was incorrect in her assumption about lot divisions in the Agriculture Zoning district. She said that she believes the way the Code is written now does not reflect the intent of the Council when it was passed.

John Zeglin

Zeglin expressed concerns to the Commission about a pipeline that is slated to go through his property. He said that developers have told him that if the pipeline goes through, it would severely limit Zeglin's ability to develop his property.

The Commission suggested that Zeglin bring up his concerns at the June 10, 2008 City Council meeting.

9. ADJOURN.

Motion by Gardella, second by Phillips, to adjourn the Planning Commission meeting at 8:49 p.m. All present voted aye.

MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary