

**MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION**

MONDAY, May 12, 2008, 7:30 P.M.

1. CALL TO ORDER.

Pursuant to a due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chairman Brad Spencer at 7:30 pm.

2. ROLL CALL.

PRESENT: Chairman Spencer, Commissioners Gardner, Crespo, Phillips, Gardella

STAFF: City Planner Lorsung

ABSENT: Recording secretary, City Council liason

VISITORS: Jan Gardner, Dick & Pat Meyer, Eric Ahlstrom, Kathy Pluth, LuAnn Brenno, Ed Pluth, Tony & Kathy Anderson, Jim Smith, Barb Janas, Ed Ahlstrom

3. APPROVE MARCH MEETING MINUTES.

Motion by Gardner, second by Phillips to approve the March meeting minutes. All present voted aye. MOTION CARRIED. (No planning commission meeting was held in April 2008)

4. Richard Meyer, 705 Copeland Road (PID#31-118-24-11-0002) Request for two rural view lots in the Agricultural Zoning District. PUBLIC HEARING

Mr. Meyer was present to answer questions. City Planner Lorsung reviewed the request for the Commissioners (copy of staff report attached). According to Planner Lorsung, The applicant is seeking approval to subdivide two rural view lots in the agriculture zoning district. Lot 1, Block 1 will result in 4.2 gross acres with 2.5 buildable acres, and Lot 2, Block 1 will result in 5.0 gross acres, 2.5 buildable acres. Staff's review of this request determined that the golf course would not have a negative impact on the resulting two rural view lots. The two rural view lots are allowed by the property's underlying zoning of agriculture. Staff would recommend approval of the preliminary plan with the following conditions: 1.) Perc tests be submitted to the City to determine soil quality and type of septic system required. And, 2.) Approval from the City's surface water management specialist.

Public Hearing

Jim Smith spoke to the history of the golf courses' creation referencing the vacation of a public road to accommodate the golf course and to an (undocumented) agreement between the City and Mr. Meyer to not develop residential real estate around the golf course in the future.

Richard Meyer stated that no such agreement exists that would limit his right to develop or would limit residential opportunities.

LuAnn Brenno stated that if the parcel was viewed as only those acres that are not part of the golf course, the remaining acreage would not qualify for any rural view lots.

Planner Lorsung stated that no record of any such agreement between the city and Mr. Meyer could be found and that the property qualifies for such lots under 530.01, Subd.4(p).

Commissioner Gardella sought clarification as the parcel size would in fact indicate a potential for up to 3 rural view lots. Planner Lorsung agreed.

Tony Anderson – neighbor, voiced concerns about the need for large amounts of fill and increased traffic.

Barb Janas said she felt this division should be allowed.

Motion by Gardner, second by Phillips to close the public hearing. All present voted Aye.

Discussion

Commissioner Phillips – golf courses and corn fields are not the same thing, should we be considering only the acreage not otherwise used?

Commissioner Gardella – if there exists no prior agreement limiting development we must go straight to the code.

Planner Lorsung – future development restrictions would seem unlikely on a property that might persist for decades.

Motion by Gardella, second by Phillips, to recommend a 30 day continuance to allow staff and the city attorney to investigate and render an opinion on the existence of a prior agreement between Mr. Meyer and the City to limit residential development adjacent to the golf course. Request will be considered again at the June 9, 2008 meeting of the Planning Commission.

All present voted aye. MOTION CARRIED.

Mr. Meyer expressed considerable disappointment with the decision as he is eager to get his daughters home built prior to the upcoming school year.

5. Art Ahlstrom, 9115 U.S. Hwy 12 (PID#18-118-24-12-0002) Conditional Use Permit to allow for construction of a cold storage building in excess of allowable area for accessory structures on residential parcels in the Agriculture Zoning District. PUBLIC HEARING

Mr. Ahlstrom was present to answer questions. City Planner Lorsung reviewed the request for the Commissioners (copy of staff report attached). The applicant is requesting a variance from the amount of allowable accessory structure in the agricultural zoning district. Staff feels that after review of the code, the correct request is for a Conditional Use Permit pursuant to section 530.01, Subd. 4(d), "detached agricultural storage buildings, barns, or other accessory structures that exceed the size limitations of subdivision 3(d) of this section." Based upon analysis of the review criteria in the city code, staff would recommend approval of the Conditional Use Permit. Staff did review the recent denial (Ziermann – Nelson Rd.) but feels this request is different for the reasons as stated in the staff report. Also noted letter of support from neighbor to the south, Schausts.

Public Hearing

Applicant spoke to his application referring to it as unique due to the majority of the surrounding property being family owned and his need for storage due to his sale of his old house which had considerably more storage space. He noted that he could go 42' south and build the accessory structure as part of his tree farm property with no problems or restrictions but that he prefers to have it be on the property adjacent to the business.

Jim Smith questioned whether the property was in fact owned by the applicant

LuAnn Brenno stated that the code limits the size of accessory structures and that should be adhered to. She also felt that the Ziermann precedent should be applicable.

Kathy Pluth stated she felt the Ahlstrom CUP for the nursery / tree farm was not being adhered to and produced photos and a copy of the original CUP.

Eric Ahlstrom felt that the fact that all but one abutting property is family owned making this situation unique. He noted the letter of support from the one neighbor who is not a family member.

Planner Lorsung – CUP is a use by right and denial should be considered very carefully. If strict size limitations are desired then we should consider recommending that council update the code to cease allowing conditional uses that would otherwise require a variance.

Art Ahlstrom stated that he takes pride in his property and business and voiced some displeasure with prior public comments.

Motion by Gardner, second by Phillips to close the public hearing. All present voted Aye.

Discussion

Commissioner Gardella – building seems appropriate for this type of property in this location.

Commissioner Phillips – U.S. Hwy 12 has bearing on the application. Also the argument regarding contiguous land bears merit.

Commissioner Gardella – neighborhood objection would be more relevant than contiguous land as ownership can change.

Commissioner Gardner – application seems to meet the test for issuance of a CUP.

Motion by Gardella, second by Phillips, to recommend that Council approve the application for the Conditional Use Permit to allow for construction of the 3600 SF cold storage building at 9115 Highway 12 with conditions 1 through 4 as contained in the staff report and condition 5 as discussed:

1. 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.
2. The height of the additions shall conform to City Code.
3. The building shall be only for personal storage, not for the existing landscaping business or for any other business use.
4. The applicant shall install 10 6' conifers along the south and west side of the building to screen the use from those residents.
5. No outside storage shall be permitted on the property.

All present voted aye. MOTION CARRIED.

6. Appointment of City Council and Parks Commission liasons for 2008

Brad Spencer appointed as Planning Commission liason to the City Council for 2008

Carl Phillips appointed as Planning Commission liason to the Parks Commission for 2008

7. OPEN / MISCELLANEOUS.

Chairman Spencer requested staff prepare a short summary of recommendations to council regarding clarification and possible corrections that could be made to the city code such that a) accessory building size restrictions would be dealt with by variance rather than CUP, and b) suggestions for the possible creation of an alternate land use category to assist with restrictions on development pertaining to areas adjacent to public or private recreational facilities.

Special note: The meeting was recorded although microphone #4 is apparently not functioning properly. Additionally, no recording secretary was present so the minutes were kept and hereby reported by Chairman Spencer.

8. ADJOURN.

Motion by Phillips, second by Gardella, to adjourn. All present voted Aye.
MEETING ADJOURNED AT 9:00 PM.

Respectfully submitted,

Brad Spencer, Chairman, Recording Secretary