

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JUNE 8, 2009 – 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 Vice Chair Gardner at 7:30 p.m.

2. ROLL CALL AND OATH OF OFFICE FOR KEITH TRIPLETT.

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

STAFF: Recording Secretary Scipioni, Planner Kaltsas.

VISITORS: Jan Gardner, Dale Ledstrom, Virgil & Theresa Marple, LuAnn Brenno, Jim Bull.

Triplett took an oath of office.

3. APPROVAL OF JANUARY 12, 2009 MEETING MINUTES.

Motion by Phillips, second by Crespo, to approve the minutes as written. Ayes: Crespo, Gardella, Gardner, Phillips. Abstention: Triplett. MOTION DECLARED CARRIED.

4. ELECT CHAIRPERSON AND VICE CHAIRPERSON.

Motion by Phillips, second by Gardner, to elect Crespo to Planning Commission Chairperson and Gardner to Planning Commission Vice Chairperson. All present voted aye. MOTION DECLARED CARRIED.

5. PUBLIC HEARING. DALE LEDSTROM, 1760 COUNTY ROAD 92 N (PID NO. 21-118-24-33-0001), REQUEST FOR AN INTERIM USE PERMIT TO PERMIT THE OPERATION OF A FORESTRY BUSINESS ON THE SUBJECT PROPERTY.

Kaltsas stated the applicant would like to store trucks and materials related to his forestry business. He added the property is bordered on one side by a residence and on the other sides by agricultural uses. Kaltsas explained that on the property there is a significant elevation change from the road to the back of the property, which would effectively screen the trucks and materials from view. Kaltsas explained that the applicant is requesting an Interim Use Permit instead of a Conditional Use Permit because outdoor storage of vehicles is not listed in City Code as a conditional use. Kaltsas discussed the conditions he suggested for the Interim Use Permit, including protecting existing trees, following the site plan submitted by the applicant and expiration of the permit if the property or business is sold or the business no longer exists. Kaltsas added the applicant will need to bring fill into the site for the parking area and may need to apply for a City grading permit, depending on how much fill is brought in.

Phillips asked if vehicles would be allowed to park up to the property line.

Kaltsas responded that there are trees along the property line that the applicant would have to keep intact. He added the Planning Commission could add a condition for the setback of the trucks.

Phillips asked if the existing pole barn was 35 feet away from the property line.

Ledstrom responded that the pole barn is 35 feet from the property line.

Kaltsas stated the building setback is 30 feet.

Gardner asked how many vehicles the applicant would like to store on the property.

Ledstrom responded that he would have approximately 10 to 15 vehicles on the property, along with logs from various tree trimming jobs.

Public Hearing

Brenno, resident, asked how the City could classify the application as something other than a commercial use. She also expressed a concern that the Interim Use Permit would allow a commercial business to exist in the agricultural zoning district. She stated the City Code allows for home occupations, but not businesses and expressed a concern about the City setting precedence for other businesses.

Motion by Phillips, second by Gardner, to close the public hearing. All present voted aye. MOTION DECLARED CARRIED.

Kaltsas stated the application is for outdoor storage for a business, but not to operate the business on the property. He added the applicant would not service trucks or have customers at the site. Kaltsas stated that an Interim Use Permit can be granted if an event can be identified that would cause the permit to expire. He added the Interim Use Permit is short-term when compared to a Conditional Use Permit.

Gardella asked if the proposed use and timeframe were considered temporary if an exact end date for the Interim Use Permit is not established.

Kaltsas responded that City Code requires there be a specific event that would cause the permit to expire.

Gardella stated he believes that temporary means something in addition to having an event that would cause the permit to expire.

Phillips asked if the outdoor storage component of the request was consistent with City Code.

Kaltsas responded that outdoor storage is not permitted in the City Code or addressed as a Conditional Use. He explained that Interim Use Permits are for uses that are not permitted or not listed as a Conditional Use. Kaltsas added that that applicant would not be able to apply for a Conditional Use Permit without first requesting a text amendment to the Code to add outdoor storage of vehicles. He stated the Planning Commission would need to determine if the requested use does not conform to the permitted activities within the agricultural district.

Phillips asked if the proposed use meets the standards for a Conditional Use Permit.

Kaltsas explained the criteria for granting a Conditional Use Permit and noted that they are similar to the criteria to be used for granting an Interim Use Permit. He added that the Planning Commission must decide whether or not the proposed use would meet the Interim Use Permit criteria. He noted that forestry is a permitted use within the agricultural district.

Brenno stated that forestry is not the same as storing trucks on a property. She added that the proposed use does not conform to City Code because the Code does not allow outdoor storage of vehicles for home occupations and the City in the past has not allowed outdoor storage of boats.

Kaltsas stated that the Planning Commission would have to decide if the use would be consistent. He added that the Interim Use Permit was the correct way for the applicant to ask for the proposed use.

Gardner noted that if the proposed use were already allowed by City Code, the applicant would not need to come before the Planning Commission and Council for an Interim Use Permit.

Gardella asked why the applicant could not apply for a Conditional Use Permit.

Kaltsas explained that Conditional Use Permits can only be granted for uses listed in City Code and outdoor storage of vehicles is not specifically listed.

Triplett asked if there was any precedence within the City for using Interim Use Permits.

Kaltsas responded that Interim Use Permit have not been used by the City much in the past, but have been a part of City Code.

Gardella expressed a concern about tying the expiration of the Interim Use Permit to an event. He stated he thought the proposed interpretation was inconsistent with the language in the City Code.

Gardner noted that the City uses the event of a purchase agreement to trigger sewer inspections instead of a set date.

Crespo stated he remember a similar situation on Main Street where a resident was running a non-conforming business out of their home and the City gave the resident two years to cease running the business.

Brenno stated that in that case, the land had been guided commercial and zone rural residential, and nearby property owners did not want a commercial use on the property, so the City gave the applicant time to remove the business.

Phillips asked how many trucks would be coming to and from the property each day.

Ledstrom responded that on average it would be two to three trucks per day. He noted that there were occasionally big projects that would require more trucks. Ledstrom added that he is trying to stay in business in a poor economy and bought the property with the intention of storing some trucks on it. he added his Realtor has called the City when he purchased the property to confirm that he would be able to store trucks on it. Ledstrom stated the trucks would be kept out-of-sight and his neighbors are fine with the proposal.

Gardner noted that the City allows other residents to drive their business vehicles in and out of their properties and park them on their properties.

Gardella stated he would be fine with whatever decision the Planning Commission makes, but he is concerned that the Interim Use Permit doesn't have a set expiration date.

Crespo asked if other property owners who were denied Conditional Use Permits could come back to the City and request an Interim Use Permit instead.

Kaltsas responded that it would be a possibility. He added that besides a text amendment to City Code, the applicant didn't have another way of requesting the proposed use.

Gardella asked the applicant if he would be fine with a time limit of possibly 5 years.

Ledstrom responded that he would be alright with a time limit and requested 10 to 15 years.

Gardner asked if the applicant built a building to store the vehicles if the use would comply with City Code.

Kaltsas responded that it would still not comply with City Code.

Gardella stated he would like to put a time limit of 5 years on the Interim Use Permit in order to protect the neighbors. He stated the applicant could reapply for another Interim Use Permit in 5 years.

Motion by Gardella, second by Phillips, to recommend approval of the Interim Use Permit, subject to the following findings and conditions:

- **The proposed Interim Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.**
- **The Interim Use Permit will expire 5 years from its effective date.**
- **The outdoor parking and equipment storage area will not exceed 140 feet from east to west and 85 feet from north to south and shall be setback from the north property line a minimum of 30'. The final location of the outdoor parking area shall be approved in the field by the City. The material storage area shall not exceed the area indicated on the plans and shall be limited to a height of 15'. If the applicant exceeds the requirements for filling or grading associated with the development of the parking or storage area, they shall make application for a grading permit from the City.**
- **No additions or expansions to the designated areas indicated on the approved site sketch shall be permitted without the City's approval of an amendment to the Interim Use Permit.**
- **The outdoor parking, equipment and material storage areas shall be kept in a neat and organized fashion so as to reduce any visual nuisances from the adjacent properties or County Road 92. Inoperable equipment or unregistered vehicles shall not be permitted.**
- **The applicant shall not remove or damage any existing trees on the property during the development of the outdoor storage area. Any trees removed or damaged during the construction of the outdoor parking or storage areas shall be replaced by a quantity, type and size as directed by the City. To ensure compliance with this condition, the applicant shall fence off the existing trees at their drip line using an orange 'snow fence', silt fence or similar fence approved by the City.**
- **No more than 15 vehicles may be stored on the property.**
- **Operation of the vehicles on this property shall not be conducted outside of ordinary and reasonable business hours.**

All present voted aye. MOTION DECLARED CARRIED.

6. PUBLIC HEARING. VIRGIL MARPLE, 7949 COUNTY ROAD 11 AND 7825 COUNTY ROAD 11 (PID NO. 09-118-24-22-0002 AND 09-11824-23-0001), REQUEST FOR A SUBDIVISION TO COMBINE THE TWO (2) EXISTING LOTS INTO ONE (1) LOT AND A CONDITIONAL USE PERMIT TO PERMIT THE ORIGINAL HOMESTEAD TO BE USED AS A GUEST HOUSE ON THE COMBINED PROPERTY.

Kaltsas stated the applicant currently uses the two parcels as one property and would like to subdivide the two properties into one in order to simplify his paperwork and so that the legal description of the properties would match how they are currently being used. Kaltsas added the minor subdivision would not require preliminary or final plats. Kaltsas stated the subdivision would allow the applicant to more easily place accessory structures without worrying about setbacks and the line between the two existing properties. Kaltsas stated the applicant currently does not use the farmhouse, but might fix it up in the future and divide off a parcel of land where the other house is located. He added the applicant is requesting a Conditional Use Permit in order to maintain some property rights. Kaltsas stated the request does not create any issues with setback requirements.

Gardner asked if the applicant were to demolish one of the houses, would he be able to join the properties.

Kaltsas responded that the applicant can still combine the two properties without the Conditional Use Permit, but would like to preserve some of their property rights, so they are requesting the CUP.

Public Hearing

Bull, resident, stated he lives across the street from the applicant and supports their request for a CUP.

Motion by Phillips, second by Gardner, to closed the public hearing. All present voted aye. MOTION DECLARED CARRIED.

Triplett asked if the applicant would be able to rent the second home on the property.

Kaltsas responded that under City Code, guesthouses may not be rented.

Crespo asked if the Commission should add a condition that only nonpaying guests stay in the guesthouse.

Kaltsas responded that City Code already has that requirement, but the Commission could add it as a condition, too.

Gardner stated that the City Code defines a guesthouse so well he is comfortable with the application.

Motion by Phillips, second by Gardner, to recommend approval of the subdivision to combine two lots into one and to recommend approval of a Conditional Use Permit for a guesthouse, subject to the following findings and conditions:

- **The proposed subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.**
- **The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.**
- **The applicant shall agree to remove/change the address numbers and if applicable remove the mailbox for the existing farmhouse located at 7949 County Road 11.**

All present voted aye. MOTION DECLARED CARRIED.

7. OPEN/MISC.

Comprehensive Plan Update

Kaltsas stated the Council and staff members were working on minor changes to the Comprehensive Plan in order to receive approval from the Met Council for the Lindgren Lane/Independence Road sewer project. He explained that in order for the City to meet density requirements, the Met Council would allow the City to average the density along Lindgren Lane/Independence Road and the density within the new urban residential district in the 2030 Comp Plan. Kaltsas stated the Council has directed staff to expand the urban residential district and change the density to 4 to 7 units per acre.

Gardella stated the Planning Commission had made the urban residential district smaller when it was reviewing the Comp Plan.

Kaltsas stated the Met Council will only use the lowest density when calculating density standards for sewer, so the City had to change the density that was recommended by the Planning Commission. He added that he had presented the information to the City of Maple Plain and had suggested either significantly increasing the density in the urban residential district or making the district larger. Kaltsas stated Maple Plain had preferred to have the urban residential district larger rather than denser.

Gardella stated he would rather have the urban residential district denser than larger.

Crespo stated residents had problems with the urban residential district coming close to Lake Independence.

Gardner asked what the benefit to the City would be for changing the urban residential district.

Kaltsas responded that the Met Council would then allow the City to change the Tri-City Agreement and give sewer access to the properties along Lindgren Lane and Independence Road.

Gardner expressed concerns about the Met Council's actions.

8. ADJOURN.

Motion by Phillips, second by Gardner, to adjourn the Planning Commission meeting at 8:30 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary