



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY JUNE 16, 2020

7:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. April 21, 2020 Planning Commission Meeting
 - b. June 2, 2020 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Brett and Paige Broekema (Owner/Applicant) requests that the City consider the following actions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002):
 - a. Rezoning from AG-Agriculture to RR-Rural Residential; and
 - b. A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.
5. **PUBLIC HEARING (CONTINUED):** 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, APRIL 21, 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. ROLL CALL

PRESENT: Commissioners Palmquist, Thompson, Volkenant, Dumas and Gardner
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: None
VISITORS: 8 attendees in Zoom viewing audience

3. Approval of Minutes:

- a. February 18, 2020 Planning Commission Meeting
- b. April 7, 2020 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the February 18, 2020 Planning Commission minutes, second by Palmquist. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

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.

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

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.

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. 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.

Thompson asked Kaltsas if the math still worked with the splitting and recombining of the lot. Kaltsas said there has to be 80 acres to qualify for two rural view lots and they are still above that threshold. Thompson said that made sense. Kaltsas said it makes sense to incorporate the orphan piece of the property on the north side. Kaltsas said it would require a drainage and utility easement, but it would not change the park dedication requirements.

Dumas asked if there was a lean-to between parcel 2 and 3 and if that was an issue. Kaltsas noted if there was one that it could not be on the new property line, but the other buildings could stay.

Motion to open the Public Hearing by Gardner, second by Palmquist.

Public Hearing Open

Steve Grotting, City Council member and resident (Drake Dr.) also owns Windsong Realty and said he represents the Pagenkopfs. Grotting said Kevin from an excavation company will be coming in next week after road restrictions are lifted to remove the lean-to on the property. Grotting noted the septic and well are in good condition but there will be a lot of other clean-up done on the property.

Motion to close the Public Hearing by Gardner, second by Palmquist

Public Hearing Closed

Motion by Dumas to approve a minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions per Staff recommendations and additional verbiage on items (1) and (2) 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):second by Volkenant. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

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.

Kaltsas said 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 applies 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.

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 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 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.

Gardner asked if there were any crops being grown in the City that are not listed in the definition. Volkenant said as properties get smaller there will be a change in crops. Dumas asked if that would fall under horticultural. Volkenant asked why a person would want to grow something they could not sell. Kaltsas noted striking it out does not preclude a resident from doing it but legally cleans up the ordinance and makes it less open. Volkenant said it takes away the freedom of the farmer to grow what is best for the soil type. Thompson said it has to be a balance of what is appropriate use for the City. There has to be a level of oversight rather than listing every crop that could possibly be grown. Volkenant said the state's definition is not as limiting. Gardner noted it would unworkable at a community level. There are many lots that are only two acres. Kaltsas noted maple syrup would be tied into the honey definition. Tapping into maple trees is allowed under the ordinance.

Volkenant said they need to look at redefining Ag, Horticulture and Forestry. Thompson said if they reengage looking at this then it needs to be noted that all ag zoning is not created equal. He noted we are listing what we cannot stop or what is permitted. Thompson said he is all for permitted lists but feels there needs to be more zoning districts. Volkenant asked if there could be a subsection under rural residential that outlined permitted use. Dumas said this is saying you could have pigs next to a residential lot but not grow strawberries there. Thompson said it is a balance of being able to review use of property. Dumas said horticulture had a pretty good list and beyond that there could be a review. Volkenant said that it shouldn't have to cost \$2000 to ask to do it. Thompson said the process needs to be simple, easy and not costly to an applicant. Volkenant said horticulture could be cleaned up to make more sense.

Motion by Volkenant to close the Public Hearing, second by Dumas.

6. Open/Misc.
7. Adjourn.

Motion by Thompson, second by Volkenant to adjourn at 9:20 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 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. via zoom video call.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, City Attorney Vose, Public Works Supervisor Bode

VISITORS: WHPS Chief Kroells

3. ****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 May 19, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19646-19670.

Johnson said the minutes should read ‘south’ instead of ‘north’ of Pagenkopf. Also, east of Valley Rd.

Motion by Betts, second by McCoy to approve the Consent Agenda with the noted changes on the May 19th minutes. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

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

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Special City Council Session

Grotting attended the following meetings:

- Special City Council Session

McCoy attended the following meetings:

- Special City Council Session

- Memorial Day Service

Betts attended the following meetings:

- Special City Council Session
- Endorsement Meeting

Johnson attended the following meetings:

(all meetings were via zoom)

- Endorsement Meeting
- Orono Virtual Scholarships Awards
- Metropolitan Council Meeting
- EENR Conference Call for National League of Cities
- Delano Memorial Day Celebration
- NLC Legislative Call
- Haven Homes Advisory Committee Meeting
- Senior Community Services Meeting

Horner attended the following meetings:

- Online Elections Training

Kaltsas attended the following meetings:

6. **LIQUOR LICENSE REIMBURSEMENT CONSIDERATION.**

Kaltsas said the City Council recently discussed the possibility of reimbursing a portion of the City's annual liquor license fees to our local businesses as a way to offset some of the lost sale opportunities associated with the COVID-19 pandemic and the State of Minnesota closing orders. The three (3) liquor licenses issued in the City are as follows:

- Ox Yoke Inn
License for: Off Sale, On Sale and Sunday License
Total Fee Paid \$5,800
- Pioneer Creek Golf LLC
License for: On Sale and Sunday License
Total Fee Paid \$5,700
- Windsong Farm Golf Club LLC
License for: Off Sale, On Sale and Sunday License
Total Fee Paid \$5,800

The City looked at offering a prorated reimbursement amount based on the time that the executive order was in place and restricting the establishments ability to operate. Rather than considering a prorated amount for each business, it is recommended that the City consider a flat rate that would be equal for all three businesses. A \$1,000 refund of fees would be close to the prorated amount and easy to redistribute to the businesses.

Staff is seeking City Council direction relating to the possibility of providing a liquor license refund to our local businesses.

Johnson stated he thought this would be a good idea as these establishments have had a rough time. Betts said it was a great idea and Spencer agreed.

Motion by Johnson, second by Betts to approve \$1,000 reimbursement to each 3 liquor establishments. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

7. PROCLAMATION HONORING HENNEPIN COUNTY NATURAL RESOURCES SPECIALIST DAVID THILL.

Johnson stated Thill's proclamation looked good.

Motion by Betts, second by McCoy to approve the Proclamation honoring Hennepin County Natural Resources Specialist David Thill. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. MISCELLANEOUS ADMINISTRATION UPDATES

Kaltsas noted through the grant award Horner applied for the City will receive 6 bike racks and 3 hand washing stations.

Kaltsas said at the next meeting the NLC Sewer Line insurance program will be discussed and up for approval.

Kaltsas said the street overlay program is set to being next week and there will be no custom shouldering. Johnson said he had a call from a resident on Brei Kessel who said he had not gotten a return call from the city about the overlay project. Bode stated he has spoken with the resident.

Kaltsas said Lake Independence is at a slow no wake according to the old level. DNR enforcement division now handles this. Medina has said nothing about this.

Kaltsas stated that Staff met with BKV architects again on the remodel and will get a few more ideas out to Council for exterior options.

Kaltsas said upcoming on Planning Commission Meetings will include looking at the zoning ordinance definitions again.

Kaltsas said the City will not be having any AB balloting.

Kaltsas noted that he and Gary attended a bi-weekly Hwy 12/92 realignment meeting. He said there is some movement on their end to take off the driveways as discussed. There is some legality on how they can spend their funds. Shared driveways.

Spencer asked about the Extratyme tower. Kaltsas noted they are working on footing design and have been tweaking the location. He said they should have it done within 24 hours. Kroells noted the civil unrest due to the recent events and said the police are here to protect and defend our community. He said the Lake Minnetonka regions together had 53 officers working, with 25-30 assigned to quick action response. He thanked public works for their cooperation. Kroells said they could not drive downtown over the weekend to take the arrested to jail, so they spent the night in Brooklyn Park's jail. He then talked about a defense attorney in Independence who is representing the officer, so there could be threats on his house and the police will be preparing for that and any other threats to safety. Kroells noted it is 17 major cities is where this rioting is occurring, and they are heavily funded. Grotting asked about security plans in the building renovation. Kroells stated having the gates will be good but glass buildings are always a concern.

9. OPEN/ MISC.

10. ADJOURN.

Motion by Spencer, second by Grotting to adjourn at 7:15 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

**Request for Rezoning and Minor Subdivision to Permit a Lot Split
of the Property located at 6275 County Road 11**

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: June 16, 2020
Applicants: Brett and Paige Broekema
Owners: Brett and Paige Broekema
Location: 6275 County Road 11

Request:

Brett and Paige Broekema (Owner/Applicant) requests that the City consider the following actions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002):

- a. Rezoning from AG-Agriculture to RR-Rural Residential; and
- b. A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.

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 a single-family home and is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

Property Information: PID No. 11-118-24-22-0002 County Road 11

Zoning: Agriculture

Comprehensive Plan: Rural Residential

Acreage Before: 19.92 acres

Acreage After Parcel A: 9.96 acres

Acreage After Parcel B: 9.96 acres

6275 County Road 11



Discussion:

This property is zoned AG-Agriculture, but guided RR-Rural Residential by the City’s 2030 Comprehensive Land Use 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.

Rezoning

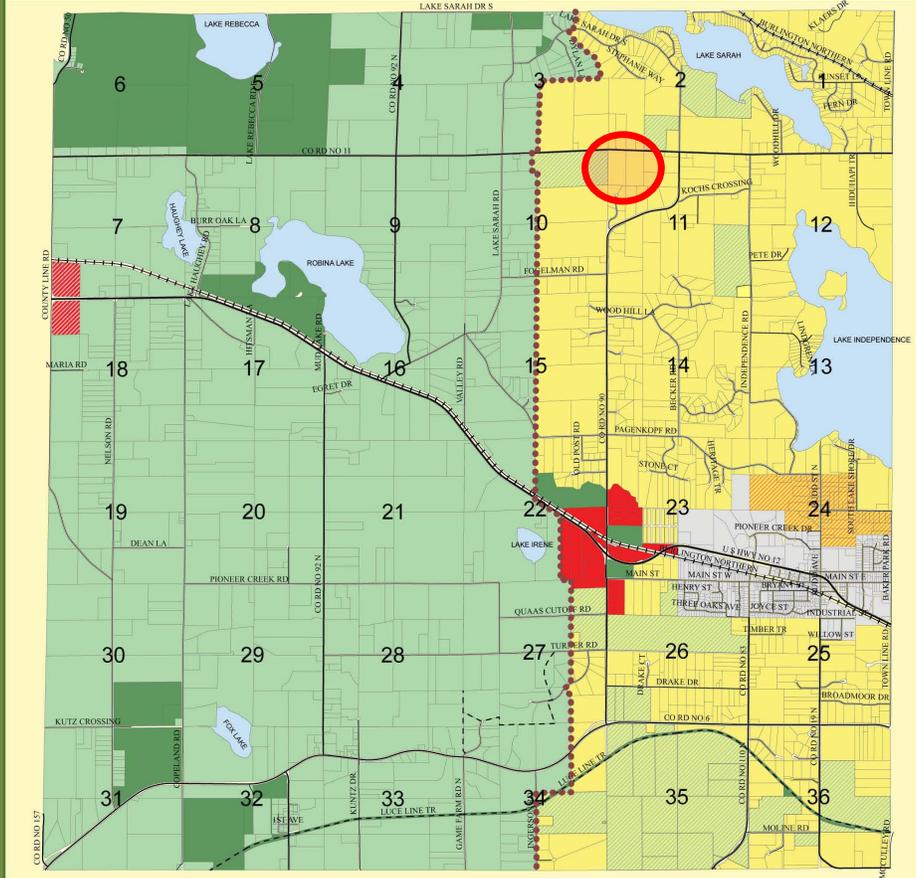
Rezoning this property is consistent with the City’s 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the east, west and south (see Comprehensive Plan/Zoning map below).

Comprehensive Plan Map

December 2009

City of INDEPENDENCE

Figure 7:
Comprehensive
Land Use Plan



Legend

- Agriculture (Rural Reserve Area)
1 Unit per 40 Acres Maximum
- Agriculture Preserve
- Rural Residential
1 Unit per 5 Acres Maximum
- Urban Residential
4.30 - 7 Units per Acre
- Commercial / Industrial
5 Acre Lot Minimum
- Urban Commercial
- Public / Semi-Public
- Open Water
- Rural Residential Planning Boundary
- Trail



0 1,600 3,200 Feet

Map Design Provided by LOUCKS ASSOCIATES

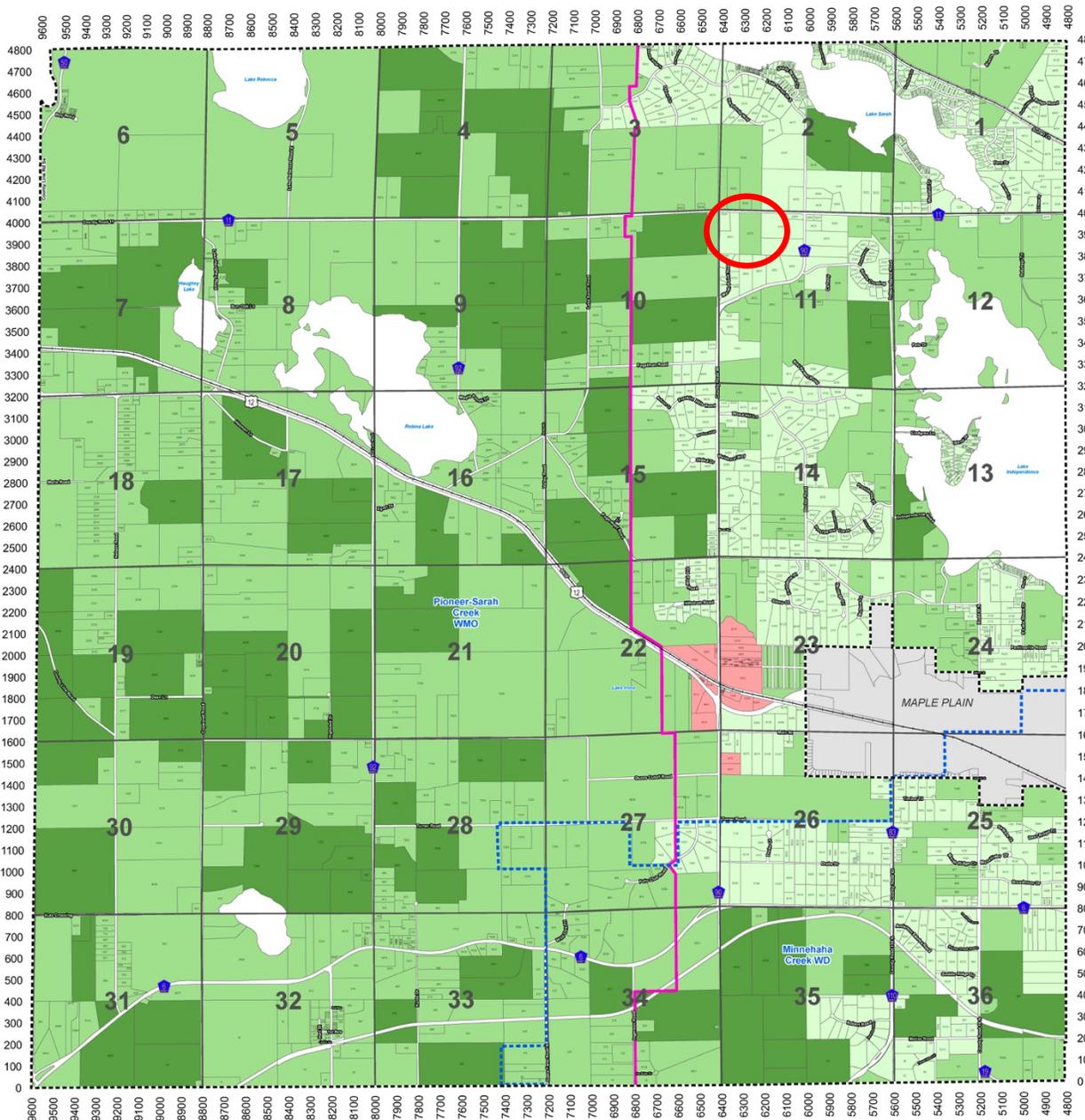
Zoning Map



Zoning Map
City of Independence, MN



May 2019 Real People. Real Solutions.



Legend

- Zoning
 - Rural Residential
 - Commercial / Light Industrial
 - Agricultural
 - Agricultural Preserve
 - Watershed Management Organizations
 - Rural Residential / Agriculture Division
 - Sections
 - Parcels
 - City Limits

Source: City of Independence, Minnesota County GIS/ARC/INFO database

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 and limited public road frontage. 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)

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
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:*

<u>Lot area</u>	<u>Minimum frontage</u>
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
Parcel A	9.96 acres	5.00 acres	330.52 LF	~1:4
Parcel B	9.96 acres	5.60 acres	330.52 LF	~1:4

The proposed subdivision would create one new lot. The applicant has essentially proposing to split the existing property down the middle. A wetland delineation has been completed and identifies the wetland edge and requisite buffer.

Access to both lots would be from CSAH 11. The existing house has a driveway that would remain in place and the County has reviewed and approved the proposed location (indicated on plans) for a new driveway to serve Parcel B. As historically has been done along County Road 11, Hennepin County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request for all subdivisions along CSAH 11.

Both lots are proposing to provide the requisite 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 Parcel B will be required to pay the City’s requisite park dedication fee. The requisite park dedication fees would be as follows:

Lot No.	Gross Acres	Park Dedication Amount
Parcel A	9.96 acres	Existing Parcel
Parcel B	9.96 acres	\$7,070 (\$3,500 plus 4.96 acres at \$750)

The total park dedication fee collected will be \$7,070. 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 5 acres*

Other Considerations:

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed rezoning and subdivision are in 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. The proposed sites are shown on the exhibit.
3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will be located within the drainage and utility easements.
4. The existing home on Parcel A will meet all applicable setbacks and standards in the after condition.
5. The applicant shows the building setback lines for Parcel B which demonstrates the ability of the proposed lot to accommodate a residential home and associated accessory structures.
6. 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 appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written comments regarding the proposed subdivision to permit a rural view lot.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Rezoning and Minor Subdivision. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

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 comply with all applicable Hennepin County transportation review comments and requirements.
 - d. 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 \$7,070.
4. The Applicant shall pay for all costs associated with the City's review of the rezoning and minor subdivision.
5. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

Attachments:

1. Application
2. Proposed Minor Subdivision Survey (Before and After)

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 viewed on a case-by-case basis.

- Appeal
- Comprehensive Plan Amendment
- Concept Plan
- Conditional Use Permit
 - Residential
 - Commercial/Light Industrial
 - Telecommunications
 - Agriculture
 - Home Occupation
 - Non-Conforming Use
 - Guest/Bunk House
 - Institutional
 - CUP Amendment
- Extension Request
- Final Plat
- Interim Use Permit
- Lot Consolidation
- Minor Subdivision (Survey)
 - Lot Subdivision
 - Lot Combination
 - Lot Line Rearrangement
- Moving Buildings
- Preliminary Plat
- Rezoning
- Site Plan Review (Commercial)
- Vacation
- Variance
 - Subdivision Regulations
 - Zoning
 - Road Frontage
- Zoning Text Amendment

**Please check all that apply*

Request: Lot Subdivision

Site Address or Property Identification Number(s):

6275 Co. Rd 11

NOTE: 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.

Office Use Only	
_____	Date
Application Amount _____	Application Check # _____
Escrow Paid _____	Escrow Check # _____
Date Accepted by Planner _____	Accepted By _____
City Planner _____	

***Note: All parties with a fee interest in the real estate must sign this application before the City will review for consideration!

Applicant Information:

Owner Information (if different than applicant)

Name: Brett & Paige Broekema

Name: _____

Address: 6275 Co. Rd 11

Address: _____

City, State, Zip: Independence, Mn 55359

City, State, Zip: _____

Phone: 612-791-8900

Phone: _____

Email: Bpbroekema@aol.com

Email: _____

Signature: _____

Signature: _____

Checklist: Please review the checklist that goes with the request(s) as all materials in the checklist unless waived by the City.

Review Deadline and Timeline: All applications must be received by the deadline according to the schedule attached hereto. Failure to submit by the date shown will result in a delay in the scheduling of the application review by Planning Commission and City Council.

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2014 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 shown at the bottom of this form. 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:

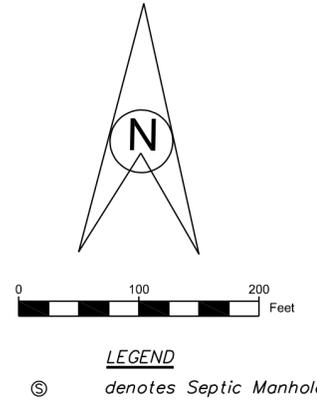
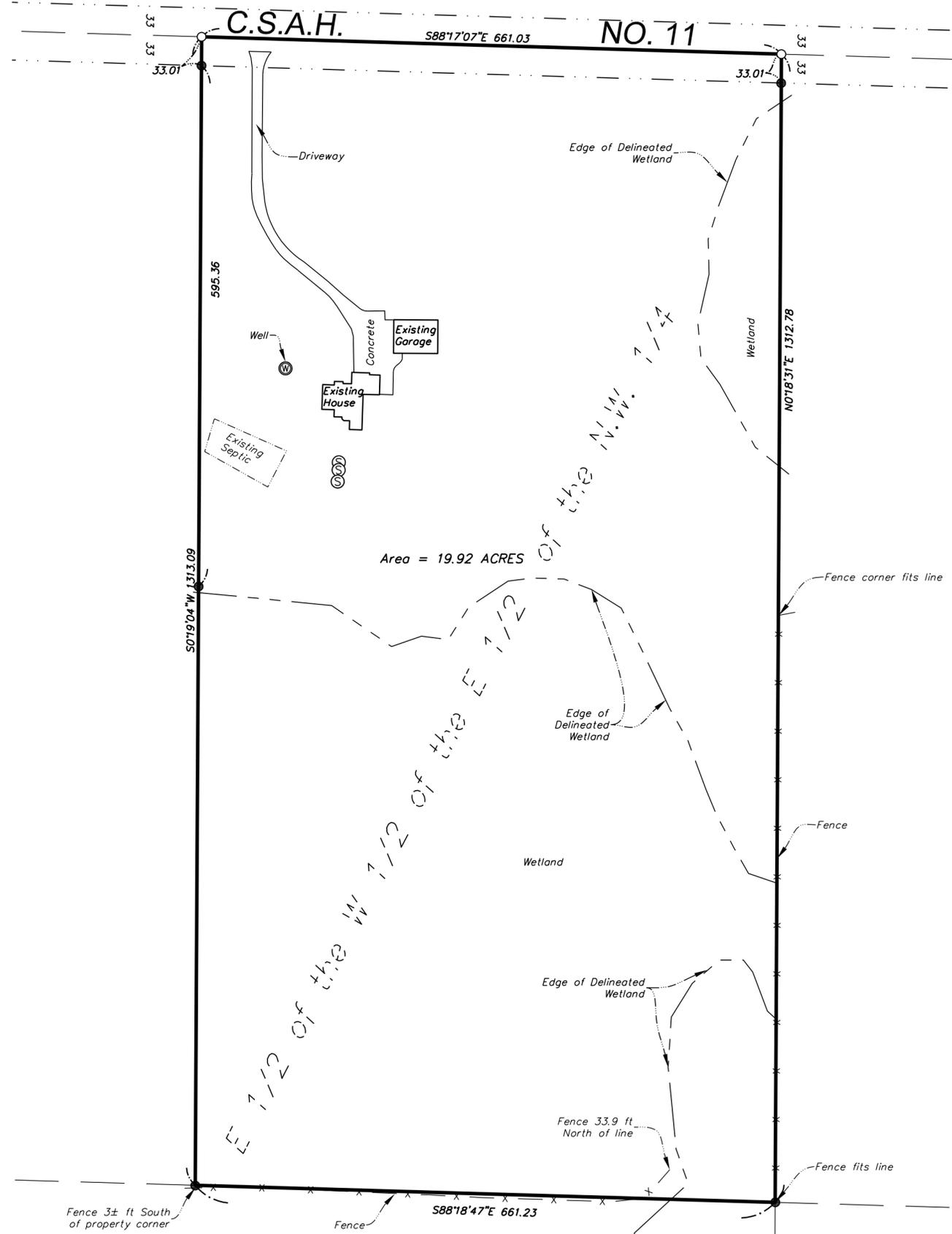
Applicant Signature: _____

Date: _____

Owner Signature (if different): _____

Date: _____

Certificate of Survey - Before



NOTE:

Wetlands Delineated by Kjolhaug Environmental Services Company

PROPERTY DESCRIPTION:

The East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

Certificate of Survey of the E 1/2 of the N.W. 1/4 of the N.W. 1/4 of Sec. 11, T. 118, R. 24, Hennepin County Minnesota

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
 Paul E. Otto
 License #40062 Date: 5-20-20

Requested By:

Paige Broekema

Date: 5-13-20	Drawn By: M.L.O.	Scale: 1" = 100'	Checked By: P.E.O.
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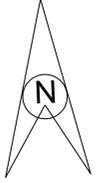
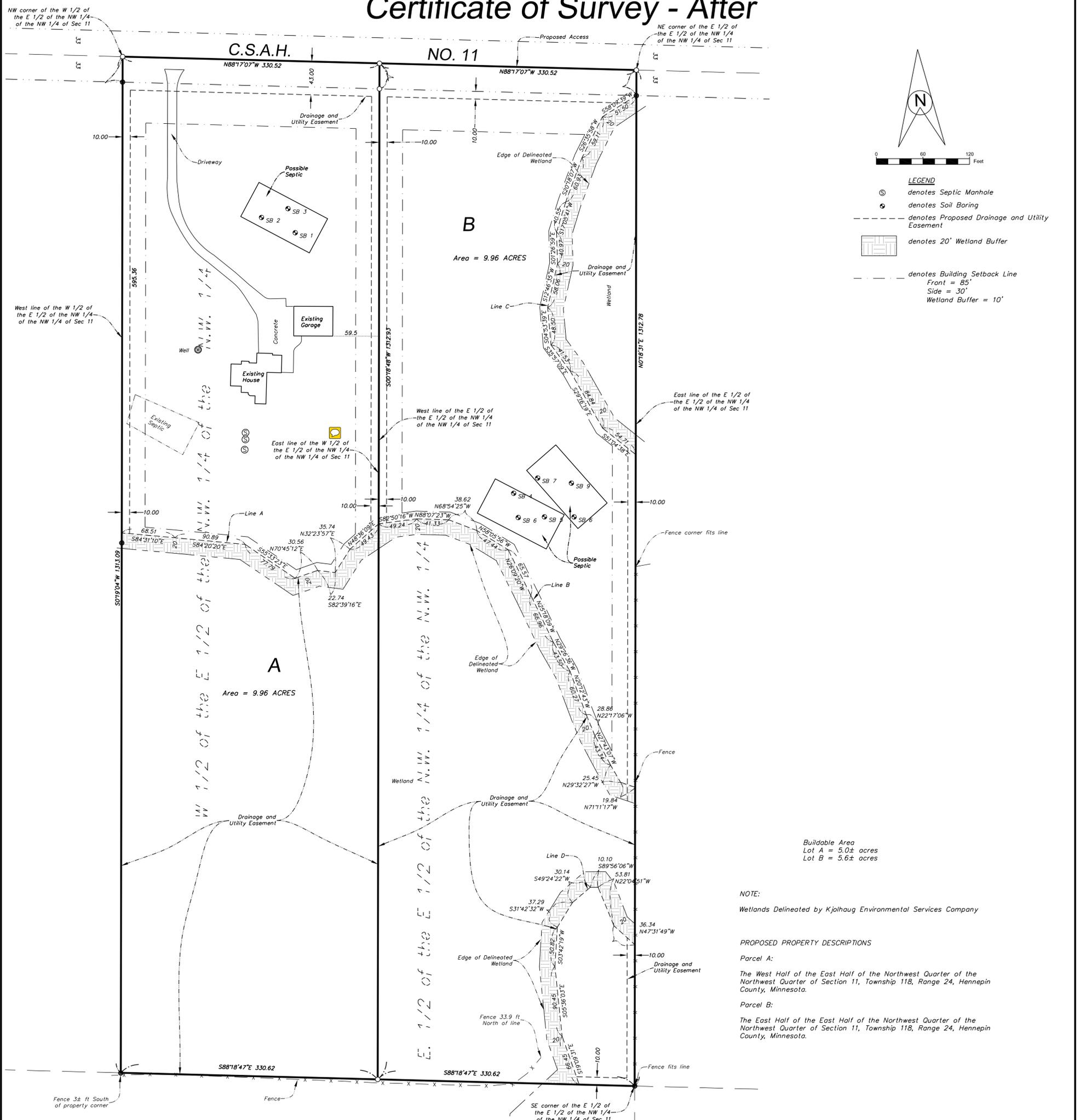


www.ottoassociates.com
 9 West Division Street
 Buffalo, MN 55313
 (763)682-4727
 Fax: (763)682-3522

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

Project No. 20-0219

Certificate of Survey - After



- LEGEND**
- ⊙ denotes Septic Manhole
 - ⊙ denotes Soil Boring
 - - - denotes Proposed Drainage and Utility Easement
 - [Hatched Box] denotes 20' Wetland Buffer
 - - - denotes Building Setback Line
Front = 85'
Side = 30'
Wetland Buffer = 10'

Buildable Area
Lot A = 5.0± acres
Lot B = 5.6± acres

NOTE:
Wetlands Delineated by Kjolhaug Environmental Services Company

PROPOSED PROPERTY DESCRIPTIONS

Parcel A:
The West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

Parcel B:
The East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

PROPOSED DRAINAGE AND UTILITY EASEMENTS

Parcel A:
A perpetual easement for drainage and utility purposes over, under, and across the South 10.00 feet of the North 43.00 feet of the West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

AND

A perpetual easement for drainage and utility purposes over, under, and across the East and West 10.00 feet of the West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies North of Line A.

AND

A perpetual easement for drainage and utility purposes over, under, and across that part of the West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies South of Line A.

Line A is described as follows:
Commencing at the Northwest corner of said West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 28, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 19 minutes 04 seconds West, along the West line of said West Half of the East Half of the Northwest Quarter of the Northwest Quarter, a distance of 615.40 feet to the point of beginning of said Line A;
thence South 84 degrees 31 minutes 10 seconds East, a distance of 68.51 feet;
thence South 84 degrees 20 minutes 20 seconds East, a distance of 90.89 feet;
thence South 55 degrees 33 minutes 23 seconds East, a distance of 77.79 feet;
thence North 70 degrees 45 minutes 12 seconds East, a distance of 30.56 feet;
thence South 82 degrees 39 minutes 16 seconds East, a distance of 22.74 feet;
thence North 32 degrees 23 minutes 57 seconds East, a distance of 35.74 feet;
thence North 48 degrees 36 minutes 09 seconds East, a distance of 49.43 feet;
to the East line of said West Half of the East Half of the Northwest Quarter of the Northwest Quarter and said Line A there terminating.

Parcel B:
A perpetual easement for drainage and utility purposes over, under, and across the South 10.00 feet of the North 43.00 feet of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

AND

A perpetual easement for drainage and utility purposes over, under, and across the West 10.00 feet of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies North of Line B.

AND

A perpetual easement for drainage and utility purposes over, under, and across the East 10.00 feet of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies South of Line C, North of Line B, and South of Line D.

AND

A perpetual easement for drainage and utility purposes over, under, and across the South 10.00 feet of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies Easterly of Line D.

AND

A perpetual easement for drainage and utility purposes over, under, and across that part of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies Easterly of Line C.

AND

A perpetual easement for drainage and utility purposes over, under, and across that part of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 11, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of Line B and Westerly and Northerly of Line D.

Line B is described as follows:
Commencing at the Northeast corner of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of South 00 degrees 18 minutes 31 seconds West, along the East line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter, a distance of 926.72 feet to the point of beginning of said Line B;
thence North 71 degrees 11 minutes 17 seconds West, a distance of 19.84 feet;
thence North 29 degrees 32 minutes 27 seconds West, a distance of 25.45 feet;
thence North 27 degrees 43 minutes 07 seconds West, a distance of 43.34 feet;
thence North 22 degrees 17 minutes 06 seconds West, a distance of 28.86 feet;
thence North 20 degrees 12 minutes 43 seconds West, a distance of 60.27 feet;
thence North 29 degrees 26 minutes 36 seconds West, a distance of 43.50 feet;
thence North 25 degrees 18 minutes 09 seconds West, a distance of 66.96 feet;
thence North 26 degrees 09 minutes 20 seconds West, a distance of 65.57 feet;
thence North 58 degrees 05 minutes 56 seconds West, a distance of 47.44 feet;

thence North 68 degrees 54 minutes 25 seconds West, a distance of 38.62 feet;
thence North 88 degrees 07 minutes 23 seconds West, a distance of 41.33 feet;
thence South 82 degrees 50 minutes 16 seconds West, a distance of 49.24 feet;
to the West line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter and said line there terminating.

Line C is described as follows:
Commencing at the Northeast corner of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of South 00 degrees 18 minutes 31 seconds West, along the East line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter, a distance of 33.01 feet to the point of beginning of said Line C;
thence South 58 degrees 07 minutes 39 seconds West, a distance of 51.50 feet;
thence South 26 degrees 35 minutes 58 seconds West, a distance of 59.11 feet;
thence South 20 degrees 18 minutes 07 seconds West, a distance of 60.93 feet;
thence South 17 degrees 05 minutes 41 seconds West, a distance of 40.55 feet;
thence South 01 degrees 26 minutes 59 seconds East, a distance of 40.97 feet;
thence South 12 degrees 46 minutes 35 seconds West, a distance of 58.06 feet;
thence South 04 degrees 53 minutes 39 seconds East, a distance of 48.50 feet;
thence South 35 degrees 57 minutes 09 seconds East, a distance of 41.53 feet;
thence South 29 degrees 16 minutes 19 seconds East, a distance of 84.84 feet;
thence South 51 degrees 04 minutes 38 seconds East, a distance of 54.71 feet;
to the East line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter and said line there terminating.

Line D is described as follows:
Commencing at the Southeast corner of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of North 00 degrees 18 minutes 31 seconds East, along the East line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter, a distance of 182.54 feet to the point of beginning of said Line D;
thence North 47 degrees 31 minutes 49 seconds West, a distance of 36.34 feet;
thence North 22 degrees 04 minutes 51 seconds West, a distance of 53.81 feet;
thence South 89 degrees 56 minutes 06 seconds West, a distance of 10.10 feet;
thence South 49 degrees 24 minutes 22 seconds West, a distance of 30.14 feet;
thence South 31 degrees 42 minutes 32 seconds West, a distance of 37.29 feet;
thence South 03 degrees 42 minutes 19 seconds West, a distance of 50.82 feet;
thence South 05 degrees 36 minutes 03 seconds East, a distance of 90.45 feet;
thence South 19 degrees 09 minutes 31 seconds East, a distance of 66.45 feet;
to the South line of said East Half of the East Half of the Northwest Quarter of the Northwest Quarter and said line there terminating.

Certificate of Survey of the E 1/2 of the N.W. 1/4 of the N.W. 1/4 of Sec. 11, T. 118, R. 24, Hennepin County Minnesota

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: 5-26-20

Requested By:
Paige Broekema

Date: 5-13-20 Drawn By: M.L.O. Scale: 1" = 60' Checked By: P.E.O.

TTO ASSOCIATES
Engineers & Land Surveyors, Inc.

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

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

Project No. 20-0219

Revised: 5-26-20 Wetland Buffer

City of Independence
Consideration to Amend City's Zoning Ordinance

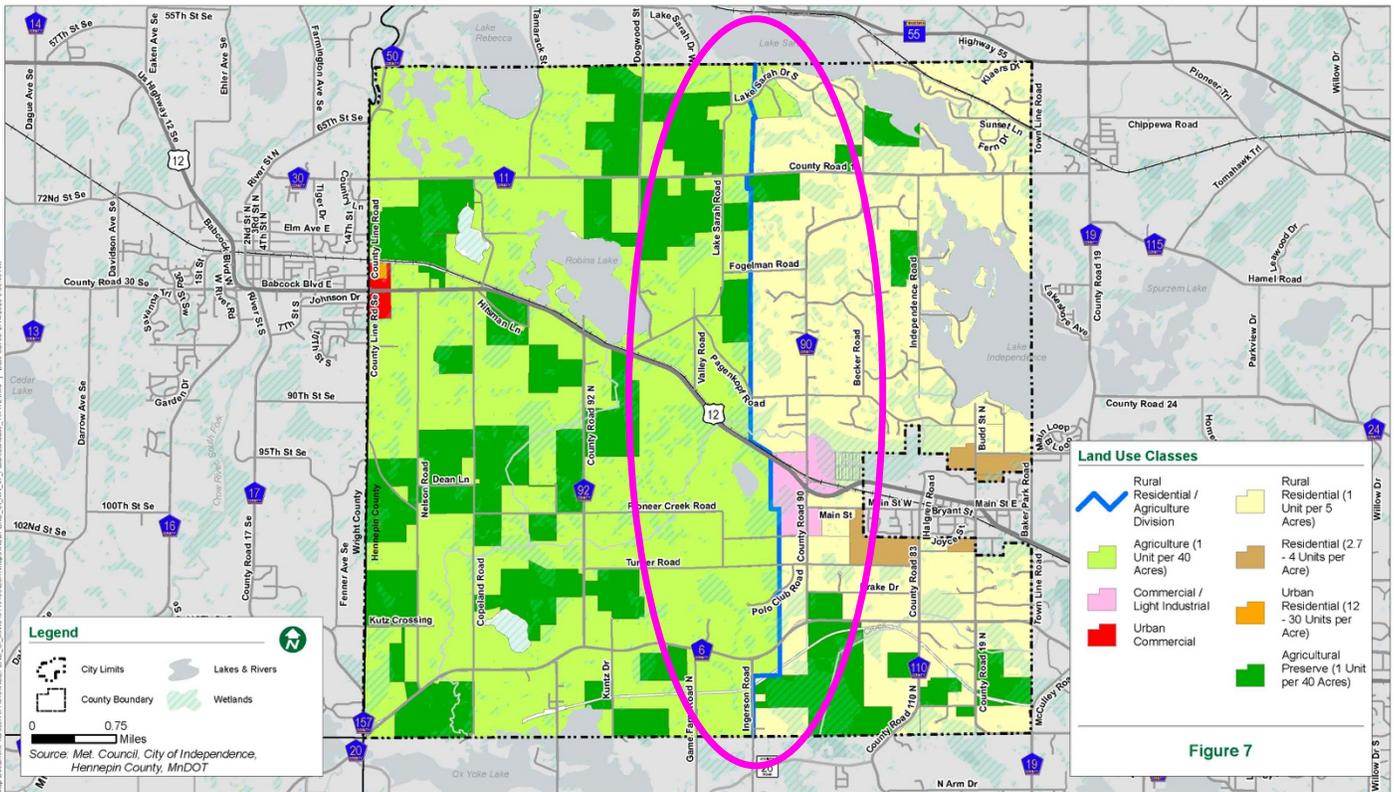
To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: June 16, 2020

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.

Based on direction provided by Planning Commissioners during the three public hearings and most recently the April Planning Commission Meeting, the City has prepared a draft ordinance for further consideration. The following points were considered while preparing the draft ordinance amendment:

1. Agriculture, Horticulture and Forestry definitions have been updated as recommended. A simple provision has been added to the definition of Agriculture to permit “other” crops determined to be similar by the City Council. This provision will allow a wide array of additional types of crops to be permitted and greatly expand the types of crops that can be grown by a property owner. City Council can review any crop not specifically listed and make a determination as to whether or not it should be permitted. The request would be considered at a regular City Council Meeting following submittal of a simple application (this application would be processed within two weeks and currently would cost \$250 based on the adopted fee schedule). This would reduce the cost of obtaining a determination and allow the Council latitude to permit or deny the request in a timely manner.
2. As discussed by Commissioners, a new RRO-Rural Residential Overlay District has been created to provide for Agriculture, Horticulture and Forestry as interim uses. The overlay district would govern all property that is located east of the north south dividing line depicted on the City’s adopted Future Land Use Map. All property located within the defined area (including properties currently zoned AG-Agriculture) would be subject to the overlay district provisions. AG-Agriculture properties outside of the defined area (properties west of the north/south line delineating long-term Agriculture from long-term Rural Residential) would continue to allow Agriculture, Horticulture and Forestry as permitted uses.



3. The RR-Rural Residential Zoning District has been amended to remove Agriculture, Horticulture and Forestry as permitted uses.
4. While Agriculture has a specific list of crops identified, “Horticulture” allows the growing, or production and sale of fruits, vegetables, flowers, cultured sod, nursery stock or ornamental plants and trees. This would include all of the different types of plants discussed at the Planning Commission meeting including elderberries, strawberries, apples, raspberries, flowers, vegetables, etc.
5. All existing properties zoned AG-Agriculture and currently using the property for Agriculture, Horticulture and Forestry would be considered legal non-conforming if the ordinance amendment were approved. This designation currently applies to a high percentage of properties in the City that do not meet minimum lot sizes or building setbacks.

Staff is seeking discussion and direction relating to the draft ordinance from the Planning Commission. Planning Commissioners can recommend approval of the ordinance amendment to the City Council, ask for further revisions to the proposed amendment or chose not to advance the ordinance.

DRAFT
ORDINANCE NO. 2020-XX

CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AMENDING SECTIONS 510 AND 530 OF THE INDEPENDENCE CITY CODE
RELATING TO ACCESSORY USES

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

SECTION 1. The Independence City Code, Chapter IV, Section 510 is amended as follows (additions shown in **bold/underline**, deletions as ~~strikethrough~~):

510.05. - Definitions.

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, sunflowers, wheat and any other crop determined by the city council to be similar in character to the foregoing 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, maple syrup or similar products involving only light, on-site processing which 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 of finished lumber from the premises, the transportation of finished lumber from the premises, or the storing or stockpiling of such lumber on the premises. ~~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 offsite operations or services such as a landscaping business, tree trimming/removal business or similar enterprise.~~

SECTION 2. The Independence City Code, Chapter IV, Section 530 is amended as follows (additions shown in **bold/underline**, deletions as ~~striketrough~~):

530.09. – Rural Residential Overlay District - purpose and authorization.

Subd. 1. *Established.* The Rural Residential Overlay District is established for the purpose of protecting the reasonable use and enjoyment of properties that are currently zoned rural residential or guided as future rural residential. The City recognizes the wide array of property sizes, property types and property use that exist within the rural residential zoning district. In an effort to ensure compatibility amongst the multitude of properties, the City has identified the need to establish this overlay district. The ordinance is intended to supplement the existing zoning of lots or parcels in the area covered.

Subd. 2. *Area included in the Rural Residential Overlay District.* The area covered by the Rural Residential Overlay District (RRO) is all property located within the area guided for Rural Residential as depicted on Future Land Use Map in the City’s most recently adopted Comprehensive Land Use Plan. This ordinance is intended to supplement or overlay the existing zoning of lots or parcels in the area covered, not to contradict or replace the existing zoning.

Subd. 3. *Permitted uses.* Within the Rural Residential Overlay District, uses permitted in the underlying zoning districts as indicated on the official zoning map of the City shall remain permitted except that those uses identified in subdivision 4 below shall only be allowed on an interim basis by interim use permit.

Subd. 4. *Interim Uses.* The following interim uses may be permitted in the Rural Residential Overlay District by action of the city council pursuant to subsections [520.09](#), [520.11](#), and [520.13](#) of this Code:

- (a) Agriculture;
- (b) Horticulture;
- (c) Forestry.

Subd. 5. *Nonconforming uses.* Any use lawfully existing upon the effective date of this ordinance is a nonconforming use. A nonconforming use may be continued subject to the conditions outlined in section 515.07 of this Code.

SECTION 3. The Independence City Code, Chapter IV, Section 530 is amended as follows (additions shown in **bold/underline**, deletions as ~~striketrough~~):

530.05. - Rural Residential District established.

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

- (a) Single-family dwellings;
- ~~(b) Commercial agriculture;~~
- (c) Public recreation;
- ~~(d) Horticulture;~~
- ~~(e) Forestry.~~

SECTION 4. This ordinance shall be in force and effect after enactment and publication as required by law.

Adopted this __ day of July 2020, by the Independence City Council.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator