

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY JULY 13, 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, Olson and Thompson

STAFF: City Planner Kaltsas, Administrative Assistant Horner

ABSENT: None

VISITORS: Karyn O'Brien, Amanda Eastin, Cody Boelter, Jay Littlejohn, Rick and Cindi Loewen, Wesley and Julia Bendickson, Leslie Peterson, Lynn Betts, Bob Volkenaut, Elmer Schefers, Roland and Oda Carlson, Jan Gabener, Wheelock Whitney, Kathleen Blatz, Sara Collison, Lynda Franklin, Dan Beck, Sue Johnson

3. Approval of Minutes from the June 8, 2015 Planning Commission Meeting.

Motion by Olson to approve with minor revisions, second by Gardner. Ayes: Olson, Palmquist and Thompson. Nays: None. Motion approved.

4. 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):

- a. Site visit to review possible sites for a new telecommunications tower on the subject property.

Olson asked Kaltsas what the Council would be expecting from the Planning Commission in regards to the Verizon/ Bendickson request. Kaltsas stated that Verizon requested this proposal be reviewed again by Planning after the Council meeting. Verizon requested the opportunity to look at additional sites and City Council approved that if the applicant spoke with neighboring properties and they were able to come up with some type of consensus on where the tower could be placed. The site visit this evening was to look at the original proposed location and the alternatives now being proposed. Kaltsas stated Verizon is looking to the Planning Commission for alternative locations that they would propose or if indeed there were not any adequate sites for the tower placement pre the previous recommendations. Kaltsas stated they are not looking for an official motion rather some direction on how to proceed.

Carlson stated Verizon did seek opinions of some of the neighbors but they were supposed to meet with the opposing neighbors and that did not happen.

Whitney said he loves Independence and feels that the Planning Commission has done a wonderful job of keeping neighbors separate. He said he and his wife, Kathleen, have met with Wes and his wife and told them that they are opposed to this tower and feel it would be an eyesore. Whitney stated it would be better to place the tower on City property so all the residents would benefit from the income it generates.

J. Bendickson stated this was not all about the money. She said years ago there was neighbor who dozed off while driving and went into the swamp. She said his cell phone saved his life and she feels this tower is about saving lives.

R. Carlson stated that is was disturbing that they want to place a 130' cell tower on the property. He said it was ugly and would be visible from his property every month of the year. He said the tower would most likely also adversely affect his property value. Carslon stated the tower belongs on City property where all residents will see it and where all residents will benefit from it.

O'Brien stated she was from Verizon and had three landowners who are in support of the tower. She noted the proposed new location is 3000 ft. away from the Wheelock property and that the top of the tower will be visible no matter where it is located. She noted they tried to meet with neighboring property owners but some were not interested and others did not respond at all to repeated attempts to contact them.

Phillips closed the comments. He stated this was not a Public Hearing. Phillips said he did not think he would motion to approve this tower again and he is given cause to pause as this may more appropriately be placed on public property. Palmquist stated this may be better placed on City property and he does buy the argument that all residents of the City would serve to benefit from it. He noted the west edge of Pioneer Park would potentially be a viable location as it is very similar to what is currently being proposed.

Phillips said he is leaning in a very different direction than recently approved. He stated it should be situated in property that is more aptly zoned for it. Thompson asked if a CUP is required for a cell tower in both Ag and Commercial zones. Kaltsas stated it was. Thompson stated he voted no in February, as he was uncomfortable doing the site work and location of the tower. Kaltsas referred to the map and spoke about the areas guided as long-term Ag and commercial.

5. PUBLIC HEARING: Rick and Cyndi Loewen (Applicants) and John Bialowzynski (Owner) request that the City consider the following action for the property located at 4555 Townline Road, Independence, MN (PID No. 01-118-24-11-0005):

- a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.

Kaltsas stated the applicants had submitted plans for an attached dwelling unit and per the plans; the unit would need a CUP, as it would be classified as an accessory structure. The applicant wanted to proceed with building with the understanding that they may not receive approval for a full kitchen. (See planning packet for complete details and drawings).

Public Hearing Open

There were not any public comments.

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

Palmquist stated staff did a good job laying this out. He said it meets the CUP and building code requirements and is very straightforward.

Motion by Palmquist for approval of CUP for an accessory dwelling at 4555 Townline Road, second by Gardner. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

6. PUBLIC HEARING: Elmer Schefers (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. Final Plat to allow a (14) fourteen lot subdivision.

Kaltsas stated they were working to try to eliminate all driveways from Independence Road and they were able to get the number of driveways down from four to having one shared driveway on Independence Road. Kaltsas said they have a CUP amended to include sewer for Lot 2 Block 3. This amendment has also been approved through the Metropolitan Council. He stated the final plat is consistent with the preliminary plat. Kaltsas said the City is still working with the applicant on some storm water issues. The City is looking to implement some best management practices to help with overall storm water on this site that drains into Lake Independence. Kaltsas said the City is requesting a management plan for how the outer areas of the development will be maintained now and in the future. Kaltsas stated that Pioneer Lake Sarah Watershed approved the storm water management plan from their side. (See planning packet for complete details and drawings).

Thompson stated the last public hearing had questions about the fees associated with the sewer portion of the project. Kaltsas stated there is a permit fee required per unit/ connection to the Independence/ Lindgren Lane sewer line. He said the applicant would be subject to City, Metropolitan and connection fees that were established when that sewer line project was started.

Palmquist asked if the BMP's (Best Management Practices) would be enforceable as outlined in the future. Kaltsas said the applicant would be required to enter into a storm water management agreement with the City. He said the City Attorney (Vose) is recommending a storm water management agreement specific to this development that is approved by Council and may be modified/created at any time. Palmquist asked about the clarity of expectations per the HOA agreement. Kaltsas stated that the storm water management plan allows the City to step in and maintain or adjust the agreement without someone being able to contest it.

Olson asked who would own the out lot. Kaltsas stated the homeowners association would own the out lot. Olson asked if the developer wanted to continue haying would the homeowners association have to agree to it. Kaltsas said the City wants a recorded document that outlines what is anticipated and expected so there are no unknowns down the road. Kaltsas noted that ultimately, they are private grounds and the City cannot take over the management of them.

Gardner asked if there was any value in having the HOA presented to the Planning Commission or the Council. Kaltsas stated that the City Attorney reviews the HOA documents. He said they are required for the approval of the development agreement. Kaltsas stated the HOA would maintain the out lots and any covenants are at the will of the developer. Kaltsas said the City reviews the HOA's to make sure they are a legally established entity and are set up correctly. He said if this is set up as a tax district storm water agreement the City has the ability to go in and maintain the areas that are not being properly maintained and assess the associated costs back to the property owners.

Palmquist stated he is very comfortable with the resolutions for the driveways on Independence Road and he commends the applicant for working on it with the City.

Public Hearing Opened

No comments.

Gardner moved to close the Public Hearing, second by Olson.

Public Hearing Closed

Motion by Gardner for approval to accept the Staff report and allow the 14-lot subdivision Final Plat for Elmer Schefers property at 5635 Kochs Crossing, second by Palmquist. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

7. PUBLIC HEARING: Don and Kara Beck (Applicants/Owners) request that the City consider the following action for the property located at 2636 Independence Road, Independence, MN (PID No. 13-118-24-32-0003):

a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.

Kaltsas stated the applicant is requesting the construction of a detached accessory dwelling unit on the property. Kaltsas stated there is an existing pole barn on the property as well. Kaltsas said the design submitted is compatible with the existing primary residence. Kaltsas stated the unit would have two bedrooms, bath and kitchen facilities as well as an option to install a 3rd stall garage.

Kaltsas said the property is on Lake Independence and the plans exceed setbacks from the lake and road. He noted the applicant's plans meet all set back criteria required. Kaltsas stated the City did not receive any comments from neighboring property owners that were notified.

Public Hearing Open

No Comments.

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

Public Hearing Closed

Motion by Palmquist for approval of the CUP of an additional dwelling unit on the property located at 2636 Independence Road per the recommendations of the Staff report and additional supporting language addressing the potential third stall garage, second by Gardner. Discussion - Phillips mentioned that since Lake Independence was an impaired lake it is vital that the septic system be thoroughly vetted. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

8. Proposed text amendments to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530; Consider a new definition for recreational non-energy generating windmills along with restrictions on permitted locations and heights.

Kaltsas stated a resident had emailed and had found that there are not many structural requirements on windmills that he found. Satek had also researched the structural component and did find some that were certified with an engineering specification. Kaltsas stated that instead of the structure being able to withstand 90 mile an hour winds that the language should state that the structure needs to be installed to

withstand 90 mile an hour winds. He said the foundation could be certified instead of the structure. Kaltsas stated the City wants to ensure the structures are appropriately secured. Kaltsas stated this would go before

the City Council for adoption into ordinance. Gardner asked about obtaining engineering for the foundation and Kaltsas said it would be similar to a deck.

9. Discussion – Event Center Ordinance

Thompson outlined the Memorandum regarding the Commissioners position on generating a comprehensive and effective policy on Event Centers in the City of Independence. He said Event Centers are a complex use case for any property in the City. Their appropriateness and acceptability are influenced by many, many variables:

- Zoning and surrounding land use
- Comp Plan
- Topography
- Population density
- Access and Egress/ Traffic
- Noise
- Environmental guidelines

Thompson noted that the Commissioners thoughts are that to construct something that addresses these aspects, as well as others, and sets up the appropriate nexus of ‘acceptability’ is problematic, if not outright impossible. Having the opportunity as a planning commission and city council to review and determine acceptability with each application is critical to ensuring that all of the appropriate provisions and protections are met.

Thompson said it is for these reasons the Commissioners are recommending continuing with the current state; reviewing each Event Center application individually and on its own merits.

Motion by Olson to submit the memorandum on the Event Center Ordinance to the City Council, second by Palmquist. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

10. Open/Misc.

Palmquist asked about additional text amendments or modifications. Kaltsas stated there are four more: fence, corner lot, access and egress text amendments. He said they were in a holding pattern and are now ready to be addressed again as long as the next meeting time permits. Thompson stated how smoothly everything went at tonight’s meeting noting the excellent pre-work that was put into the conditions. Palmquist also stated that Kaltsas did a good job and it was easy to absorb the information presented.

Motion by Palmquist, second by Gardner to adjourn the meeting at 9:25 p.m. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

Respectfully Submitted,

Trish Bemmels, Recording Secretary