



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY APRIL 21, 2020

7:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. February 18, 2020 Planning Commission Meeting
 - b. April 7, 2020 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Fred Pagenkopf Jr. (Owner/Applicant) requests that the City consider the following action for the properties located at and directly south of 2576 Valley Road, Independence, MN (PID No.s 15-118-24-32-0003 and 15-118-24-33-0001):
 - a. A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.
5. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:
 - a. Chapter 5, Section 510.05, Definitions and 530 Zoning District Provisions – Considering an amendment to the several definitions relating to permitted land uses in various districts and to consider amendment of permitted, accessory and conditional land uses in each district.
6. Open/Misc.
7. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, FEBRUARY 18, 2020 – 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 Gardner at 7:30 p.m.

2. Swearing in of Newly Appointed Planning Commissioner Dumas.

3. ROLL CALL

PRESENT: Commissioners Palmquist, Thompson, Volkenant, Dumas and Gardner

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: None

VISITORS: Daryl Jorgenson, Cody Johnson, Mary Jorgenson, Wayne Jorgenson, Ann Slavec, Jason and Kathleen Nelson

4. Approval of Minutes:

- a. January 21, 2020 Planning Commission Meeting
- b. February 4, 2020 City Council Meeting Minutes (For Information Only)

Motion by Palmquist to approve the January 21, 2020 Planning Commission minutes, second by Volkenant. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

5. **PUBLIC HEARING:** Darryl Jorgenson (Applicant) and Mary Jorgenson (Owner) request that the City consider the following action for the property located at 4594 Shady Beach Circle, Independence, MN (PID No. 02-118-24-21-0029):

- a. A variance to allow the subdivision of property zoned RR-Rural Residential that does not meet all applicable requirements. The proposed subdivision would create four (4) lots on the subject property.
- b. Preliminary Plat approval.

Kaltsas said the applicants approached the City about the possibility of subdividing their property into a total of four (4) lots. The property is zoned RR-Rural Residential and is governed by the S-Shoreland Overlay District. The property is currently bisected by the Shady Beach Circle right of way.

Historically, there were several cabins located on the southern portion (non-lakefront side) of the property. Within the S-Shoreland Overlay zoning district, the City allows the subdivision of properties connected to City sewer into lots with a minimum lot size of one acre. The City has historically allowed lots that are within 1,000 feet from the OWHL and connected to sewer to be subdivided as long as they meet all other applicable criteria. The City has also historically considered granting a variance to allow the subdivision of property that does not meet all applicable criteria if the property is separated by an existing road right of way. In this case, the existing home located on Lake Sarah is separated from the remaining property by the right of way of Shady Beach Circle. The proposed subdivision would create three new

undeveloped lots and one lot with the existing home on Lake Sarah. The existing home and lot in the after condition would not meet all applicable criteria of the City's zoning ordinance for Shoreland lots. The existing home is connected to City sewer. The proposed lots would have the following detail:

Block 1- Lot 1
Area- 0.36 acres
Frontage- 102.50 LF
Lot Frontage to Lot Depth- 1:1.5

Block 2- Lot 1
Area- 1.0 acres
Frontage- 235 LF
Lot Frontage to Lot Depth~1:1

Block 2- Lot 2
Area- 1.4 acres
Frontage- 261 LF
Lot Frontage to Lot Depth ~1:1

Block 2- Lot 3
Area- 1.5 acres
Frontage- 1135 LF
Lot Frontage to Lot Depth~1:1

The City requires the following setbacks/lots standards for lots zoned RR-Rural Residential and in the S-Shoreland:

Side Yard Setback: 30 feet
Front Yard Setback: 85 feet from the centerline of road
Rear Yard Setback: 40 feet
Wetland Buffer Setback: 10 feet
Maximum Impervious Coverage: 25%

The City has reviewed the proposed subdivision and offers the following comments and notes for further consideration:

1. The application is for a variance and preliminary plat to allow the subdivision of property that does not meet all applicable criteria. The issue requiring the variance is the existing homesite in the after condition. The existing homesite will be less than 1 acre in overall size in the after condition. It should be noted that the existing homesite does not meet requisite setbacks and is currently considered legal non-conforming. The City will require an impervious surface calculation for the existing house to verify compliance with the 25% maximum impervious surface requirement.

2. The applicant is proposing to connect Lots 1-3, Block 2 to the existing sewer line running along Shady Beach Circle. In order to make the connections, it will be necessary to cut into the existing bituminous street. The proposed lots would be subject to all applicable sewer fees and Lots 1 -3, Block 2 will also be subject to the initial sewer assessment of \$9,550 per lot. Lot 1, Block 1 is currently connected to City sewer and was assessed for the sewer connection.

3. The proposed homes on Lots 2 and 3, Block 2 would be slab on grade homes with no basement. This is a result of the high-water table, existing grades and adjacent pond elevation. The City is requesting additional information relating to the separation between the 100-year high water elevation and the top of foundation for the proposed home sites. It appears from the initial review that the proposed home sites would meet applicable standards for separation. Additional grading to provide for a dedicated overland flow route and associated easements may be required.

4. The City has reviewed the proposed grading and has minor comments pertaining to the proposed driveway culverts, grading and swales. The City will work with the applicant to revise the grading plan prior to City Council approval of the final plat.

5. The existing culvert that runs beneath Shady Beach Circle will need to be inspected.

6. There are several existing accessory structures located on the portion of property that will be split off from the existing home site. These structures will not be permitted to remain in the after condition and will need to be removed.

7. The applicant will be required to enter into a Development Agreement with the City and submit and received approval for a final plat at a future meeting. The Agreement will stipulate maintenance of the existing pond, park dedication fees, sewer connection fees, public improvement conditions and requisite security.

8. Lots 1-3, Block 2 will be subject to applicable park dedication fees. The current park dedication fee is \$3,500 per lot for all property up to 5 acres in size.

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 cause a condition 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 property for residential which is consistent with the RR-Rural Residential Zoning District.
- b. The properties created by the subdivision are similar in nature and character to the surrounding properties and in most cases larger than surrounding properties.
- c. The requested variance to allow the subdivision of the property must be found to be unique to this property. The City has historically found that properties separated by a public right of way are limited in number and unique to the City. In this instance the existing homesite has historically functioned as an individual lot. In the after condition, the existing home site would be similar in size and character to the properties adjacent to and located on Lake Sarah.

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 three (3) properties that meet all applicable criteria of the City's zoning ordinance. The existing home site does not meet applicable criteria and would continue to be a legal non-conforming property. Staff is seeking a recommendation from the Planning Commission for the requested variance and preliminary plat with the following findings and conditions:

1. The proposed variance and preliminary plat request meet all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, and Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.
2. The Applicant shall address all comments made within this report, recommended by the Planning Commission and required by the City's Engineer review of the subdivision.
3. The Applicant shall enter into a Development Agreement with the City.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance and preliminary plat.
5. The Applicant shall submit final plat application within 90 days of the City Council approval of the preliminary plat.

Kaltsas noted there is a 50' easement providing access to the lake on one of the properties. Thompson noted the addresses need to be consistent. He asked about the private easement and who would govern the dock. Kaltsas said he does not know if an ingress/ egress easement provides for a dock. He noted the lake is governed by the DNR and that the City does not have a separate ordinance that regulates docks.

Volkenant asked about other lot sizes in the area. Kaltsas outlined other lots in the area and the similar sizes noting some are bigger but many are close to this size. Palmquist asked about the impervious surface of Lot 1 Block and what would happen if it is over 25%. Kaltsas stated that at this time the lot is no conforming due to other reasons and if it is determined may need to have modifications. He noted there are other homes that are legal non-conforming.

Public Hearing Open

Ann Slavek, said the park is beautiful and enjoyed by many residents. She asked if the lots were appraised and would the City consider buying it. She noted there were a lot of young children in the neighborhood that enjoy it for many reasons.

Brad Spencer, 4510 Shady Beach Circle, said the park and original homesite were combined after the home was built. He said the park was added because he wanted his workshop property on it.

Daryl Jorgensen said he is helping his mom as this is a large property for one person to care for.

Mary Jorgensen said she has had this property for over 20 years and the park was always Ron's thing and she cannot maintain it. Mary said there are many things involved with the cost of the property such as insurance and taxes.

Kathleen Nelson said she lives up the hill from Mary. She asked the Jorgenson's to reach out to the neighbors because they would like to consider pooling together to buy the property. Slavek said maybe they could parcel out one lot and turn the rest into a park.

Gardner closed the Public Hearing.

Public Hearing Closed

Thompson asked about the variances being required on the existing house are fairly easy and the lots being created all meet the requirements. Thompson said he would approve it if the original lot can meet the impervious surface requirement. Gardner agreed it is a small lot but it is consistent.

Motion by Thompson to approve a variance to allow the subdivision of property zoned RR-Rural Residential that does not meet all applicable requirements per the Staff report and 5 conditions recommended with a final plat due within 90 days for the property located at 4594 Shady Beach Circle, Independence, MN (PID No. 02-118-24-21-0029), second by Palmquist. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

6. Open/Misc.

7. Adjourn.

Motion by Thompson, second by Palmquist to adjourn at 8:20 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
MONDAY, MARCH 2, 2020 –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

3. ROLL CALL

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

ABSENT: City Attorney Vose

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: Lynda Franklin

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 February 18, 2020 Regular City Council Meeting.
- b. Approval of City Council Minutes from the February 13, 2020 Regular City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 19479-19503

Motion by McCoy, second by Grotting to approve the Consent Agenda with corrections noted. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. 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:

- Planning Commission Meeting
- 70th Delano Cub Scouts Anniversary

Grotting attended the following meetings:

- Planning Commission Meeting
- Xtratyme (Internet Service) Meeting with Kaltsas and Horner
- Met with Kaltsas about Highway 12 access solutions

McCoy attended the following meetings:

- Planning Commission Meeting
- Haven Homes Advisory Board Meeting
- Loretto Fire Commission Meeting

- Annual WHPS Firearms Certification

Betts attended the following meetings:

- Attended Open House for Chris LaTondresse who is running for Commissioner

Johnson attended the following meetings:

- Planning Commission Meeting
- Met with Congressman Phillips
- Caucus Event
- Haven Homes Advisory Board Meeting
- Loretto Fire Department Meeting

Horner attended the following meetings:

- Planning Commission Meeting
- Xtratyme (Internet Service) Meeting with Kaltsas and Grotting

Kaltsas attended the following meetings:

7. Three Rivers Park District: District 1 Representative Marge Beard - Introduction, Park District Updates.

Marge Beard, Three Rivers Park District 1 Representative, introduced herself and provided background information on the Three Rivers Park District and initiatives in progress. She noted the district was formed 50 years ago. The mission is environmental stewardship through natural resources and the 29,000 acres of land they manage. Beard said the parks receive 12.5 million visitors per year. Wildlife management is facilitated through the District and a sample of those efforts is the reintroduction of trumpeter swans, ospreys and turtles. Beard said they currently are working on a project with the “Rusty Patch Bumble Bee” which is the state bee. The District has an extensive watercraft inspection program with over 200 staff members inspecting vessels for invasive species.

McCoy asked where the plan for the railroad viaduct was in the process. Beard said they are waiting on the railroad and do have money reserved for it. McCoy asked her thoughts on why the Public Safety was cut back in the parks. He said it puts a strain on our own Public Safety Department. Beard said they are focused on conservation-style officers. McCoy said that we receive a lot of calls as the number of conservation officers go down in the parks. Johnson said that the fire department has felt the strain as well. Spencer asked who was responsible for the policing of the parks. He mentioned the campground at Baker Park and if that would be policed or would it fall on West Hennepin Public Safety. He noted it is a burden on our taxpayers if our police are patrolling it.

Spencer said he really appreciated all the work the Three Rivers Park District has done in conjunction with various programs on water quality and he noted the great relationship that has been built with the District. He said the relationship is truly appreciated.

8. West Hennepin Public Safety Director, Gary Kroells, January 2020 Monthly Report.

Kroells stated there have been a total of 414 incident complaints as of January 31, 2020. 244 were in the City of Independence and 160 in the City of Maple Plain. Kroells stated there would be a Highway 12 Safety Coalition meeting on Thursday at 3:00 p.m.

*for a complete list see the activity report in the City Council packet.

Spencer asked about an exchange area for people wanting to do that type of thing (ex., Craigslist) where it could be safe and monitored like Medina does through their Police Department with a mounted camera. Kroells said he would support that and thought it was a great idea.

9. Consideration of Establishment of the Accessory Building Height Review Committee and Associated Application Fee.

a. **RESOLUTION NO. 20-0302-01:** Committee Formation Resolution

b. **RESOLUTION NO. 20-0302-02:** Proposed 2020 Fee Schedule Update

Kaltsas said the City recently adopted an amendment to the ordinance which established a process for the review and consideration of accessory structures that exceed the requisite height limitations established in the zoning ordinance. The amended ordinance allows the City Council to appoint a review committee that would review and apply the newly adopted ordinance provisions. An accessory structure may exceed the height of the principle structure if the accessory structure meets all applicable criteria of the Section and the following conditions are met:

- (1) Building plans containing any proposed accessory structure with a height exceeding that of the principle structure must be submitted to the City in advance of work to confirm compliance with this Section.
- (2) The City Council may establish an Accessory Building Height Review Committee to review building plans submitted for any proposed accessory structure with a height exceeding that of the principle structure to ensure compliance with the following:
 - a. On properties that are 2.5 acres or less, the proposed accessory structure must be located to the rear of the principle structure.
 - b. The proposed accessory structure must be detached and separated by a minimum distance of 75 feet from the principle structure.
 - c. The proposed accessory structure must meet the principle structure setbacks from all property lines.
 - d. The applicant shall provide with the application, the written consent of 100% of the owners or occupants of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the City). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

Staff would like Council direction relating to the formation of the committee and appointment of three committee members. It was initially anticipated that the City would appoint two City Council Members and one Planning Commission Member or one City Council Member and two Planning Commission Members to form a three Person Committee.

Staff would like Council to provide direction relating to the appointment of the Accessory Building Height Review Committee. In addition to the appointment of the committee, Council will need to amend the Fee Schedule to include an Accessory Building Height Review Committee Application fee. Staff is recommending that the City consider adopting a \$100 application fee. This fee would provide approximately ¼ hour of administrative review time and ¾ hour of planning/building review time.

The following fees are proposed to be added to the City's 2020 Fee Schedule:

1. Accessory Building Height Review Committee Application: \$100

Johnson asked how many of these types of requests have happened within the last five years. Kaltsas said there has been about ½ dozen. There have been 3 variances that have come through in the last 8 years but many more have had to modify their building to what they did not really want in order to be able to build without a variance. There would be a \$100 fee to make the application. Grotting said he thought it was a great idea.

Motion by Grotting, second by Spencer to approve RESOLUTION NO. 20-0302-01: Committee Formation for Accessory Structures. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by Spencer, second by McCoy to approve RESOLUTION NO. 20-0302-02: 2020 Fee Schedule Update. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

7. Open/ Misc.

8. Adjourn.

Motion by Grotting, second by Betts to adjourn at 7:30 p.m. Ayes: Johnson, Betts, Grotting, Spencer and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

City of Independence

Minor Subdivision to Permit a Lot Line Rearrangement and Rural View Lot Subdivision for the Property Located 2576 Valley Road

To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	April 21, 2020
Applicant:	Fred Pagenkopf Jr.
Owner:	Fred Pagenkopf Jr.
Location:	2576 Valley Road and PID No. 15-118-24-33-0001

Request:

PUBLIC HEARING: Fred Pagenkopf Jr. (Owner/Applicant) requests that the City consider the following action for the properties located at and directly south of 2576 Valley Road, Independence, MN (PID No.s 15-118-24-32-0003 and 15-118-24-33-0001):

- a. A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.

Property/Site Information:

The property is located in between Valley and Pagenkopf Roads and just north of US Hwy 12. The north property has an existing home and several outbuildings and was the original farmstead. The south property has no existing structures and is comprised of significant wetlands, woodlands and upland acreage. The property has the following characteristics:

Property Information: 2576 Valley Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage (BEFORE) - 2576 Valley Road: 55.99 acres (existing homesite)
PID No. 15-118-24-33-0001: 36.51 acres

Acreage (AFTER) -	Parcel 1:	41.10 acres
	Parcel 2:	10.00 acres
	Parcel 3:	32.60 acres
	Parcel 4:	8.80 acres

Site Aerial – 2576 Valley Road



Discussion:

The applicant approached the City about the possibility of subdividing the two subject properties and realizing the permitted rural view lots. The applicant would like to create the allowable rural view lots and also rearrange the property line between the two existing properties in a configuration believed to maximize the value of the new lots created. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 92.5 acres.

The Agriculture Zoning District prohibits the subdivision of property with two exceptions: rural view lot subdivisions and lot line rearrangements. The provisions in the Agriculture Zoning District also allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize two (2) rural view lots for a total of four (4) lots across both properties.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed - Parcel 2 – 10.00 acres
Parcel 4 – 8.80 acres

Buildable Upland Required - 2.5 acres

Buildable Upland Proposed - Parcel 2 – ~7.5 acres
Parcel 4 – ~3.75 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – Parcel 1 - ~1,700 LF (Valley and Pagenkopf)
Parcel 2 – 464 LF
Parcel 3 – 316 LF
Parcel 4 – 1,130 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel 2 – ~1:1.5
Parcel 4 – ~2:1

In addition to the minimum size necessary to subdivide, the ordinance requires at least 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, both proposed rural view lots would meet all applicable setbacks.

There is an existing home and several detached accessory buildings located on north property. This home is accessed off of Valley Road. The existing homesite in the proposed after condition would be located on the newly created rural view lot (Parcel 2). The new lot would have 10 acres and all existing structures would meet applicable building setbacks.

Parcels 1, 3 and 4 would be vacant properties with no existing structures in the after condition. The applicant is proposing to subdivide the property into lots that take advantage of the natural characteristics of the property. The lots being created keep the majority of the existing lot lines intact while adjusting where necessary to accommodate the proposed rural view lots and or to ensure compliance with requisite street frontage.

The City has not received an on-site septic report verifying that the proposed rural view lots can accommodate a primary and secondary on-site septic system. It is anticipated that the City will have this verification prior to City Council consideration of the application. The applicant will

need to include the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for all 4 parcels. Lot 1 will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created rural view lots (Parcels 2 and 4) will be required to pay the City's requisite Park Dedication fee. For this property the requirement is as follows: Lot 2 (10 acres) \$7,250, Lot 4 (8.8 acres) \$6,350. This fee will need to be paid prior to recording the subdivision.

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

The Planning Commission will need to determine if the proposed rural view lot subdivision and lot line rearrangement is in keeping with the requirements set forth by the City. The proposed subdivision of this property is intended to maximize the value in each of the lots being created while meeting all applicable criteria. The proposed lots being created generally align with the character of the surrounding properties and the intent of the City's Comprehensive Land Use Plan.

Recommendation:

Staff is seeking a recommendation from the Planning Commission regarding the request for the rural view lot subdivisions and lot line rearrangement. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions:

1. The proposed rural view lot subdivision and lot line rearrangement meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision and lot line rearrangement is subject to the following:
 - a) The Applicant shall pay the park dedication fees in the amount of \$13,600, for the newly created Parcels 2 and 4, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

- d) The Applicant shall execute and record the requisite drainage and utility and right of way easements with the county within six (6) months of approval.
- e) Parcel 1 will have no remaining rural view lot eligibilities.

Attachments:

- 1. Application
- 2. Proposed Subdivision Exhibit
- 3. Survey



PLANNING APPLICATION

Case No. _____

Type of application

- ☐ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication
- ☐ Rezoning ☐ Conditional Use Permit ☐ Variance ☐ Ordinance Amendment ☒ Subdivision
- ☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan ☐ Final Site & Building Plan ☐ Other _____

Site Location— Additional addresses on back and legal description attached

Property address 2576 Valley Road @ 25^{PID} (South Parcel)

Proposal -Full documentation must accompany application

Lot line rearrangement for two parcels. Rural view lot split

Applicant

Name Fred Pagenkopf Email FRED@PHOTOFRED.COM - ALSO LORI PAGENKOPF@GMAIL

Address 10812 Yukon Ave & Bloomington, MN 55438

Phone 952-451-1060 Additional phone/contact _____

Printed Name FRED PAGENKOPF Signature Fred W Pagenkopf

Owner Information (if different from applicant)

Name _____ Email _____

Address _____

Phone _____ Additional phone/contact _____

Printed Name _____ Signature _____

Office Use Only

Date 3/16/2020 Application Amount 1,250. Check # 9007 Accepted By [Signature]

Escrow Paid 750 Check # 9007 Date Accepted by Planner _____

City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others— all applications are reviewed on a case-by-case basis.

Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/ or if additional information is needed to adequately review the subject request. ***To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/ Administrator at least one week prior to submittal.*** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2019 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are noted on the current fee schedule. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

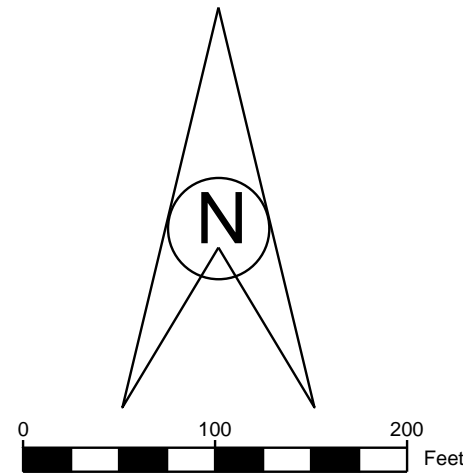
Applicant Signature: Fred W. [Signature]

Date: _____

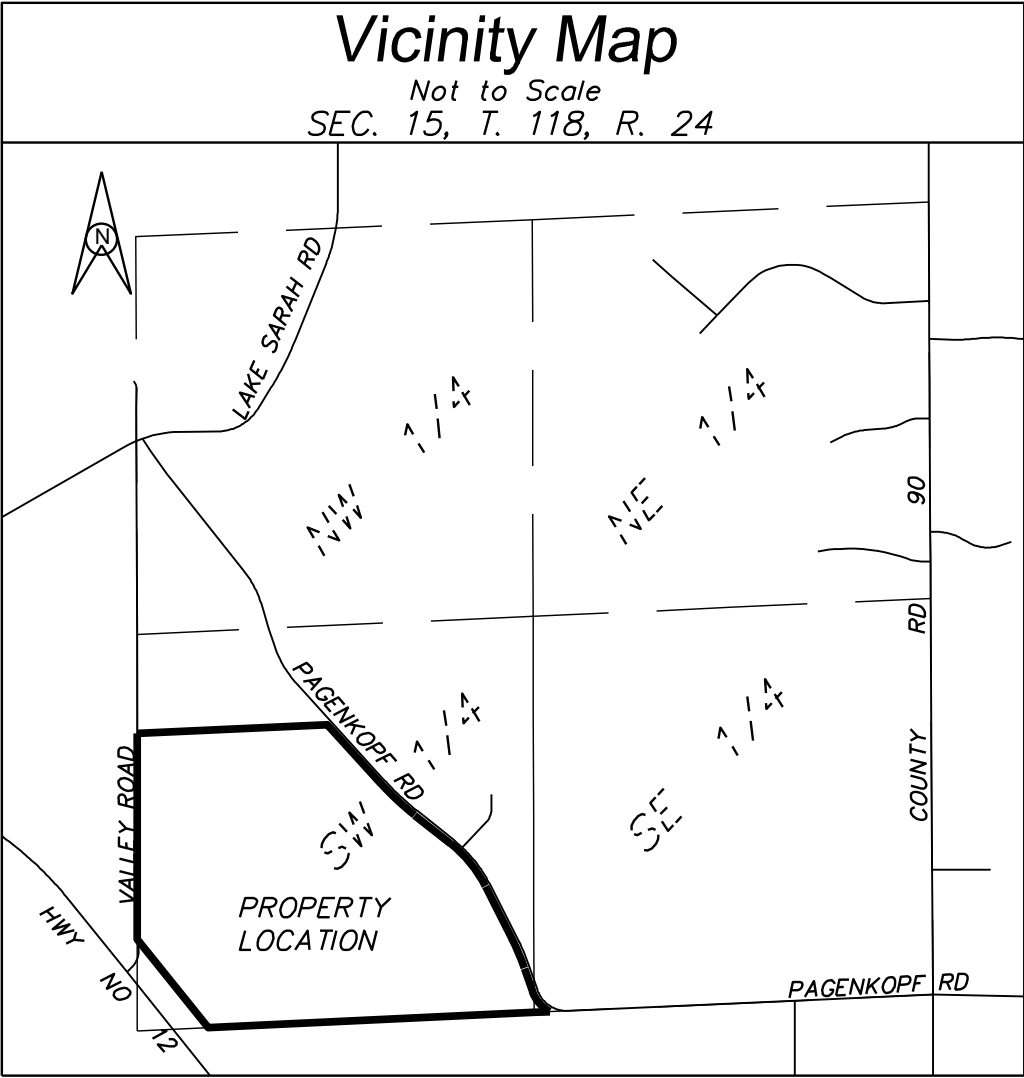
Owner Signature (if different): _____

Date: _____

Concept Plan



PID NUMBERS: 1511824320003 & 1511824330001
TOTAL AREA = 92.51 ACRES
EXISTING ZONING = AGRICULTURAL



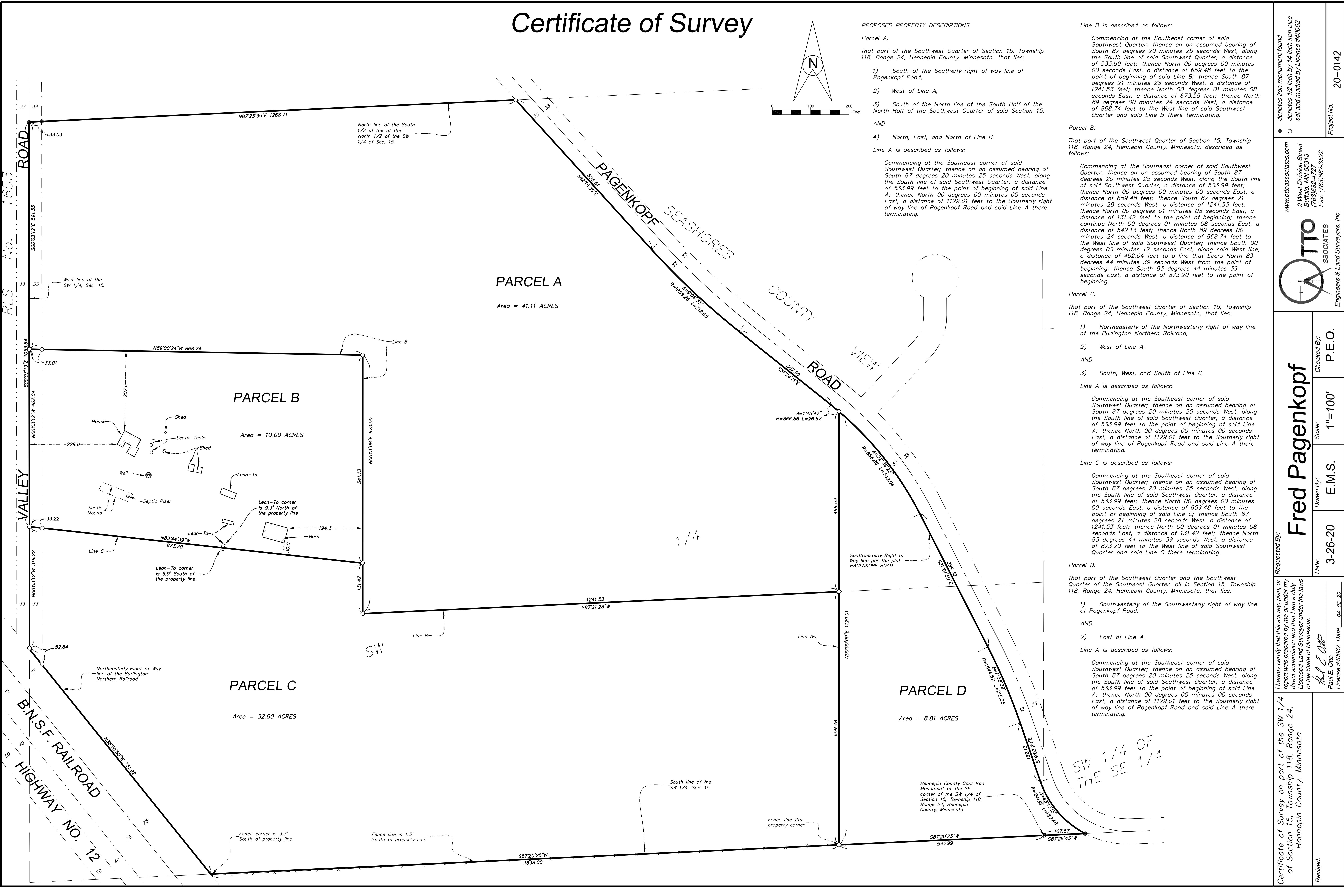
Concept Plan on part of the SW 1/4 of Section 15, Township 118, Range 24, Hennepin County, Minnesota	Requested By:		Fred Pagenkopf		Checked By:		P.E.O.	
	Revised:	DATE	Date:	03-17-20	Drawn By:	E.M.S.	Scale:	1"=100'
				Project No.		20-0142		

www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

• denotes iron monument found
○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Certificate of Survey



PROPOSED PROPERTY DESCRIPTIONS

Parcel A:
That part of the Southwest Quarter of Section 15, Township 118, Range 24, Hennepin County, Minnesota, that lies:
1) South of the Southerly right of way line of Pagenkopf Road,
2) West of Line A,
3) South of the North line of the South Half of the North Half of the Southwest Quarter of said Section 15,
AND
4) North, East, and North of Line B.
Line A is described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet to the point of beginning of said Line A; thence North 00 degrees 00 minutes 00 seconds East, a distance of 1129.01 feet to the Southerly right of way line of Pagenkopf Road and said Line A there terminating.

Line B is described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 659.48 feet to the point of beginning of said Line B; thence South 87 degrees 21 minutes 28 seconds West, a distance of 1241.53 feet; thence North 00 degrees 01 minutes 08 seconds East, a distance of 673.55 feet; thence North 89 degrees 00 minutes 24 seconds West, a distance of 868.74 feet to the West line of said Southwest Quarter and said Line B there terminating.

Parcel B:
That part of the Southwest Quarter of Section 15, Township 118, Range 24, Hennepin County, Minnesota, described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 659.48 feet; thence South 87 degrees 21 minutes 28 seconds West, a distance of 1241.53 feet; thence North 00 degrees 01 minutes 08 seconds East, a distance of 131.42 feet to the point of beginning; thence continue North 00 degrees 01 minutes 08 seconds East, a distance of 542.13 feet; thence North 89 degrees 00 minutes 24 seconds West, a distance of 868.74 feet to the West line of said Southwest Quarter; thence South 00 degrees 03 minutes 12 seconds East, along said West line, a distance of 462.04 feet to a line that bears North 83 degrees 44 minutes 39 seconds West from the point of beginning; thence South 83 degrees 44 minutes 39 seconds East, a distance of 873.20 feet to the point of beginning.

Parcel C:
That part of the Southwest Quarter of Section 15, Township 118, Range 24, Hennepin County, Minnesota, that lies:
1) Northeasterly of the Northwesterly right of way line of the Burlington Northern Railroad,
2) West of Line A,
AND
3) South, West, and South of Line C.
Line A is described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet to the point of beginning of said Line A; thence North 00 degrees 00 minutes 00 seconds East, a distance of 1129.01 feet to the Southerly right of way line of Pagenkopf Road and said Line A there terminating.

Line C is described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 659.48 feet to the point of beginning of said Line C; thence South 87 degrees 21 minutes 28 seconds West, a distance of 1241.53 feet; thence North 00 degrees 01 minutes 08 seconds East, a distance of 131.42 feet; thence North 83 degrees 44 minutes 39 seconds West, a distance of 873.20 feet to the West line of said Southwest Quarter and said Line C there terminating.

Parcel D:
That part of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, all in Section 15, Township 118, Range 24, Hennepin County, Minnesota, that lies:
1) Southwesterly of the Southwesterly right of way line of Pagenkopf Road,
AND
2) East of Line A.
Line A is described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 20 minutes 25 seconds West, along the South line of said Southwest Quarter, a distance of 533.99 feet to the point of beginning of said Line A; thence North 00 degrees 00 minutes 00 seconds East, a distance of 1129.01 feet to the Southerly right of way line of Pagenkopf Road and said Line A there terminating.

denotes iron monument found
denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

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SSOCIATES
Engineers & Land Surveyors, Inc.

Project No. 20-0142

Requested By:
Certificate of Survey on part of the SW 1/4 of Section 15, Township 118, Range 24, Hennepin County, Minnesota

Revised:

Date: 3-26-20
Scale: 1"=100'
Drawn By: E.M.S.
Checked By: P.E.O.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Paul E. Otto
License #40062

Date: 04-02-20

18

City of Independence
Consideration to Amend City's Zoning Ordinance

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 21, 2020

A proposed text amendment to the City of Independence Ordinances as follows:

- a. Chapter 5, Section 510.05, Definitions and 530 Zoning District Provisions – Considering an amendment to the several definitions relating to permitted land uses in various districts and to consider amendment of permitted, accessory and conditional land uses in each district.

Zoning Ordinance Definitions and Allowable Land Use:

Based on issues that continue to surface relating to the City's allowable uses in the Agriculture and Rural Residential zoning districts, Council has directed the Planning Commission to review several definitions and relating lands uses in the zoning ordinance. The City currently has two primary zoning districts; AG-Agriculture and RR-Rural Residential. The City has established the following permitted, accessory and conditional land uses within each district:

530.01. - Agricultural District established.

Subd. 1. *Purpose.* The agricultural district is established for the purpose of promoting continued farming of agricultural lands.

Subd. 2. ***Permitted uses.*** The following uses are permitted in the Agricultural District:

- (a) Agriculture and horticulture;
- (b) Feedlots and poultry facilities;
- (c) Farm drainage and irrigation systems;
- (d) Forestry;
- (e) Public recreation;
- (f) Single-family dwellings

Subd. 3. ***Accessory uses.*** The following accessory uses are permitted in the Agricultural District:

- (a) Private garages for single-family dwellings,
- (b) Home occupations operated in accordance with subsection 515.09 of this zoning code;
- (c) Fences;

- (d) Detached agricultural storage buildings, barns, or other structures, accessory to an existing single-family dwelling and subject to the following criteria:
- (e) Retail sales, on a seasonal basis of agricultural and horticultural products grown on the premises by a person who occupies the premises as a principal residence, provided that the applicant apply for and receive an administrative permit from the city prior to commencing any sales of products. All applications shall meet and comply with all of the following standards:
- (f) Aeration or decorative windmills provided the following performance standards are satisfied:

Subd. 4. **Conditional uses.** The following conditional uses may be permitted in the Agricultural District, by action of the city council pursuant to subsections 520.09, 520.11 and 520.13.

- (a) Accessory dwelling units;
- (b) Riding stables;
- (c) Bunkhouses;
- (d) Farrieries;
- (e) Detached agricultural storage buildings, barns, or other accessory structures that exceed the size limitations of subdivision 3(d) of this subsection;
- (f) Kennels;
- (g) Local government buildings;
- (h) Churches;
- (i) Cemeteries;
- (j) Extraction;
- (k) Essential services;
- (l) Temporary use of a mobile home or camper as a dwelling unit during construction of a permanent dwelling for a period not to exceed six calendar months;
- (m) Wind energy conversion systems (WECS);
- (n) Commercial indoor storage in existing farm buildings, provided:
- (o) Guest houses and non-rental guest apartments;
- (p) Commercial golf courses;
- (q) Telecommunications towers approved pursuant to section 540 of this Code;
- (r) Forestry products processing, provided that:
 - (1) The operation of the conditional use must be on a lot that is being used as an occupied single-family dwelling;
 - (2) The lot upon which the conditional use is operated must be not less than ten acres in area;
 - (3) The area devoted to the conditional use, including buildings, parking, storage area, and all related uses may not exceed 15,000 square feet or 12 percent of the size of the lot, whichever is smaller, subject to existing accessory building standards.
- (s) Polo grounds.
- (t) Catering business, provided that:
 - (1) The business is subordinate to the principal use of the property as a residence;

- (2) No materials, equipment or parts used in the business may be stored on the premises other than within the dwelling unit or accessory structure;
- (3) No signs relating to the business may be visible from the exterior of the dwelling unit or accessory structure except signs that are permitted under subsection 550.09, subdivision 2 of this zoning ordinance;
- (4) No exterior alterations may be made to the dwelling unit to accommodate the business except those alterations customarily found with the dwelling units on lots of similar size within the district;
- (5) No traffic shall be generated by the business beyond what is reasonable and normal for the area in which it is located;
- (6) The hours and days during which the business is conducted on the premises is limited so as not to unreasonably interfere with the residential character of the surrounding areas;
- (7) No over the counter retail sales may occur on-site.

The City has identified several land uses and associated definitions that have recently come into question. The question essentially pertains to the use of a property for a business that includes the permitted land use, but also includes a closely associated use of the property for off premise sales/service, etc. The City has historically permitted Agriculture, Horticulture and Forestry in both the AG and RR zoning districts. The definitions are as follows:

Subd. 3. "Agriculture." The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

- (a) Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum and sunflowers.*
- (b) Livestock as defined in subsection 510.05, subdivision 44.*
- (c) Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.*

Subd. 34. "Forestry." The cultivation and management of forests or woods located on the premises, including: felling and trimming of timber; transportation of timber and timber logs, pulpwood, cordwood and similar products; sawing of logs into lumber and similar operations.

Subd. 42. "Horticulture." The use of land for the growing or production of fruits, vegetables, flowers, cultured sod and nursery stock, including ornamental plants and trees, for the production of income.

Staff would like to discuss the definitions of Agriculture, Horticulture and Forestry. In order to provide some framework around this discussion, staff offers the following considerations:

1. Staff has developed a draft use table for review and further discussion and consideration by the Planning Commission. The table identifies possible designations for the three uses being considered by the City. Reassigning uses to interim or conditional within certain zoning districts would provide a mechanism for the City to review any new use applications. The review of these land uses by the City would provide a way to ensure that there are clear conditions which mitigate potential impacts resulting from the proposed use.

Type of Use	Zoning Districts		
	AG-Agriculture	RR-Rural Residential	CLI-Commercial Light Industrial
Agriculture	P	I	NP
Forestry	I	NP	NP
Horticulture	I	I	NP

P - Permitted
A - Accessory
C - Conditional
I - Interim
NP - Not Permitted

2. The City could additionally look to limit the use of a property based on a minimum lot size or minimum useable area (i.e. agriculture permitted in AG zoning district with a minimum lot size of 2.5 acres).
3. Planning Commissioners reviewed the following definitions at the end of last year and provided direction to staff relating to potential changes. Staff has made several minor changes to the definitions below. More definition was added to the definition of products processing relating to the term “light”. Staff reviewed the need to change the definition of “Commercial” Nursery and determined that the commercial is a commonly used term to describe a business that intends to make money in exchange for products or services.

Subd. 3. "Agriculture." The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following: defined as follows:

(a) "field crops" including: shall mean barley, soybeans, corn, hay, oats, potatoes, rye, sorghum and sunflowers; and

(b) "livestock" shall be defined as provided in subsection [510.05](#), subdivision 44, and;

(c) "livestock products" including: shall mean milk, butter, cheese, eggs, meat, fur and, honey, or similar products involving only light, on-site processing; light processing shall consist of only products grown or generated on the premise.

Subd. 34. "Forestry." The cultivation and management of forests or woods located on the premises, including: the felling and trimming of timber; and associated light production such as cutting or sawing of timber into rough lumber, but not including

the sale and transportation of finished lumber from the premises or the storing or stockpiling of such lumber. ~~transportation of timber and timber logs, pulpwood, cordwood and similar products; sawing of logs into lumber and similar operations.~~

Subd. 42. **"Horticulture."** The use of land for the growing, ~~or~~ production and sale of fruits, vegetables, flowers, cultured sod, and nursery stock, including or ornamental plants and trees, for the production of income. Such term shall not include the operation of a commercial nursery (wholesale or retail), landscaping business, tree trimming/removal business or similar enterprise.

The Planning Commission will take public comments relating to the proposed ordinance updates and provide feedback and direction to staff relating to the possible amendment. Based on the information presented and discussion held at the meeting, it is intended that a draft ordinance amendment will be prepared for consideration at the next meeting.