

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, MARCH 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, Palmquist and Thompson
STAFF: City Planner Kaltsas
ABSENT: Craig Olson
VISITORS: Jim Smith, Mary Agnes Smith, Doug Selle, Lynda Franklin, Jan Gardner, Chris Cady, John Schmitz, Margery Eyres, Doug Lind, Bonnie Kisler, Tim Druk, Elmer Scheffer, Sara Collison

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 12 AND MARCH 9, 2015 WILL BE DONE AT THE APRIL 13, 2015 PLANNING MEETING.

4. UPDATE FOLLOWING ITEM BEING TABLED: 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):

Kaltsas stated that at the February meeting the Planning Commission agreed to table this item at the request of the applicant. The applicant and staff reviewed the comments made during the public hearing as well as by the Commissioners. There were several concerns noted during the Planning Commission Meeting. Most notable, Commissioners discussed the number of driveways located along Independence Road. Commissioners also noted that the lots along Independence Road appeared to alter the character of the Independence Road frontage.

Staff met with the applicant and applicants engineer to further review the comments made during the Planning Commission Meeting and discuss possible alternatives. The applicant has prepared additional information for review by the City. Several revisions to the original configuration have been prepared by the applicant along with additional information pertaining to the site limitations and open space. The proposed changes provide the City with several options to consider which could potentially reduce the number of driveways onto Independence Road. The following summarizes the additional information submitted, proposed site plan changes and options for consideration by the City:

1. For informational purposes, a copy of the original concept drawing is attached. The concept shows the configuration prior to the City asking for Kochs Crossing to be realigned to improve site lines (SEE ATTACHED EXHIBIT A).
2. The applicant has provided the City with their base site plan analysis that indicates “buildable” areas as a result of soil suitability, drainage patterns and wetlands. The exhibit was used in preparing the base lot configuration (SEE ATTACHED EXHIBIT B).
3. Staff asked the applicant to provide the City with an exhibit that would indicate existing and potential driveway or road access points on Independence Road. The applicant provided an exhibit

that indicates the existing driveways in red and the potential driveways in blue. The potential driveways are based on the existing front footage (using minimum frontage requirements) of undeveloped parcels located along Independence Road. The exhibit provides some context that was not previously considered relating to the character of Independence Road (SEE ATTACHED EXHIBIT C-1, C-2). It should be noted that the proposed lots located on Independence Road in this development would meet the minimum frontage criteria required by ordinance (200 LF minimum frontage required).

4. The applicant has provided the City with a green space exhibit that indicates the proposed open space as a result of the Cluster Development (SEE ATTACHED EXHIBIT D).
5. The applicant has revised the southeast corner of the site (Blocks 2 and 3) to eliminate one lot on Independence Road and adjust the open space surrounding both lots. Lot 5, Block 2 is now oriented towards Kochs Crossing. The open space has been adjusted so that it now includes Independence Road frontage (SEE ATTACHED EXHIBIT E).
6. The applicant has provided a driveway exhibit for Lot 1, Block 3 indicating how a driveway can be located on the property. The proposed location appears to allow reasonable visibility in both directions on Independence Road (SEE ATTACHED EXHIBIT F).
7. The applicant has provided an alternative option for access to Lots 1 and 2, Block 4. The proposed alternative would provide a shared driveway easement off of Kochs Crossing. A 10-foot wide-open space area would buffer the lots from Independence Road. Even though the proposed access would be from Kochs Crossing, the City should take into consideration how these properties would impact the character of the corridor by having the rear or side of the house oriented towards Independence Road (SEE ATTACHED EXHIBIT G).

The preliminary plat initially proposed four driveway access points onto Independence Road. The applicant has revised the plans to eliminate two and possibly three driveway access points on Independence Road (depending on the proposed optional private driveway). The City will need to determine if the proposed preliminary plat meets the requirements for approval. Staff is seeking direction from the Planning Commission relating to the proposed revisions and options provided by the applicant.

Request:

Elmer Schefers (Applicant/Owner) requests that the City consider the following actions for the property located at 5635 Kochs Crossing, Independence, MN (PID No. 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.

Kaltsas stated those were the main revisions made to the original plan and they were open to questions. The applicant was present as well. Kaltsas also pointed out that a resident had sent in some comments late Monday afternoon that were available for review even though the public hearing was closed. There was discussion around the one lot (Lot 2, Block 4) that needs sewer connection and Kaltsas stated that the City most likely had the availability to provide that connection. Kaltsas stated that they would have to approve it subject to going to Metropolitan Council and follow that process.

Questions were allowed due to the revisions. Donna Kastner asked if they future builders could be mindful of where they were placing the houses on the said lots to leave them at least of bit of the view they have become accustomed to having lived here for 18 years.

Another resident wanted to know what kind of setback was going to be required on the property that bumps up to his specific property. He stated he had spent time and money restoring wetlands on his property. Kaltsas described the setback as it related to his property line.

Another resident stated she was concerned about safety issues and sight line visibility with the additional traffic and driveways related to the new properties.

Paul (Engineer) spoke about the layout of the project and why it was being structured around the cluster development criteria. He said they are always for safety for any project they are working on. He said to keep in mind that Independence Road is not a main road and he thinks that the majority of the traffic on that road will mostly be the residents who live there.

The comments from Carla Smith were presented. The first one pertained to what would happen with the vacated roadbed. Ultimately it was answered that the road would become grassland and be graded and seeded.

Motion to close the public hearing by Gardner, seconded by Thompson.

There were further comments by the commissioners around the sewer options and the safety concerns. They were in agreement the revisions addressed the concerns from the first public hearing. Phillips stated his biggest concern was the safety issue on the hill lot. He wanted to emphasize that the minutes reflect safety is always of utmost concern to the commission.

Motion by Palmquist, seconded by Thompson with unanimous approval for the preliminary plot subject to clarifications on pages 13 and 14 regarding driveway configurations, the safety concerns presented by residents and grading concerns with Lot 1 Block 3 prior to council action on March 24, 2015.

5. Tim Druk (Applicant) and Willi Abbott (Owner) request that the City consider the following actions for the property located at 574 Nelson Road, Independence, MN (PID No. 31-118-24-13-0002):
 - a. A variance to allow a reduced side yard setback for a new home to be constructed on the subject property.

Kaltsas described the property and the request. The subject property is located at 574 Nelson Road that is on the west side of Pioneer Creek Golf Course and just north of CSAH 6. The property is approximately 1 acre and slopes from west to east. There was a single-family home on the property that is in the process of being razed. The property is considered a legal non-conforming lot due to the size being less than 2.5 acres.

Property Information: 574 Nelson Road
Zoning: *AG-Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: *1.08 acres*

Kaltsas stated the subject property had an existing single-family home located on it that had been vacant for several years. The existing home was in poor condition. This property is located along a section of Nelson Road with approximately 12-15 lots that are of similar size/character to the subject property. The existing home on the property was a typical rambler style home. The existing structure was located 10 feet from the north property line and 15 feet from the south property line. The applicant is in the process of acquiring the lot and would like to construct a new home on the property. The applicant met with the City on the property to look at the existing house and determine if a variance from the side yard setbacks could be considered. The City's current ordinance requires a side yard setback of 30 feet. The width of the lot is 100 feet. Applying the requisite side yards setbacks would allow a home on the property which could be no more than 40 feet in width. There is sufficient lot depth to meet both front and rear yard setbacks.

The applicant has prepared a site survey that indicates the proposed location of the new house. The applicant has not prepared final house plans at this time. The applicant is proposing to locate the new home so that it is centered on the lot. The proposed home would have side yard setbacks, which are 21 feet from the north and south property lines. This configuration would require a nine-foot variance on both the north and south property lines.

Side Yard Setback (North Property Line):

Required: 30 feet
Proposed: 21 feet
Variance: 9 feet

Side Yard Setback (South Property Line):

Required: 30 feet
Proposed: 21 feet
Variance: 9 feet

Kaltsas stated there are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Kaltsas stated staff is seeking a recommendation from the Planning Commission for the requested Variance with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
3. The Applicant shall pay for all costs associated with the City's review of the requested variance.
4. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Public Hearing Open

There was discussion with the applicant describing the reason for his request for a little more space on the one side if they needed to shift the house a bit to provide more yard space. Instead of a 9-foot variance on the south side, it would be a 3-foot variance.

D.W. Selle from 662 Nelson Road said he supports this gentleman 100% with his plans.

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

Public Hearing Closed

Motion by Thompson, seconded by Gardner with unanimous approval in favor of the 15' variance on the North, 3' variance on the South, as well as the 4 conditions noted and making sure the neighboring property owners are aware of said changes.

6. OPEN/ MISC.

Kaltsas described the annual summary that is submitted to council. It outlines the work done by the Planning Commission in 2014. There were 6 meetings and 12 applications considered.

There was also discussion regarding the Cluster Development Ordinance and that it needs to be reviewed at some future time.

7. ADJOURN.

Motion by Gardner, seconded by Thompson, to adjourn the meeting at 9:06 p.m. Ayes: Phillips, Gardner, Palmquist and Thompson. Nays: None. Absent: Olson. MOTION DECLARED CARRIED.

Trish Bemmels, Recording Secretary