

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, OCTOBER 11, 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, Greg Gustafson.

3. APPROVAL OF THE SEPTEMBER 13, 2010 MEETING MINUTES.

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

4. PUBLIC HEARING. A PROPOSED TEXT AMENDMENT TO CHAPTER V OF THE CITY OF INDEPENDENCE ORDINANCE PERTAINING TO SECTION 500.45, SUBD. 2, STREET CLASSIFICATIONS; SECTION 500.15, SUBD. 10, PUBLIC ACCESS ROADS; SECTION 510.05, SUBD. 70, ROADS, PRIVATE; SECTION 530.03, SUBD. 3, PHYSICAL STANDARDS.

Kaltsas stated the Planning Commission has directed staff bring back a draft text amendment to the City Zoning Ordinance pertaining to Private Roads. Following the discussion at the August Planning Commission meeting, staff has prepared a draft ordinance revision which attempts to address the comments, concerns and direction provided by the Planning Commission. The proposed ordinance would amend the current definition and standards provided in the zoning ordinance. It may be necessary that the final version the text amendment also provide an update to the Subdivision ordinance to close the loop on the definitions and standards cited in the ordinance. A distinctive definition of common driveways and shared access driveways has been drafted in an effort to eliminate confusion and provide clear direction. With the proposed addition of a definition for common driveways and shared access driveways, private roads would become prohibited. The correct references have been added to the ordinance to direct readers to the definition section for detailed information on a common driveway. In addition, the placement of the more detailed definition could be reversed so that the details are located in the body of the ordinance rather than in the definition section. Also, minimum criteria for considering a common driveway have been added to the definition. These standards should be further defined in the City's Manual of Standards which is in the process of being drafted.

Gardner asked why shared driveways are only allowed for up to three properties.

Kaltsas responded staff wanted to avoid allowing a private road or shared driveway that services many properties and looks like a City road. Private driveways or roads that appear to be City roads tend to create problems in the future when residents want to City to start maintaining the road. A private driveway that only serves three properties is clearly not a City street.

Gardner stated full-size roads require more engineering work, storm water ponds and can require cutting down more trees than a private driveway or road.

Kaltsas stated the City currently requires private roads be built to the standard of a public road. He added the new shared driveway language would allow more flexibility for small lot splits.

Gardner suggested requiring a 66-foot easement for private driveways instead of 33 feet because it would be easier to convert the easement into a public road if necessary in the future.

Public Hearing

No comments were received.

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

Phillips asked if the Manual of Standards would be written to City specifications or State standards.

Kaltsas responded the Manual of Standards is created using Minnesota Department of Transportation standards which are then refined to meet the City's needs.

Phillips asked how many lots are allowed to be accessed by private driveways in other cities.

Kaltsas responded three lots is a pretty common maximum.

Crespo asked if the proposed ordinance should include weight standards for private driveways.

Kaltsas responded the Manual of Standards will dictate how a private driveway is built.

Phillips stated he agrees that the easement required for a private driveway should be 66 feet.

Kaltsas explained the Manual of Standards was still being drafted by staff. The Manual should be completed in early 2011.

Palmquist asked what standard applicants would be held to if a subdivision request is made before the Manual of Standards is complete.

Kaltsas responded the City does have current standards in place that it can enforce. In addition, staff can work to ensure applicants meet the new standards.

Motion by Gardner, second by Palmquist, to recommend approval a text amendment to Chapter V of the City of Independence Ordinance:

Section 1. Section 510.05 and 530.03 of the Independence City Code is hereby as follows:

Subd. 19. "Driveway." A private path for vehicular access to a public road, which is wholly located on the lot that is afforded access.

Subd. 20. "Driveway, common." An easement encumbered by a common driveway agreement that provides for access, construction, maintenance and financing of private vehicular and pedestrian access to not more than three lots. A common driveway shall be considered if evidence of the following standards is met:

(a) Extension of a public street is not physically feasible as determined by the city. If the city determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat;

(b) Severe grades make it infeasible according to the city to construct a public street to minimum city standards;

(c) The city determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees greater than 12 inches in diameter or coniferous trees greater than 25 feet in height;

(d) There is no feasible present or future means of extending right-of-way from other directions;

(e) The number of lots to share a common driveway does not exceed three; and

(f) Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted. The City will not provide maintenance or snow plowing for common or shared access driveways.

(g) Common driveways shall be constructed in accordance with the provisions established in the City of Independence Manual of Standards.

Proposed common driveway design standards (to be included in Manual of Standards):

(a) The common drive must be located within an easement at least 66 feet wide which extends out to the public right-of-way.

(b) The length of the common driveway shall not exceed 1,320 feet (1/4 mile).

(b) The common driveway shall be designed to minimize impacts upon adjoining parcels. The city may require revised alignments and landscaping to minimize impact.

(c) Common sections of the driveway serving two or more homes must be built to a width of 22 feet, utilize a minimum grade not to exceed ten percent and provide a turnaround area found to be acceptable to the fire marshal. Plans shall be submitted to the city engineer. Upon completion of the private access drive, the applicant shall submit to the city a set of "as-built" plans, signed by a registered civil engineer.

(d) The common driveway must be provided with drainage improvements determined to be necessary by the city engineer.

(e) Covenants concerning maintenance and use shall be filed against all benefitting properties. Parking on the driveway or otherwise blocking paved portions of the driveway shall be prohibited. Private driveways must be maintained in good condition and plowed within 24 hours of a snowfall greater than two inches.

(f) Common driveways that are not usable by emergency vehicles because of obstructions, snow accumulation or poor maintenance are a public safety hazard. The city may remedy such conditions and assess the cost back to the property pursuant to state statutes.

(g) Street addresses or city-approved street name sign, if required, must be posted at the point where the common driveway intersects the public right-of-way.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

(a) *Minimum lot area* *^a 2.50 acres buildable land*

(b) *Maximum lot area* *10 acres*

(c) *Minimum lot frontage on an improved public road or street:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200 feet
3.50 – 4.99 acres	^b 250 feet
5.00 – 10.00 acres	^b 300 feet

(e) Lot depth. *The ratio of lot frontage to lot depth must be no more than 1:4.*

^a *A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.*

^b ~~*The city council may waive the requirement if the following conditions are met: A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subd. 20 of this zoning code are met:*~~

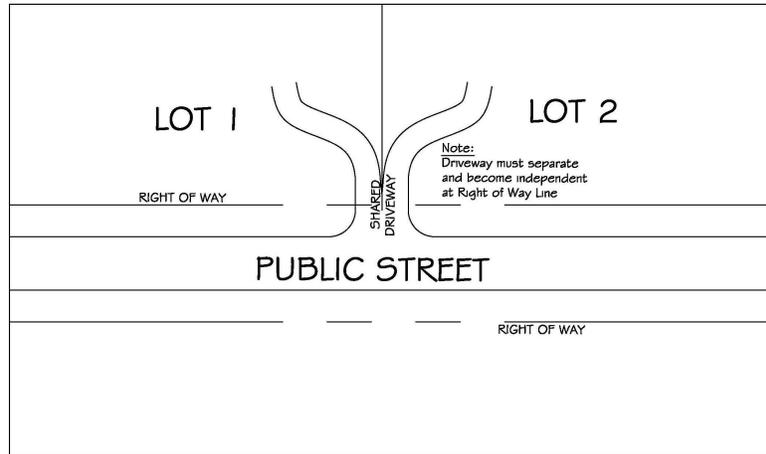
~~(1) *The applicant submits and the city council approves a development plan encompassing all land under the control of the applicant.*~~

~~(2) *The development plan must demonstrate that vehicular and pedestrian access, as well as emergency and public vehicular access can be provided to each lot in the development plan.*~~

~~(3) *The applicant must enter into a private road agreement that meets the criteria of subsection 510.05, subdivision 70 of this code as well as additional conditions deemed necessary*~~

~~by the city council to protect the health, safety and welfare of the occupants of the lots within the development plan.~~

Subd. 21. "Driveway, shared access." Means a shared entry off of a public street serving two lots which meets the City's shared driveway configuration standards.



Subd. 70. "Road, private." ~~An easement encumbered by a common driveway agreement that provides for access, construction, maintenance and financing of private vehicular and pedestrian access to one or more lots. Private roads shall be strongly discouraged. Private roads may be considered by the City if extenuating circumstances prohibit a public road from being constructed.~~

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

5. PUBLIC HEARING. A MINOR AMENDMENT TO THE 2030 COMPREHENSIVE LAND USE PLAN TO REVISE THE URBAN RESIDENTIAL AND SANITARY SEWER SERVICE AREAS.

Kaltsas stated the City is in the process of extending sewer to Lindgren Lane along Independence Road. As a result of this project, the City has been asked by residents along the west side of Independence Road and south of Lindgren Lane about the possibility of extending sewer to several properties that were not included in the initial 2030 Comprehensive Plan. The City Council has directed staff to apply for a Comprehensive Plan amendment that would add one property on the west side of Independence Road and one property on the south side of Lindgren Lane into the sewer service area. The requested amendment would add approximately 45 gross and 8 net acres to the sewer service area of the City. The City was required by the Metropolitan Council to establish a net density of 3 units per acre within this sewer service area. Due to the size of the properties considered, it was necessary for the City to offset the density to another area of the City. The City established the Urban Residential District adjacent to the City of Maple Plain. It is intended that this area will be able to redevelop into a medium density housing area that can take advantage of the services and downtown amenities of Maple Plain. To achieve the required density of 3 units per acre, the City would have to increase the bottom density range in the Urban Residential area from 4.1 units per acre to 4.3 units per acre. The total number of units projected in the

Urban Residential area would increase from 547 to 570. The expansion of the sewer service area along Independence Road appears to capture most of the residential lots that potentially have a direct environmental impact on the water quality Lake Independence in the City.

Phillips asked if the Comp Plan amendment would guarantee that property owners would be eligible to subdivide into as many lots as the City has estimated they are eligible for.

Kaltsas responded property owners who wish to subdivide their lots would need to go through the City's subdivision process and would have to have surveys done of their lots. They would still need to prove they are eligible for as many lots as they request.

Public Hearing

Gustafson, resident, asked if the City would be exceeding the number of sewer connections it currently has approval for if it allows the two Comp Plan Amendment properties to connect to sewer.

Kaltsas responded the City of Medina is giving Independence 60 sewer connections for the Lindgren Lane/Independence Road area. With the addition of the Comp Plan Amendment, the City will have about 60 connections; however some property owners could be left without connections if they want to subdivide in the future. He added property owners who wish to subdivide and receive additional sewer connections will have to go through the City's subdivision process.

Spencer, Council Member, asked how many of the City's 60 connections were going to be used.

Kaltsas responded the City will be using 47 connections once the project is complete.

Phillips asked what property owners who many want to subdivide in the future need to do to obtain additional connections.

Kaltsas responded the City Council has not yet decided how it will assess the properties.

Spencer stated he worked with staff to start the Comp Plan Amendment process because the two proposed properties would create water-quality problems if they were built upon without City sewer. He added the City could ask Medina for more than 60 connections if it needs them in the future.

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

The Planning Commission and Kaltsas discussed the locations of the lots in the Independence Road/Lindgren Lane sewer project area that could potentially be subdivided.

Kaltsas explained the City used GIS, acreage estimates, wetland estimates and road frontage estimates to determine approximately how many lots each property could subdivide into.

Spencer stated the City Council is in the process of determining how it should assess the properties. The options it is considering include assessing 47 properties, assessing for 60 properties and carrying the cost of the assessments until properties subdivide or requiring that property owners who want to be guaranteed future connections pay for the connections now.

Gardner asked why the west side of Independence Road is not connecting to the sewer service.

Spencer responded the Met Council is not allowing properties on the west side to connect. He asked the Commissioners for their opinions on the assessment options.

Phillips stated he believed the City should carry the extra assessments until properties subdivide, at which time they can be charged to the property owner. He added properties that have purchased additional sewer connections should be assessed at a higher rate because they will be more valuable.

Triplett stated he is not in favor of the City carrying the cost for additional connections.

Spencer noted that not all properties will subdivide to their fullest potential.

Phillips asked if the City could assess the 47 properties that currently exist and then refund money if there are additional connections in the future.

Kaltsas responded the City would not be able to refund assessments to property owners.

Triplett suggested creating a timeframe for people who want additional connections in the future to pay an additional assessment now. Once the timeframe has passed the assessment would be distributed among the current property owners and anyone who requested additional connections.

Crespo asked how many units were being added to the Urban Residential District as a result of the Comp Plan Amendment.

Kaltsas responded the total number of potential units in the Urban Residential District would increase from 500 to 525 units.

Motion by Phillips, second by Triplett to recommend approval of the Comprehensive Plan Amendment. Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: none. MOTION DECLARED CARRIED.

6. A PROPOSED TEXT AMENDMENT TO CHAPTER V OF THE CITY OF INDEPENDENCE ORDINANCE PERTAINING TO SECTION 550.03, SUBD. 16, SIGN, INSTITUTIONAL AND SECTION 550.07, SUBD. 2, BILLBOARDS.

Kaltsas stated the City Council has directed staff bring back the text amendment to the City Zoning Ordinance pertaining to off premise signs for reconsideration. Following the discussion at the last City Council Meeting, it was recommended that the Planning Commission reconsider the proposed amendment to provide a temporary seasonal sign provision. The issue discussed by the Council sought a provision that would allow an institutional user to have a seasonal temporary sign for seasonal events in lieu of a one-time event sign. Staff has prepared alternative language for discussion and consideration.

Palmquist asked if the current Polo Club sign had caused any problems with residents.

Gardner responded there are a few residents who do not want any signs that have complained about the Polo Club sign.

Phillips asked if the current Polo Club sign would be grandfathered into the new ordinance.

Kaltsas responded the sign would not be grandfathered in because the Council granted it a temporary variance.

Spencer stated the Planning Commission was reviewing the ordinance again because the City Council was concerned that the text amendment the Commission recommended did not accommodate the Polo Club's sign.

Triplett asked how many signs applicants would be allowed to have for an event.

Kaltsas responded applicants would be able to have one seasonal sign for their events or one sign for up to three events.

Motion by Phillips, second by Gardner, to recommend approval of a text amendment to Chapter V of the City of Independence Ordinance:

Section 1. Section 550.03, 550.07 and 550.11 of the Independence City Code is hereby amended as follows:

550.03. Definitions. Subdivision 1. The following words and phrases have the meanings assigned to them.

Subd. 17. Sign, temporary institutional. A temporary sign that provides information, directions, dates and times or other similar information pertaining to a festival or event for a church, school, library, hospital, non-profit service organization or similar use.

550.07 Prohibited signs.

Subd. 2. Billboards. Billboards (off-premises signs) are prohibited in all districts except as provided for in subsection 550.11, Subd. 8 of the Independence zoning code.

550.11. Temporary signs. Subdivision 1. Temporary signs may not be illuminated, must be limited to the following uses, and are regulated as follows. Temporary signs, except for those listed under subsection 550.13, subdivision 4, must receive an administrative permit, as specified in subsection 550.17.

Subd. 8. Temporary Institutional Festival/Event. A temporary sign is permitted, either on or off-site, to announce festivals and events for institutional organizations. Said signage must be put in place, with property owner permission, no sooner than 14 days before the event is advertised, and must be removed within 5 business days after the last scheduled date of the event. No more than three events can be advertised during any 12 month period. Said signage is limited to one sign no larger than 24 square feet per side and cannot have more than two surfaces. Temporary institutional festival/event signs will not be permitted for events already advertised on a temporary institutional seasonal sign.

Subd. 9. Temporary Institutional Seasonal. A temporary sign is permitted, either on or off-site, to advertise a seasonal event for institutional organizations. Said signage must be put in place, with property owner permission, no sooner than 14 days before the seasonal event is advertised, and must be removed within 5 business days after the last scheduled date of the seasonal event. The maximum length a temporary institutional seasonal sign can be put in place is 3 months or the length of event, whichever is less. No more than one seasonal event can be advertised by the same institution during any 12 month period. Said signage is limited to one sign no larger than 24 square feet per side and cannot have more than two surfaces.

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

7. OPEN/MISC.

Legal Notices

Phillips requested public hearing legal notices be posted on the City's website.

Scipioni responded she would post legal notices on the City's website and email them to the Planning Commission Members.

8. ADJOURN.

Motion by Triplett, second by Gardner, to adjourn the Planning Commission meeting at 8:37 p.m. Ayes: Crespo, Gardner, Palmquist, Phillips, Triplett. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary