

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY DECEMBER 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: Chair Phillips, Commissioners Thompson, Olson and Palmquist

STAFF: City Planner Kaltsas, City Administrative Assistant Horner

ABSENT: Commissioner Gardner

VISITORS: Bryan Johnson, Elaine Johnson, Marilyn Hamilton, Don Hamilton, Lance Gyllenblad, Art Ahlstron, Herb Deating, Robert Oswood, Kyle Johnson, Bruce and Jan Froh, DR Buchanan, D. Olstadt, Steve Grotting, Dawn Mooney, Nancy Voss, Judy Dennison, Ron Maas, Jim and Rosella DePietro, Wyman and Jan Haberer, Chris Cady, Steve Horner, Tim and Kelly West, Roxanne Johnson, Butch Franklin, Jeanne Gardner, Gary Gardner, Kristin Gabriel, Greg Gabriel. Sharon Cook, Kathleen Pluth, Ed Pluth, Ben Fadden, Laurie Metzko, Sally Simpson, Brian Schroeder, John Rueter, John Hasse, Gary Larson, Jason Johnson, Dean Trongard, Leah and Sherwin Schwartzrock, Ben and Tara Carlson, Lisa Phillips, Don Johnson, Brian Erickson, Cindy Larson, Saul Baumann, Khara Baumann, Brad and Kate Orterstrom, Dean and Laura Sorenson, Ray McCoy, Eric Fredin, Dean Sorenson, Mike and Colleen Malone, Lynn Betts, LuAnn Brenno, Cathy and Phil Mueller, Grover and Jeanne McElderry, Mike and Virginia Matanic, Marvin Johnson, Liz Lund, Kent and Eva Lee, Carol Velie, Clint and Nita Bergman, Heidi Kelly, Michael and Paula Bushilla, Mary Printy, Alex Sellers, Evan and Shea Johnson, Larry Larson, Neal Eidenschink, Joshua Sammons, Chris Lyrek, Nick Reynolds, Jake Streich, Sean Keating, Ryan McCabe, Jeannie Fries, Renae Clark, Ben Anderson, Charles Leck, Rick Shenk, Julie Rasmussen

3. Approval of Minutes from the November 9, 2015 Planning Commission Meeting.

**Motion by Olson, second by Palmquist. Ayes: Olson and Palmquist. Abstain: Thompson, Phillips. Nays: None. Absent: Gardner. Motion approved.**

4. **PUBLIC HEARING:** Mark Mundahl (Applicant/Owner) requests that the City consider the following actions for the property located at 6485 Fogelman Road, Independence, MN (PID No. 10-118-24-44-0009):
- a. A minor subdivision to permit the subdivision of the subject property into two lots.

Kaltsas stated the subject property is located along the west side of County Road 90, and south of Fogelman Road. The existing property is has an existing home and accessory building. The property is comprised of open field and wetlands. He said the applicant is proposing to create one (1) additional rural residential lot in accordance with the provisions set forth in the City's Zoning Ordinance. The ordinance stipulates that properties must be a minimum of 7.6 acres to allow for the subdivision of an additional lot. The new lot must be a minimum of 2.5 acres of buildable upland, have a minimum lot frontage on a public road and have no greater than a 1:4 lot frontage to lot depth ratio.

Kaltsas stated Staff has worked with the applicant to create a buildable parcel that fits into the surrounding area with minimal impact on the surrounding properties. There is a large wetland located on the northeast side of this parcel. The wetland dictates the potential location of a home on the property. The applicant would like to utilize the high point on the property for the potential home location. The proposed subdivision would create a new 7-acre lot that has a buildable area to accommodate a home site while maintaining the required setbacks. The existing homestead would be reduced down to a 3.59-acre parcel. The existing homestead and accessory structures will meet all applicable setbacks for the newly created lot. There will need to be a new driveway approved and built to provide access to Parcel B. Parcel B can easily accommodate a new home while maintaining the requisite setbacks from the property lines and wetland.

The existing home has an existing on-site septic system that will remain in use with the existing home. Parcel B will require a new on-site system and will need to accommodate the requisite secondary on-site septic system location. The applicant has provided the City with information verifying that the site can accommodate a primary and secondary site (see locations on survey).

The proposed subdivision delineates the requisite drainage and utility easements along all property lines. The easements will need to be revised to meet the City's established criteria. They are currently shown as 5 feet along the side property lines and will need to be increased to 10 feet.

The newly created Parcel B will be required to pay the City's Park Dedication required fee. For this property, the park dedication payment amount is \$5,000.00. This fee would need to be paid prior to recording the subdivision.

*Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.*

*7 acres- \$3,500 for first 5 acres, plus \$1,500 for the additional 2 acres = \$5,000*

The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. The lots being created will fit into the surrounding area and have minimal impacts on the surrounding properties. The adjacent properties to the west and north are similar in size to the proposed lots after the subdivision.

Kaltsas noted the City has received comments regarding the proposed subdivision. He said Staff is seeking a recommendation from the Planning Commission for the requested Subdivision with the following findings:

1. The proposed minor subdivision 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 requisite drainage and utility easements and legal descriptions for both lots.
3. The Applicant shall execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
4. The Applicant shall pay the park dedication fees in the amount of \$5,000 prior to the applicant receiving final approval to record the subdivision by the City.

5. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Thompson asked if this was a unique situation due to the frontage being wetland. Kaltsas said if they cannot meet the driveway minimums then it could be a shared access and the driveways split off from that access drive. Phillips said it appears if there was a shared driveway it would be less of a diagonal. Kaltsas stated the applicant was originally looking to split the lot in the other direction but when that proposal was submitted the county advised against it.

Public Hearing Open

No comments.

**Motion by Thompson to close the Public Hearing, second by Olson.**

Public Hearing Closed

**Motion by Thompson for approval of a minor subdivision at 6485 Fogelman Road, second by Olson. Ayes: Olson, Palmquist. Nays: None. Absent: Gardner. Motion declared carried.**

5. **PUBLIC HEARING:** William & Lona Scandrett (Applicants/Owners) request that the City consider the following action for the property located at 4704 Lake Sarah Drive South, Independence, MN (PID No. 02-118-24-22-0025):
  - a. A comprehensive plan amendment to allow the subject property to be included in the sewer service area of the City and to allow the connection to City sewer.

Kaltsas stated the property is located on the east side of Lake Sarah Drive South and just east of Stephanie Way. The property is comprised of a wetland, open space and steep slope to Lake Sarah. The property is undeveloped. Kaltsas noted the applicant recently acquired this property for the purpose of constructing a single family home. The applicant had the property studied to determine suitable locations for a primary and secondary on-site septic system. The study found that there is only a primary on-site septic location due to the existing wetland, soil types and proximity of the well on the adjacent property to the east. This property was platted prior to 1995 and therefore falls into a category of the state septic statute that would allow it to develop with only one on-site location. Due to its proximity to the lake and the long-term ramifications of having only one on-site septic location, it is prudent to consider allowing the comprehensive plan amendment.

The City has a public sewer line that services the property directly to the east. It is possible for this property to connect to the City's sewer line by tying into the public manhole on the adjacent property. There are two potential ways for the applicant to connect to the City's sewer line:

-  1. Option 1 - Obtain a private sewer easement from the adjacent property owner.
-  2. Run a private sewer line within the City's right of way to the point on Lake Sarah Drive South where the sewer line intersects the City's right of way.

Kaltsas noted in order for the City to consider the sewer connection, the Comprehensive Plan would need to be amended to include the subject property within the Metropolitan Council approved sewer service area.

### Comprehensive Plan

The process for amending the Comprehensive Plan of the City is as follows:

1. Applicant submits request to the City.
2. City reviews the request and prepares a report for consideration by the Planning Commission.
3. Planning Commission makes a recommendation to the City Council.
4. City Council makes a determination to approve or deny the request.
5. If approved, (subject to Metropolitan Council Approval) City will make application to the Metropolitan Council.
6. Metropolitan Council reviews the Comprehensive Plan Amendment and acts on the request.

Kaltsas said the amendment would propose to include this lot within the sewer service boundary of the City. The properties located just east of the subject property are included in the sewer service area. The City would need to determine if this property should be sewer. Any property incorporated into the sewer service area would need to maintain the City's minimum density as stipulated by the Metropolitan Council (3 units per net acre). Staff has prepared the calculations necessary to determine if this property could be incorporated into the sewer service area. The metropolitan council has reviewed this information and preliminarily determined that this property could be brought into the sewer service area. The City has several "floating" sewer connections that are not officially allocated to a specific property. The City has an established fee for connecting to the City's sewer that would be charged to this property. Based on the calculations for the City's overall net density, it is unlikely that additional properties (beyond this property) could be added to the sewer service area without an additional comprehensive plan revision. Kaltsas said the City has spoken to the adjacent property owner about the possibility of allowing a private easement.

Kaltsas said Staff is seeking a recommendation from the Planning Commission for the request for a Comprehensive Plan Amendment with the following findings and conditions:

7. The proposed Comprehensive Plan Amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
8. City Council approval of the Comprehensive Plan Amendment is subject to the following:
  - a. The Applicant shall obtain the necessary sewer easement from the adjacent property owner;  
or
  - b. The Applicant shall provide the City with plans for making a connection utilizing the City's right of way. This option may require additional agreements and or financial securities.

Palmquist asked what it would cost to connect to the city sewer line. Kaltsas said it would be approximately \$15,000. Kaltsas said the city sells these connections first come first serve for the same price the original assessments were purchased. He noted that does not include their private connection. He said it is only the cost to hook up to the city sewer. Kaltsas said the city would allow them to tap in if they can obtain the easement to get to the city line. Kaltsas said the applicant is responsible for negotiations with the neighbor to see if they can come to an agreement and the city does not get involved in that aspect.

Palmquist said assuming this one gets done where is the City at as far as remaining hookups. Kaltsas said the City would have somewhere between 12-20 hookups left. He noted a couple were given to Vinland that the City will get back once the Met Council updates them. Kaltsas stated if the amendment is approved it does not mean it has to be done just that it can be done.

### Public Hearing Open

Don Johnson, 4698 S. Lake Sarah Dr., said he had not been approached yet and he is the neighbor. Kaltsas stated the onus would be on the applicant to work with him on a potential agreement for an easement.

Colleen Malone, 4708 S. Lake Sarah Dr., asked who is in control of the construction if this does move forward. She is concerned if it is not done correctly that, there could be sewer that ends up in her property, as they are the neighbor on the other side. Kaltsas stated the City inspects all systems whether they are connections or on-site and they have to meet City and State statutes and codes.

### **Motion by Thompson to close the Public Hearing, second by Palmquist.**

Olson commented that it is better to have lake property sewered than not.

### Public Hearing Closed

**Motion by Palmquist for approval of the comprehensive plan amendment to allow the subject property at 4704 Lake Sarah Drive South to be included in the sewered service area of the City and to allow the connection to City sewer noting the applicant is responsible for the established fee, second by Thompson. Ayes: Olson, and Palmquist. Nays: None. Absent: Gardner. Motion declared carried.**

7. **PUBLIC HEARING:** Heidi Kelly/Copeland Farms (Applicant/Owner) request that the City consider the following actions for the property located at 810 Copeland Road, Independence, MN (PID No. 29-118-24-33-0001):
  - a. An amendment to the existing Conditional Use Permit to allow a total of 35 horses to be boarded in association with the commercial riding stable on the subject property.

Kaltsas stated the property is located on the east side of Copeland Road, north of CSAH 6. The property has an existing home, large barn, riding arena, and several smaller barns. There are several large pasture areas, a large wetland and existing tree coverage. Kaltsas said the subject property has historically had a conditional use permit to operate a commercial riding stable. In 2014, the City revoked the conditional use permit as a result of the facility not being used for a commercial riding stable. In May of 2015, the City reviewed and granted a new conditional use permit for a commercial riding stable. The City granted permission to allow 20 horses on the subject property in association with the commercial riding stable.

The applicant is now asking the City to consider amending the conditional use permit to allow an additional 15 horses. The original conditional use permit for this property permitted 39 horses to be

boarded. The applicant mentioned during the initial application process that they would like to ultimately have an additional 15 horses on the property.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The original conditional use permit allowed for 39 horses to be located on the subject property. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 21 acres. Of the 21 acres, approximately 12 acres is useable, non-paved or covered open space. In order to achieve the animal density approved in the historically original conditional use permit, the City required the applicant to lease additional acreage.

The applicant is now seeking permission to allow 35 horses on the subject property. Based on the application of the City's zoning ordinance, 20 horses would be the maximum permitted on this property.

Kaltsas stated that historically, the City has considered allowing additional animal units on properties controlled by a conditional use permit. This particular property was initially granted a conditional use permit for up to 39 horses to be boarded on the property. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. The conditional use permit requires that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit. If the City were to utilize the 1/3 acre of open space per animal unit provision to determine the maximum number of animals on this property, the site could support approximately 35 animal units (~12 acres x 3 animal units per acre = 35 animal units).

The applicant is proposing to comply with all other provisions of the initial conditional use permit. All manure will be hauled off-site. The City is not aware of any complaints or concerns relating to the operation of the commercial riding stable on this property.

The criteria for granting an amendment to the conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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 purposes 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.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property on Copeland Road across from Pioneer Creek Golf Club, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application for an amendment to the conditional use permit meets the minimum requirements for granting a CUP.

Kaltsas stated the recently approved (May – 2015) conditional use permit had the following conditions:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. **No more than 20 horses shall be boarded on the property.**
4. The applicant and facility must operate in compliance with the permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
5. City or County road will not be littered in the hauling of manure.
6. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. The open space may be in pasture, lawn or landscaped grounds. Appropriate screening and landscape to present a pleasing appearance is required.
7. The hours of operation are: summer 7:00 am- 10:00 pm., winter 7:00 am- 9:00 pm. Early arrivals and late departures are to be called into the City Office.
8. Horse shows will require special approval from the City
9. No renting of hack horses.
10. No riding on private land unless authorized by owners.
11. No parking on public roads.
12. Diligent effort must be made to maintain grass in pasture areas.
13. All feed and bedding are to be stores inside a closed building.
14. Utilize appropriate management practices to control flies and odor.
15. Dust control shall be provided from 1060 Copeland Road to just south of Kutz Crossing on Copeland Road by the applicant. Dust control is to be provided for residents on Kutz Crossing if traffic counts (before and after) indicate that Kutz Crossing is being used heavily by clients of the stable.

16. Training clinics offered to non-borders will require special approval from the City.

Kaltsas noted the City has not received any written or oral comments regarding the proposed amendment to the conditional use permit. He said Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the conditional use permit with the following findings and conditions:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be amended to revise the number of horses permitted on the property from 20 to 35. The conditions already established will remain in full effect.
  - a. No more than 35 horses shall be boarded on the property.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Thompson asked why there are different zoning calculations. Kaltsas stated there is an ordinance for 10 acres or less that is applied to other instances but overall the ordinance needs to be looked at and revised. Kaltsas said this particular barn is set up for horses with stalls and is meant as a commercial facility.

Thompson asked if it was more taxing to the City; did it require more inspections and more management detail? Kaltsas stated there were other facilities within the City with more horses than this operation.

Palmquist asked if there was anything in the MPCA permit that is required that needs to be noted in this CUP. Kaltsas said there was not anything in particular to be singled out. He noted that they haul the manure out of this site per their manure management plan.

Phillips asked if there has been an inspection done since May. Kaltsas stated there has not been an inspection but there have not been any complaints received either. Phillips pointed out that the previous owner had leased the additional property to have additional horses as well.

Phillips asked if it made sense to net out riding arenas. Kaltsas said he did not net out the outdoor riding arena.

#### Public Hearing Open

LuAnn Brenno, 7676 Turner Road, said she did not have a problem with this but rather some comments. She said no relevance should be given to a prior CUP that has been revoked. She said that sets a dangerous precedent and would not want to see this passed based on that. Brenno stated she felt that the animal ordinance also needed to be looked at as there is nothing regarding limits over 10 acres formally. She said this sets a bad precedent for other commercial operations that come in and want to go over the limit.

Jeanne Fries, 1062 County Road 19, stated that show horses like these in a commercial stable are very well taken care of and in order to run an operation like this they need the ability to have more horses. She noted people needed to be open-minded that pasture horses are different than show horses and have different requirements.

#### Public Hearing Closed

Thompson stated he does not see a previous CUP as a precedent but rather viability. Phillips said the sixteen points that Planning had previously asked for were being carried out and it would be nice to know that. Kaltsas said an annual inspection would be done but not an interim one as this would have been at less than a year. Phillips said that there might need to be a future meeting regarding animal standards and possibly implementing a filter strip approach. He also said that in the animal density ordinance (item #12) that the definition needed to be beefed up. Olson asked if the current MPCA agreement would address Phillips concerns about the manure run-off. Kaltsas said it governs the manure management but nothing specific to this property.

Thompson said he would like to look at a motion that included the grass to be maintained. Olson said a provision could be added that this would be subject to the previous sixteen (16) items to be followed as well. Kaltsas noted this was an amendment to the one item within the sixteen and all others would still be maintained.

**Motion by Thompson for approval to the amendment for the CUP at 810 Copeland Road noting the recommendations for item number 2 and also editing item number 12 to change the language that the applicant will maintain the grass , second by Palmquist. Ayes:Thompson, Olson, and Palmquist. Nays: Phillips. Absent: Gardner. Motion declared carried**

6. **PUBLIC HEARING:** Bryan and Kyle Johnson (Applicant) and Marvin Johnson (Owner) request that the City consider the following actions for the property located at 6325 County Road 6, Independence, MN (PID No. 35-118-24-23-0001):

- a. A text amendment to the City's zoning ordinance to permit "Event Centers" as a conditional use in the A-Agriculture zoning district.
- b. A conditional use permit to allow an "event center" on the subject property. The center will host weddings and similar events within the existing agriculture accessory structure on the property.

Phillips asked Kaltsas to explain why this application is being submitted again as he has received numerous calls from residents. Kaltsas stated Bryan and Kyle Johnson (Applicant) and Hilltop Farms, Inc. (Owner) request that the City consider the following actions for the property located at 6325 County Road 6, Independence, MN (PID No. 35-118-24-23-0001):

- a. A text amendment to the City's zoning ordinance to permit "Event Centers" as a conditional use in the A-Agriculture zoning district.
- b. A conditional use permit to allow an "event center" on the subject property. The center will host weddings and similar events within the existing agriculture accessory structure on the property from May through October.

Kaltsas stated a similar request came before the City last year. The application for the text amendment and subsequent conditional use permit was denied by the City. By ordinance, the applicant could not make application for the same request for a period of 12 months from the original date of denial. The applicant is now asking the City to consider a similar proposal to that which was made last year. The City will need to determine if the proposed land use is in keeping and compatible with those uses permitted or conditional within the agricultural zoning district. It should be noted that this property is guided for rural residential development in the future.

The applicant has submitted additional information pertaining to some of the comments, questions and issues discussed and or raised during the City's last review. Some of the information provided indicates development densities and traffic impacts for the development of additional property that is not part of this request. The approval of the event center on this parcel may impact the ability of the applicant to acquire (secure development rights) the additional parcels; however, the application and any approvals would pertain to only the subject parcel. The potential residential development density, animal unit density and traffic related impacts would need to be further determined by the City. For the subject parcel only, the residential development density permitted (and correlating traffic impacts) would be less than which is suggested by the applicant due to the subject parcels size only.

The subject property is owned by the applicants in a corporation along with several of the surrounding properties. The family has owned this farm since its founding approximately 150 years ago. The applicants have noted that the existing farm is one of the oldest farms in Independence. The family has stated its desire to preserve the original farm by repurposing its use from solely agriculture to agriculture entertainment. Preservation of the farm would include restoration of the barn, farmhouse, silos and gardens. The applicant would like to convert one of the existing agriculture accessory structures, the original barn, into an agricultural event center that would be capable of hosting larger social gatherings such as weddings, corporate outings and community events. The existing barn would be renovated so that weddings and similar social gatherings could be held on the upper level of the barn.

The original barn is comprised of approximately 3,000 square feet per level and there are two levels. There is an attached single story structure, which adds another 3,000 square feet. The total square footage for all three levels/structures is approximately 9,000 square feet. There are potential building permit issues that would need to be further vetted by the applicant and reviewed by the City prior to any change in use being permitted. For the purpose of this initial review, the City will need to consider the requested text amendment to allow the change in use for this property. Should the City determine that the ordinance should be amended to allow the change in use of the property; a conditional use permit could be considered.

The City does not have any provisions in the existing ordinance that would allow an agricultural event/entertainment center on a property in any zoning district. In order for the applicant to request a Conditional Use Permit to allow an agricultural event/entertainment center, a text amendment to the zoning ordinance must first be considered. The City conceptually discussed the idea of amending the ordinance at a joint meeting with the Planning Commission and City Council. At that time it was noted that amending the ordinance to allow a use as conditional in a zoning district would apply to all properties located in that district. The outcome of the joint meeting was that additional information relating to a specific request would need to be considered prior to making a decision or providing additional direction to the applicant or staff. The City will ultimately need to determine if the proposed use should be considered in the City. Following the initial review of the applicant's request, the City will need to determine if they would like to move forward with an amendment to the ordinance to allow the use. Depending on the direction provided by the City, an ordinance and site details would be further developed and reviewed by the City at a future meeting.

As far as the Conditional Use Permit, Kaltsas stated the property is currently used/operated as a private farm for agricultural purposes. The property is zoned agricultural preserve and guided agriculture in the Comprehensive Plan. The property is however, located within the area of the City that is otherwise guided for rural residential. There is an existing home on the property with several detached accessory buildings. The property has two driveway connections onto County Road 6 and is bisected by the Luce Line Trail. There are three residential homes located less than ¼ miles from the existing barn.

The applicant has prepared a concept site plan, which provides an overview of their desired use and layout of the property. The applicant would like to utilize primarily the top floor of the barn for weddings and their associated receptions. Renovation of the space would be required in order for it to be used for the intended purpose and to meet commercial building code requirements. It should be noted that the applicant and City have initially reviewed the building code requirements. It will be incumbent of the applicant to provide all requisite information to the City pertaining to the building code should this application be considered for approval.

It is estimated that the top floor of the barn could accommodate approximately 200 guests for a given event. This is based on general building code space requirements for general assembly occupancy. The space would be configured to be flexible, utilizing movable chairs and tables. The space would be accessed via ramp on the west side of the building. The plans indicate a deck that would be located off of the west and possibly north sides of the building. There is an area to the east of the barn that is called out as outdoor event space that is no longer proposed. The outdoor event space would only be proposed to be located to the southwest side of the barn. Bathrooms would most likely be constructed as an addition onto the west side of the barn. The primary and secondary sanitary sewer sites would be located on the east side of the barn. Further information would need to be provided to the City regarding the actual locations and their ability to accommodate the sanitary sewer. Handicap parking would be located between the existing farm house and the barn. The applicant would be converting or adding space to accommodate a separate preparation area for the bride and groom. The lower level of the northern/lower barn would be converted into a food preparation area. It is intended that the primary gathering area is mechanically heated and cooled to allow use of the facility from May to October. Providing mechanical heating and cooling would also allow the building to be closed during events and this in turn would help mitigate noise.

Use of the event center is proposed to occur from mid-May to mid-October. The applicant is seeking use of the facility for weddings, corporate, church and community events, primarily on Friday and Saturdays between the hours 9:00 am and 11:59 pm. Smaller gatherings, which have not yet been completely defined, would likely occur during the weekday hours.

Parking requirements for a venue similar to that, which is proposed, vary from one space per 2.5 guests to one space per 4 guests. The applicant is proposing to access the property primarily from the western driveway. General parking would be accommodated in the open area located to the west of the driveway. The applicant would like to park cars on a grass surface utilizing gravel where necessary. The City will need to consider whether or not permanent surfacing (asphalt or gravel) is required for this venue. Commercial developments in the City are required to have paved parking. Lighting would need to be provided so that guests could safely get to the parking area from the event venue. Additional information will need to be provided by the applicant relating to the lighting. Based on the concept plan submitted, the proposed general parking area can accommodate ~116 parking spaces.

Should the City move to consider the text amendment to permit the event center as a conditional use, the criteria for granting a CUP would need to be met. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

- a. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
- b. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

- c. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
- d. Sufficient off-street parking and loading space will be provided to serve the proposed use.
- e. 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.
- f. 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.
- g. 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.
- h. The proposed conditional use is consistent with the comprehensive plan of the City of Independence.
- i. The proposed use will not stimulate growth incompatible with prevailing density standards.

As the proposed conditional use relates to the criteria for granting a CUP, the following issues should be noted and considered:

Fire/Building

1. The fire department will need to review the building plans once a more detailed set of plans is prepared by the applicant. Any site requirements generated as a result of the fire department review will need to be addressed by the applicant. It should be noted that there is a concrete apron, which would allow access to the east side of the existing barn.
2. The City has had initial discussions with the applicant and their architect relating to the classification and subsequent building code requirements for this building. The existing and proposed buildings will be subject to the review and approval by the City. The proposed and existing building will need to meet all applicable building codes established and or adopted by the City relating to the intended use and subsequent classification.

Sanitary Sewer/Storm Water Management

1. The applicant is proposing to accommodate the sanitary sewer needs of this facility with a new on-site sanitary sewer system. A calculation of the projected daily sewer flows for the proposed building and use will be required to be prepared and reviewed by the City. The applicant will be required to apply for and receive the necessary permits from the City for the new system required by the building.
2. Depending on the type of parking area permitted, additional information may be required from the applicant relating to storm water.

Planning/Engineering

3. This property is located on a County Road which could be considered as a mandatory requirement for this type of venue. There are several residential homes located less than ¼ mile from the existing barn. The proposed location of the event venue and its proximity to the surrounding properties will need to be considered.
4. Adequate parking will need to be provided for the proposed facility. The City will need to provide additional direction to the applicant relating to the surfacing of the general parking area. It is anticipated that the accessible parking area would be paved. Grass parking reduces the impervious surface coverage, but may be difficult to maintain so that there is a safe and functional parking area

that has a vegetative cover. Gravel could be installed in the parking area, but may cause issues with dust. Based solely on the space available, the applicant can provide parking to accommodate the intended use.

5. Lighting of the parking lot and pathways between the event center and general parking area will need to be provided. All lights would need to meet the City's standards for a cut-off type fixture established in Section 535 of the Zoning Ordinance. Additional building and access lighting will need to be reviewed at the time the building plans are submitted to the City.
6. Trash will be disposed in a commercial type trash dumpster. The applicant will need to identify the location of the trash area. The City will want the applicant to screen the location of the dumpster and locate it away from the adjacent residential properties.

#### Access

7. Access to this site is from County Road 6. There are two existing driveways that have access onto the county road. The City sent the plans to Hennepin County seeking an initial review of the proposed concept site plan. Hennepin County reviewed the proposed plans and stated that they would require some site line improvements due to the access points being on an inside curve and close to CSAH 90. The existing road is a paved county road with adequate capacity to accommodate the traffic and use proposed. Overall, there are approximately 6,400 trips per day in this location on CSAH 6.

#### Other comments

1. Noise resulting from amplified music at the event venue will need to be mitigated by the applicant. Staff requested that the applicant put together a demonstration to simulate and measure the potential sound impacts of amplified music played inside the venue. The applicant brought in a large commercial grade speaker and played music at various levels and decibels. The applicant and staff walked around the perimeter of the property with a decibel meter to see if the sounds increased decibel levels beyond existing noise levels. It was noted during the demonstration that the ambient decibel levels, as measured using a decibel meter, did not increase at the property lines as a result of the amplified music inside the barn. While the decibel levels were not increased, there was a low octave band frequency that could be discerned at some points along the property line. The applicant is planning to insulate the inside of the barn. Depending on the type and extent of the insulation, noise could be further mitigated. Staff noted that should this request move forward, additional information will need to be provided relating to the potential noise mitigation resulting from the insulation. One issue that would need to be addressed in any ordinance amendment would be the location that music could be played. Likely, there would need to be a condition specifying that noise could only be played inside the building and that the west and south sides of the building would need to remain closed during events where amplified music was played. The applicant has prepared a diagram indicating the recorded decibel levels at various locations along the property lines for review by the City (See attached diagram). The applicant has engaged the services of a sound engineer to further analyze the potential noise impacts. The recommendation from the applicants engineer was to limit the openings in the building, maintain a certain decibel level and not use a subwoofer. Should the text amendment move forward, the City would engage a consultant to review the information provided and further study the potential noise impacts and solutions for mitigation.

Consideration for the proposed conditional use permit will need to weigh the potential benefits and impacts of an agricultural themed event center being allowed as a conditional use on property zoned agricultural.

Based on the review of the site plan and corresponding information outlining the applicant’s proposal, additional detail will need to be presented to the City prior to being finalized for the conditional use permit. Staff is seeking direction from the City relating to the proposed use of the property, keeping in mind that the use will need to be permitted by the ordinance prior to considering approval of the conditional use permit.

Kaltsas stated in order to move forward with consideration for a conditional use permit, the City will first need to develop an amendment to the zoning ordinance to allow the use in the agricultural zoning district. Staff has reviewed the City’s current ordinance and studied examples of ordinances from other communities that have allowed this type of use. There are many examples of ordinances that permit agricultural event/entertainment venues that can be used for reference should the City consider developing and adopting an ordinance allowing the use.

Staff has reviewed a wide array of ordinances pertaining to all kinds of “event type” venues and extracted language and key elements that could be considered by the City. A draft ordinance would be prepared for review following additional direction provided by the City after the initial review of the request. The following key aspects of an ordinance permitting agricultural event centers are as follows:

**Definition** – the City will need to define “events”. This definition will need to include a threshold, which sets the minimum number of guests establishing the need for the conditional use. Along with a minimum number, the City will likely want to establish a maximum number of guests that would be permitted at an individual event. One element that was seen during the review of other ordinances was the concept of establishing multiple tiers of event sizes. Examples of this language are as follows:

Example 1

A. For the purpose of this section, “events” and “activities” have the following meanings:

- a. Events: planned parties, celebrations, concerts, conferences, or similar occasions with reservation of a particular space at the property for a single-occurrence gathering, including but not limited to weddings, wedding receptions, private parties or similar family or social functions.

Example 2

A. Agricultural Event Center means a facility located on agriculturally zoned land of (minimum number of acres) that has ongoing viable agricultural use that provides a facility for any type of social gathering consisting of multipurpose meeting and/or recreational facilities, typically consisting of multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups of (number to be established) for such activities as meetings, parties, weddings, receptions and dances.

**Qualifying Property Standards** – the City will need to define the base standards that would need to be met for a particular property in order for a conditional use to be considered. The applicant has suggested that the City should consider establishing a standard that would require a property to be listed on a locally recognized historic register. The City does not currently have an established local historic register. This is something that could be considered by the City. Additional standards would define the property characteristics such as minimum lot size, setbacks, property access, minimum lot coverage, available space for septic locations and other similar aspects of a proposed venue.

Examples

- A. The property proposed to be used for “agricultural events” must meet the following minimum criteria:
- a. Minimum lot size of (define minimum acreage).
  - b. Maximum impervious surface coverage for an agricultural event center shall be 25% of the total site area excluding wetlands.
  - c. Access to the property must be from a County Road.
    - i. Traffic impacts will need to be studied and mitigated depending on the ability of the existing road to accommodate the proposed use as determined by the County. Roadway and possible affected intersection improvements may be required as a part of the approval.
  - d. All buildings and spaces on a property associated with the agricultural events shall be setback a minimum of (define minimum setbacks) feet from the exterior property lines.
  - e. On-site septic systems to accommodate the use of the property are required. All systems will need to be verified by the City.

**Design Standards** – the City will need to provide detailed design standards for various aspects of the intended use. Design standards would define parking standards, noise requirements, hours of operation, lighting, landscaping, and other similar aspects of a proposed venue.

Examples

- A. The following design standards shall apply to property proposed to be used for “agricultural events”
- :
- a. Parking to accommodate the proposed use shall be provided on site. The number of parking spaces shall be determined by the City following review of the proposed use. All parking areas shall be constructed to the following standard (define parking standard).
  - b. Events shall be allowed as follows:
    - i. Events shall be allowed between May 15<sup>th</sup> and October 15<sup>th</sup> of a calendar year.
    - ii. Events shall be allowed to operate from \_\_\_\_\_am to \_\_\_\_\_pm on Friday, Saturday and Sunday.
    - iii. Additional events shall be permitted as specified by the conditional use permit.
  - c. Noise must not exceed (define maximum decibels) decibels on any octave band frequency measured at any point along the property line. *Note that the ambient noise level should be considered when establishing a minimum or maximum noise level. The measured ambient noise level measured on-site was around 45 decibels – which was primarily a result of the County Road 6 traffic.*

- d. Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the agricultural event use is approved.
- e. Lighting shall meet all applicable standards of Section 535 of this ordinance.
- f. Landscaping shall be designed to buffer adjacent properties from the areas of the property to be used for agricultural events. A landscape plan will be required to be prepared and submitted for review by the City.
- g. Security. The City may require the property owner to utilize the services of a licensed security officer or additional police services (paid for by the applicant) at all or certain events.
- h. Definition of event area limits shall be provided. This shall include installing and or providing fencing, landscaping, berming or other similar physical barriers to prevent trespassing on adjacent properties
- i. The City may require compliance with additional conditions, restrictions or limitations it deems to be necessary to protect the health, safety welfare and reasonable use and enjoyment of the surrounding properties.

A draft ordinance would be prepared for review by the City should staff be directed to move forward with amending the ordinance to permit agricultural event centers. There are additional elements and details of the ordinance that will likely need to be further developed. The City will ultimately need to determine if the proposed use is in keeping with the intent of the agricultural zoning district and the Comprehensive Plan. The City has the ability to amend or not amend the City's zoning ordinance to allow certain uses at its discretion. Once the ordinance is amended, the City would then need to use the established criteria for granting a conditional use permit to determine if the individual proposal meets those requirements. Staff is seeking a recommendation from the Planning Commission for the requested Text Amendment and Conditional Use Permit. Findings and conditions would be developed and outlined at a future review of this request. Kaltsas wrapped up the staff report by noting the City did receive a lot of written and verbal comments regarding this proposed event center.

Thompson asked if there were any details within the ordinance that would provide for comprehensive plan guidance. Kaltsas said there was not comprehensive plan guidance criteria within our ordinance as of now. He said we do not have any other facilities of this nature that would involve large gatherings besides riding stables and golf courses. Kaltsas noted that those venues are very limited in what they can do as far as large assembly gatherings.

### Public Hearing Open

Bryan Johnson (Applicant) thanked the commissioners and City staff for their work. Johnson talked about the history of this farm. He said his great grandfather lived on this property one year after Lincoln gave the Gettysburg address. This was six years after the City of Independence was established. Johnson said he felt that residents of the City of Independence want to keep the rural atmosphere, close to nature and sparsely populated. Johnson said this is the vision he also supports. Johnson pointed to the City website and the descriptive paragraph that defines the City. Johnson said he sees two options for the future for the property; either a housing development or a wedding venue.

Johnson stated a professional sound review was done and it was determined that sound would not be an issue for neighboring properties. He said a wedding venue would be an attractive historical use of the property. He said the other option would be 38 houses right off County Road 6. Johnson said a wedding venue fits the culture of the City and would be revenue into the City as a commercial operation. Johnson said he had 160 signatures in support of his proposed venue. Johnson asked two parties to speak on his behalf.

Robert Oswood, New Brighton, said he ran some calculations based on the relationship of the barn to adjacent properties. He said if the sound would not exceed 95 decibels it would be very manageable. Anything over 95 decibels would be objectionable. He said it would be feasible to manage the sound on the property to a desired level.

Mike and Paula Buschell, owners of Hope Glen Farm wedding venue in Cottage Grove, stated they have been holding weddings at their remodeled barn for the past four years. Mike Buschell said this venue is very popular with the millennial generation. Paula Buschell stated it is possible to have a wedding venue and happy neighbors. Thompson asked how many acres their barn was located on. Mike Buschell said it was 7.93 acres but they were surrounded by a 500 acre park.

Johnson closed by saying he thought it was important that the City had a legacy.

Phillips opened up the platform to anyone else in the audience who would like to speak.

Dean Mooney, 6165 County Road 6, stated he was just east of the proposed venue and is a cousin of the Johnsons. He stated he has great respect and affection for his cousins but he disagrees on this wedding venue would affect the community and the immediate neighborhood. Mooney requested that the Council minutes from one year ago pertaining to this application be provided in the packets that go to Council for the next meeting. He noted there are two new Council members that have been elected since that meeting and he wanted them to know the concerns that were presented at that time. Mooney referred to a chart that outlines sound levels. He said 85 decibels is roughly the sound of a piano being played loudly. Mooney noted a typical rock band would be at 150 decibels. He stated there would be a lot of outside noise from these gatherings that would affect nearby properties. He said his daughter's residence (Carlson) would be greatly affected as it sits quite close to the property. Mooney said he does not object to rural housing as long as the City's established rules are kept in place. Mooney questioned what would come for future proposals if something like this event center is passed. He noted Johnson and his son Kyle Johnson have no experience in hospitality and he would be concerned about underage drinking and individuals being overserved. Mooney said the City's ability to enforce CUP's after they are granted is always problematic. Mooney stated he is proud of his heritage as well and noted one of the last votes of his great grandfather was against having a saloon in Maple Plain.

Don Bruhn, 2485 County Road 90, said he has known the Johnson's since 1959 and is ashamed of them.

Bill Greenwood, Independence, said he would like to challenge the sound information that Mooney shared, as he is a musician. He said the example of the piano given by Mooney was simply not true and he did not think it was the best interest of this discussion to have information presented that was not accurate. Greenwood said it is rare to have a family with a legacy like this and he supports this proposal.

Cindy Larson, Greenfield, said she has known the Johnson family for many years and feels they have changed many lives for the better. Larson said they have great planning experience and she highly recommends them and supports this venue.

Roxanne Johnson, 6560 Fogelman Road, said she was not a relative of the Johnsons. She read a letter from her husband who was unable to attend. The letter stated a wedding venue was preferable over a housing development.

Evan Johnson, Minnetonka, stated he is Marvin and Bryan's brother and he supports having a wedding venue rather than a housing development. He feels this is a good option to preserve the area.

Ron Lyrek, 5286 County Road 11, stated he knows change is going to happen. He is the last farm on Lake Sarah. He said this wedding venue is a wonderful option and should be considered.

Roselle DePietro, 5478 Anderson Estates Road, stated she has a high appreciation for farmland. She said she walks the Luce Line trail and is concerned about the noise a wedding venue would create. DePietro is also concerned about the fatalities on 6 and the blind spot heading east.

Shae Johnson, Minnetonka, sister-in-law of this family. She said Bryan would not think about having a venue that would harm this community. She feels points have been greatly exaggerated this evening and that sound can be controlled. She is in support of this venue and feels it would bring fellowship to the community.

LuAnn Brenno, 7676 Turner Road, said she opposed this plan a year ago and still opposes it. She does not want to see an event center of any type in the agricultural areas. Brenno noted they could do this in the area designated as commercial. She said they will spring up once they are in code. Brenno said there is no other benefit except to the Johnson family. She noted the housing development numbers presented as the other option are deceptive. Brenno said if it were developed as a cluster, it would be 14 homes and if it were developed as a non-cluster it would be eligible for 10 homes. She noted the signatures in support of this were not from people who lived in Independence.

Larry Larson, Greenfield, said young people like these things and he is confident in the Johnson family. He said it was forward thinking and he feels it will be well controlled.

Laura Sorenson, 280 Ingerson Road, said she is concerned about this proposal. She said she contacted all twenty of her neighbors and none were in favor. Sorenson said they already have one venue impacting this area with the Minnetonka Apple Orchard. She is very concerned about the noise and feels this would be very detrimental to home values.

Rick Shank, Maple Plain, one mile north of this proposed venue. He said he moved from an urban area and values life here in the country. He is in favor of this and feels it would bring value to the area.

Ben Carlson, 6225 County Road 6, showed pictures taken from his bedroom window to show where it was in relation to the barn. He said this venue would affect his family and that it was not consistent with the City's future plans. Carlson said he was the closest neighbor that would be affected by the venue. He feels this could affect the safety of his two young children. Carlson is extremely concerned about the noise pollution this would generate. He heard the sound tests. Carlson said the lighting would be projected right into his windows. He said the City does not allow alcohol in City Hall unless it follows new text amendments and CUP's. He said he did not speak at last year's meeting as he has known Bryan and Kyle his whole life and did not want to make it personal. He feels the residential development proposal is misleading as well as the signature list. He said after this did not pass last year Johnson called him and told him that he should get on board or a large housing development was going to go in.

John Hasse, 1035 County Road 92, said he lives across from the old apple orchard. He said there were bright lights that would shine in his window. He noted even a boom box caused noise for his property. Hasse said change will happen and he would like to see the barn preserved but not with this type of venue.

Neil Eidenshink, Main Street in Maple Plain, said he would like to get married in a barn and young voices need to be heard. He said this venue would be cool.

Dean Sorenson, 280 Ingerson, knows the Johnson and does not question their integrity; however, he does not agree with the proposal and feels it is not for the betterment of the community.

Nick Reynolds, 1015 Drake Court, said he lives across the field and is opposed to this project. He said this is not in ordinances or City's comprehensive plan. He stated he has a family with young children and would worry about the traffic, noise and alcohol consumption. Reynolds said they could move the barn to an appropriate designated location for this type of use.

Sally S., 2840 Copeland Road, said she has lived here for four years. She wonders how this fits into the long-term plan.

Ken Leib, 6651 Fox Ridge Circle, closest home to Minnetonka Apple Orchard. He said if this happens, 2/3 of Independence would be open up to this type of event center. He noted the comp plan comes up for revision in 2020 and to not put the cart before the horse. Leib said this has nothing in common with the event center in Cottage Grove. He is very concerned about what this type of center would mean for traffic safety on 6. He is also concerned about noise and light pollution.

Saul Baumann, 6085 Drake Drive, said he moved here to enjoy nature. He said his neighbors play loud music and he would be very concerned with the noise this venue would generate. He feels this would change the neighborhood and not for the better.

Kyle Johnson, son of co-applicant, said that change is inevitable and this is an opportunity. He said to look at the facts. Johnson said that as a teacher at Orono he could not afford to keep the 300 acres. He needs a way to support this and that is how the wedding venue came about. Johnson said this is a research-based proposal and he wants to raise his family in Independence.

Brian Schroeder, 1040 Polo Club Road, said he is here also on behalf of his brother, Gary, who lives across the road from this proposed venue. He echoed the noise and traffic concerns and that the Johnsons were the ones who would benefit not the community as a whole.

Greg Gabriel, 5300 Pagenkopf, said he understands the desire to preserve the barn as he has one also. He feels this would make a drastic change to the community. He said there should be very thoughtful and slow consideration to make such a change and maybe 2020 would be the time to revisit this but not now.

Josh Samuels, 5983 County Road 6, said he moved here a year ago and loves the rural setting. He said he likes to sit on his deck and enjoy the peace and quiet. Samuels said he is opposed to this event center.

Lance Gyllenblad, 4465 Lake Sarah Road, said he agrees with LuAnn Brenno and feels this goes against the Ag Preserve that the Johnsons have on their property right now.

Tim Ossett, Plymouth, said he is Bryan Johnson's son-in-law and there have been many allegations and feels more research needs to be done before this gets shut down.

## Public Hearing Closed

Palmquist stated that he felt he spoke on behalf of the others that no one questions the character, faith or commitment to the community of the Johnson family. He noted that this text amendment was different in that they are usually received from the City Council and this one was not. Palmquist said he struggles with this text amendment, as it would apply across all of the Agricultural zones in Independence. He said with all due respect to the applicant that nothing he has heard here tonight changes his mind from the last time this proposal came before the commission and he feels this text amendment would change the charm of the City. Palmquist said he is not opposed to wedding venues or change but feels this is a site-specific question and he is not convinced the benefits outweigh the risks for this particular application. He said he would not be voting in favor of it.

Thompson said he appreciated all the comments and has a slightly different view. He said the nature of Agriculture is commercial and living off the land is commercial in nature. Thompson said the text amendment is interesting and Cottage Grove created an amendment that ended up having eleven properties that qualified. He noted there are two parts of this with the Conditional Use Permit and the text amendment. Thompson said this is worth pursuing and further defining as a concept in general but does not know if this particular property would be appropriate at any rate.

Olson said he feels similar to Thompson and that this is something that as an amendment for the City needs to be considered.

Phillips said he feels he has been open on his thoughts and he is not willing to be a part of delivering a nuisance to the citizens of Independence.

Thompson asked about the evolution of the use of agricultural land and how folks can use their land in a sustainable way to incorporate their hopes and dreams. He said he agrees it is a problematic issue but does not see it as a binary issue.

Phillips stated his property is zoned agriculture and in his opinion people on the west side of town do not like when the people on the east side of town decide what will happen for everyone. He said it is the same as the distillery operation where they were told they had to be in a commercial district.

Thompson said he understands the premise but this is not about a zoning district. He said as a land use and sustaining a family on a property, it is neither good nor bad but simply a different use. He said it is an interesting discussion to have as to why not have this type of venue here.

Olson asked if Thompson was saying because something is somewhere else why not here. Thompson said that is just trying to say this should be a slow and thoughtful change. He said this would have to be looked at in the future in how we control and manage change.

Palmquist said this needs to be looked at according to the text amendment on whether it will have a detrimental effect. He said an apple orchard does not have a great impact whereas this venue could certainly greatly affect area residents. He said at this point that the potential for an adverse outcome is too great to consider this proposal. Thompson agreed and noted that some of the nuisance factors were unique to this proposal.

Phillips said they needed to act upon the text proposal amendment tonight and from that comes the Conditional Use Permit action or inaction.

He said he appreciates everyone coming out tonight and hopes they gained a flavor for the thoughtful deliberations that go into these emotionally charged items. Phillips said it was great that people cared about Independence.

**Motion by Olson for approval for the applicant's text amendment, second by Thompson. Ayes: None. Nays: Phillips, Olson, Palmquist and Thompson. Absent: Gardner. Motion denied.**

**Motion by Phillips for denial of the applicant's text amendment, second by Thompson. Ayes: Phillips, Olson, Palmquist and Thompson. Nays: None. Absent: Gardner. Motion denied.**

**Motion by Palmquist for denial of the applicants CUP, second by Thompson. Ayes: Phillips, Olson, Palmquist and Thompson. Nays: None. Absent: Gardner. Motion denied.**

**7. UPCOMING PLANNING COMMISSION AGENDAS**

**8. ADJOURN.**

**Motion by Palmquist, second by Thompson to adjourn the meeting at 11:10 p.m. Ayes: Olson, Phillips, Thompson and Palmquist. Nays: None. Absent: Gardner. Motion declared carried.**

Respectfully Submitted,

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Trish Bemmels, Recording Secretary