

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, AUGUST 20th, 2012 – 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 Asst. Nelson, Councilor Spencer
ABSENT: Thompson
VISITORS: Ron Lyrek, Mary Lynch

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF JULY 9TH, 2012

Palmquist questioned whether the 33' of the Dolliff property should be added as a right of way or an easement.

Kaltsas explained the City Council wanted the property dedicated as a deeded easement; as stated in the Resolution.

Motion by Gardner, seconded by Palmquist, to approve the July 9, 2012 Planning Commission minutes. Ayes: Phillips, Gardner, Olson, Palmquist. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. Ron Lyrek, owners of the properties located at 5286 County Rd 11 (PID No. 01-118-24 34-0008) is requesting a conditional use permit utilizing a detached structure to be used as an accessory dwelling structure.

Kaltsas reported the city staff visited the property and took photos. They noted renovation have been done to the property and permits had not been pulled for all completed work; which would now require an after the fact inspection to verify it meets all applicable building codes. The only permits issued by the city were for a bathroom and a sink. It was noted there was a clear separation between the main level living area and the upstairs, but they do share the same entrance.

Public Hearing

Chair Phillips opened the public hearing and noted Ron Lyrek attended the meeting. He asked if Lyrek had any comments.

Lyrek informed the Commission the barn was built in 1925 and has been on the property forever. He stated he realized that the exterior doesn't match the house and the red paint has faded, but it fits in with the neighborhood.

Gardner expressed his concern about a pattern developing by allowing accessory dwelling to look architecturally different from the dwelling and inquired if the exterior could be painted.

Lyrek stated the property could likely be classified as a historical site. He further explained that his main concern in allowing this dwelling unit would be used for his aging parents to have a place to stay, and where he could watch over them.

Olson had asked if the house was the original farm house.

Lyrek stated it was and he had purchased the foreclosed property around 1986. The original property has two other structures that the previous owner tore down. The site was called Eagles Flight.

Motion by Gardner, second by Palmquist to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist and Olson; Nays; None; Absent: Thompson. MOTION DECLARED APPROVED.

Palmquist inquired about the process of a conditional use permit, the architectural compatibility and who would be allowed to live in the barn.

Kaltsas stated conditional use permits are reviewed on an annual or at least bi-annual process. He stated that in regards to the use of the conditional permit, the City hears from owners if issues develop with a conditional use permit. He informed the Commission through this and the review process and some self policing is how it's monitored.

Olson inquired if the conditional use permit is revoked with a change in ownership.

Kaltsas also informed the Commission that the permit stays with the property, but the city has the right to retract a conditional use permit if it's not being used as intended.

Palmquist stated he agreed the structure is not architecturally compatible to the home, but a whole lot of work would be needed to get that done. He noted the lack of public outcry leads him to believe the look is not an issue with neighbors

Gardner said he agreed, and it would be a hardship and an unreasonable request to re-invent the building. He also said that making sure accessory structures are architecturally compatible makes more sense on a new structure.

Palmquist stated if it was a new structure he would feel differently about the exterior look.

Olson stated it would be an expensive challenge to change the structure.

Phillips stated the ordinance should be reviewed and amended, making accessory dwelling architecturally compatible with the neighborhood.

Olson also asked Kaltsas to review this ordinance.

Kaltsas informed the Commission the City Council will be discussing this issue at the Council meeting the next day, August 21st, 2012.

Motion by Palmquist, seconded by Olson, to approve the conditional use permit, subject to the conditions and findings outlined in the staff report. Ayes: Phillips, Gardner, Olson, Palmquist. Nays: None. Absent: Thompson. MOTION DECLARED APPROVED.

5. PUBLIC HEARING. Mary Lynch, owners of the property located at 4976 (PID No. 01-118-24 34-0008) is requesting a variance from the minimum lot size required to subdivide a property in the Rural Residential zoning district. The variance would permit the existing 2 acre property to be divided into two (2) 1 acre parcels.

Kaltsas explained the location and that the property has an existing home and detached garage. It's zoned rural residential within the Shoreland Overlay, on 2.11 acres. He further explained that Lynch's proposal of splitting the acreage into two (2) lots just over 1 acre each.

Kaltsas stated under the current zoning provisions in the Shoreland Overlay ordinance, it allows lot sizes down to one (1) acre, if the lots are sewerred. The two properties do meet the lot standards and DNR requirements, with the exception of the existing garage being non-conforming due to set-backs. The existing home is connected to the city septic and the subdivided lot would also have the ability to connect.

Kaltsas further discussed the lot subdivision ordinance and the language of the Shoreland Overlay ordinance. He stated the applicant would be asking for a variance since the lot is less than 7.5 acres, as required in the city ordinance.

Kaltsas explained past City Councils had agreed that a smaller 1 acre lots fit into the fabric of the neighborhood and allowed a similar lot split. He stated the majority of the properties in the area are half to 1 acre in size. So, the newly divided lots would be consistent to the other lots in the area.

Kaltsas explained the City has discussed a city Right of Way with the applicant. He said in order to meet the frontage requirements a partial cul-de-sac could be installed.

Kaltsas explained he was asking for direction from the planning commission on the road frontage.

Kaltsas stated in order grant the subdivision the City would require the sewer connection to be done upon the division as well as paying any Met Council fees; which roughly add up to \$10,000.

Public Hearing

Chair Phillips opened the public hearing. He asked for any comments. Mary Lynch attended the meeting.

Lynch stated the main reason she was requesting the division was to reduce the amount of erosion as she has over 300 feet of lakeshore. The erosion has caused a former boathouse to collapse, and it can be difficult to maintain. She has sought out assistance with other programs; however she found they were an expensive option. She also stated the other lots in the neighborhood are all smaller. She said she has lived at the property for the last 30 years and would like to continue living there.

Kaltsas stated the road in front of the property is a private road and the city vacated the road and does not want it back at this time.

Olson inquired who owned the private road in front of the property.

Kaltsas explained it is split up between the owners on either side of the road when the city vacated it; however the city does have a utility easement along the road. He further stated the private road is under the private driveway agreement with an access easement with a maintenance agreement.

Gardner stated the road is at the edge of the city which is one of the reasons why the city chose to get rid of the road.

Olson inquired about two other vacant lots in the neighborhood questioned if they were developed how that would affect any changes to the roads. He also inquired about Lake Street and if was ever a Right of Way.

Gardner stated Lake Street was part of a Right of Way.

Lynch informed the Commission that a man from California owns both of the vacant lots.

Kaltsas stated from the private roads there's a driveway agreement for those vacant lots with an access easement and a maintenance provision for the divided costs.

Olson inquired about Lake Street and how the development of the area would affect these roads.

Gardner reiterated from conversation between Kaltsas and The City. Stating the City is not interested in extending the public road changing it from private to city owned; which would resolve the frontage issue.

Lynch stated she would be happy to live on a public road.

Motion by Gardner, second by Palmquist to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist and Olson; Nays; None; Absent: Thompson. MOTION DECLARED APPROVED.

Palmquist questioned what the motivating factor was for putting in a partial cul-de-sac, and if installed who would pay for it.

Kaltsas stated if the streets were ever redone having this would allow easier access for plows and emergency response vehicles. The City could assess the costs to the existing properties. Kaltsas said he was just looking at it as a future fix as there are only a couple homes on that road now. Plus, this was one of the ways to meet the frontage ordinance.

Olson reiterated this would not be limiting the city by installing a cul-de-sac, but it would also be meeting the conditions for the land.

Palmquist asked if therecommendations covered the concerns of emergency response access.

Kaltsas responded that it does. He said as of now there hasn't been any known issue with access. Plus, the City would be taking an additional easement as well.

Olson asked if it was covered because the applicant has a turn-around in the driveway.

Phillips stated he was bothered by the Shoreland Overlay restrictions and terminology. He felt that it needs to be reviewed.

Palmquist also agreed with this statement.

Gardner stated the way the recommendation is structured it seems to meet all conditions.

Kaltsas stated if the lots are developed in the future it could be used as an emergency turn-around but not necessarily a right of way.

Palmquist questioned about the right of way on the north end of the road would the City need to reacquire it at that time.

Kaltsas stated if it was converted to a public street then someone would need to dedicate the road back to the City and often at a cost or maintenance trade-off. He said he doesn't foresee the city wanting to take back the road anytime soon.

Palmquist stated for him the big deciding factor was the lot is connected to city septic and given the sizes of the lots in the neighborhood being smaller.

Motion by Palmquist, seconded by Olson, to approve the conditional use permit, subject to the conditions and findings outlined in the staff report. Ayes: Phillips, Gardner, Olson, Palmquist. Nays: None. Absent: Thompson. MOTION DECLARED APPROVED.

6. OPEN/MISC.

Palmquist asked Kaltsas about the status of the Apple Orchard Winery.

Kaltsas stated the applicant had withdrawn their application.

Kaltsas also stated the next few meetings, in September and October, will include a few more subdivision proposals, conditional use permits, and an ordinance amendments relating to storm water management.

7. ADJOURN

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

Respectfully submitted

Jolene M Nelson, Recording Secretary