

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, MARCH 10, 2014 – 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 and Administrative Assistant Nelson,
ABSENT: Councilor Fisher
VISITORS: Lynda Franklin and Jan Gardner

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 18, 2013

Motion by Gardner, seconded by Thompson, to approve the November 18, 2013 Planning Commission minutes. Ayes: Phillips, Gardner and Thompson. Nays: None. Absent: None. Abstain: Palmquist and Olson. MOTION DECLARED CARRIED.

4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF DECEMBER 9, 2013

Motion by Olson, seconded by Palmquist, to approve the Decemeber 9, 2013 Planning Commission minutes. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.

5. INDEPENDENCE PLANNING COMMISSION 2013 ANNUAL SUMMARY

Kaltsas gave a recap of the 2013 Annual Report Summary. He stated it was comparable to the previous year. Ten meetings were held and 20 applications were considered. He stated there were quite a few minor subdivision requests, and there was only one ordinance change.

Kaltsas stated this report helps in tracking what happens at the Planning Commission and then actions taken from City Council. He explained with the exception of one, all the Planning Commission's recommendations were given to the City Council were approved. The one exception that was not approved was the dog kennel request on Nelson Road. Also, the Franklin Hills subdivision had a minor change to it at the City Council, from a six lot final plat to a two lot final plat with a six lot preliminary plat.

Kaltsas recommending adopting this report and sending it to the City Council. The Commissioners felt this was a very handy report.

Motion by Thompson, seconded by Palmquist, to approve the 2013 Planning Commission Annual Summary. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.

6. OPEN/MISC.

Cell Tower Accessory Structures

Kaltsas stated after reviewing the items discussed last year, he noted the Planning Commission wanted to discuss the Cell Tower Accessory Structures. This was discussed last fall about and the City's ordinance only allows a 300 sq. ft. accessory structure. He stated AT&T would like to co-locate on the same tower as Verizon, which already has a structure. Kaltsas stated a variance would be needed if adding another structure.

Phillips stated the City's ordinance does not recognize this co-use of a tower. He stated taking care of this issue now might avoid having to do a variance. Gardner agreed each user could use a small building, but the City's ordinance does not recognize this. Thompson stated with new technology it is not yet known how many users could be on the tower. Thompson and Gardner discussed maybe applying the same standards applied to accessory structures.

Palmquist inquired about the number of cell towers in the City, and Kaltsas informed the Commissioners there are six. Gardner questioned if there would be more added. Kaltsas suspected cell companies would likely retool towers instead of building more.

Phillips stated we have a Cell Tower Ordinance so we should keep it separate from the Accessory structure ordinance. Kaltsas stated the cell company can accommodate a city's requirement, but easiest thing for a company to do is bring in a prefabricated structure. Phillips stated with Verizon's application they wanted a variance for the building, but decided they could work with our 300 sq. ft. request. Gardner stated an industry standard would be nice. Phillips stated the problem with our ordinance is that it does not recognize there could be multiple users.

Palmquist stated he was more concerned about the obtrusiveness and screening issue verses the size of the building. The Commissioners all agreed on this and Kaltsas state the ordinance does mention this but does not specify it. Kaltsas stated he would recommend the ordinance require a building, enclose the generator and architectural compatibility and then remove the building size restriction. He stated it would still need a Conditional Use Permit, so it would need to abide by those restrictions and criteria as well.

Phillips asked Kaltsas to come up with a proposal and make this an agenda items based on the ideas discussed and recommended.

Conditional Use Permits (CUP) verses Interim Use Permits (IUP)

Phillips inquired about the difference between a CUP and an IUP. He wanted to discuss when it is appropriate to use them. He noted that City Council has removed a handful of CUP's recently. Kaltsas explained a CUP it a permanent land use approval; it stays with the land and not the owner. He stated an IUP is meant to be tied to an event or has a sunset date; it is meant to be removed. Kaltsas stated IUP uses are not stipulated in the City's ordinance, so the ordinance is a bit weak. He stated the uses should be defined in the ordinance.

Kaltsas explained that when someone asks about getting a CUP, the use must already be preapproved as a use in our ordinance; otherwise they must request a text amendment and then apply for a CUP. The City

does not currently have a list of preapproved IUP uses. The City has granted one IUP; which was for a tree removal business with a five-year sunset date.

Phillips questioned if we should have changed some of the activities approved as a CUP to an approved IUP. He stated one item in particular would be for dog kennels. Thompson stated we cannot go back and change this but we should create a separate list for specific activities. Gardner stated CUP never made sense to him because they are considered spot zoning, which is illegal, and CUP's are a lot harder to revoke. Kaltsas stated the City does an audit of CUP's annually and it can be revoked if it is not in use. Thompson asked if non-use is grounds for revoking a CUP. Kaltsas stated they can be revoked if it is not in use for more than 12 months as part of the CUP condition, as written in the ordinance. He stated there are times when new owners of a property are not aware of an existing CUP on a property, so this is another example of when the CUP should be revoked.

Palmquist asked if there is a watch list for non-complaint owners. Kaltsas stated we do, and the City has had a few issues with contractor's yards. Thompson inquired if the sale of a property could make an IUP expire. Kaltsas explained IUP expirations are tied to an event or a physical date, so a sale date of a property is an unknown date.

Palmquist asked if there was a way that staff could more easily enforce compliance. Kaltsas explained that CUP's are not as much of an issue these days. The older CUP's created 20+ years ago, that had no conditions, are the ones that have more issues. He stated the guesthouse issues are from residents that do not have a CUP but should have had a CUP prior to the use.

Kaltsas stated IUP uses should be defined. Previously the City Attorney was comfortable with a maximum of a five-year use. Phillips asked what other cities use a criteria in their ordinance. Kaltsas stated that unfortunately most surrounding cities are similar to our city.

Thompson inquired how many CUP's the City currently has. Kaltsas stated there were about 120 CUP's. Thompson felt that a CUP was more driven by the land and its uses. The land dictates the use with a CUP. He thought an IUP was driven more by a person or business. The owner dictates the use with an IUP.

Kaltsas stated in 2005 the City changed its ordinance; which changed the allowable uses of a CUP. Phillips asked Kaltsas to bring both those ordinances to another meeting to review together. Kaltsas stated he would look at what other cities have done to address this issue, as well as ask city staff for their opinion.

Three River's Park District Trail

Palmquist inquired if there would be any action coming through the Planning Commission or City Council regarding the Three River's Park District Trail. Kaltsas stated he did not think so. His understanding is that the meeting was to help Three River's Park District (TRPD) identify the route. Kaltsas stated he knows there was a difference of opinion on where the Maple Plain and Independence Planning Commissions wanted the trail to run.

Palmquist asked if the City Council or staff was going to take action to notify the public about the design of the route and timing. Kaltsas stated it was published in the newspaper, and there was a public hearing on this. Nelson stated TRPD stated they would be notifying residents about the trail. Thompson stated the communication has been pretty poor. He stated he has not received any official notification from TRPD even though he lives on County Road 19. He has no idea how it will affect his property or the value of his property. Thompson stated he feels he has been left in the dark. Phillips stated he thinks everyone has

been left in the dark, and when residents finally find out, he thinks, they could be very upset. Phillips requested Kaltsas inform the City Council about their concerns. Palmquist wants to make sure that residents are made aware before it gets to be too ugly. Gardner stated he has concerns about the changes to the right-of-way and where land will need to be acquired. Thompson stated he knows that County Road 19 needs roadwork. Kaltsas stated this is why they are doing the plan now, knowing that the road needs to be redone, so they can do the project together. Nelson explained this information has been available to the Public through the newsletters, at Heritage Fest, at the Three River's Park Community Meetings, and on the City's website. The Commissioners all agreed that a letter should be sent directly to the residents.

7. ADJOURN

Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:18 p.m. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary