

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JANUARY 14, 2013 – 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 Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips and Commissioners Gardner, Palmquist, Olson, and Thompson
STAFF: City Planner Kaltsas, Administrative Asst. Nelson, and Councilor Spencer
ABSENT: None
VISITORS: Carla Smith, James Smith, Jan Gardner, Donald Baird, and Adam Young

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 11, 2012

Motion by Olson, seconded by Gardner, to approve the November 11, 2012 Planning Commission minutes. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. A + D Properties, LLC (Applicant) and Donald Baird (Owner) request that the City consider the following actions for the property located at 2076 County Road 90, Independence, MN (PID No. 23-118-24-23-0001):

- a) Rezoning of the subject property from AG- Agriculture to CLI – Commercial Light Industrial.

Kaltsas explained the applicant was seeking to amend the properties zoning from Agricultural to Commercial Light Industrial (CLI). He explained the location of the property as being just north of City Hall on Highway 90 and surrounded by wetland to the east and agricultural property to the north. He stated the property currently has an existing home and two (2) accessory structures. He stated the property has approximately 4± acres of upland. It is currently zoned agricultural but guided CLI in the Comprehensive Plan.

Kaltsas stated the owners must follow the criteria in the zoning amendments 520.07

Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments.

Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan.

Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.

Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.

Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.

Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

Kaltsas stated that there are lots south of the property that are currently zoned commercial. He stated this property and the neighboring property to the south have had a Conditional Use Permit (CUP) for the past 30 years. This has allowed them to essentially be used as commercial properties. As an agricultural property, the limited amount of useable upland restricts the property use.

Kaltsas explained the applicant originally was looking to use the property as a compost site for a landscape business, which is not permitted under the current CUP or in the agricultural zoning district. He stated the applicant is a new owner and rezoning the property as a commercial lot would make the most sense for the owners' intended use.

Kaltsas explained it does meet the City's criteria for a Commercial Light Industrial (CLI) property.

Kaltsas stated there is an existing residential structure on the property, an old farmhouse, that currently is rented. He stated if rezoned the house would be "grandfathered in" and become a permitted non-conforming use. This would mean the structure could not be altered beyond the limitation of a non-conforming structure.

Kaltsas explained the existing septic system, installed in 2010, does accommodate the existing three (3) bedroom home and outbuilding.

Kaltsas stated that if rezoned, the property takes on the criteria established for the CLI district, including adding new structures and uses on the property or expansions of the uses. For any expansion or change in use, a site plan review is required by the City Staff.

Open Public Hearing

Donald Baird, the applicant/owner 2076 County Road 90, stated they are looking to get it rezoned and eventually adding some more buildings. He stated he has been working on getting the property surveyed and having an engineer put together blue prints for a 6,000 square foot building to submit to the City.

Phillips asked about the run-off characteristics from composting leaves. Baird stated that there is not much. He stated there is currently a silt fence and a berm or a retention pond could be added if there was an issue.

Phillips stated a 6,000 square foot structure adds a lot of impervious ground. Kaltsas stated that is one of the reasons why the City must review the plans. Plus, the building and the compost pile needs to comply with the watershed district requirements.

Olson asked Baird if he had contacted the neighbor to the South. Baird informed the Commissioners that the owner is his Mother-in-law, and she does not have an issue. He stated his intention is to purchase his mother-in-law's property once she wants sell it and build a shop over there.

Thompson inquired about rezoning both properties at the same time. Kaltsas stated the City looked at this option and since the neighboring property is still owner occupied, changing the zoning would affect how it is used and it could create issues for the owner.

Palmquist asked if there are any requirements in the Code Book relating to the CLI use. Kaltsas stated there is information addressing screening, buffering, and outdoor storage. He added any expansion of use or structure would require a site plan review by the City.

Gardner stated there is actually much better control with rezoning verses having a Conditional Use Permit.

Gardner asked about any issues with changing it back to a residential property. Kaltsas stated the Comprehensive Plan would need to change in order to do that.

Motion by Olson, second by Thompson to close the Public Hearing. Ayes: Phillips, Gardner, and Palmquist, Olson, Thompson; Nays; None; Absent: None. PUBLIC HEARING CLOSED.

Thompson asked what would happen if the dwelling changed from a rental property or was left vacant. Kaltsas stated with the City's ordinance relating to non-conforming use there are provisions stating that if the use goes vacant for 12 months the use is no longer permitted and is no longer "grandfathered" in.

Thompson asked if there was existing experience in "grandfathering in" items in a commercial zone. Kaltsas stated he did not know of any off hand.

Motion by Palmquist, seconded by Gardner, to recommend approval of the zoning map amendment, rezoning of 2076 County Road 90 change the zoning from A-Agricultural to CLI- Commercial Light Industrial subject to the 5 conditions of recommendation to staff in the staff report.

Gardner stated it seems straightforward and said it is in the Cities best interest as it is a natural progression for the City.

Baird stated as soon as the rent is not being paid he will tear the house down.

Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED APPROVED.

5. PUBLIC HEARING. Carla J. Smith, Owner of the property located at 3826 Independence Road (PID No. 12-118-24-22-0006), and James W. and Mary R. Smith, Owners of the property located at 3858 Independence Road (PID No. 12-118-24-22-0005), are requesting the following action from the City:

- a) A minor subdivision to permit a lot line rearrangement, which would reconfigure the boundaries of the two properties.

Kaltsas explained the properties locations and the current sizes of the properties. He stated both properties are zoned A-agricultural and guided as Rural Residential. Each property has an existing home and several detached accessory structures. He stated the applicants would like to reconfigure a new lot line for the two properties so that one of the accessory structures would now be included into the Eastern property. The property at 3826 Independence Road is currently 16.55 acres with the new lot line rearrangement it would increase to 17.70 acres. The property at 3858 Independence Road is currently 3.82 acres with the new lot line rearrangement it would decrease to 2.67 acres.

Kaltsas stated both properties meet the minimum lot size requirements and all the set-backs would be met before and after the rearrangement. The lot line rearrangement would put the 3858 into compliance with the amount of allowed detached accessory structures. The lineal frontage would not change on either property.

Kaltsas stated 3858 is connected to the City Sewer and 3286 will need to connect by the end of this year.

Kaltsas stated the change does not significantly affect either property, but simply the size and the angles of the properties. For 3286 Independence Road, it would potentially change the ability to subdivide the lot from three (3) to four (4) lots, if rezoned to Rural Residential.

Kaltsas stated if approved the applicant must provide a revised survey indicating all easements for drainage and utilities as required by and in accordance with the City's subdivision ordinance for both properties.

Phillips asked if the City has an easement for the properties now. Kaltsas stated we do not.

Gardner asked about the sewer access. Kaltsas explained there are only a certain number of connections, and there is currently one connection designated. He stated there are many factors that would need to be considered in order to determine the lots subdivision potential.

Thompson asked if the diagonal line creates an issue. Kaltsas stated it really does not change the configuration that greatly. Gardner added this is a non-conventional property line.

Open Public Hearing

James Smith, owner of 3858 Independence Road, stated he has lived at the property for over twenty years and his daughter Carla owns the other property at, 3826 Independence Road. Smith stated his daughter owns and keeps sled dogs at the property. Moving the lot lines would add one of the accessory structures on to her property. He explained that he and his wife wanted to get things in order, define lot lines, as they are getting older. Smith stated at this time Carla has no intention of subdividing the property. He stated they are just interested in getting the land use and lot lines set-up the way it has been used for the last 20 years.

Thompson asked about how the accessory structure is being used. James Smith stated they both currently use it for general storage of outdoor equipment and supplies, which will not change as long as he still lives there.

Motion by Gardner, second by Olson to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson; Nays; None; Absent: None. PUBLIC HEARING CLOSED.

Palmquist asked about the driveway access to the property 3826. He stated it looks like it may cross over the Southwest corner of the other property. He asked if it creates an issue for the City or if it could for anyone in the future. Carla Smith stated there is an easement on the property for that. Gardner stated the driveway is on top of the hill. Carla Smith stated the driveway needs to be there due to the creek.

The Commissioners agreed it was pretty straight forward.

Phillips asked the Commissioners if they were troubled by adding a diagonal lot line. Gardner stated not this one. Palmquist stated the preference would be 90 degree angles.

Phillips asked about the minimum frontage issue. Olson stated he wasn't concerned since the frontage is not proposed to change.

Olson asked if there was a reason for the angle or if it could be reconfigured with 90 degree angles. Kaltsas stated due to layout of the buildings and the uses around the building, it made the most sense to have the angle as proposed.

Motion by Gardner, seconded by Olson, to approve the lot line rearrangement the way it is laid out in the report.

Olson asked if it made any sense to include enforcement of the sewer connection with the conditions. Kaltsas stated owner's that the were permitted three (3) years to connect which expires at the end of this year. Olson asked does this rearrangement reset the clock allowing them more time. Kaltsas stated it does not.

Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED APPROVED.

Kaltsas stated City Council will review this issue on January 22nd.

6. Planner Mark Kaltsas – Year End Summary

Kaltsas explained this is a quick summary to review the year's activity. He stated last year was an active year. This information will be shared with the City Council as well.

Kaltsas stated last year there were nine (9) Planning Commission Meetings and 20 applications were reviewed and four (4) internal text amendments. He outlined these in his report.

7. OPEN/MISC.

Phillips asked about the status of rezoning the property on Highway 12 just West of Lake Haughey Road.

Kaltsas explained the location and layout. He stated it was formerly a well drilling business that operated under a CUP. The owner has now retired and is trying to sell the property. He stated the property is zoned agricultural but has a Conditional Use Permit allowing the well drilling business. The property has a very limited use and it has no residential dwelling. The only business allowed to operate under the existing CUP there would be another well drilling business.

Kaltsas state about half a dozen people have called him inquiring about purchasing the property discussed the property options including an auto body repair owner. Historically it has been a commercial property.

Kaltsas stated the City was not conceptually supportive of writing a text amendment for a special conditional use for the property; which would then be applicable to all in the agricultural zoning district. Kaltsas recommended that the owner talk to the City Council and get their feedback and direction.

Kaltsas stated it went to City Council and a few ideas were presented, including rezoning and a text amendment. He explained the City of Independence has an ordinance prohibiting most types of contracting businesses in an agricultural zoning district. Conditional Uses can only be granted for what is allowed in the zoning district as stated in the ordinance.

Olson asked about the distance between this property and the proposed urban commercial area on Highway 12. Kaltsas stated it is about a mile away.

Thompson asked why not just rezone it. Kaltsas stated the Comprehensive Plan guides it for Agricultural; which means that rezoning would require a Comprehensive Plan Amendment. Thompson stated he thought this property would likely be a good candidate. Kaltsas stated the City Council discussed that historically it has been a commercial property and has never had a residence. Council discussed both entertaining a conditional use for commercial and/or having the property apply for rezoning. Kaltsas stated initiating the process to rezone and go through a Comprehensive Plan could have a considerable cost. Kaltsas stated Council did not have a definite way to direct them. Olson stated it sounds like a property that is really painted in the corner.

Kaltsas stated he has not received an application yet. If received, the Planning Commission would need to review it.

Phillips stated it is a terrible location on Highway 12 for adding any more traffic. Kaltsas stated a traffic analysis would need to be completed.

Brad Spencer, City Council Liaison, stated there is room to add a turning lane and stated it would be safer than turning on some of the other roads that intersect with Highway 12. He stated letters have been received from neighbors expressing their concern.

Kaltsas stated he spoke with Met Council and from a land use standpoint, they said due to its size, it would likely not impact any regional systems.

Thompson asked if it makes sense to re-examine various lots along the highway. Gardner stated it's been the City's policy to avoid strip zoning.

Kaltsas stated if an application is received, the Planning Commission will review it.

8. ADJOURN

Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:30 p.m. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson; Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary