

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, FEBRUARY 9, 2015 – 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, Olson, Palmquist and Thompson

STAFF: City Planner Kaltsas, Councilmember Spencer

ABSENT: None

VISITORS: Chris Cady, Bonnie Kastes, Doug Lind, Chris and Vicki Rahn, Roland and Oda Carlson, Jan Gardner, Rex Hasek, Elmer Schefers, Jim and MaryAgnes Smith, Karyn O'Brien, Carla Smith, Tom Koch, Tim Koch, Lynda Franklin, Marv Bendickson, Sara Collison

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF JANUARY 12, 2014

Motion by Gardner, seconded by Thompson, to approve the December 8, 2014 Planning Commission minutes. Ayes: Phillips, Gardner, Palmquist and Thompson. Nays: None. Absent: Abstain: Olson. MOTION DECLARED CARRIED.

4. PUBLIC HEARING: Elmer Shefers (Applicant/Owner) requests that the City consider the following actions for the property located at 5635 Kochs Crossing, Independence, MN (PID No.s 11-118-24-14-0003):

- a. Rezoning from Ag-Agriculture to RR-Rural Residential.
- b. A Conditional Use Permit to allow a Cluster Development.
- c. Preliminary Plat to allow a (14) fourteen lot subdivision
- d. A Comprehensive Plan Amendment to allow a sewer connection for (1) one lot in the proposed development.

Kaltsas described the property and the request. He noted that the rezoning bullet outlined on the agenda and in the packet was worded incorrectly and it should have stated rezoning from AG-Agricultural to RR-Rural Residential and not vice versa. The property is also referred to as Serenity Hills.

The property is located on the west side of Independence Road just south of CSAH 11. Kochs Crossing currently bisects the property from east to west. There is an existing home and several accessory buildings located on the property. The property is comprised of rolling hills, wetlands and tillable acreage.

Property Information: **5635 Kochs Crossing**

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: 55.99 acres

The applicant is seeking Rezoning and Preliminary Plat approval for a fourteen (14) lot subdivision to be known as Serenity Hills Subdivision. The applicant is also seeking approval to develop the property as Cluster Development. Cluster Developments are permitted as a conditional use in the Rural Residential zoning district. The City has specific criteria relating to Cluster Developments which must be considered and adhered to by the development. For this particular development, the applicant is asking for permission to connect one (1) of the proposed fourteen (14) lots to City sewer on Independence Road. In order for the City to consider the connection, the Comprehensive Plan would need to be amended to include the property in the Metropolitan Council approved sewer service area. Additional information will be provided later in this report which further details the applicant's proposal relating to sewer service.

Rezoning

Rezoning this property from AG-Agriculture to RR-Rural Residential is consistent with the City's 2030 Comprehensive Plan. The City's plan indicates the portion of the City that is guided for Rural Residential zoning. The subject property is located within that area guided for Rural Residential.

Site Plan

The applicant initially prepared a concept plan for review by the City. During the City's initial review of the proposed subdivision, it was identified that the intersection of Kochs Crossing and Independence Road has known visibility and maintenance issues due to the elevations and surrounding topography. The City asked the applicant to consider relocating Kochs Crossing so that it connects with Independence Road at a superior location. The City believes that relocating the proposed location of the intersection will be a better long-term solution and will better accommodate traffic generated by the proposed development. The applicant is proposing to utilize the Cluster Development provisions rather than the standard subdivision criteria. The City allows Rural Residential property to subdivide based on the following table in the City's zoning ordinance.

Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)

The proposed development has the following characteristics:

1. Property Acreage less R/W – 52.99 acres
2. Open Space Required – 26.46 acres
Open Space Proposed – 26.48 acres
3. Useable Open Space Required – 13.23 acres
Useable Open Space Proposed - ~21.85 acres
4. Minimum Lot Size Proposed 1.56 acres
5. Proposed Density – 1 unit per 4 acres

Based on the information provided by the applicant, the proposed developed appears to meet the criteria established for considering a Cluster Development on this property. The City has approved Cluster Developments in the past (i.e. Providence). The City has several additional requirements which should be considered in addition to the Cluster Development criteria. Verification must be provided to the City that all proposed lots can accommodate a primary and secondary septic location. The applicant has provided this

exception. Lot 2, Block 4 (located along Independence Road) cannot accommodate a primary and secondary septic site location. The applicant indicates the probable locations of a building pad for the each lot. The proposed building pad is conceptual, but provides the City with evidence that the lots can accommodate a new home site. The size of the lots proposed will allow all applicable building setbacks to be met. There are no minimum road frontage standards defined in the Cluster Development standards. The lots proposed appear to meet all applicable criteria relating to the subdivision and zoning standards.

Additional City Comments:

The City provided the applicant with an in depth review of the proposed subdivision (See City Letter to the Applicant Dated January 20, 2015). The applicant has provided a response to the City's comments (See Applicant's Response Letter Dated February 5, 2015). Many of the City's initial review comments have been addressed by the applicant. Additional information pertaining to the storm water, grading and infrastructure details will need to be further reviewed and revised prior to consideration of the Final Plat by the City.

1. Lots 1 and 2, Block 4 and 1 and 2, Block 3 are proposed to have their primary access on Independence Road. The City has concerns relating to the access on Independence Road due to the poor sight lines along the road corridor. It was recommended to the applicant that they consider reconfiguring those lots to access off of Kochs Crossing or reduce the number of access points off of Independence Road. The applicant has provided the City with a revised concept for access to Lots 1 and 2, Block 4. The concept indicates that the lots could utilize a shared access. The applicant has indicated that Lot 1, Block 3 can access Kochs Crossing rather than Independence Road. Lot 2, Block 3 is proposed to access Independence Road. The City has concerns relating to snow drifting in this area. The applicant has stated that they can grade the area in question to help alleviate drifting issues for the future driveway.
2. The proposed plan indicates open space in accordance with the cluster development requirements. This space will become the responsibility of the homeowners within this development. Documentation indicating the conveyance of this ownership and the maintenance responsibility will need to be provided. Further information detailing the intended management of the area will need to be provided by the applicant. The applicant noted in his response to the City's comments that he intends to maintain the area during the development of the subdivision. The City will want a long-term management plan for the open space within this development. The plan will need to detail a prescribed maintenance schedule for the open spaces. Having a documented plan will ensure that this area is effectively maintained in the future.
3. Lot 4, Block 2 has a partial wetland located on the property. The City does not prohibit wetlands on private property, but is concerned with the long term viability of the wetland. The applicant has agreed to reconfigure the lot to eliminate the wetland from the private property.
4. The proposed plans did not indicate what is intended to be done with the existing house and accessory structures on the property. The applicant has stated that all existing accessory structures will be removed from the property. 5. The existing portion of Kochs Crossing that is proposed to be eliminated will need to be formally vacated. The applicant will be required to make application to the City for vacation of Kochs Crossing.
6. The City's Engineer and Water Resource Consultant reviewed the plans and provided comments to the applicant pertaining to the proposed roads, grading, public infrastructure and storm water and erosion control. The applicant has reviewed the comments and stated that all comments can

be addressed during the final plat process. Final engineering plans will need to be submitted and reviewed by the City during the Final Plat process.

7. The applicant has provided the City with preliminary plans relating to the stormwater management for this property. The City has reviewed the information and requested additional information from the applicant. The applicant is proposing to treat stormwater by creating several stormwater ponds and conveyance swales on the property. The applicant will be submitting plans to the Pioneer Sarah Creek Watershed Commission for additional review. The City and the Watershed will continue to work with the applicant to meet all applicable requirements prior to consideration of the Final Plat by the City. From the initial review, it has been determined that the proposed development can meet all applicable requirements.

8. The applicant is proposing to construct new City streets to serve the lots. The proposed streets would consist of a paved asphalt surface with a rural ditch section. The City's minimum street width for rural section roads is 26 feet wide with a 3 foot gravel shoulder on both sides. The applicant has noted that it will update the plans to correspond with the City's requirements.

9. The development is proposed to connect to the existing Kochs Crossing roadway. Kochs Crossing is currently a gravel road. The transition into the existing unimproved (gravel) portion due to a difference in the width of the road. The City has provided additional direction to the applicant pertaining to the required transition zone. The City did note that the existing gravel road can accommodate the additional traffic generated from the proposed development. It is anticipated that the majority of traffic from this development will use Independence Road. The gravel portion of Kochs Crossing will be fully improved when the property to the west (between CSAH 90 and this property) develops.

Public Hearing Open

Paul Otto with Otto Associates stated that they are attempting to place the homes on the most ideal spaces according to the Cluster Development standards. He detailed the lots and development plans. There were no questions for Mr. Otto.

Jim Smith- 3858 Independence Rd. stated that he thought this was a very intriguing proposal but he feels the City of Independence needs to get away from these packaged plans with the Met Council and offer more individualized sewer options.

Marla B. of Independence Rd. stated that she has a concern with the four lots on Independence that they appear to have a high-density look and feel and don't flow as well as the rest of the development which has a lot of nice green spaces, etc. She stated she is also concerned about snow drifting and how the old Koch's Crossing Rd would be re-incorporated back to a more natural area.

Sara Collison of 3925 Independence Road stated she has a concern about having that many more access points and visibility issues on Independence Road. She stated this is an active community with runners, cyclists, etc. and she wants to make sure safety is a priority for all of those uses as well.

Doug Lind of 3690 Independence Road stated that he is fine with the development but is more concerned with the water from this development will be going. He also stated he has concerns about safety and recreational use of the road and area as well as visibility is rather tough.

Chris Cady of 3974 Independence Road doesn't think there is the sewer line to give and wants to know who gets the money. He stated that they as homeowners on the East side have already paid for it. Mark Kaltsas stated that the city did account for additional hookups in the assessment. The council would have to approve it and the Met Council would have to allow it.

Carla Smith spoke again and stated that to hook up to the sewer on the East side, there would have to be a hole dug in the front yards of those homes on that side and it doesn't make a lot of sense.

Paul Otto addressed some of the comments and the reasons the development is laid out in the manner it is. He said they could explore some different driveway options for lot 4.

Motion by Gardner, seconded by Olson, to close the Public Hearing.

Public Hearing Closed

The biggest challenges are the sewer questions and addressing the access issues off of Independence Road. Kaltsas addressed the concerns about the driveways and clarifying where they were going to be located. There were more questions on whether the four lots on Independence Road truly fit in with the whole development.

Motion by Gardner, seconded by Thompson, to recommend tabling the motion.

5. PUBLIC HEARING: Verizon Wireless (Applicant) and Wesley Bendickson (Owner) request that the City consider the following actions for the property located at 6705 State Highway 12, Independence, MN (PID No. 22-118-24-43-0002):
 1. A Conditional Use Permit to allow a new telecommunications tower on the subject property.
 2. Site plan approval for the proposed accessory structure and site layout.

Kaltsas described the property and the request. The property is located on the south side of US Highway 12 and west of CSAH 90. The property is comprised of the existing house and several accessory structures. The property is has rolling terrain with wetlands and access to Lake Irene. The property has the following characteristics:

Property Information for 6705 US Highway 12
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: 44.38 Acres

Kaltsas stated that the applicant is seeking a conditional use permit and site plan approval to allow a new telecommunications tower and accessory structure to be located at the base of the tower. The City has criteria relating to the location (setbacks), site improvements and landscaping for new telecommunications tower development. The proposed tower is a monopole type structure proposed to be 129 feet in height. The required setback from the property line is equal to the height of the tower. The maximum height allowed for a telecommunications tower is 185 feet. In this case the tower may be located no closer than 129 feet from the property line. The proposed tower location meets the requisite setbacks from the nearest property line. The applicant is proposing to construct a gravel access drive from the existing driveway to the proposed site. The proposed location on the property is currently planted with nursery trees and is used by the owner as a nursery growing area. The applicant is proposing to construct a 340 SF accessory structure at the base of the tower. The structure would house equipment for operation of the antennas as well as a generator. The building is proposed to be constructed out of concrete tip-up type panels.

Kaltsas stated there are several factors that need to be considered:

1. The applicant is proposing to construct a new prefabricated equipment shelter to house the base equipment associated with the new tower. In addition to the equipment shelter, the applicant is proposing to install cables from the building to the tower in an overhead "bridge" type structure. The City requires that all towers and associated structures accessory to the tower must be of stealth design and blend into the surrounding environment.

2. The applicant has provided the City with verification of the need for the proposed tower (see attached letter and coverage map).

3. The City requires all towers to be able to accommodate colocation. The applicant has provided a letter from an engineer verifying that the proposed tower can accommodate a second set of antennas on this tower. In addition, the City requested that the applicant provide a "ghost" plan indicating the probable location of a second building on the site. The applicant has provided this information and it appears that this site can accommodate the second building.

4. The applicant is proposing to screen the site utilizing eight (8) 12 foot tall evergreen trees around the north and east sides of the proposed site. There are existing trees located in and around the location of the proposed site. The existing trees will be removed and relocated by the property owner in the future. It is recommended that the applicant install an additional three (3) evergreen trees (minimum height of 6 feet) along the east side of the proposed site.

5. The applicant has provided the City with a lighting fixture cut sheet for the proposed building lighting. All lighting will need to comply with the City's lighting ordinance. The proposed light meets the cut-off requirements of the City. The applicant will need to note the location of the proposed lights on the building plans.

6. The applicant has provided the City with a copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed. The applicant will need to submit the signed copy of this document upon its execution.

7. The City received correspondence from the Pioneer Sarah Creek Watershed Commission that is has reviewed and approved the proposed site improvements associated with the telecommunications tower.

8. The proposed telecommunications tower location is within 1,000 feet of the shoreline of Lake Irene. As a result, the site is subject to the review of the Department of Natural Resources. The DNR reviewed the proposed request and had no comments pertaining to the proximity to Lake Irene.

Kaltsas stated the City has completed a comprehensive review of the proposed Conditional Use Permit and Site plan. Kaltsas stated the City has not received any written comments regarding the proposal at this point.

Public Hearing Open

Roland Carlson of 6785 Highway 12 stated that Bendickson has property located hundreds of yards off Highway 12 but this proposed site is right by Highway 12 and Carlson's property. He said this tower would be much closer to his house than it would be to Bendickson's house. Carlson stated he is concerned about the noise and distraction this tower will cause. He is also concerned about how it will affect the value of his property.

Another homeowner (Phil) that is adjacent to the Bendickson property had a person named Wes there to represent him. He stated this tower would be an eyesore from this property.

Another person spoke and said that if the tower could not be located in another area on the property they hoped it could at least be disguised as a tree or something.

Oda Carlson of 6785 Hwy 12 stated that she thought this should be located on a different area of the property where it would not be such an eyesore and where there are already commercial buildings standing.

Karyn O'Brien from 323 Cedar St. N in Chaska spoke. She stated her company is subcontracted with Verizon to represent them at this meeting and locate a site within the area. She stated she spoke with the City about placing the tower on City property but that turned out not to be viable due to wetlands and the railroad tracks. She scoured a 2 mile radius to determine the most appropriate spot and this location is what is best for the tower. She addressed the landscaping that would be part of the project. O'Brien also spoke to the question about noise from the tower buildings and how that can be minimized.

Kaltsas addressed a question regarding the type of lighting that would be at the tower site.

Motion by Gardner, seconded by Olson to close the Public Hearing.

Public Hearing Closed

There was discussion around further clarification on some points and a comment on the location appearing to be a bit of a self-serving one as it was much closer to a neighboring house than the owner's house. It was stated that these towers are a necessary evil for cell phone coverage and any "stealth" or landscaping is essentially just to screen the ground clutter. Commissioners discussed moving the tower further south to a location that would not be as visible from the neighboring property. 1,000 feet south was recommended as the minimum distance that would reduce the visual impact of the tower from the neighboring property. Commissioner Thompson asked whether moving the tower would reduce the visual impact or just create an additional impact for someone else.

Motion to approve the plan subject to moving the tower at least 1000 feet south. Motion by Olson, seconded by Gardner. Ayes: Phillips, Palmquist and Thompson Nays: None. Motion approved.

The City Council will review this on February 24, 2015.

6. Public Hearing: Chris and Vicki Rahn (Applicants/Owners) request that the City consider the following actions for the property located at 6461 State Highway 12, Independence, MN (PID No. 22-118-24-44-0010):

1. An amendment to the existing Conditional Use Permit to allow the drop-off and pick-up of boats outside of the enclosed storage area and remove the provision allowing boats for sale in the same area.

The applicant is seeking an amendment to the existing Conditional Use Permit to allow temporary parking of boats and recreational vehicles outside of the fence adjacent to the principal building. The applicant has an existing conditional use permit which allows 6 boats/recreational vehicles to be located and advertised for sale in the paved parking spaces located in front of the site. The applicant would like the City to consider an amendment to the original CUP to remove the provision allowing boat/recreational vehicle sales and permit the temporary parking of boats/recreational vehicles in this same area.

Kaltsas described the property being zoned CLI- Commercial/Light Industrial. The use of the property as a boat storage/service center is permitted in the CLI zoning district. However, within the CLI zoning district, the City limits outdoor storage to areas inside a building or behind an opaque fence

Kaltsas stated that the applicant is requesting that the City consider permitting up to seven (7) boats/recreational vehicles to be temporarily parked in front of the building on a year round basis. No work or service would be permitted to occur outside of the fenced area. All boats/recreational vehicles will be limited to no more than seven (7) days of consecutive parking in this area. Boats/recreational vehicles will be limited to being parked in the areas designated on the site plan as zone 1 and 2. During the peak fall winterization and spring pick-up seasons, the applicant is seeking additional temporary parking. The applicant is proposing to utilize an additional gravel area during these peak periods. A total of 21 boats/recreational vehicles would be permitted to be parked in this area for six weeks in the fall and six weeks in the spring. The applicant has further defined the six week periods to be from April 15th through May 31st and from the last week of September through the end of the first week of November.

Kaltsas stated staff has reviewed the request and found that the site is in compliance with applicable City requirements. During most of the year, there are less than seven boats/recreational vehicles temporarily parked outside of the fenced area. The business owners move any boats/recreational vehicles dropped off to an area inside of the fence on a daily basis. Boats/recreational vehicles are dropped-off and picked-up frequently by customers during the peak periods of the year. The weekends would be the most likely time that additional boats/recreational vehicles would be parked in the subject areas.

Public Hearing Open

Jack Dukes stated he does not have a problem with it except that boats not be left there for an extended period and wonders about precedents that we may be setting.

Chris Rahn spoke and said that seven days is the max they allow the boats to be left there. He stated that what they are requesting is what they have pretty much been doing.

Motion to Thompson, seconded by Gardner to close the Public Hearing.

Public Hearing Closed

Motion by Gardner, seconded by Thompson to approve. Ayes: Nays: None. Motion Declared Carried.

7. ADJOURN.

Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:48 p.m. Ayes: Phillips, Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: MOTION DECLARED CARRIED.

Trish Bemmels, Recording Secretary