

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, NOVEMBER 10, 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, Gardner and Phillips

ABSENT: Commissioner Gardella

STAFF: Planner Goodrum, Administrative Assistant Scipioni, Comprehensive Plan Consultants
Hagen and Loucks

VISITORS: Jan Gardner, Jim & Lynda Franklin, Ed & Kathy Pluth, John & Cathy Zeglin, Greg & Jody
Gustafson.

3. APPROVAL OF OCTOBER 13, 2008 MEETING MINUTES.

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

4. PUBLIC HEARING. REVIEW THE PROPOSED CITY OF INDEPENDENCE
COMPREHENSIVE PLAN FOR 2030.

Hagen stated that a draft Comp Plan was reviewed by the Comp Plan Task Force and its comments were incorporated into the current draft. He added that at the October public hearing, guiding for the westerly two-thirds of the City was discussed by residents and Planning Commissioners. Hagen introduced Tom Loucks, of Loucks and Associates.

Public Hearing

Ed Pluth, Resident, asked if there had been any changes to the draft Comp Plan since the October Planning Commission meeting.

Hagen responded that comments from the October Planning Commission meeting had not yet been incorporated into the draft Comp Plan.

Pluth asked if the Urban Commercial district would be added in the new Comp Plan.

Hagen responded that it is included in the current draft.

Pluth asked if the Urban Commercial district would be 60 or 70 acres.

Loucks responded that it is 58.7 acres, or about 60 acres.

Pluth asked about including a requirement in Urban Commercial that the developers have to have an agreement with Delano for sewer and water services.

Loucks explained that an agreement with Delano is necessary for the area because Independence cannot provide the necessary sewer and water.

Pluth asked if the requirement to have the Urban Commercial master planned before development was necessary, due to the recent actions by the Council regarding Ryan Companies' proposal.

Spencer explained that the Council's recent vote in favor of A Comp Plan Amendment was only to change the land use. He stated that it was not approval of a particular project.

Pluth asked if the Met Council required approval from both the Planning Commission and the City Council for Comp Plan Amendments.

Loucks responded that the City Council has the final authority to approve or deny a Comp Plan Amendment. He explained that the process the City followed was correct.

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

Gardner asked the Commission what it should do about the issue with Ag Preserve properties in the eastern third of the City. He stated that in the past, property owners have just asked to be reguided if they come out of the Ag Preserve program.

Spencer stated that for a property to be eligible for the Ag Preserve program, the property must be guided and zoned agriculture.

Loucks explained that for at least the past 25 years, the City has used demand zoning. He said that means that as properties that were guided Rural Residential wanted to develop, they were rezoned from Agricultural to Rural Residential. He explained that if a property owners opts out of the Ag Preserve program, he or she would have the option of asking for a Comp Plan Amendment to reguide his or her property Rural Residential.

Crespo asked if the City could rezone properties without the owners' consent.

Loucks responded that the City could do so, but it usually hurts the property owner.

Gardner noted that zoning and guiding does not affect a property owner's ability to be in the Green Acres program.

Phillips asked for clarification about the guiding of properties as Rural Residential and their zoning as Agricultural.

Loucks explained that the Ag Preserve program requires the property be both zoned and guided Agricultural. He stated that the City could hold a public hearing and then reguide and rezone all of the property on the eastern third of the City to Rural Residential. Loucks explained that doing so would start a clock on the properties that are currently in Ag Preserve and it would require that they be removed from the program within a set amount of time.

Hagen stated that the City's policy has historically been to allow and encourage Ag Preserve and agricultural activities throughout the City.

Gardner noted that there aren't many landowners who have Ag Preserve land within the eastern third of the City.

Phillips asked if the guiding and zoning currently matches for the Ag Preserve properties.

Loucks showed the Commission maps of the current City zoning and guiding to show the effect of demand zoning on the City. He explained that only about half of the properties in Rural Residential guiding has been rezoned and developed.

Spencer asked about the Urban Residential zone. He asked where the idea for it came from, how the density was chosen and how it ended up in its present location.

Crespo asked how large the area was.

Hagen responded that it was 180 total acres and 110 buildable acres.

Loucks explained that the idea for an Urban Residential district came out of a discussion with regional officials and with elected officials. He stated that the Planning Commission could leave it in or take it out. Loucks added that there are existing homes in that area. He explained that the district is located where it is because of its proximity to urban services from Maple Plain.

Spencer asked if there were any projects that might go in that area.

Loucks responded that there was one project that could be proposed.

Spencer noted a concern about the size of the district.

Loucks stated that the Commission could recommend reducing or eliminating the district. He explained that the Met Council would like to have 3 units per acre zoning when it brings sewers to the area.

Spencer asked what type of zoning & density is guided in Maple Plain near the proposed district.

Loucks responded that it's currently single-family homes and an apartment building.

Phillips stated that 6-15 units per acre was too high. He added that adding more density south of Maple Plain might make sense.

Loucks suggested either eliminating or reducing the size of the district.

Phillips stated that a sewer plan would be needed for the area.

Spencer asked if there was anything in the Comp Plan that the City could use to help with the sewer issue on Lindgren Lane.

Loucks stated that creating an Environmental Protection Area around the lakes will create special provision to help reduce pollution of water and lakes.

Spencer asked if the City could receive sewer services from Maple Plain.

Loucks stated that past feasibility studies had shown that connecting to the sewer on County Road 11 was a more cost-effective route.

Spencer asked the Commissioners what they would prefer to do with the Urban Commercial district.

Crespo suggested either eliminating the district or keeping it south of Perkinsville Road.

Loucks noted that the proposed density in the area was meant to accommodate different senior citizen facilities, such as lower-density townhouses and higher-density assisted-living facilities.

Phillips stated that he thought the Commission should give recognition to the fact that at one of the Comp Plan meetings, 85 percent of the people wanted to see 1 unit per 10 acres density in the western two-thirds of the City.

Loucks stated that if the City were to guide the entire City except Ag Preserve properties 1 unit per 10 acres, then the City would average out to about 1 unit per 12.64 acres, which is within the guidelines of the regional framework. Loucks added that he thought he could argue the City's case for 1 unit per 10 acres to the Met Council. Loucks stated that 1 in 10 zoning is a poor density plan. He added that 1 in 10 makes it hard to encourage quality development and leads to poor redevelopment patterns. Loucks stated that the whole City would have to be 1 in 10, which means that the eastern third would change from 1 in 5 to 1 in 10.

Crespo stated that 1 in 10 guiding would benefit more people than the recent Comp Plan Amendment would.

Loucks stated that when Highway 12 is finished and through Delano, the City will have a lot more development and redevelopment pressure. He added that higher density would put more pressure on existing gravel roads. Loucks noted that when residents on Fogelman Road wanted to pave their street, they changed their minds when the City told them it would cost about \$25,000 per household. He added that the City wouldn't be able to require a developer to pave existing roads.

Spencer stated that one of the problems with the plan is that it assumes the City is facing development pressure only from the east. He stated that development pressure is also coming from the west.

Loucks stated that what the City's updated Comp Plan is trying to do is to preserve agriculture and plan responsibly. He noted that it costs money to preserve rural residential and agricultural lots when you're close to the Twin Cities.

Spencer asked if agriculture is something the City wants to continue to preserve. He added that a lot of input the City received was from people who wanted to be able to divide their lots.

Loucks noted that zoning is discriminatory in every city. He noted that property owners in cities and suburbs also have limits placed on what can be done with their properties. Loucks stated that zoning just

seems more discriminatory in rural areas. He added that it will be about 30 to 40 years before the City will develop.

Phillips stated that property taxes are still rising for residents in the agricultural district.

Hagen stated that the higher assessments mean that properties are selling for more money.

Loucks stated that Rural View lots do allow property owners in the Agriculture district to divide off part of their property. He explained that there hasn't been a large demand for those types of lots. He added that a property owner is eligible for 1 rural view lot for 40 acres.

Gardner stated that the Comp Plan should also take into account nominal 40 or 80 acre lots.

Crespo asked what the difference between Urban Commercial and Commercial.

Loucks explained that Urban Commercial requires urban utilities. He noted that Urban Commercial also requires a master plan for the entire 60 acres.

Spencer asked if the requirements for utilities from Delano and a master plan were in the Urban Commercial section of the Comp Plan. He suggested putting those requirements in wherever the Urban Commercial district is described in order to minimize any future confusion.

Spencer also asked why there was a land use section called "Industrial" as the draft Comprehensive plan contains no such land use.

Hagen stated that it should have been part of the Commercial/Industrial section.

Loucks added that the City should add architectural standards.

Goodrum also suggested including information about who should do the master planning in the Urban Commercial district. He noted that it wouldn't make sense for a developer who only owns 15 percent of the land to plan the whole district.

Loucks noted that the City could create the plan based off proposed developments.

Spencer asked why the Comp Plan included a statement about historic preservation.

Goodrum explained that it is required by the Met Council.

Spencer stated that because an updated Shoreland Ordinance was tabled indefinitely by the City Council, he assumed the DNR would put a negative comment on the Comp Plan. He asked if the City should strengthen the language regarding shoreland in the Comp Plan.

Spencer asked the Commissioners what they would like to do about the Urban Residential district.

Phillips stated that he would like it to be reduced to the area lying south of Perkinsville Road.

Goodrum noted that the City of Maple Plain's Comp Plan includes a redevelopment project north of Highway 12. He added that the project would include higher density and mixed uses. Goodrum suggested that higher density developments in Independence would support the City of Maple Plain's goals.

Spencer asked if Maple Plain would prefer to see higher density in a certain area of Independence.

Goodrum responded that the southern area of Maple Plain is an industrial park, so it might not make sense to put higher density in the neighboring area in Independence.

Spencer asked what density would be appropriate for the Urban Residential area.

Phillips suggested 3 to 8 units per acre.

Spencer directed Hagen to change the Urban Residential area to 3 to 8 units per acre and to reduce its size to keep it south of Perkinsville Road.

Phillips stated that the park plan should include the new DNR Wildlife Management Area.

Spencer asked if it was alright that the City was using an older parks and trails plan.

Loucks responded that the City couldn't come to an agreement on a new plan.

Spencer asked if the Commissioners had any suggestions for the western two-thirds of the City. He stated that he wasn't too concerned about zoning 1 unit per 10 acres in that area because he didn't think the demand to subdivide would be too high.

Loucks stated that the City would have to reguide everything to 1 in 10 because of the regional authorities.

Spencer asked if there was any way to accommodate property owners' wishes and still keep to the Met Council's requirements.

Loucks stated that property owners zoned 1 in 40 can still have Rural View Lots. He added that 10-acre lots are expensive.

Gardner stated that the best development in the City is Providence, and there they used density transfers to keep much of the land rural.

Spencer suggested allowing for clustering in certain areas in the western two-thirds.

Loucks noted that residents could do a density transfer, which is a permanent process. He added that property owners in the western two-thirds still have options for developing. He noted that when people were purchasing their land, they knew it was zoned agricultural.

Gardner noted that people who bought their properties 40 years ago didn't know it was zoned agricultural.

Spencer noted that higher taxes are creating more pressure on property owners. He added that he doesn't see that pressure going away in the future.

Loucks stated that it is expensive to maintain large lots and agriculture. He noted that the City doesn't have a lot of options because it doesn't have sewer and water. He suggested looking at how Minnetrista is developing its Comp Plan, as it is very similar to Independence.

Spencer asked at what point the City's vision of a rural community should change.

Loucks stated that the current draft of the Comp Plan is the best option. He explained that Rural Residential will be expanded over time.

Gardner asked if there was a rate of development that the increase of Rural Residential land was tied to.

Loucks responded that the City currently has about a 10-year supply of Rural Residential land.

Spencer added that the 10-year supply assumed that all the property owners in Rural Residential want to develop.

Crespo suggested adding into the Comp Plan language that would allow for more Rural Residential land to be added as the City's population reaches certain benchmarks.

Loucks responded that Crespo's suggestion could work, but should be revised annually.

Spencer asked the Commissioners if they had a motion.

Loucks noted that City consultants would like to have a plan before Council soon. He added that the Met Council will want to see at least a draft plan when it considers the recent Comp Plan Amendment.

Spencer stated that the Planning Commission had requested a large amount of changes to the Comp Plan and would like to see the new draft before it goes to Council.

Loucks suggested holding a special meeting.

Motion by Phillips, second by Gardner, to hold a Special Planning Commission meeting at 7:30 p.m. on Monday, Nov. 24, 2008 to discuss the Comp Plan. All present voted aye. MOTION DECLARED CARRIED.

Loucks asked what changes the Planning Commission would like to see to the draft Comp Plan.

Spencer stated that the Urban Residential district should have a 3 to 8 units per acre density and should be reduced in size to the areas south of Perkinsville Road.

Phillips asked if a sewer plan would be necessary.

Hagen responded that a staging plan for sewer could be included.

Spencer asked Hagen which comments from Planner Lorsung he would be incorporating into the revised draft.

Hagen stated that he will be adding a water management plan.

Spencer asked if Hagen would be adding more definition to the Urban Residential and Environmental Protection districts and adding requirements for sewer and a master plan to Urban Commercial.

Hagen responded that he would be making those changes.

Spencer asked if the transportation chapter would be changed.

Loucks responded that it wouldn't be changed.

Crespo asked what the Commission would be doing about Ag Preserve.

Spencer stated that it shouldn't be considered a land use designation. He added that they should be guided Agricultural.

Spencer asked the Commissioners what they would like to do about the western two-thirds of the City.

Loucks cautioned if the Commission changes the western two-thirds to 1 in 10, the eastern third will have to be 1 in 10 as well.

Spencer stated that because the eastern third had been 1 in 5 for so many years, the Met Council would have to accept the City continuing to guide it 1 in 5.

Loucks stated that the Met Council would find the City's plan absurd if it were 1 in 5 and 1 in 10.

Crespo noted that the City is lowering the amount of acreage needed to qualify for a Rural View lot.

Gardner added that the acreage required for a Rural View lot should be nominal.

Spencer asked if the draft Comp Plan adequately dealt with the issues in the western two-thirds.

The Commissioners responded that it was adequate.

Crespo stated that part of the Rural View lot requirement should be that there are two septic sites.

Loucks suggested changing the maximum size of a Rural View lot from 10 acres to 5 acres.

Gardner responded that many times, those lots contain lowland and other non-buildable areas.

The Commissioners agreed that the maximum size for a Rural View lot should be left at 10 acres.

Motion by Gardner, second by Phillips, to continue to Public Hearing to the Nov. 24 Special Planning Commission meeting. All present voted aye. MOTION DECLARED CARRIED.

5. OPEN/MISC.

Planning Commission and Parks Commission Meeting Dates

Spencer stated that he had spoken with Parks Commission Chair Peters about potentially moving around the dates of the Parks and Planning Commissions' meetings to allow for timely review of plats by Parks prior to the preliminary plat presentation to the City Council.

Scipioni noted that the same topic was discussed at the Nov. 6 Parks Commission meeting. She added that she and the City Administrator would be discussing any possible changes.

Spencer requested that the Planning Commissioners be flexible if the meeting schedule should change.

6. ADJOURN.

Motion by Gardner, second by Crespo, to adjourn the Planning Commission meeting at 9:10 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary