

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, AUGUST 8, 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 Vice Chair Triplett at 7:30 p.m.

2. ROLL CALL

PRESENT: Vice Chair Triplett and Commissioners Gardner, Olson, and Palmquist
STAFF: Clerk-Administrator Hirsch, Planner Kaltsas
ABSENT: Chair Phillips
VISITORS: Mary Reuhl, Larry Opelt

3. APPROVAL OF MINUTES – MARCH 14, 2011 AND JUNE 13, 2011

Motion by Gardner, seconded by Palmquist, to approve the minutes. Ayes: Gardner, Olson, Palmquist, Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. HARRY POOL, OWNER OF THE PROPERTY LOCATED AT 8145 CO. RD. 11 (PID NO. 08-118-24-11-0002, 08-118-24-12-0001, 08-118-24-12-0001), IS REQUESTING A MINOR SUBDIVISION TO PERMIT THE CREATION OF A RURAL VIEW LOT AND LOT LINE REARRANGEMENT ON THE SUBJECT PROPERTY.

Kaltsas provided a report to the commission. Pool had come in last year for a minor subdivision for two rural view lots. At that time, Hennepin County would not grant individual access for a second lot. Pool then withdrew his application for two rural view lots and moved forward for one rural view lot. That was approved in March 2011. Pool then approached staff and asked to revisit the second lot and issue of driveway access. Hennepin County stated that would only grant access for the current driveway. Pool has proposed an easement that would provide access to the second lot. Kaltsas stated that Pool has the ability to have three rural view lots for a total of six lots on the property including the homestead. Staff asked Pool to put together a ghost plan for potential division of his property. Staff worked with Mr. Pool to come up with the current plan.

Kaltsas stated there is a restriction on a sixth rural view lot if he chooses to develop that in the future. Because of the small amount of access left, the property would be restricted to five acres.

The ghost plat shows how the six lots would be rearranged. Kaltsas stated some of the lots does not meet the specifications of lot depth and width, but since they are lot line rearrangements and not new subdivisions, it will work.

Kaltsas stated the issue of lot access comes into play. Since Hennepin County has recommended a shared access point, Pool has suggested an easement of 16.5 feet in front of the farmhouse to allow for a shared driveway. A common driveway requires 22 feet for a driveway and 66 feet for an easement. Kaltsas stated this is a creation of a new lot and therefore subject to park dedication fees. The total would be \$7250 for the ten acres in question tonight.

Gardner stated that it would make more sense to use a clean slate for this property. He stated that there is the possibility that if the property is sold, someone could come in and re do the whole ghost plat to something that makes more sense.

The commission had questions on the driveway. Kaltsas reported that Pool wanted to use the existing driveway. Kaltsas said that a technical study was not done on the sight access.

Kaltsas stated that a condition could be put in place that if the sixth rural view lot came in, those three rural view lots would be required to share one common access meeting the city requirements prior to any additional subdivision being permitted.

Hirsch stated that Pool's concern is that if he sells the 10 acre property that his home is on, the buyer may not think that is big enough and would like to have those other 10 acres as a reserve for a prospective buyer.

Vice Chair Triplett opened the public hearing. There was no one present to speak at the hearing.

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

Kaltsas clarified that they are not suggesting that Pool have a common driveway right now, just an easement. Gardner stated that a 66 foot easement is a bit much and would be willing to consider a 33 foot easement.

Motion made by Gardner, second by Triplett, to approve the proposed subdivision with following findings:

- 1. The proposed minor subdivision for a rural view lot meets all applicable criteria and conditions 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 survey indicating the legal description of the minor subdivision of the newly created rural view lot.**
- 3. The applicant shall provide a 33' wide driveway easement from County Road 11 at the location of the existing farmstead driveway to Tract F. The easement shall be recorded with the subdivision.**
- 4. The Applicant shall receive written approval for a new driveway access to Tract F from the county and provide verification of such to the City.**
- 5. The Applicant shall provide the City with verification of the soil and percolation report that indicates there is adequate space to accommodate both required primary and secondary septic sites on Tract F.**

6. **The Applicant shall pay the park dedication fees in the amount of \$7250, for the newly created Tract F, prior to the applicant receiving final approval to record the subdivision by the City.**
7. **The Applicant shall pay for all costs associated with the City's review of the requested subdivision.**
8. **The Applicant shall record the subdivision, driveway easement and City Council Resolution with the county within six (6) months of approval.**
9. **The combined three original properties will have only one remaining rural view lot eligibility as stated and further detailed in the staff report.**
10. **No further rural view subdivision of the property will be permitted without the Owner providing a shared access and common driveway, in accordance with all applicable standards. The common driveway shall serve the existing and future rural view lots.**

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

5. PUBLIC HEARING. VINLAND NATIONAL CENTER, 3675 IHDUHAPI RD. (PID NO. 12-118-24-12-0002) IS REQUESTING AN AMENDMENT TO THEIR CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR THE EXPANSION OF THE EXISTING FACILITY.

Kaltsas reported that the requested expansion would exceed the provisions permitted in the original Conditional Use Permit. Staff asked that Vinland Center submit a full site plan to see the proposed expansion and overall master plan and future expansions to the facility. Staff wanted to understand how everything would look and the vision Vinland has for the facility. It would also put everything together so Vinland would be able to have their CUP amendment approved and give them some security to realize their master plan.

Kaltsas reported that an amendment to the CUP is needed for the proposed expansion. A health sports facility in 1980 was the original permit. In 1989, they were allowed an amendment for residential chemical dependency services. He reported there are three phases to the project, with Phases 2 and 3 coming at an unknown time in the future. Vinland currently has 40 beds and 23,000 square feet with 30 employees. Phase 1 would add 20 more beds for a total of 60 beds and an additional 17,500 square feet. Phase 2 would add 40 more beds for a total of 100 beds and an additional 22,000 square feet plus the addition of a portion of a rehab facility with no beds. Phase 3 would finish the 9,000 square foot rehab center.

Kaltsas stated the Planning Commission must review the amendment for anything that would take away the enjoyment of nearby neighbors such as traffic, noise and dust. He stated there are not a lot of areas where the Vinland Center could create adverse effects on surrounding properties due to the size of their property.

Kaltsas reported that Vinland needs to provide a fire access drive around the facility due to the number of beds. This was a request from the Fire Department. He stated that the current building has a sprinkler system and the proposed one will too. The city is requesting an additional storage tank for additional capacity.

Kaltsas said Vinland currently has two onsite septic systems. Vinland uses approximately 3,300 gallons daily and is looking to install a third system. The City needs to ensure that they are not using more than 10,000 gallons per day because then they would need to go through the state for that. Kaltsas stated that Vinland may get near 10,000 gallons per day upon the completion of Phase 3 but they will need to monitor it.

Kaltsas stated he has looked at parking. He suggested one parking space for every five beds plus one space for each employee. There is no ordinance in place to dictate exactly the number of parking spaces needed but the City has the ability to require a certain number of spaces. He suggested monitoring the parking to verify the figures are appropriate. Vinland has plenty of space to accommodate the city's projected number. Also, none of the patients have cars at the facility. Kaltsas did not feel the need for any buffering or screening.

A stormwater management plan was submitted. The City's stormwater management consultant had some comments and Kaltsas suggested that any revisions to meet those comments are a condition of the approval. The City would like Vinland to maintain and enter into a maintenance agreement for any stormwater facilities.

Kaltsas reported there is an issue of access to the site. It is a gravel road and is a struggle for the city to maintain it with the amount of traffic that uses it. It provides access to the YMCA camp and Vinland Center. Staff asked Vinland Center to look at solutions for maintenance. Staff presented several options to the applicant such as paving the road, establishing a base level of maintenance, or privatizing the road. Hirsch stated the YMCA camp is included in the discussion.

Kaltsas stated Pioneer-Sarah Creek watershed has their own application process. The applicant has made the application.

Kaltsas stated the amendment is consistent with the property and the expansion is in line with the original intent of the permit.

Olson had questions on parking. He asked if parking wouldn't be based on highest possible use such as events, etc. Kaltsas replied that it is based only on employee and visitor parking on daily basis. There is overflow grass parking for events. He stated that current parking seems to meet demands but with more beds they will need to increase parking. That is why he suggested doing a couple of counts. It is a unique facility and there is not a standard for it.

Palmquist asked Kaltsas to provide more information on the wetland mitigation. He stated that it appeared that an eventual Phase 2 to the facility may be near a wetland. Kaltsas turned it over to the architect. Opelt stated that the wetland was a manmade wetland and therefore does not fall under the jurisdiction of having to be replaced. Kaltsas stated that since Vinland has documentation that it was manmade as a prairie restoration project 20 years ago, it falls under the local government unit. The City's wetland consultant, Hakanson Anderson, reviewed it. Opelt stated that it will be storm water ponding only. Gardner stated that they could do a two in one mitigation if necessary, because of the size of the property. Opelt described the wetland situation. Kaltsas asked if the wetland would be filled in Phase 1. Opelt replied that it would be filled in some in Phase I, but more in Phase 2. He stated that they would be filling in roughly half it and would try to maintain some of it. Olson asked if the wetland flows to the lake. Kaltsas replied that it does and the purpose of the stormwater pond is to replace the function of the

wetland. Opelt stated that the ravine will be filled in so the water will not flow down to the lake and this will also help with the fire access road.

Triplett would like to keep the City costs down to a minimum. He is for the project but does not want to see more city funds go into the road.

Olson questioned if there are issues with having such large septic systems near the lake and is there long term plans to possibly put sewer in along County Road 11. Kaltsas stated Vinland has plenty of land to accommodate the additional septic system and the daily amount generated is not a significant amount.

Gardner stated that if the road is going to be redone it is the perfect time to put the force main in. Hirsch replied she thought the discussions about the line indicated that it was not big enough, but she can ask the Public Works Director. Kaltsas stated that he didn't think they had the capacity given their current agreement.

Palmquist inquired if the solution for the road will be determined at the City Council level or if it will come back to the Planning Commission. He agreed with Triplett's comments earlier about keeping the costs low for the City. Kaltsas replied they condition the approval at the Council level with a known resolution or tie a resolution to the expansion.

Olson inquired if there are any other roads that service non-profits. Hirsch replied that Vinland Center and YMCA are the only ones she is aware of. Kaltsas stated the issue of the road was broached by the Public Works department because it takes additional maintenance than other roads in the City. With a conditional use permit, this is the correct time to address the issue.

Triplett asked if the YMCA is okay with the options. Kaltsas replied nobody wants the costs associated with it but they understand. Reuhl, Executive Director of Vinland Center, really does not want it paved and would like to come to some type of compromise. Vinland would like to build this year. Gardner inquired who built the road. Reuhl stated that it was a private home and for the camp.

Palmquist wanted to make sure the parking monitoring occurred between the Planning Commission meeting and the City Council meeting so that those figures can be turned into the Council. Kaltsas stated that was their intent. Olson asked if the parking would be paved or grass parking. Kaltsas replied that the City has the right to determine what type of parking is needed. Olson asked if occasional use of overflow grass parking is okay. Kaltsas said yes and there have been no issues with the use of that.

Vice Chair Triplett opened the public hearing. There was no one present to speak at the hearing.

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

Motion made by Triplett, seconded by Gardner, to approve the request for an amendment to the Conditional Use Permit and Site Plan approval with the following findings:

- 1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.**
- 2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.**

3. **This amendment does not approve the site plans for Phases 2 and 3. Site plan review for Phase 2 and 3 will be required to be reviewed by the City.**
4. **The Conditional Use Permit is for the expansion of the existing Vinland National Center facility in accordance with the approved site plans. The facility can be expanded to include a total of 100 beds for residential treatment services of chemical dependency, sports rehabilitation and similar services. The total square footage of the expanded facility shall be in accordance with the approved site plans dated, July 13, 2011.**
5. **All comments and concerns presented in the City's staff and consultants report, Pioneer Sarah Creek Watershed report and by any other governing jurisdiction shall be addressed to the satisfaction of the City.**
6. **Staff further flush out recommendation number five prior to Council approval and develop specific recommendations.**

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

6. OPEN/MISC.

There were no open or miscellaneous items.

7. ADJOURN

Motion by Triplett, seconded by Olson, to adjourn the Planning Commission meeting at 8:50 p.m. Ayes: Gardner, Olson, Palmquist, Triplett. Nays: None. Absent: Phillips. MOTION DECLARED CARRIED.

Respectfully submitted

Kimberly A. Olson
Recording Secretary