

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
MONDAY, JULY 31, 2017 –6:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer, Grotting and McCoy

ABSENT: None

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas, City Attorney Vose

VISITORS: Rick and Kari Stromer, Ed Peterson, Tom Roden, Kathy Pluth, Ed Pluth, Jeff Martinsen, Bridget Ennevor, Kathy and Tony Anderson, Marcia and Mike Kreklow, Marie and Megan Staffanson, Rollie Radke, Richard Sievers, Jason Sievers

4. \*\*\*\*Consent Agenda\*\*\*\*

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the July 11, 2017 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 17288-17326.
- c. Approval of the Large Assembly Permit for Dylan Lane Block Party to be held on September 9<sup>th</sup>, 2017.
- d. **RESOLUTION NO. 17-0731-01** Approval of Temporary Gambling License for Windsong Farm Golf Club, LLC to be used at a Charity Golf Tournament held on August 28<sup>th</sup>, 2017.

**Motion by Betts, second by McCoy to approve the Consent Agenda. Ayes: Johnson, McCoy, Spencer, Grotting and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- WHPS and Maple Plain Fire Department softball game
- Planning Commission Meeting
- 2040 Comprehensive Plan Meeting

**Grotting attended the following meetings:**

- Planning Commission Meeting
- 2040 Comprehensive Plan Meeting
- Highway 12 Safety Coalition Meeting

**McCoy attended the following meetings:**

- WHPS and Maple Plain Fire Department softball game
- 2040 Comprehensive Plan Meeting
- Delano Fire Department Meeting

**Betts attended the following meetings:**

- WHPS and Maple Plain Fire Department softball game
- Highway 12 Safety Coalition Meeting
- Planning Commission and City Council Joint Meeting
- Police Commission Meeting

**Johnson attended the following meetings:**

- WHPS and Maple Plain Fire Department softball game
- Community Action Partnership Finance Meeting
- Highway 12 Safety Coalition Meeting
- Metro Cities Municipal Revenue Meeting
- National League of Small Cities Conference in Florida
- Community Theatre performance of Willy Wonka
- LSIA Annual Picnic
- Delano Fire Department Meeting
- Police Commission Meeting
- Planning Commission Meeting
- 2040 Comprehensive Plan Meeting
- Community Garden Event at Rainbow Park

**Horner attended the following meetings:**

- Planning Commission Meeting
- 2040 Comprehensive Plan Meeting
- Copier Sales Meeting

**Kaltsas attended the following meetings:**

7. ANNUAL VISIT FROM DISTRICT 33 SENATOR DAVID OSMEK.

Osmeck stated the Highway 12 funding went through after only two years of negotiation which is unprecedented in his time. Osmeck said the Chair of Energy was able to coordinate the exit from BioMass number. BioMass is an industry that burns wood chips, etc. for energy. Osmeck said it was very expensive form of energy and the legislature was successful in exiting that program. It will save over ¾ billion dollars over time.

8. TABLED AT MAY 9, 2017 CITY COUNCIL MEETING - Jason Sievers (Applicant/Owner) requests that the City consider the following actions for the property located at 1180 County Road 83 (PID No. 25-118-24-32-0001) in Independence, MN:
- a. Consideration of granting a variance to allow a reduced side yard setback for the subject property (Resolution will be brought back to Council for adoption based on Council decision).

Kaltsas stated the subject property is located at 1180 County Road 83. The property is on the east side of County Road 83 and south of the intersection of Timber Trail and County Road 83. There is an existing home and one small detached accessory structure on the subject property.

Staff met with the applicant's representative to discuss the issue based on the City Council discussion. The applicant has reviewed the plans and believes that the proposed garage/house addition oriented in a manner similar to the original request is the best solution. The applicant has revised their request and is now seeking a variance of 6 feet so that the proposed garage would be setback 24 feet from the north property line. The original request sought a 12.6-foot variance. Council is being asked to consider the amended variance request. Based on Council direction, staff will prepare a resolution for adoption at a future meeting.

Kaltsas said City Council is being asked to provide direction and resolve to approve or deny the requested variance. Based on the determination made by Council, a corresponding resolution would be prepared and brought back to the City Council for adoption. The City has extended the review period for this application based on the need to bring back a resolution.

Spencer asked about the original denial and wanted to know what in this case would be the hardship. Grotting said it was the placement of the home that causes the hardship. Kaltsas said the placement of the existing home causes limitations. Spencer asked what the rationale was for the hardship. Vose stated hardship is an old term and now the state refers to practical difficulties test. He noted it has to be proven that the problems are unique to the property and not caused by the landowner. Betts asked if this request was similar to what the rest of the neighborhood looked like, i.e., did everyone else have a three car garage. Kaltsas said there are examples of both two and three car garages in the area.

### Public Hearing Open

Jeff Martineau, 2565 North Shore Dr., Orono spoke on behalf of Jason Sievers as the real estate agent that sold the property. He said he worked with the builder to come up with a revised plan that would shrink it from a three car garage to a two car garage. The revised design would allow for a 6' variance.

Johnson asked if they intended to save the trees. Martineau said it was the intent to save them.

Martineau noted it was the breezeway/ entryway that they were trying to make work with the rest of the house with the addition of the garage. Grotting asked if the peak of the addition would be higher than the rest of the house. Martineau said they were not sure yet. He said he is looking for

Council's support of a 6' variance and then they would work from there. Vose said some of the items brought up today may reflect practical difficulties and could be brought up with the Planning Commission. He noted the desire to save the trees.

McCoy said he appreciated the applicant coming back with a compromise.

Jeff Martineau gave verbal permission for the City to extend the timeline in order to prepare a resolution of a 6' variance.

**Motion by McCoy, second by Spencer to approve extension per the applicant, Jason Sievers of the request to allow a reduced side yard setback of 6' for the property located at 1180 County Road 83 (PID No. 25-118-24-32-0001). Ayes: Johnson, McCoy, Spencer, Grotting and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. RICHARD AND KARI STROMER (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2828 COUNTY LINE ROAD (PID NO. 18-118-24-24-0003) IN INDEPENDENCE, MN:
  - a. Consideration of granting a variance to allow a lot split of their 19.47 acres in the Agriculture zoning district. The variance would allow for the division of a 4-5 acre portion of this property with access onto Nelson Road; and
  - b. A minor subdivision allowing the split of the subject property into two parcels (Resolution will be brought back to Council for adoption based on Council decision).

Kaltsas said the subject property is located south of Hwy. 12, west of Nelson Road and East of County Line Road. There is an existing home and accessory buildings located on the property. The home is accessed via Maria Rd. There is a creek that bisects a portion of the property. The property has upland pasture as well as a stand of mature trees.

The applicants approached the City about the possibility of subdividing their property into two lots. The property is zoned Agriculture. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The City would have to consider granting a variance from the zoning ordinance to allow the subdivision of this property. The overall property does not meet the minimum 40-acre requirement to realize a rural view lot subdivision. The property has an existing home and accessory structures that are accessed via Maria Rd. to the west. The applicant has noted in their application that the existing creek and tree line divides the property and makes access of the eastern portion difficult. Additionally, the property has frontage on Nelson Road to the east. The applicant would like the City to consider granting a variance to allow the subdivision of property in the Agriculture zoning district that does not meet the minimum 40-acre lot size. The applicant has provided a survey, wetland delineation and septic design for the proposed Tract A. The proposed new parcel would be a total of 4.32 acres with 2.76 acres of useable upland. The newly subdivided property would be accessed via Nelson

Road. Based on the information provided and a site visit, the proposed lot would appear to accommodate the development of a single-family home meeting all requisite requirements. The proposed property would have the following detail:

Min. Lot Size Required to Subdivide:	40 Acres
Existing Lot Size:	19.47 Acres
Min. Lot Frontage Required:	250 Lineal Feet
Lot Frontage Proposed:	440 Lineal Feet
Min. Upland Acreage Required:	2.5 Acres
Upland Acreage Proposed:	2.76 Acres

The remainder property with the existing home and accessory structures would not be negatively impacted as a result of the proposed subdivision. The proposed property line for the new parcel would not create any non-conformities or reduced setbacks relating to the remainder property, the existing home or accessory buildings.

The City has standards for granting a variance which need to be considered prior to making a recommendation relating to the application. The standards established by the City require the applicant to demonstrate that the requested variance does not create a situation that is not in keeping with the character of the surrounding area. In addition, the applicant must demonstrate that the requested variance is unique to the subject property. The standards for granting a variance are as follows:

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the standards for granting a variance:

- a. The applicants are proposing to use the existing and proposed property as residential which is consistent with the AG-Agriculture Zoning District.
- b. The properties created by the subdivision are similar in nature and character to the surrounding properties. There are existing properties located along Nelson Road that range between 2.5 and 40 acres plus.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The majority of existing properties that are less than 40 acres along Nelson Road, were subdivided based on a previous ordinance and comprehensive plan for the City. The City's current comprehensive plan guides this area for long term agriculture. The City will need to determine if the proposed subdivision is in keeping with the intent of the City's comprehensive plan.
- d. The requested variance to allow the subdivision of the property must be found to be unique to this property. The City reviewed aerial photographs and survey information to determine if the condition of having a creek subdivide the property with two points of access (Maria Road on the west and Nelson Road on the east) is unique to this property. Due to the large area of the City and the number of properties, it is difficult to determine if this situation is wholly unique to this property. The City has many unique properties as well as many situations that could be presented as unique to a given property. The City has recently considered and granted a variance to allow the subdivision of an Agricultural property, less than 40 acres, that was bisected by an existing road. In that instance, the City was able to more definitively identify the same condition and found that there were a handful (less than 5) of properties that had the same circumstances and conditions of a road bisecting the property. The City has a large number of properties that are less than 40 acres, zoned Agriculture and have unique conditions. The City will need to determine if the unique characteristics of this property are distinctive and discernable from other conditions on similar properties.

The City will need to determine if the requested variance to allow the subdivision of the property meets the requirements for granting a variance. The proposed subdivision, if approved, would create two properties that meet all other applicable criteria of the City's zoning ordinance.

The existing house on the remainder property has an existing on-site septic system that will remain in use with the existing home. Upon the sale of the parcel, the City will require an inspection of the system. Proposed Tract A will need to accommodate the requisite primary and secondary on-site septic system locations. The proposed subdivision does not currently provide for the requisite drainage and utility

easements along all property lines. These easements would need to be provided to the City should the application be approved.

The proposed Tract A would be required to pay the City's Park Dedication fee. For this property, the park dedication fee amount is \$3,500.00. This fee will 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.

4.32 acres = \$3,500

Kaltsas said the Planning Commissioners discussed the proposed variance to allow a subdivision. Commissioners noted that they would need to determine that there are unique characteristics of the property that would warrant the variance to be granted. Commissioners discussed that there is a creek that separates the proposed parcel from the remainder of the property and that it would have access onto a City street.

Commissioners discussed whether or not the condition was created by the landowner and if the property was useable to the landowner in the current condition. Commissioners asked staff for historical information relating to any similar variances granted by the City and also if there were properties that would have similar characteristics. Staff noted the few instances where a variance had been granted and also noted that there are too many variables to determine if this condition would appear on other properties within the City. Planning Commissioners had varying viewpoints relating to the request and whether the condition was unique to this property. Several Commissioners believed that the creek separation and access on a City road were unique characteristics of the property and several Commissioners stated that they did not believe that these conditions were solely unique and that the variance would potentially open up too many similar situations. Commissioners ultimately could not approve a motion to either approve or deny the requested variance and minor subdivision.

The Planning Commission did not make a recommendation for the requested variance and minor subdivision. City Council is being asked to provide direction and resolve to approve or deny the requested variance. Based on the determination made by Council, a corresponding resolution would be prepared and brought back to the City Council for adoption. The City has extended the review period for this application based on the need to bring back a resolution.

Betts asked if this parcel was part of a larger farm originally. Kaltsas said it was not. This was an original configuration. Grotting said that explains why no one ever created access across the gully. Johnson said he would personally rather see a divide like this than deal with a wetland division. Betts said there could be implications for Nelson Road. Kaltsas said he would have to research that particular assessment. Betts asked what the City could do legally. Vose stated at some point in the future there will need to be improvements on Nelson Road and there will be an assessment at that time. He stated that it would be put on the assessment roll and deferred indefinitely until subdivision of the property. Spencer noted if this was opened up than a lot of other issues could come up with other applicants that were not allowed to subdivide their ag property. Johnson noted the area to the north was rezoned. Betts said that would be a separate issue as it was commercial. She said it was important to follow the comprehensive plan or it would be opening up a can of worms. Spencer said it was clear there was not enough acreage. McCoy said it was a unique cluster with a

natural barrier. Kaltsas noted a 60 day extension has been granted. Johnson said it would be important to see if there was going to be an assessment on the road.

**Motion by Johnson, second by Grotting to table the requests that the City consider the following actions for the property located at 2828 County Line Road (PID No. 18-118-24-24-0003) in Independence. Ayes: Johnson, McCoy, Spencer, Grotting and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. RAM GENERAL CONTRACTING (APPLICANT) AND BEL FARMS, LLC (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 499 NELSON ROAD (PID NO. 31-118-24-24-0001) IN INDEPENDENCE, MN:

- a. **RESOLUTION NO. 17-0731-02** – considering approval of a conditional use permit to build a new private equestrian facility which will exceed the maximum accessory structure size of 5,000 square feet; and
- b. A bunkhouse for the owner’s caretaker of the property.

The property is located on the west side of Nelson Road and north of CSAH 6. The property has an existing home and several smaller barns and accessory structures. There are several large pasture areas with some existing tree coverage.

The property was recently acquired by a new owner and they are seeking a conditional use permit to allow an accessory building larger than 5,000 SF on the subject property. The applicants are proposing to develop the property into a private horse farm. The proposed development of the property would include a private stall barn, walker building and indoor riding arena. There is an existing home and several detached accessory buildings located on the property. The applicant is proposing to demolish one of the existing accessory buildings.

All accessory structures greater than 5,000 square feet require a conditional use permit. The proposed stall barn, walker building and indoor riding arena are approximately 30,000 square feet in size and would house eight (8) stables. In addition to the barn and indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse on top of a new storage garage to house a property caretaker. The applicant has provided the City with a site survey, site plan, interior floor plan and isometric elevation of the proposed buildings. The proposed development of this property into a horse farm is a permitted use in the Agriculture zoning district.

The proposed site and buildings have the following characteristics:

Site Area: 17.44 Acres

Required Setbacks:

Front Yard: 85 feet from centerline Side  
Yard: 30 feet principle structure  
15 feet accessory structure  
Rear Yard: 40 feet  
Structures: 150 from nearest residential structure



Housing  
Livestock

Proposed Setbacks:

Front Yard: 95 feet (riding arena from centerline of Nelson Road)  
Side Yard: 150 feet (riding arena to south property line)  
Structures: ~286 from nearest residential structure (property across Nelson Road to East)  
Housing  
Livestock

The existing home and detached accessory structures meet all applicable building setbacks.

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 17 acres. All 17 acres is useable upland acreage. Applying the City's standard, the site would accommodate 16 animals. The applicant would be permitted to have up to 16 horses on the subject property. The proposed stall barn has eight (8) stalls and the applicant has noted that they intend to not have more than eight (8) horses on the property.

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:

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 proposes 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 form 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. The owner of this property recently sold a similar facility located on County Road 92. The owner has noted that this farm will be for their private use only and no commercial boarding or training of horses would occur on this property. The conditional use permit would allow an accessory structure larger than 5,000 SF as well as the bunkhouse for the property caretaker. The proposed bunkhouse would be located on top of the new garage near the existing principal residence on the property. The remaining use of the property as a private horse farm is permitted in the Agriculture zoning district. The City is

being asked to determine whether or not the proposed accessory structure larger than 5,000 SF would meet the criteria for granting a conditional use permit.

The applicant is proposing to mitigate the impact of the larger structure by screening the proposed arena and walker building from Nelson Road using a combination of berming and landscaping. The applicant has provided the City with an updated landscape plan which identifies the location, type and size of the proposed landscaping. The landscaping is proposed to be planted on top of a new earthen berm which would range from three to six feet in height. The proposed landscaping is comprised of a mixture of 34 deciduous and 27 coniferous trees for a total of 61 trees planted along Nelson Road. This would be in addition to preservation of several mature deciduous tree. It should be noted that the minimum size for deciduous trees is 2.5 caliper inches and the minimum size for coniferous trees is 6' in height. The landscape screening should provide relief to the views of the proposed accessory structure from the surrounding properties. The applicant has prepared some additional isometric plans to further illustrate the impact of the mature landscaping.

This "stretch" of Nelson Road is comprised of generally smaller residential properties to the north and east of the subject site. The property to the west and south is comprised of larger more typical agricultural parcels. The City will need to determine if the proposed accessory structure larger than 5,000SF meets the criteria for granting a conditional use permit. The criteria generally require that the use of the property is consistent with the City's comprehensive plan, is not detrimental to the reasonable use and enjoyment of the surrounding properties and will not cause any adverse nuisances.

Additional Notes/Considerations:

The proposed riding arena has a maximum height of 30 feet to the peak of the roof with 16 foot sidewalls. The maximum height for buildings in the City is 35 feet; however, this limitation does not apply to farm buildings.

The City discussed potential nuisances such as odor, flies and dust control. The applicant noted that the only user of the facility will be the applicant. There will be very little traffic associated with the facility as a result. The applicant had brought a sample of the organic compost created from the manure on her existing property. The applicant is proposing to construct a similar compost building to handle manure generated on the property. The applicant utilizes a mechanical system for converting the manure into useable compost. The process utilized by the applicant will reduce flies and odors associated with the manure. The compost is then used by the applicant.

The City discussed lighting with the applicant in more detail. The only lighting proposed by the applicant will be security lighting over several doors. The proposed lighting will be full cut-off type lighting. The City is working with the applicant to obtain the cut sheets and detailed plan for the proposed lighting. All building lighting will need to comply with the City's lighting standards. The outdoor riding areas will not be artificially illuminated. The City typically reviews building and site lighting during the building permit review process.

The applicant has prepared a grading, drainage and storm water plan for the proposed site improvements. The plan includes measures for storm water treatment (storm water pond). Existing drainage generally runs from east to west and south to north on this property. The applicant is proposing to install a water quality pond along the west edge of this property. The City is in the process of reviewing the grading, drainage and storm water plan. Any comments resulting from the plan review will need to be addressed by the applicant and will be subject to the approval of the City Council. The City's approval of this project will also be subject to the Pioneer Sarah Creek Watershed Management Commissions approval of

the proposed site improvements.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. The applicant shall be required to construct the proposed berm and plant all landscaping in accordance with the approved landscape plan.
3. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
4. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
5. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
6. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
7. No commercial use of the horse farm shall be permitted.
8. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

The City will ultimately need to consider whether or not the proposed detached accessory building larger than 5,000 square feet meets the conditions for granting a conditional use permit. The applicant is proposing mitigation measures to reduce potential impacts relating to the larger building on the surrounding properties.

The City has received a written comment letter from an adjacent property owner. The letter identified concerns relating to the mass of the proposed building in relation to the views from their adjacent property (see attached letter). There were no comments made during the public hearing.

Planning Commissioner's reviewed the requested CUP and asked questions of staff and the applicant. Commissioners asked if the applicant would be living on the property. The applicant noted that at this time they would not be living on the property, but would have caretakers living on the property. Commissioners noted that the proposed use of the property for a private horse farm is permitted in the Ag-Agriculture zoning district. Commissioners ultimately recommended approval of the request for a conditional use permit to permit the larger accessory structure and bunkhouse for a caretaker on the property.

The Planning Commission recommended approval of the request for a conditional use permit with the following findings and conditions:

1. The proposed 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. City Council approval of the conditional use permit is subject to completion of the following items:
  - a. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
  - b. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
  - c. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
3. The conditional use permit shall have the following conditions:
  - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
  - b. All landscaping and berming shall be installed and maintained in accordance with the approved landscape plan.
  - c. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
  - d. No commercial use of the horse farm shall be permitted.
  - e. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
  - f. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Grotting asked if the elevation was part of the proposal. Kaltsas said it could be part of it if needed. McCoy asked if a berm was required. Kaltsas said it was part of the plan and required.

Vose said condition (3) for future expansion may need to be more explicit.

Grotting asked about drainage and how that would flow from the property. Kaltsas said it was mostly from the east side to the back side. The intent will be to bring the displaced water into the filtration pond. Johnson asked if all criteria for pollution control have been met. Kaltsas said that should not be a problem with the limited number of horses. He said the applicant would have to meet all requirements.

Mike Kreklow, 420 Nelson Road, said his concern was that the building was so close to the road. He said the landscape plan looks beautiful.

Bridget Ennevor, 621 Nelson Road, said she never received a notice from the City.

Tony Anderson, 480 Nelson Road, said the apple orchard directly across has deer and eagles that use the property as a pass through and he wondered what would happen with that aspect. He thought it was a very large facility and he wondered what it would do to surrounding property values. He thought the building should be set back more. Johnson noted it was still in the Ag district.

**Motion by Betts, second by Spencer to approve RESOLUTION NO. 17-0731-02 for the property located at 499 Nelson Road (PID No. 31-118-24-24-0001) in Independence, MN – considering approval of a conditional use permit to build a new private equestrian facility which will exceed the maximum accessory structure size of 5,000 square feet; and a bunkhouse for the owner’s caretaker of the property noting the addition of C and E. Ayes: Johnson, McCoy, Spencer, Grotting and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

11. OPEN/ MISC.

12. ADJOURN

**Motion by Spencer, second by McCoy to adjourn at 8:40 p.m. Ayes: Johnson, McCoy, Spencer, Grotting and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully Submitted,

\_\_\_\_\_  
Trish Bemmels/ Recording Secretary