

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY, NOVEMBER 10, 2014 – 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, Olson, and Thompson  
STAFF: City Planner Kaltsas and Deputy Clerk Nelson  
ABSENT: City Councilor Fisher  
VISITORS: Jan Gardner, Donna Hendley, Jeanne & Gary Gardner, and Colleen Klaers

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 8, 2014

**Motion by Gardner, seconded by Thompson, to approve the September 8, 2014 Planning Commission minutes. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

4. PUBLIC HEARING - DONNA HENDLEY (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 5850 COUNTY ROAD 11, INDEPENDENCE, MN (PID NO. 02-118-24-43-0001):

- a. A minor subdivision to permit a rural view lot subdivision to create a new 5 acre parcel. The newly created 5 acre parcel would allow the second existing residence on the property to be located on its own parcel.

Kaltsas described the location and the two homes on the property. He stated there is a conditional use permit for a riding stable. The overall property is approximately 70 acres. It is zoned agriculture and guided as rural residential. He stated the applicant is looking to subdivide five acres as a rural view lot with the home located on County Road 11. He explained they meet the standards for the road frontage and lot depth ratio. This meets the city's requirements for the rural view lot subdivision.

Kaltsas stated there is an existing accessory structure on the lot and it is permitted on a lot of this size. There is not a wetland delineation on this lot, but there is enough upland for the lot, so it is considered acceptable.

Kaltsas stated there is city sewer line that runs in front of both homes on South Lake Sarah Drive and County Road 11. Initially it was discussed that this home on County Road 11 would need to connect to the city sewer, but after further review it was discovered this property was not assessed for city sewer and an exception was granted. He stated they would now fall under the standard of identifying new septic sites for the home. Or they could come to the City to request a connection and they would be assessed for the cost of the initial assessment. Either way there are options. The applicant is proposing to supply the 10-foot easement.

Kaltsas stated they have a ghost plat that would identify future capability of subdividing the land, as it could be rezoned rural residential. He stated there is a 30-stall barn on the site near the other property. This ghost plat lays out enough acreage that would still permit this with 31 acres. He explained a shared driveway might be needed if the lots were subdivided as shown in the ghost plat; however, the lot lines could be adjusted. Kaltsas stated there is the potential to yield up to 12 lots on this site with further street infrastructure.

Kaltsas stated a park dedication will be needed. He stated at this time we are not looking to rezone, but would be rezoned if the property was further divided. This subdivision is cleaning up a non-conformity of two homes on one parcel.

Thompson questioned about the sewer connection and which of the homes are required to connect. Due to the previous exception, the City Council will have to determine how they want to do this. With this initial request the City informed the owner they would need to connect, later determined that due to that exception they would not. The stub to connect was found to be located a distance from the home. The home could connect to the line on County Road 11, as it is a forced main sewer line. The Commissioners then discussed the distance from Lake Sarah and thought it is roughly 2000' feet.

Phillips questioned about the current home's septic system and if it is compliant. They discussed this and the sewer or septic options. The current septic system is likely not compliant, but has not yet been inspected. The applicant is looking at selling both homes. Kaltsas explained costs to connect would include the assessment fee, possible interest charges, the permit fee, plus the contactor's connection charge. They would be required to do this for both homes.

Gardner inquired about the 17' right-of-way needed for the County. Kaltsas stated he inquired about this with the County, but has not yet received an answer. He stated that currently there is only a 33' right-of-way granted. Kaltsas stated he would leave it as a condition that the City Council would decide on.

Gardner and Kaltsas discussed the park dedication fee.

#### Public Hearing Open

Donna Hendley, applicant and owner of 5850 County Road 11, stated she is new to this and she having a compliance inspection done on the current septic system. Kaltsas stated the City Council will decide if the connection is required.

Gary Gardner, 4035 South Lake Sarah Drive, stated he has no problem with what the applicant is trying to do, and glad they are cleaning the non-compliance issue. He stated he has lived there for 38 years and requested the connections along the road. He stated he had the option to opt-out as well, but wanted and did connect to the city sewer. He did pay the assessment when it was connected.

Colleen Klaers, 4364 South Lake Sarah Drive, stated she is in support of what the applicant is requesting.

#### Public Hearing Closed

**Motion by Gardner, seconded by Thompson, to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

The Commissioners inquired about the shape of the lot lines. Hendley stated she was trying to follow the fenceline, creek, and landscaping. Gardner stated he preferred straight lines to avoid future issues. Palmquist and Thompson did not have an issue with the shape.

Thompson inquired about sewer or septic compliance issues for both homes. Kaltsas stated upon sale both need to be in compliance. Without rezoning the property it cannot further be subdivided.

The Commissioners further discussed and preferred the lots connect to the city sewer. They also recommended adding a 17' county setback condition.

Palmquist questioned if the lots are further subdivided could they also connect to the city sewer. Kaltsas stated the City's Comprehensive Plan shows this lot as a sewer lot, so a request from the Met Council would not be needed.

Kaltsas stated an 8<sup>th</sup> condition would be added stating any approval would be subject to the County's determination on the right-of-way. The 7<sup>th</sup> condition would be a condition upon sale of the property

**Motion by Palmquist, seconded by Gardner, to approve a minor subdivision to permit a rural view lot subdivision to create a new 5 acre parcel, at 5850 County Road 11, subject to the 6 recommendations of staff plus a condition verifying if an additional 17 foot easement from the County is needed and another condition stating the properties in this subdivision connected to the city sewer, as well as future lots from further divisions of this property upon the sale of the properties.**

Palmquist requested staff inform the applicant of these costs.

**Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

5. \*\* THE APPLICANT REQUESTED THIS ITEM TABLED \*\* PUBLIC HEARING - MIKE KUKA (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTIES LOCATED AT 4405 COUNTY ROAD 92 N, INDEPENDENCE, MN (PID NO.S 04-118-24-24-0002 AND 04-118-24-31-0001):

- a. A conditional use permit to allow a commercial riding stable on the subject property. The stable will host rodeo, horse related and similar events within the existing agriculture accessory structure on the property.

Thompson inquired about the holding pattern of this application. Kaltsas informed the Commission of the requirements and the 60-day rule, and he explained that extensions were applied for, as information was still needed. The applicant has also requested for an additional extension. The applicant can extend as much as they want, and in this case, they are working on gathering all the documentation we need. He stated our issue is that the application has since evolved since it was initially submitted. Upon further review, the City has requested additional information. The applicant is working with the City on it, and if they were not working with the City, the City would recommend denial of the application.

6. OPEN/MISC.

None

7. ADJOURN

**Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:13 p.m. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully submitted

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Jolene M Nelson, Recording Secretary