

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY SEPTEMBER 14, 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 Olson at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Gardner, Palmquist and Olson
STAFF: City Planner Kaltsas
ABSENT: Chair Phillips, Thompson
VISITORS: Paul Otto, Larry Palm, I A Hildreth, Tim Flannery

3. Approval of Minutes from the August 10, 2015 Planning Commission Meeting.

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

4. **PUBLIC HEARING:** Loren Kjersten (Applicant) requests that the City consider the following actions for the property located at 1160 County Road 19 N., Independence, MN (PID No. 25-118-24-42-0001):
- a. Rezoning from Ag-Agriculture to RR-Rural Residential
 - b. Preliminary Plat for a four (4) lot subdivision
 - c. Final Plat for a four (4) lot subdivision

Kaltsas stated the property is located on the east side of County Road 19 N. and just south of Willow Street. There is an existing home and several accessory structures located on the property. The house is accessed via a gravel driveway off County Road 19 N. The property is a combination of rolling hills, tillable acreage and wetlands. The property has the following characteristics:

Property Information: 1160 County Road 19 N.
Zoning: *Agriculture*
Comprehensive Plan: *Rural Residential*
Acreage: *19.83 acres*

The applicant is seeking Rezoning, Preliminary and Final Plat approval for a four (4)-lot subdivision to be known as Deer Ridge Farms Second Addition. The proposed subdivision would split the existing 20-acre parcel into four lots. There is an existing home located on the west edge of the property just off County Road 19 N. The existing home would remain in the after condition and be located on one of the four lots.

The property is currently zoned Ag – Agriculture and is guided by the City’s Comprehensive Plan as a RR-Rural Residential property (See Map – Green = Agriculture, Yellow = Rural Residential).

Kaltsas noted neighboring properties that have been rezoned and made into subdivisions. He said rezoning this property is consistent with the City’s 2030 Comprehensive Plan. Rezoning of this property is also

consistent with the zoning of the property to the south and west. Three subdivisions that surround this property are similar in nature to that which is proposed.

Kaltsas stated all of the proposed lots would have the requisite amount of frontage on a public right of way. Kaltsas said the City sent the proposed subdivision to Hennepin County for their review of the proposed road access onto County Road 19 N. Hennepin County found the proposed road access location to be acceptable; however, required that the existing driveway servicing the home be relocated to connect to the new road.

Kaltsas said the applicant did provide plans for primary and secondary septic site locations. Kaltsas said the City has also reviewed this plan from a storm water standpoint. He said the applicant is proposing a pond to deal with storm water. Kaltsas also noted that this development would be in the Minnehaha Watershed district and approval from the District will be required. Any conditions or findings made by the watershed will be required to be incorporated into the plans and become a condition of the final plat.

Kaltsas noted that the City Engineering firm has done a preliminary review of the proposed grading plan and did not have any comments at this time. He said a more detailed review would be done after Planning consideration.

Kaltsas said the City did receive several phone calls regarding this property. He said adjacent property owners had questions relating to the price of the lots, whether there would be one builder or if the lots would be open to any builder and why the name of the plat was Deer Ridge Farms Second Addition.

Kaltsas said staff is seeking a recommendation from the Planning Commission for the requested rezoning, preliminary plat and final plat. Should the Planning Commission make a positive recommendation, the applicant would be required to enter into a development agreement and satisfactorily complete all requisite requirements of the City prior to final plat consideration by the City Council. The Planning Commission can approve both preliminary and final plat or ask for final plat to be considered separately at a future date. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the Preliminary and Final Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development, including the wetland delineation, as requested in the City's review letter dated December 22, 2014
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The applicant shall satisfactorily respond to all comments outlined in the attached memorandum from Hakanson Anderson, dated September 10, 2015.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District.

- e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 4. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary and final plats.
 5. The Applicant shall submit the final plat and associated documents to the City within six (6) months of approval of the Preliminary Plat.

Otto spoke about engineering details and water management throughout the plat.

Gardner asked about storm water management and how that would affect plat ratios. Kaltsas said it would affect property lines and some things may need to be adjusted on a final plan. Kaltsas noted any maintenance would go to the homeowners association.

Hildreth asked if there was any type of mass grading that would be done up front, so water will flow where it needs to flow. Kaltsas said the specific lots will not be graded until building permits are pulled but rather road, swale and pond areas will be the initial areas that the grading will be done.

Palm asked if there was any reason, they could not approve the preliminary and final plat in one motion. Kaltsas said they could as long as there were not any objections to the plans as shown. He said if there were concerns or questions from the public or others they could split it out however they wanted to.

Olson opened the Public Hearing.

Public Hearing Open

Palm, from a neighboring property on Macallister, asked about any plans for berms or soil as his property takes on a lot of water already. He said he is in favor of the development but something needs to be done about the water.

Hildreth from 4955 Deer Ridge said she is in favor of the development. She wanted to know if the City staff was certain there would be a homeowners association, as her neighborhood does not have one. She also asked about dirt disposal and a question on the septic pitch on the properties.

Flannery asked which areas were wetlands. Kaltsas said the areas marked were the wetlands and they were governed by the watershed district.

Kaltsas pointed out the construction plan is managed as it relates to the grading and drainage plan that was approved. Each house that will be built will be reviewed on an individual basis as it relates to grading and drainage.

Palm and Otto discussed the water issues on Palm's Macallister property and what could be done as far as the new development going and potentially trying to remedy the issue.

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

Public Hearing Closed

Motion by Gardner for approval per the conditions outlined in the staff report and discussed at tonight meeting for the property located at 1160 County Road 19 N, second by Palmquist. Ayes: Gardner, Olson and Palmquist. Nays: None. Absent: Phillips and Thompson. Motion declared carried.

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

- Chapter 5, Sections 510 and 530;
 - a. Establishment of a Zoning Permit for fences and restriction on height and types of permitted fences.
 - b. Addition of new setback definition and provision relating to corner lots for accessory structures.

Kaltsas outlined the following proposed language to the fence ordinance.

- a. No fence shall exceed 6 feet in height and in the case of grade separation, the height shall be determined based on the average fence height between posts for each fence section. The measurement shall consider from the average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.

Kaltsas also outlined the following changes.

- a. No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic or be approved by the City's engineer following a review of the proposed fence in relation to the intersection and site distance.

Palmquist suggested rewording to say, "No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic." He also said the next sentence could state, "Any fence on a corner lot must be approved by the City's engineer following a review of the proposed fence in relation to the intersection and site distance."

Palmquist said the language around swimming pools needed to clarify that either a fence or retractable cover is needed but not both. Kaltsas said he could change it but would not that it would have to be an approved cover.

Kaltsas and the commissioners also discussed language surrounding the following.

- a. Fences, which impede visual sight lines in, anyway shall not encroach closer to any shoreline than the principal building setback.
- b. No fence on the sideline of a lot shall be higher than 6 feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed.
- c. Fences erected from the building line to the OHWL shall not exceed 4 feet and have at least 90% of the surface uniformly open and unobstructed.
- d. No fence shall exceed three (3) feet in height which abuts any navigable lake, river, or stream within the shore land overlay district

Commissioners had some minor changes to language and percentages. Kaltsas agreed he would make the changes to language and percentages discussed for the final document.

6. Open/ Misc.

Motion by Gardner, second by Palmquist to adjourn the meeting at 8:30 p.m. Ayes: Gardner, Olson and Palmquist. Nays: None. Absent: Phillips and Thompson. Motion declared carried.

Respectfully Submitted,

Trish Bemmels, Recording Secretary