City of Independence

Request for Rezoning and Minor Subdivision to Permit a Lot Split of the Property located on County Road 11

To:	City Council
From:	Mark Kaltsas, City Planner
Meeting Date:	June 14, 2016
Applicants:	Jerry and Sheryl Wise
Owners:	Jerry and Sheryl Wise
Location:	PID No. 11-118-24-22-0003

Request:
Gerald and Cheryl Wise (Applicants/Owners) requests that the City consider the following actions for the property identified as PID No. 11-118-24-22-0003 in Independence, MN:

a. Rezoning from AG-Agriculture to RR- Rural Residential.

b. A minor subdivision to allow the subdivision of property into two lots

Property/Site Information:
The subject property is located west of the intersection of County Road 11 and County Road 90 and on the south side of County Road 11. The property has no structures and is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

Property Information: **PID No. 11-118-24-22-0003 County Road 11**
Zoning: *Agriculture*
Comprehensive Plan: *Rural Residential*
Acreage Before: *19.93 acres*
Acreage After East Parcel: *14.91 acres*
Acreage After West Parcel: *5.02 acres*

PID No. 11-118-24-22-0003 County Road 11

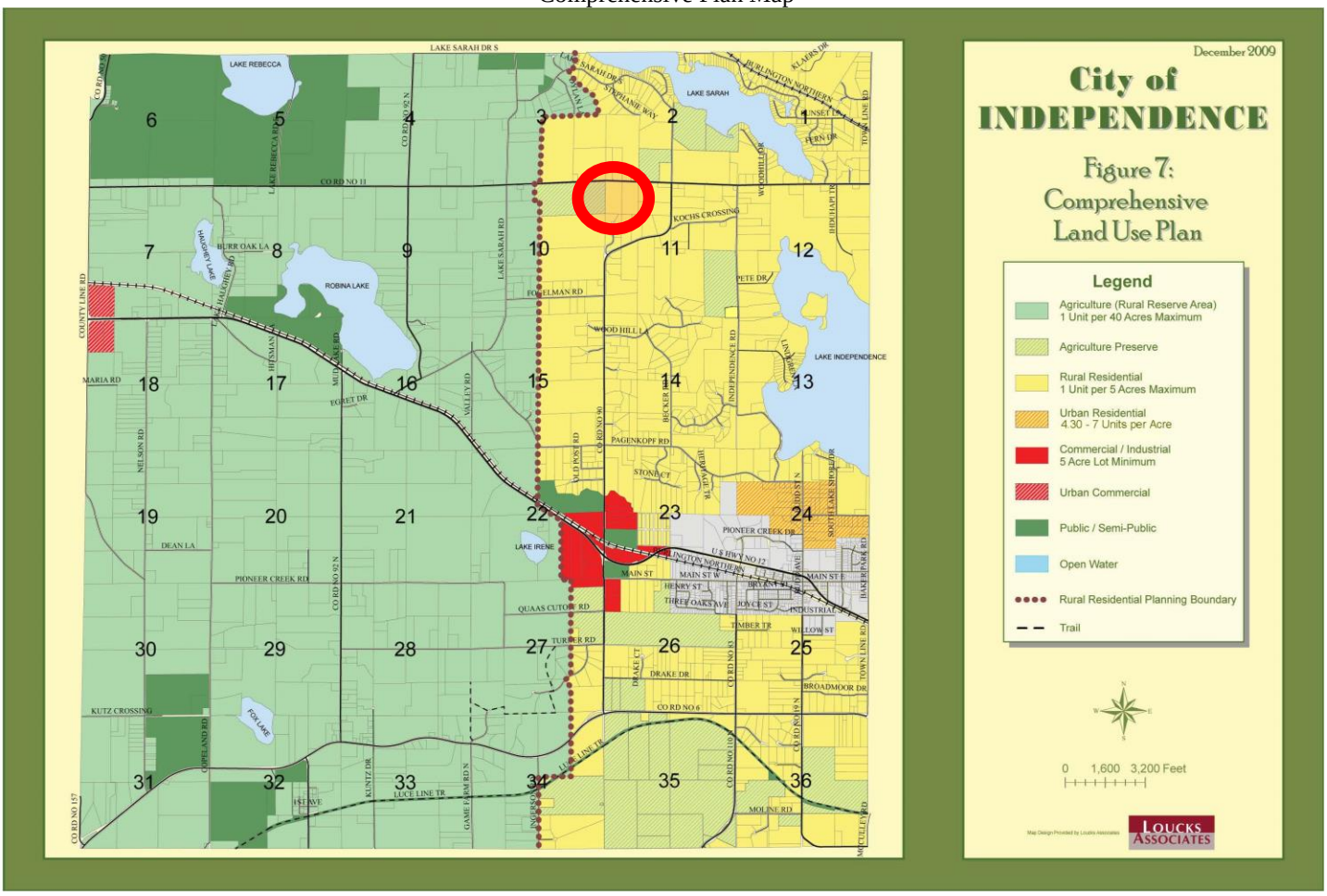
Discussion:

This property is zoned AG-Agriculture, but guided RR-Rural Residential in the City's Comprehensive Plan. The applicant is seeking rezoning of the property to Rural Residential which would then allow the subject property to be subdivided. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance.

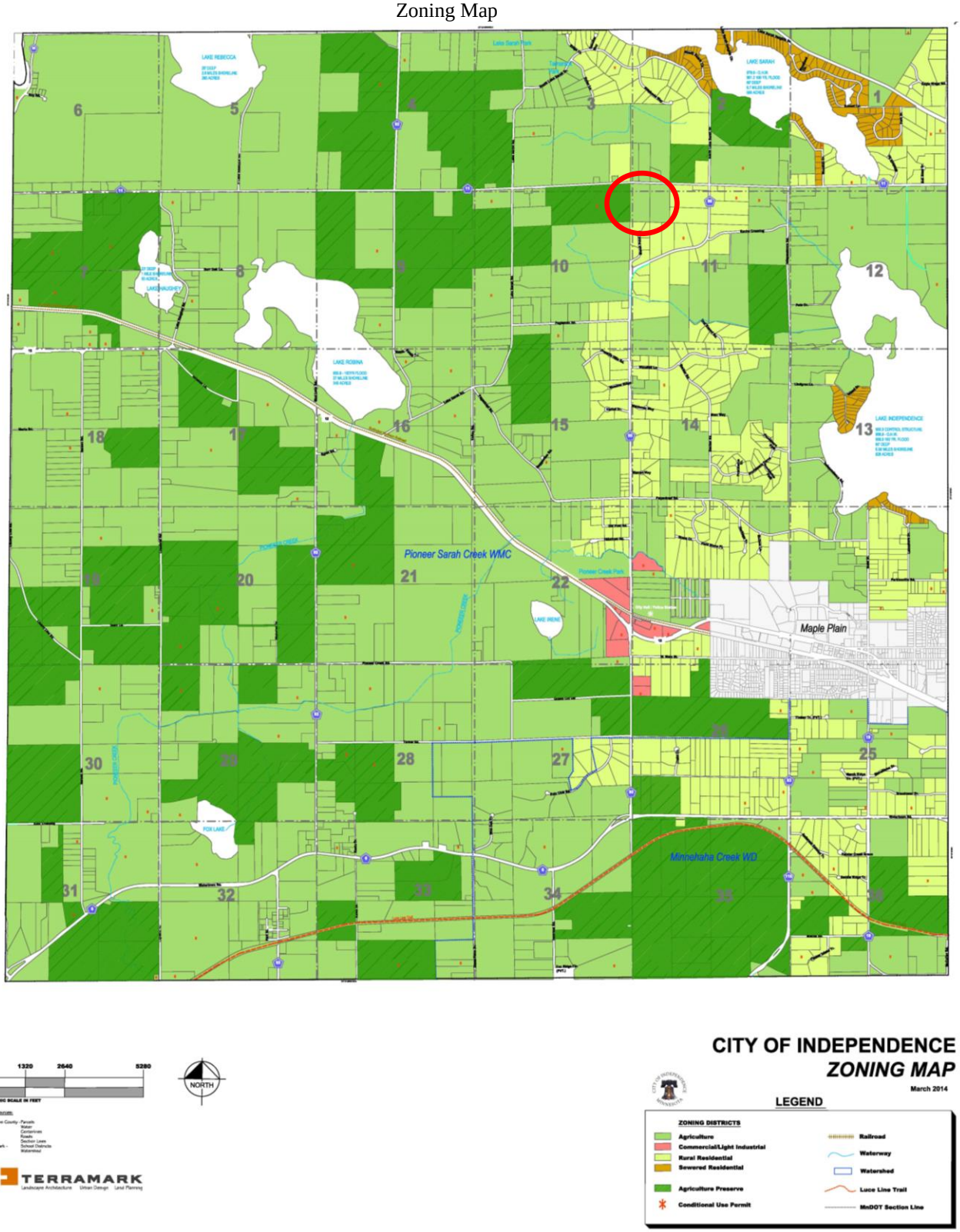
<u>Rezoning</u>

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 east and south (see Comprehensive Plan/Zoning map below).

Comprehensive Plan Map



Zoning Map


LAKE REBECCA
LAKE SARAH
LAKE ROBINA
LAKE INDEPENDENCE
Pioneer Sarah Creek WMC
Maple Plain
Minnehaha Creek WD
CITY OF INDEPENDENCE
ZONING MAP
March 2014
LEGEND
ZONING DISTRICTS
Agriculture
Commercial/Light Industrial
Rural Residential
Sewered Residential
Agriculture Preserve
Conditional Use Permit
Railroad
Waterway
Watershed
Luce Line Trail
MnDOT Section Line
NORTH
TERRAMARK

Minor Subdivision

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be four (4). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the subdivision is the location of the wetlands on the property. The wetlands cover approximately one-half of this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

> *Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)*

Area of Lot of Record	*Maximum Number of Lots Permitted*
7.5 acres or less	*One*
7.6 through 12.5 acres	*Two*
12.6 through 17.5 acres	*Three*
17.6 through 22.5 acres	***Four***
22.6 through 27.5 acres	*Five*
27.6 through 32.5 acres	*Six*
32.6 through 37.5 acres	*Seven*
37.6 through 42.5 acres	*Eight*
42.6 through 47.5 acres	*Nine, plus one addn. lot for every five addn. acres of land.*

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

> *530.03. Physical Standards.*
>
> *Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:*
>
> *(a) Minimum lot area* — *[a] 2.50 acres buildable land*
>
> *(b) Maximum lot area* — *10 acres*
>
> *(c) Minimum lot frontage on an improved public road or street:*

Lot area	*Minimum frontage*
2.50 – 3.49 acres	*[b] 200 feet*
3.50 – 4.99 acres	*[b] 250 feet*

5.00 – 10.00 acres *[b] 300 feet*

(e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.

[a] A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

[b] A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

Lot No.	Gross Acres	Upland Acreage	Frontage	Lot Frontage/Depth
East Parcel	14.91 acres	3.96 acres	300.00 LF	1:4
West Parcel	5.02 acres	2.52 acres	361.04 LF	1:2

The proposed subdivision would create two new lots. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands and capture the best building site locations. The applicant considered a split of the property that would have created two nearly equal lots, but that configuration would impact potential views and usability of the east lot. The proposed configuration seems to provide for two lots that have good building sites and clean lot lines.

Access to both lots would be from CSAH 11. The County has reviewed the requested subdivision and provided the City with several comments. The applicant will need to comply with all applicable County comments. The County commented on the following aspects of the development:

1. There is an existing access to the property along the western property line. The County does not believe that this location has suitable site lines and is requesting that the applicant consider a shared driveway near the proposed division line between the east and west parcels.

2. The County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request from all properties and subdivisions along CSAH 11.

3. The County is requesting a drainage and utility easement from the existing 24" culvert beneath CSAH 11 to the wetlands.

Both lots will need to provide the requisite ten (10) foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not trigger the City's stormwater management requirements because there will not be an increase in new impervious surface.

The newly created lot will be required to pay the City's requisite park dedication fee. The requisite park dedication fee is as follows:

Lot No.	Gross Acres	Park Dedication Amount
East Parcel	14.91	Existing Parcel
West Parcel	5.02 acres	$4,250

The total park dedication fee collected will be $4,250. The park dedication fees will need to be paid prior to the City recording the subdivision.

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

Other Considerations:

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed rezoning and subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.

2. The applicant provided the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site.

3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.

4. The applicant is not proposing any additional public infrastructure as a result of this subdivision. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

Summary:
The proposed rezoning and subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision meets all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:
The City has not received any written or verbal comments regarding the proposed subdivision to permit a rural view lot.

Planning Commission Discussion:
Commissioners discussed the request and noted that the proposed subdivision appeared to meet applicable criteria. Commissioners recommended approval of the proposed rezoning and minor subdivision to the City Council.

Recommendation:
The Planning Commission recommended approval to the City Council, of the requested Rezoning and Minor Subdivision, with the following findings and conditions:

1. The proposed Rezoning and Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.

2. City Council approval of the Minor Subdivision is subject to the following:

    a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.

    b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.

    c. The applicant shall provide the City with all requisite drainage and utility easements. If a shared driveway is provided, the applicable easements shall be drafted and recorded as a part of the minor subdivision.

d. The applicant shall comply with all applicable Hennepin County transportation review comments and requirements.

e. 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 the amount of $4,250.

4. The Applicant shall pay for all costs associated with the City's review of the rezoning and minor subdivision.

5. The Applicant shall record the minor subdivision within six (6) months from the date of the City Council approval.

Attachments:

1. Property Pictures
2. Application
3. Proposed Minor Subdivision Survey
4. Hennepin County Review Letter

Attachment #1

(View looking south)