

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, SEPTEMBER 10, 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 and Palmquist

STAFF: City Planner Kaltsas, Water Resource Consultant Wozney, Administrative Asst. Nelson, Councilor Spencer

ABSENT: Thompson, Olson

VISITORS: LuAnn Brenno, Jan Gardner, Mathew Simmon, and Colleen Rosenthal

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF AUGUST 20, 2012

Motion by Gardner, seconded by Palmquist, to approve the August 20, 2012 Planning Commission minutes. Ayes: Phillips, Gardner, and Palmquist. Nays: None. Absent: Olson and Thompson. MOTION DECLARED CARRIED.

4. PUBLIC HEARING. Mathew Simmon, owners of the properties located at 415 Game Farm Road (PID # 33-118-24 14-0002) and Colleen Rosenthal, 525 Game Farm Road (PID # 33-118-24 14-0001) are requesting a Minor Subdivision to allow for a Lot Line Rearrangement.

Kaltsas explained the applicants are looking for a minor subdivision that would allow a portion of the lot to the north, 525 Game Farm Road N, to be split off from that property and attached to the other property 415 Game Farm Road N.

- 415 Game Farm Rd N, zoned agricultural, current acreage .87 acres, after condition acreage 2.57 acres, and has an existing home.
- 525 Game Farm Rd N, zoned agricultural, current acreage 11.70, after condition acreage 10.00 acres, and has an existing home and two (2) detached barns/storage sheds.

Kaltsas stated the applicant, Simmon's, wants to square-off the property; which would bring it into compliance with the City's minimum lot size of 2.5 acres. He said by adding the 1.7 acres the property would now become a little over 2.5 acres. It would also bring the lot frontage into compliance with the City's current ordinance; which is 200 lineal feet. The property currently 165 lineal feet along Game Farm Road N.

Kaltsas stated the proposed rearrangement would then reduce the property, at 525 Game Farm Road N, to 10 acres; which would still allow the unlimited detached accessory units.

Kaltsas stated the building set-backs wouldn't change anything that's already in existence as a result of the subdivision. The property at 525 Game Farm Road N doesn't meet all building set-backs for both the

accessory buildings and the house. In the before and after conditions the lot ratio would be consistent. It would meet the City's 1:4 lot frontage to lot depth ratio. He said both properties are proposing to dedicate the requisite drainage and utility easement along all property lines. There is no changes being proposed to both on-site septic systems; which are original to the property.

Kaltsas stated 415 Game Farm Road N increase in acreage to 2.57 acres would allow detached accessory building size from 1,600 square feet to 2,100 square feet. He said this change would allow for a secondary on-site septic system location. The increase in lot sizes makes it more consistent when compared to surrounding properties.

Kaltsas stated 525 Game Farm Road N decrease in acreage to 10.00 acres does not create any addition building eligibilities being created or lost as a result of the proposed subdivision.

Kaltsas stated there does not appear to be any adverse effects on the surrounding or subject properties in the after condition. Kaltsas stated the City has not received any written comments regarding the proposed subdivision or conditional use permit.

He said if recommended for approval to the City Council should consider:

The lot line rearrangement meets all applicable criteria.

The applicant shall provide legal description for the requisite drainage and utility easements to be recorded with the subdivision.

The applicant shall provide the City with the dedication of the drainage and utility easements and pay all costs associated with the City's review of the requested minor subdivision.

The applicant shall record the changes with the county within six (6) month of approval.

Kaltsas stated the Applicant, Simon, and the Owner, Rosenthal, were attending the meeting.

Public Hearing

No Response

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

Gardner asked about the lot line change and if it created a new lot.

Kaltsas stated that it did not create a new lot. He said it was simply just a lot line rearrangement.

Gardner stated that it seemed pretty simple and is a good idea.

Phillips agreed.

Motion by Palmquist, seconded by Gardner, to approve a minor subdivision to permit a lot line rearrangement at 415 Game Farm Road N and 525 Game Farm Road N, subject to the findings in the staff report. Ayes: Phillips, Gardner, and Palmquist. Nays: None. Absent: Thompson and Olson. MOTION DECLARED APPROVED.

Kaltsas stated that the City Council will review this on September 25th.

5. PUBLIC HEARING. Twin Cities Polo Club (TCPC), 6755 Turner Road (PID No. 27-118-24 42-0006 and 27-118-24 31-0002) are requesting an amendment to the existing conditional use permit from the City allowing for a limited number of non-horse related special events during the April to October season on the property.

Kaltsas stated the request is an amendment to their existing conditional use permit to allow a limited number of non-horse related special events during the April-October season on the property.

Kaltsas stated the request is a formality relating to the ability to use the Polo Club as non-horse related events.

Kaltsas stated the property is located on the south side of Turner Road just to the west of Polo Club Dr. The property is comprised of several outbuildings, with an open gentle rolling topography and a pond. He said the property is zoned agricultural and is 67.41 acres.

Kaltsas stated the City Council has had discussions on this issue. He said the original conditional use permit allowed for other secondary uses such as: fox hunting, trail riding, jumping, and model airplane flying. Outside of this there are no other uses permitted.

Kaltsas said the Polo Club has held other events, but they have held them under a special assembly permit, not under the conditional use permit. He said the Polo Club is requesting to legitimize the events under the conditional use permit. The City Council has directed the staff to revise the conditional use permit.

Kaltsas stated the Polo Club and homeowners in the area had several discussions as well as the City Council's regarding creating certain parameters for which the neighborhood would allow special events to be held at the facility. He stated they had come to a consensus to allow Ultimate Frisbee Golf Tournaments during the months of April through October. He stated they decided to write a proposed provision into the conditional use permit; which would allow the Polo Club to hold up to four (4) Ultimate Frisbee Golf Tournaments during the April to October season in a given calendar year. He stated a tournament can occur for up to three (3) consecutive days and is subject the following restrictions:

Tournaments can be held only Friday through Sunday between the hours of 7 a.m. and 9 p.m.

No more than 750 attendees will be permitted per tournament day.

Twin City Polo Club must provide a minimum of a two-week written notice to the contiguous property of the upcoming event.

Kaltsas stated the City's zoning ordinance criteria to amend a conditional use permit include:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposed already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.

8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

Kaltsas stated if it can meet the criteria outlined in the ordinance then the City Planning Commission can make a recommendation and the Council can ultimately approve an amendment to the conditional use permit originally issued in 1998.

Kaltsas stated there are some neighboring comments, per the attached email. He stated the neighbors agreed to the conditions we have outlined; which were determined by the meetings that were held.

Palmquist asked if the assembly permit was outside of the conditional use permit, and is that a separate action that is brought before the Council each time requested.

Kaltsas stated regardless of the conditions in the conditional use permit the Polo Club must apply for an assembly permit.

Palmquist asked if the staff was aware if these functions have caused any nuisance to any residents.

Phillips opened the public hearing and asked if anyone had something to add or comments.

Public Hearing

LuAnne Brenno, 7676 Turner Rd, stated she lives almost a mile from the Polo Club. She said from her home for 12-hours she can hear the yelling and screaming. She said it's very loud and her horses react to the noise. She stated even though the Polo Classic has 3,000 people she doesn't hear a peep from them, as they don't yell and scream. She said she would like to see the hours changed from 8 a.m. to 8 p.m. rather than 7 a.m. to 9 p.m.

Brenno stated she has heard comments about how obnoxious the Ultimate Frisbee Tournaments are. She said she feels that it is an inappropriate use for the property.

Gardner questioned if the teams actually start at 7 a.m. or if they just are letting people enter at that time.

Brenno stated the other issue is the traffic. She said she was happy the no parking signs were installed and that police are enforcing it. She stated she would like some assurance the event will stay at 750 attendees or less.

Brenno stated Gene Purdy was previously a contact for the Polo Club, but is no longer the voice for them. She said she would like to see someone designated from the Polo Club to carry on the agreement as a contact person

Gardner stated the contact person for the agreement is really a volunteered position.

Brenno also asked about the issues and ordinance changes for the Polo Club signage. She stated the sign has not been installed.

Gardner stated they once installed a sign but then removed it, as it was too large. He said then the City revised its sign ordinance, but the Polo Club did not put in a new sign.

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

Gardner stated in regards to the starting and stopping times he would like to hear what the Polo Club has to say about that, as they must have a reason for this. He said if approved he could ask the Council for further clarification on the times.

Phillips stated he noted the same issue and came up with a compromise; which would state that matches could begin no earlier than 8 a.m. and end no later than 8 p.m. He said this way people could assemble starting at 7 a.m. but limit the matches between 8 a.m. and 8 p.m. He stated that the noise could be a nuisance to some people.

Phillips asked the Commission if there was any issue with the two-week notice, as he thought it was a little short.

Gardner inquired if there was a set schedule the Polo Club could post.

Kaltsas stated they typically set their schedule all up at one time.

Palmquist asked Kaltsas if conditions #3 and #4 of the criteria for a conditional use permit are satisfied and sufficient.

Kaltsas stated it's sufficient for typical Polo Club activities; however if it were a new event I would want to review further. He said since we've been currently allowing it, I'm comfortable with it for now.

Palmquist said he felt a lack of on-site portable restrooms is a nuisance for local residences. He asked if there was a location and a ratio of satellite portable restrooms the Club would be required to have for special events.

Kaltsas stated he thought the large assembly permit had a requirement regarding on-site sewage.

Phillips asked Kaltsas if they still needed to get a large assembly permit if this passed and if so why.

Kaltsas explained the large assembly permit is still required and the change to the conditional use permit will legitimize the permutable use of the property.

Phillips requested the conditional use permit to include the number and location of the sanitary sewage portable facilities.

Palmquist questioned about the matter of the sign and its usage.

Kaltsas stated the Polo Club does have a temporary sign agreement.

Palmquist stated it may be helpful to have a designated spokes person

Kaltsas stated the criteria would include the additional following four (4) conditions:

1. Matches to begin no earlier than 8 a.m. and ending by 8 p.m. The assembly to start as early as 7 a.m. and going no later than 9 p.m.
2. With the large assembly permit the applicant shall designate the number of on-site portable septic facilities for an event (based on industry standard) and placement.
3. A sign provision: requires a temporary or permanent directional sign in accordance with ordinance provisions at the time of the event.
4. The notice must contain a contact spokesperson for the Polo Club.

Motion by Palmquist, seconded by Gardner, to approve the conditional use permit, subject to the conditions and findings outlined in the staff report and the four (4) modifications added from Planning Commission. Ayes: Phillips, Gardner, and Palmquist. Nays: None. Absent: Thompson and Olson. MOTION DECLARED APPROVED.

6. PUBLIC HEARING. A proposed text amendment to Chapter 5 and 7 of the City of Independence Ordinance relating to Stormwater Management, Stormwater Utilities and Grading, Erosion and Settlement Controls as are required after having adopted the new Local Water Management Plan (Adopted June 12, 2012).

Kaltsas stated The City Council recently reviewed and adopted the City's Local Water Management Plan (LWMP). The plan was prepared in accordance with Minnesota Statutes 103B.235 which requires local municipalities to prepare and adopt LWMP. He said the plan was reviewed and approved by the Minnehaha Creek Watershed District, Pioneer-Sarah Creek Watershed District and the Metropolitan Council. From a historic perspective this plan was initially prepared in a draft format in 2010. He stated this had been a lengthy process and several pieces required ordinances. He stated the city has just recently adopted this plan; which now dictates the City has ordinances that complement the requirements in the plan.

Kaltsas stated the particular sections are outlined in the staff report, and I'll briefly go through them. He said Becky Wozney, the City's Water Resource Consultant from Hakanson Anderson, can go through it in greater detail.

Kaltsas stated the particular sections are in chapter 5 and 7.

Section 5.08 an update to the grading erosion and sediment controls making the ordinance consistent with the recently adopted Surface Water Management Plan.

- *The proposed draft ordinance would replace the existing ordinance pertaining to Grading, erosion and sediment control.*

Added new section to Chapter 5, regarding storm water management.

- *Currently the City does not have stormwater management provisions established by ordinance. The City does address stormwater management practices using different areas of the existing ordinance. The proposed language attempts to address stormwater management in a more comprehensive manner. The proposed language proposes to establish regulations for most land altering activities in the City. New standards relating to wetland disturbance, stormwater best management practices and stormwater facility maintenance are proposed to be established. Wetland buffers are also proposed to be established as well as requirements pertaining to the long-term maintenance of stormwater management facilities (ponds or similar stormwater facilities).*

Another new section would be in chapter 7, regarding storm water utilities as a new piece.

- *The City's utility ordinance currently addresses only sanitary sewer. The proposed language would address stormwater management as a utility in addition to sanitary sewer (both on-site and City systems).*

Last change is to Chapter 5, Section 530.03 subdivision 2 and subdivision 4, deals with setbacks from wetlands. This is the largest change from any of the provisions. Kaltsas stated this is the provision the City would probably use the most, as it pertains to building structures.

(a) Front yard setback

^a85 ft. from centerline of road

- (b) Side yard setback ^{ab}30 ft. from side lot line
- (c) Rear yard setback ^a40 ft. from rear lot line
- (d) Setback from lakes, rivers and streams 100 ft. from ordinary high mark
- (e) Setback from wetlands ~~25 ft. from delineated boundary~~
10 ft. from the outside edge of the required wetland buffer
- (f) Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way.

(Except buildings housing livestock, which may not be located closer than 150 feet from an existing residential structure on all adjacent property.)

(Except detached garages and other accessory buildings, which may be 15 feet from the side lot line.)

Wozney stated her role in the process and how she works closely with Bruce Satek, the City Building Official. She stated the largest change that would affect the City the most is the agricultural changes, making them consistent with the Minnehaha Watershed Creek District and the Pioneer-Sarah Watershed Creek District.

Wozney stated with the erosion control, there are more specifics about the slopes and when they need to be correctly stabilized. A lot of the material came directly from the Best Management Practice Manual.

Wozney stated the stormwater discharge can be very important, as it can enter into your sewer system and can cause issues for the City. She said it further discusses notification and enforcement issues. She stated one thing that was further discussed was the costs involved in enforcement, and this proposal allows the City's costs to be passed on to the violator for illicit discharges.

Wozney stated stormwater management will be part of Chapter 5 and this part has become very important. Some of the biggest changes affected are wetland and their different classifications. She said wetlands are put into different management classes. They are put into a Manage 3, 2, 1, or a Preserve. She stated the Local Water Management Plan does list these definitions; which will be added to the City's website soon.

Palmquist stated with the management classification, does that address the type of wetland, and how that is addressed?

Wozney stated it does talk about buffer widths, bounces, and other areas stormwater impact of impact. She further explained that the type of wetland does not necessarily coordinate with the Management number this is determined by the quality, functions, and value.

Wozney stated this proposal does fit pretty well with both watershed districts. She said this process initially began in late 2009; however Minnehaha Watershed District has become more restrictive since then.

Wozney explained there are two watershed districts the City needs to work with and they are both very different. She said the Minnehaha Watershed District is much stricter, and they have a very big staff and taxing authority.

Gardner asked how much leeway the City has in adopting these setback numbers. He's stated this has been a problem in other cities, as it can make small lots unbuildable.

Kaltsas stated we took what was approved by the Local Watershed Management Plan and added a set-back. He said the purposed change for the City is to have a 10 foot set-back; which is consistent regardless of the wetland management type. He said this way the City ordinance will not need to be updated every time the water management plan changes the buffer. He said the change proposed today is not a significant increase from where we are today.

Phillips asked how many small lots would be non buildable because of this?

Kaltsas stated he didn't know but figured it would be relatively very few undeveloped small lots. However, it could affect developed lots that want to subdivide and some structures may now be non-conforming. Kaltsas stated for the most properties the change is only five (5) feet for now, but it could change in the future.

Gardner stated he thinks it's important to discuss the City's options with the Watershed districts. He said what it's become is just an additional encroachment on private properties, limiting the property usage while still collecting taxes on it.

Wozney stated these changes would really only effect new dwellings not existing.

Public Hearing

No Response

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

Palmquist asked about security or enforcement and if it's the engineer who determines the cost.

Kaltsas stated it's the City's engineer. He said at the time of permit application a letter of credit is in place until the improvements are completed and the ground is re-established sufficiently.

Palmquist asked how long is the time frame this letter of credit is held.

Wozney stated there are various factors. She said it depends on the time of year and work that was done. She said six (6) weeks to 3 months is average in the growing season.

Palmquist suggested making sure the ordinance has proper language to provide for documentation discussing the release of letter of credit and proper erosion control and adequately addressed.

Kaltsas stated it a relatively new step for the City to be taking control of monitoring erosion from a City perspective.

Palmquist stated other cities having been doing it for years, but it would be new for Independence. He said it was an important thing to do, but withholding the letter of credit must be used as a tool for enforcement.

Palmquist stated regarding Chapter 7 and dealing with emergencies, he would like to see the City have a say or option to force someone to stop.

Phillips asked the Commission where you would insert the City's authority regarding hazardous discharges and illegal materials.

Palmquist stated he would like to add a statement under subdivision number five (5) with something similar to the City having the ability to undertake emergency measures to mitigate any adverse effects resulting from discharge and passing on any incurred expenses.

Palmquist stated he supports these types of things and feels these changes are very good.

Phillips asked Kaltsas what he wanted the Commission to do with the documents proposed.

Kaltsas stated if the Planning Commission was comfortable, a recommendation to City Council to move forward with the adoption of the changes. He said he would like to get it in front of the Council and be in compliance with the Local Wetland Mangement Plan.

Phillips stated he was more comfortable knowing the City does not have many small properties that would be effected by some of these changes.

Motion by Palmquist, seconded by Gardner, recommends approval of the text amendments in Chapters 5 and 7 to pass along to Council with the recommendation dealing with erosion sediment control, stormwater management, and stormwater utilities along with the points discussed. Ayes: Phillips, Gardner, and Palmquist. Nays: None. Absent: Thompson and Olson. MOTION DECLARED APPROVED.

7. OPEN/MISC.

Nothing Added

8. ADJOURN

Motion by Gardner, seconded by Palmquist, to adjourn the meeting at 8:40 p.m. Ayes: Phillips, Gardner, and Palmquist; Nays: None. Absent: Thompson and Olson. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary