

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JULY 15, 2013 – 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 Olson

STAFF: City Planner Kaltsas, Administrative Assistant Nelson, and Councilor Fisher

ABSENT: Commissioner Thompson

VISITORS: Mark Gronberg, Marilyn Raupp, Janice Gardner, Steve Grotting, Julie Sturm, and Lynn Betts

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF JUNE 17, 2013

Motion by Gardner, seconded by Olson, to approve the June 17, 2013 Planning Commission minutes with changes. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

4. PUBLIC HEARING – MARILYN RAUPP (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2515 BECKER ROAD, INDEPENDENCE, MN (PID NO. 14-118-24-34-0010):

a. Rezoning of the property from A-Agriculture to RR- Rural Residential.

b. A minor subdivision to permit a lot split which would create a second buildable lot on the property.

Kaltsas explained the property layout and location. There is an existing home and detached accessory structure located on the property. There is a substantial wetland located across the western portion of the lot, running from north to south. He explained it is zoned Agricultural by guided rural residential in the Comp Plan. He stated as an ag property the minimum size to subdivide is 40 acres, thus the request to rezone as guided, rural residential. The subdivision would make the size consistent to nearby lots. The current acreage is 15.38. The proposed acreage for the North parcel would be roughly 10 acres and proposed South parcel roughly 5 acres. He explained the proposal is for two (2) lots, but if zoned rural residential it could be subdivided into three (3) lots. However, it must meet other the requirements, buildable acreage, minimum lot frontage requirements, and lot width to depth ratios.

Kaltsas stated the proposed frontages are 234 and 272 and the proposed lot ratios are 1:5 and 1:3. He stated the proposed lots do not meet all the requirements for ratios and lot frontage; which, the applicant knows this but has asked the staff to consider the proposal as is. With the current proposal, the City could grant a waiver for the lot frontage, but the applicant would need to show how the property could be developed and if there is adequate access for emergency vehicles. Kaltsas stated a variance would be needed to allot for the lot ratios

and lack of lot frontage. He stated variance was not applied for yet, as a survey was not provided with the application.

Kaltsas stated the property does have a wetland and has been pre-liminarily reviewed by the water resource engineer, but no application has been made to cross that wetland or water mitigation for dedicated access to that portion of the property.

Kaltsas stated if the proposed lot line were reconfigured it could meet the requirements; however, due to the current home on the property meeting the requirements would not be possible.

Kaltsas stated the rezoning would need to occur prior to the subdivision but could be processed together. The City could possibly grant the frontage waiver but a variance would be needed for the lot ratio difference.

Phillips asked for further clarification on the waiver. Kaltsas stated the frontage requirements in the ordinance list footnotes stating the City Council may waive the frontage requirements if the following criteria are met, applicant submits and Council approves a development plan encompassing all land under the control of the applicant. Kaltsas stated this proposal is encompassing. The development plan must also demonstrate that vehicle, pedestrian, and emergency access can be provided to each lot. Kaltsas assumed that it would meet these needs. The third requirement must enter into a private road agreement. Kaltsas stated that criteria is not applicable to this.

Gardner stated he expects that the lot will be further divided, making three (3) lots. Kaltsas stated it is possible for the lot to yield three (3) lots with a private road.

Kaltsas stated the City has waived frontage requirements in certain situations if they meet these criteria, but not very often. He stated that every situation is different.

Kaltsas stated the city's subdivision ordinance states there is a minimum lineal footage of 200 feet, but the zoning ordinance supersedes this. This proposal does meet the subdivision ordinance.

The Commissions discussed how the lots could be divided and how or if they could meet any requirement. It was discussed that one lot could meet these, but the other one would not. The pre-existing home limits where the lots could be divided.

Public Hearing Open for Rezoning

Steve Grotting, 6064 Drake Drive, stated he was Marilyn's Realtor. He stated they have worked a lot with the lot line arrangement trying to make it meet the City's criteria. The latest proposal seems to be the best solution for all parties.

Marilyn Raupp, owner of 2515 Becker Rd, she stated the lot was originally just 7-1/2 acres and there were no wetlands on the lot. She stated they decided to purchase the neighboring lot which was eight (8) acres and vacant. They were then combined to become a Green Acres parcel; which was used to grow crops. The wetland has grown over time. She wanted to make it clear that originally, it was two lots and there was no issue with lineal frontage when originally purchased. She stated she has been trying to sell the property for the last five years. They discovered it would be easier to sell it were in smaller parcels. She stated there was buyers pending on both lots.

Motion by Gardner, second by Olson to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, and Olson; Nays; None; Absent: Thompson. PUBLIC HEARING CLOSED.

The Commissioners discussed it and stated there they could not come up with better solution for an unfortunate situation. Phillips stated that we could not solve it at this time, as there was no application for a variance. We could simply recommend a variance to Council. Kaltsas stated we could only act on a subdivision and a rezoning. Unfortunately, we would have to give notice for the variance and bring it back the Planning Commission. Kaltsas explained because a survey was not submitted with a subdivision and the lineal frontage was unknown. Phillips stated a waiver would cover the frontage issue, but a variance is needed for the lots length to depth ratio issue. Grotting asked if there was anything, the applicant could do to complete this project. Kaltsas stated to follow procedure an application for a variance must be completed, issue a public a notice, and hold a public hearing.

Julie Sturm, neighbor of the applicant, attended and stated she supported the minor subdivision and stated the proposed division makes sense based on the natural lay of the land.

Lynn Betts, neighbor of the applicant, also supports the minor subdivision. She pointed out neighboring properties have a much more narrow access.

Phillips asked the Commissions which proposed property division is preferred. The Commissioners preferred the equal frontage split design, but the precedence issue troubled them. Gardner pointed out that if it were divided into three lots with a private drive, it would meet the criteria. Phillips questioned if the 10-acre lot could be divided further. Kaltsas stated it could if a private road was added.

Phillips stated we could address the rezoning and variance issue at the next Public Hearing once a proper public notice is issued for the variance.

Motion by Gardner, seconded by Palmquist, to table this until Public Notice is issued for the variance. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED APPROVED.

5. PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ORDINANCES AS FOLLOWS:

- Chapter 5, Section 530, consideration to amend the total square footage permitted for a detached agricultural storage building, barns, or other structures, accessory to an existing single family dwelling and capping the maximum size on an individual structure.

Kaltsas explained this was sent back to the Planning Commission by the City Council to review setting a cap on the maximum size of a single structure, given the proposed revised ordinance changes for a detached structure allotment.

Kaltsas explained this review initially stated last December. He noted similar cities and their standards used.

Medina caps the maximum size of a structure to 5,000 square feet, based on acreage. A conditional use permit is required for anything larger.

Minnetrista caps the maximum size of a structure to 1,000 square feet. A conditional use permit is required for anything larger.

Orono caps the maximum size of a structure to 3,000 square feet, but the total for all accessory structures is different.

Kaltsas stated the City Council would like to set a maximum on a single structure, in addition to the proposed overall detached structure totals. Philips stated if you look at the neighboring cities anything over 5,000 sq. ft for a single building requires a conditional permit. The Commissioners further discussed other Cities' ordinances.

Phillips suggested adding a maximum individual detached structure size of 5,000 sq ft. to the proposed revised ordinance for properties under 10 acres. A conditional use permit would be needed for anything over 5,000 sq. ft on a 10 acre property.

Olson asked about how wetlands effect calculations. Kaltsas explained the acreage of buildable upland is used to determine what is allowed. The Commissioners all agreed they liked this original concept and the added maximum structure stipulation.

Public Hearing Opened

Betts stated she liked the ability to limit the size of buildings and Conditional Use Permits have limitations on what can be done with a building.

Steve Grotting stated limiting the size and requiring a Conditional Use Permit could limit prospective buyers.

Palmquist liked the Council's thought about adding a size threshold; which adds another level of scrutiny.

Motion by Palmquist, seconded by Olson, to recommend approval of the text amendment for accessory structure ordinance, Chapter 5 Section 530, and where permitted to include a maximum size on a single accessory structure of 5,000 square feet. Anything larger would require a Conditional Use Permit. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED APPROVED.

6. OPEN/MISC.

None

7. ADJOURN

Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:29 p.m. Ayes: Phillips, Gardner Palmquist, and Olson; Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary