

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JUNE 13, 2011 – 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. OATH OF OFFICE – CRAIG OLSON

Administrator Hirsch administered the Oath of Office to Craig Olson for a three-year term.

3. ROLL CALL

PRESENT: Phillips, Olson, Palmquist Gardner
STAFF: Administrator Hirsch, City Planner Kaltsas
ABSENT: Triplett
VISITORS: Scott and Linda Learned, Councilmember Betts

4. APPROVAL OF MINUTES – MARCH 14, 2011

The minutes were tabled to the next Planning Commission meeting.

4. PUBLIC HEARING - SCOTT AND LINDA LEARNED, 2165 S. LAKESHORE DRIVE (PID NO. 24-118-24-13-0020), ARE REQUESTING A LOT LINE REARRANGEMENT TO ADD A PORTION OF THE ADJOINING PROPERTY (2185 S. LAKESHORE DRIVE - PID NO. 24-118-24-13-0019) TO THE SUBJECT PROPERTY.

Planner Kaltsas reported that Nancy and Donald Learned, 2185 S. Lakeshore Drive, had originally requested a lot subdivision to split their property into two lots many years ago. Their children Scott and Linda Learned now own the second lot at 2165 S. Lakeshore Drive. Scott and Linda Learned are now requesting a minor subdivision to add a portion of Nancy and Donald's property to theirs. The portion in question has a barn/storage shed on it and in effort to guarantee the continued use of the barn/storage shed; they are requesting the minor subdivision.

Kaltsas reported that the 2165 S. Lakeshore Drive property will go from 2.55 acres to 4.09 acres and 2185 S. Lakeshore Drive will go from 2.6 acres to 1.06 acres. Both properties are zoned rural residential. The city allows properties to be a minimum of 2.5 acres in that district. However, 2185 S. Lakeshore Drive is included in the Shoreland Overlay zoning district and is permitted to be a 1 acre minimum if connected to city sewer. The property has the availability of city sewer but is not connected at this time. They do not meet the criteria where they must connect to city sewer which would involve the sale of the property or a failing septic system. In doing so, there wouldn't be any nonconforming lots created. There were no written comments from the neighborhood regarding the proposed subdivision.

Kaltsas mentioned the surveys provided do not include drainage and utility easements. He suggested that they put those easements in place now while they have chance, as they do not know what future projects will require.

The commission inquired if Kaltsas has talked to Nancy and Donald at 2185 S. Lakeshore Drive about sewer hookup. Kaltsas replied that he told the applicant it would be up to the City if sewer hookup would be required right away. The Commission discussed where the septic is located and also inquired if something like this has occurred in the past and if they would be setting precedence if they did not require sewer hookup now. Kaltsas replied that when the sewer was put in there was a different set of criteria for when properties needed to hookup than what they have currently today. The Commission discussed the costs of hooking up to the sewer line.

Public Hearing

Chair Phillips opened the public hearing. Scott Learned, 2165 S. Lakeshore Drive, stated that at this time his parents don't have the funds to hook up to sewer and that is why they are requesting it be done at the time of sale of the property, whenever that may be.

Councilmember Betts stated that she had been to the property and she could see the need for the request as Scott Learned uses the shed for his business and to have it located on another parcel would be a problem.

Motion made by Gardner, seconded by Palmquist, to close the public hearing. Ayes: Gardner, Olson, Palmquist, Phillips. Nays: None. Absent: Triplett. MOTION DECLARED CARRIED.

Palmquist saw concerns with two things: easements and setting a precedent of not hooking up to sewer right away.

The Commission asked for information on the difference in policy from when the sewer by S. Lakeshore Drive was put in and the new criteria today. Hirsch stated the sewer was put in on S. Lakeshore Drive around 1986 and if those properties could prove that they did not have a failing septic system they did not have to hook up; if they couldn't, they were required to hook up at the time the sewer line was put in. Today, as with the sewer project on Independence Road, residents have three years in which to hook up. Residents who do not hook up are still charged an annual user availability fee to help with costs to maintain the line. Hirsch stated they have not had this exact issue come up before with the lot line rearrangement.

Some commissioners discussed placing a sunset on which the property would have to hook up to sewer.

Motion was made by Gardner, seconded by Olson, to recommend approval of the minor subdivision for a lot line rearrangement to add a portion of the adjoining property 2185 S. Lakeshore Drive – PID 24-118-24-13-0019, to the subject property with the conditions approved by the Planning Commission as follows:

- 1. The proposed minor subdivision to allow a lot line rearrangement meets all applicable criteria stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.**

2. **The applicant shall provide to the City a final plat indicating the legal description and depiction of the lot combination.**
3. **The applicant provides all easements for drainage and utilities as required by and in accordance with the City's subdivision ordinance Section 500.15, Subd.'s 1 and 2.**
4. **2185 S. Lakeshore Dr. shall be required to connect to the City sewer in accordance with conditions of the sewer project for S. Lakeshore Dr.**
5. **The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.**
6. **The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.**

Ayes: Gardner, Phillips, Palmquist, Olson. Absent: Triplett. Nays: None. MOTION DECLARED CARRIED.

5. PUBLIC HEARING. SIGN ORDINANCE, A PROPOSED TEXT AMENDMENT TO CITY CODE SECTION 550, SIGN REGULATIONS

Kaltsas stated a request was made to the City Council to consider increasing the maximum size of a temporary seasonal sign from 24 square feet to 32 square feet per side for the purpose of including some existing signs that have already been constructed. He stated that is a very simple amendment; they are not looking at changing the terms of seasonal signs or permitting permanent off premise signs.

The Commission asked about billboards. Kaltsas reported that no new ones are allowed with this ordinance; some had been grandfathered in. For profit organizations are not allowed to get these seasonal signs.

Public Hearing

Chair Phillips opened the public hearing. No one was present to speak.

Motion made by Gardner, seconded by Palmquist, to close the public hearing. Ayes: Gardner, Olson, Palmquist, Phillips. Nays: None. Absent: Triplett. MOTION DECLARED CARRIED.

Phillips was concerned that there is no discussion of enforcement of noncompliant signs. They have had numerous signs placed that were noncompliant and there has been no enforcement or follow up in Independence. The ordinance as drafted does not address this.

The commission asked about other signs such as campaign signs, etc. Kaltsas stated that there are provisions in the overall sign ordinance that deal with those. He stated they did ask for an escrow fee for a temporary sign. It was a refundable escrow that would be returned upon removal for the sign. Staff would look into this.

Hirsch stated that if a Commissioner has a concern about any sign to call City Hall, as a permit may have been issued for the signs.

The Commission asked if an escrow can be put in place so that any sign applicant has an incentive to remove the sign and if not, the city is reimbursed for doing it for them.

Motion was made by Palmquist, seconded by Gardner, to approve the text amendment to allow a maximum size of 32 square feet per side for temporary seasonal signs and to require a \$50 escrow fee to be returned upon removal of the temporary signs. Ayes: Gardner, Olson, Palmquist, Phillips. Nays: None. Absent: Triplett. MOTION DECLARED CARRIED.

5. OPEN/MISC.

There were no open or miscellaneous items.

8. ADJOURN.

Motion by Gardner, second by Palmquist, to adjourn the Planning Commission meeting at 8:07 p.m. Ayes: Gardner, Olson, Palmquist, Phillips. Nays: None. Absent: Triplett. MOTION DECLARED CARRIED.

Respectfully submitted by Kimberly A. Olson, Recording Secretary