



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING (VIRTUAL MEETING*)
TUESDAY SEPTEMBER 15, 2020

7:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. July 21, 2020 Planning Commission Meeting
 - b. September 1, 2020 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Trevor Clemming Jr. (Applicant/Owner) requests that the City consider the following action for the property located at 2740 Nelson Road (PID No. 18-118-24-42-0001) in Independence, MN:
 - a. A conditional use permit (CUP) to allow a commercial riding stable to be operated on the subject property.
5. Open/Misc.
6. Adjourn.

*This meeting will be conducted virtually. Access to the meeting can be obtained via telephone or digital connection. Meeting access information will be posted on the City's website on the Friday prior to the Planning Commission Meeting. Public are invited to virtually attend and participate in the meeting.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JULY 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, Volkenant, Dumas and Gardner
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Commissioner Thompson
VISITORS: Paul Soberg, John Sega

3. Approval of Minutes:

- a. June 16, 2020 Planning Commission Meeting
- b. July 7, 2020 City Council Meeting Minutes (For Information Only)

Motion by Palmquist to approve the June 16, 2020 Planning Commission minutes, second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

4. **PUBLIC HEARING:** PTS Products, Inc. (Applicants/Owners) requests that the City consider the following action for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:
- a. A variance to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial.
 - b. Site plan approval for a commercial property.

Kaltsas said the property is located on the south side of Highway 12 just west of the intersection of County Road 90 and Highway 12. The property has an existing commercial building and parking lot. There is a significant wetland on the south side of the property. The applicant is seeking site plan approval to allow an accessory building to be constructed on the subject property. In 2018, the City reviewed and approved an expansion of the existing building. The expansion of the building provided for a total of 25,600 SF of commercial space. The applicant is now seeking approval to add a 4,800 SF detached accessory storage building on the property.

Along with the request to expand the building in 2018, the applicant also sought and received approval for a variance to allow the building to be constructed using matching materials to the existing building (steel panels) rather than residing the entire building with materials that met applicable architectural design standards. The City noted that the east façade of the building met applicable design requirements and was the most visible from TH 12. The City allowed the expansion of the building using materials that matched the existing building.

The applicant is proposing a new detached accessory storage building that would be located behind the existing building. The new building would be used solely for storage and would not increase the number of employees or provide finished interior manufacturing space. The applicant would like the City to consider granting a variance to allow the detached accessory storage building to match the exterior of the existing building (steel panels).

The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are several provisions within the commercial standards that are applicable to the proposed building expansion.

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). The standards do not provide specifically for accessory structures, but there is no other standard identified. For this reason, accessory structures are treated the same as principle buildings.

a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

1. The applicant has prepared an illustrative image which shows the proposed exterior elevations of the new building. The primary material proposed is standing seam metal which is consistent with the majority of the existing building. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

2. Site Design and Parking Requirements - The applicant is proposing to construct a gravel driveway to access the proposed building off of the existing parking lot. The City generally requires bituminous pavement for all driveways and parking areas in the CLI zoning district. The City has allowed outdoor storage areas to use a gravel surface similar to that which is being proposed. Staff will be seeking direction from the Planning Commission relating to whether or not the driveway to the accessory storage building can remain gravel as proposed or should be required to be bituminous. For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. The total existing building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has 54 parking spaces. The proposed new building would add 4,800 square feet and require an additional 2 parking spaces for a total of 15 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

- a. Front yard setback: 100 feet from centerline of road.
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet. The proposed new accessory storage building would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed accessory storage building would be approximately 50 feet from the west (side) property line.

4. Landscaping – The City worked with the applicant during the last plan review to develop a landscape plan that met the intent of the landscape ordinance. It should be noted that the applicant has not completed all requisite landscaping from the 2018 approval. The City has been working with the applicant to complete the requisite work. No new landscaping is proposed with this plan. The City could request additional landscaping along the east side of the building to provide additional screening from TH 12. The City would recommend requiring 5 - 6' tall evergreen trees and 3 - 2.5" caliper deciduous trees along the east side of the proposed building (see concept plan below). If recommended by the Planning Commission, the applicant can provide an updated landscape plan prior to City Council approval.

5. Storm Water Management – The proposed improvements do not trigger the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the runoff from the impervious surface is directed to the south and there is a significant infiltration area prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. The total existing impervious surface area is 61,300 square feet. The proposed new building and associated site improvements would add an additional 8,200 square feet for a total of 69,500 square feet. This total is below the maximum coverage area. In addition to the site plan review, the City's ordinance has established criteria for consideration in granting a variance.

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 criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The character of the surrounding area is commercial with similar structures and site improvements.
- c. The proposed variance to allow an accessory building that matches the exterior façade and materials of the existing building on this property is in keeping with the City's comprehensive plan.
- d. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from Highway 12.
- e. The applicant can screen the proposed building with new landscaping to further mitigate any visual impacts from TH 12.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance. Staff is seeking a recommendation from the Planning Commission relating to the site plan review and variance.

Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval and variance request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a landscape plan prior to consideration by the City Council.
5. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C.
6. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City’s comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of a commercial business in the City’s CLI zoning district. The City’s approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
7. Any change in use shall be subject to the City review and approval.
8. No outdoor storage is permitted on the property.
9. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
10. Any new building or site lighting shall comply with the City’s applicable standards. The applicant shall submit cut sheets to the City prior to obtaining building permit approval.
11. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
12. The Applicant shall pay for all costs associated with the City’s review of the requested site plan and variance approval.
13. The resolution shall be recorded against the property.
14. The applicant shall pay all applicable fees associated with the City processing the application for site plan review and a variance.

Palmquist asked why the landscaping has not been installed. Kaltsas said they were updating the septic system where some of the landscaping would be put in and that was weather dependent.

Volkenant asked about the impervious surface and gravel versus black top for water absorption. She noted it would be a benefit not detriment.

Gardner said he has seen this ordinance backfire in regard to siding requirements. He said this plan is a better solution and he would like to see more trees in front of the parking lot.

Dumas said the new building faces boat storage, so this plan doesn't really bother him. He asked why the initial screening has not been done.

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

Public Hearing Open

No comments.

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

Public Hearing Closed

Palmquist asked why the original landscaping has not been installed. Kaltsas said Soberg responded that he is waiting for the mound system to be installed. Soberg noted it would be completed this year.

Motion by Volkenant to approve a variance to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial and site plan approval for the property at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN: second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

5. **PUBLIC HEARING:** John Sega (Applicant) and MN Horsepower LLC (Owner) request that the City consider the following action for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN:

- a. A conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit.

Kaltsas said the property is located on the south side of CSAH 6 near the intersection of CSAH 6 and CSAH 157. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and is heavily wooded. The property has the following characteristics:

Property Information: **9255 County Road 6**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 72.32 acres in 2018, the City granted a conditional use permit to the applicant for a commercial riding stable and new detached accessory building that exceeded the 5,000 SF maximum permitted. The applicant is now seeking approval to connect the new indoor riding arena with the existing barn. This connection would be a 26 x 20 rectangular building between the two existing buildings. In addition to the building connection, the applicant would like to add several additional small detached accessory buildings to the site and several "lean to" type additions onto the existing buildings.

The applicant has provided a conceptual site master plan showing the general location and size of each of the buildings proposed. The total additional square footage proposed, including the building connection, is approximately 7,600. The applicant has provided a narrative of the additional buildings. The applicant has noted that the exact location of each of the proposed buildings has not been finalized; however, they would like the City to approve the site master plan so that they can simplify the process required in the future to permit the buildings. The City has approved similar master plans in the past. The applicant is seeking approval of the following buildings:

Building Type Square Footage Timing

Building Link: 520 SF Now

Viewing Area: 300 SF Future

Viewing Area: 150 SF Future

Building Overhang: 500 SF Future

Building Overhang: 1,000 SF Future

Building Overhang: 500 SF Future

Shavings Addition: 324 SF Now

Machine Shed: 2,400 SF Future

Dry Storage Shed: 2,400 SF Future the City can approve the concept site master plan and then work with the applicant through the building permit process to confirm the exact building locations and grading/site plans as each building is requested by the applicant.

The previously approved site plan is shown below: In order to expand and alter an existing CUP, the City requires an amendment. The existing CUP allows for a commercial riding stable allows for 50 horses to be boarded on the subject property. In addition, the City allowed the new indoor riding arena to be constructed which is greater than 5,000 SF.

The following key points should be considered by the Planning Commission:

- The proposed connection between the two buildings would be constructed using the same materials as the new riding arena. There will be two main overhead doors and two ingress/egress doors constructed with the connection.
- The City has reviewed the building plans from a building and fire code standpoint. The plans meet all applicable criteria and requirements.
- The Delano Fire Chief has reviewed and approved the proposed plans.
- The proposed site master plan contemplates several additional building additions and or detached accessory buildings. Due to the size and nature of the property, the City can consider approving the master plan to reduce the process for future development of the property. The proposed buildings would be utilized to serve the existing commercial operation. No expansion to the actual operation or number of horses is being requested. Staff has reviewed the proposed site master plan and found that the proposed buildings fit the general nature and layout of the property.
- All conditions of the original conditional use permit would remain in place.
- The applicant noted in their application that they would like to extend natural gas to this location.

This extension does not require an amendment to the conditional use permit. Other permits may be necessary such as a right of way permit or similar. The City will work with the applicant as necessary relating to this issue. The criteria for granting a conditional use permit amendment are the same as granting a conditional use permit and are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the proposed building expansion with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial horse facility, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit.

Neighbor Comments:

The City has not received any written or oral comments regarding the proposed conditional use permit amendment.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit amendment. Should the Planning Commission make a recommendation to approve the requested action to the City Council, the following findings and conditions should be considered:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. All conditions of the existing conditional use permit granted by the City in **RESOLUTION NO. 18-1105-02** shall remain.
3. The conditional use permit amendment will include the following additional conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. The Applicant shall provide the City with an updated professionally prepared site plan prior to City Council consideration c. All new buildings or building additions constructed on the property shall be in accordance with the approved site master plan, attached to the City Council approving resolution.
 - d. The Applicant shall obtain all applicable building and other permits associated with any building expansion or new detached accessory building. Each building permit will need to include grading and drainage plans.
 - e. No future expansion of the existing buildings or site master plan shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
4. The applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit amendment.

5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Palmquist said it would be prudent to submit a sketch of the site plan. Kaltsas said it is a good point, but he did not see anything that stood out upon his review. He noted they would have to meet applicable building codes with height and setback requirements. Gardner said it is a little scary to have open-ended construction. Kaltsas said there is no issue with square footage, but a site plan makes sense with a master plan submittal. Palmquist said any future building plans should be subject to all applicable regulations at the time they are constructed.

Public Hearing Open

Sega stated that Kaltsas had covered it well.

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

Public Hearing Closed

Motion by Palmquist to approve a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit with the addition of a site master plan and also dependent on future ordinance requirements for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN: second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

6. Open/Misc.

7. Adjourn.

Motion by Palmquist, second by Volkenant to adjourn at 8:15 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 1, 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.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer, McCoy (virtual) and Grotting (virtual)

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: Ali Howe (virtual)

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 August 18, 2020 Regular City Council Meeting.
- b. Approval of City Council Minutes from the August 13, 2020 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 19846-19876 (Checks 19830-19845 were voided).

Motion by Spencer, second by Betts to approve the Consent Agenda with the addition of check 19877 for WHPS. Ayes: Johnson, Betts, Spencer, McCoy 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.

Johnson noted Ali Howe would give a presentation on the Orono Referendum.

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Hennepin County Environmental Meeting
- LICA Wetland Restoration Meeting

Grotting attended the following meetings:

- Met with Kaltsas regarding the LMCC internet mileage

McCoy attended the following meetings:

- None

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

- Interfaith Fellowship Caring for Kids Breakfast (zoom)
- Met with Representative Jerry Hertaus (zoom)
- Met with Representative Emmer (zoom)
- Haven Homes Advisory Committee Meeting (zoom)
- Webinar on Governor's Authority
- Police Commission Meeting

Horner attended the following meetings:

- Met with BKV architects

Kaltsas attended the following meetings:

- Two Meetings with MnDOT and Hennepin County on County Road 90 project

6. Ali Howe- Orono School Board member

Johnson introduced Howe. Howe stated she was newly elected to the Orono School Board and is a 15 year resident of Independence. She has two sons at Orono Schools. Howe said the proposed referendum for new technology replaces the old levy in asking for a new one with updated needs. Howe played a youtube video from Dr. Karen Orcutt that discussed the referendum. Orcutt noted they are focused on maintenance and replacement of core technology infrastructure. They reduced the levy from 5.023 to 4.516 times the net tax capacity of the district. Howe said as a parent she sees how important this technology is and a strong system is needed. Johnson asked if the school makes sure everyone has a device. Howe said K-5 is provided by the district but middle and high schoolers need to have their own. There are stipends and other alternatives if needed. Betts asked how many hours a day they use their device. Howe said it varies but with distance learning the time used has changed dramatically. Howe said teachers are very cognizant about screen time. Johnson asked if the 4.516 was based valuation. Kaltsas said that rate would stay flat for ten years. Grotting thanked Howe for her time and presentation. He noted it was an intangible levy which makes it harder.

7. Cares Act Funding for Local Businesses.

- a. Review draft program criteria and provide direction to staff.

Kaltsas said the City has determined that the encouragement and the financial support of economic development and redevelopment in the City is in the best interests of the health, safety, success and common welfare of the citizens of Independence. The 2020 COVID-19 Pandemic has presented significant challenges and economic impacts to many residents and businesses.

In March 2020, the World Health Organization declared the worldwide outbreak of COVID-19 coronavirus to be a pandemic (the "Pandemic" or "COVID-19" or "virus"). The Governor of Minnesota has issued a series of executive orders to help limit the spread of COVID-19. (the "Executive Orders"). The U.S. Center for Disease Control and Prevention (the "CDC") has issued a series of directives to limit personal interaction to slow the

spread of COVID-19. These actions have had significant adverse effects on local businesses, including closure, significant reduction in revenues, and loss of employees. The continuation of these events will have short- term and long-term effects on the well-being of the community.

After evaluating alternative means of assistance to help local businesses adapt common practices to protect the health of customers and employees and thereby establishing the means for successful operation, the City has determined that this assistance conforms with federal law,

Department of Treasury guidance, and state law governing business subsidies and advances the general health, safety and welfare of the community as a whole. Qualifying City of Independence businesses eligible to receive a grant in the following amounts:

- Reimbursement for Protection Related Equipment, Updates, Training: ***\$1,000***
- Reimbursement for Technology Related Equipment/Software Updates: ***\$1,000***

The total amount of grant funds available is \$50,000. The grant may only be used for costs directly related to activities needed to adapt the business to operations related to COVID-19. Eligible activities include:

Protection Related Equipment, Updates, Training

- Building improvements, equipment and furnishings
- Personal protective equipment
- Sanitizing supplies
- Signage
- Employee training
- Printing
- Advertising
- Supplies needed to restart operations
- Other extraordinary costs directly related to COVID-19 – such as loss in revenue due to mandated closures, etc. ***Technology Related Equipment Updates***

- Development or enhancement of a business website
- Development or enhancement of an online ordering or delivery system utilizing a web or mobile application-based service.
- Development or enhancement of a Point of Sale (POS) system, inventory management system, Human Resource Information System (HRIS), or accounting system, that allow a business to more efficiently and effectively operate and manage their business.

Grant funds may be used to reimburse a business for expenditures made for eligible activities after March 1, 2020 and prior to the receipt of the grant if used for approved costs and can be documented. Grant funds may be used to pay for regular business expense including payroll, rent, or to supplement lost revenue due to closures and or reduced operations to support social distancing.

The grant cannot be used to pay taxes or utilities. The grant application must include a description of the plan for operating under the restrictions of COVID-19, the proposed use of grant funds and the relationship to COVID-19.

Documentation of expenses requested for reimbursement must accompany the application if already incurred. In submitting the application, the business will commit to using the grant funds only for these approved uses. Grant funds awarded shall not be used to pay expenses that have been paid for with other state or federal sources.

The City Council will make the final determination of eligibility and the amount of the requested grant to approve:

ELIGIBLE BUSINESSES

Businesses that meet the following criteria are eligible to submit grant applications:

- The business must be in operation at the current location within the City at the time of application and have been operating since at least January 1, 2020.
- Eligible businesses must be within the city limits of Independence and in a commercial zoned district or allowed by conditional or interim use permit as defined by the City's approved Land Use Map.
- The business must be registered with the Minnesota Secretary of State unless it is a sole proprietorship or partnership that is not required to file with the Secretary of State's Office to do business in Minnesota.
- The business cannot be delinquent on any fees or charges with the City.
- The grant application must be signed by the business owner.

INELIGIBLE BUSINESSES

- Non-profit or religious organizations.
- Corporate or multi-state chains. Franchisees are considered eligible businesses.
- Businesses in default conditions prior to March 1, 2020.
- Businesses that primarily derive income from any of the following: passive investment, real estate transactions, property rentals/property management.

APPLICATION

Applications will be accepting during a three-week period beginning September 4, 2020 and ending September 25, 2020. If applications exceed the funding available, the grant administrator will select loan recipients using a lottery system. Failure to submit required documentation will result in ineligibility for the grant award. Notices of award will be made the week of October 5, 2020.

AGREEMENT AND REPORTING

Upon acceptance of the application and notice of award of grant funds, the business will enter into a grant agreement with the City of Independence prior to the disbursement of funds. Grant recipients must agree to complete and submit all applicable documentation requested by the City.

TAX IMPLICATIONS

The City of Independence makes no claims or can offer any tax advice on how grant funds will be recognized or treated by others. Applicants are encouraged to speak to an accountant, attorney, or other trusted advisor as to these effects.

Johnson asked how much might be available for the City. Kaltsas said there is 280,000 so he has been utilizing these funds for City technology upgrades like touchless keypads and some set aside for Public Safety as well. Kaltsas said about 300k could be captured with payroll expenses. Betts said stables may be eligible. Kaltsas said if this is approved by Council then the City will put the notice out to businesses in community. Johnson noted Orono schools have asked for money as well as the Loretto Fire Department. Spencer asked if the businesses would need to provide us with their preparedness plan. Kaltsas said not necessarily.

Motion by Grotting, second by Spencer to proceed with the grant program through the Cares Act Funding for Local Businesses for the City of Independence. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. Consider Regular City Council Meeting Date Change for the November 3, 2020 Meeting due to the National Election.

Kaltsas noted Council would need to pick an alternate meeting time due to the General Election on November 3, 2020. It was determined that Monday, November 9, 2020 would be scheduled instead of November 3, 2020.

Motion by Spencer, second by Betts to approve the new meeting date for City Council moved to November 9, 2020 instead of November 3, 2020 due to the General Election. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

9. OPEN/MISC.

10. ADJOURN.

Motion by Betts, second by Spencer to adjourn at 7:44 p.m. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

City of Independence

Request for a Conditional Use Permit to Allow a Commercial Riding Stable on the Property located 2740 Nelson Road

| | |
|------------------------|----------------------------|
| <i>To:</i> | Planning Commission |
| <i>From:</i> | Mark Kaltsas, City Planner |
| <i>Meeting Date:</i> | September 15, 2020 |
| <i>Applicant:</i> | Trevor Clemming Jr. |
| <i>Property Owner:</i> | Trevor Clemming Jr. |
| <i>Location:</i> | 2740 Nelson Road |

Request:

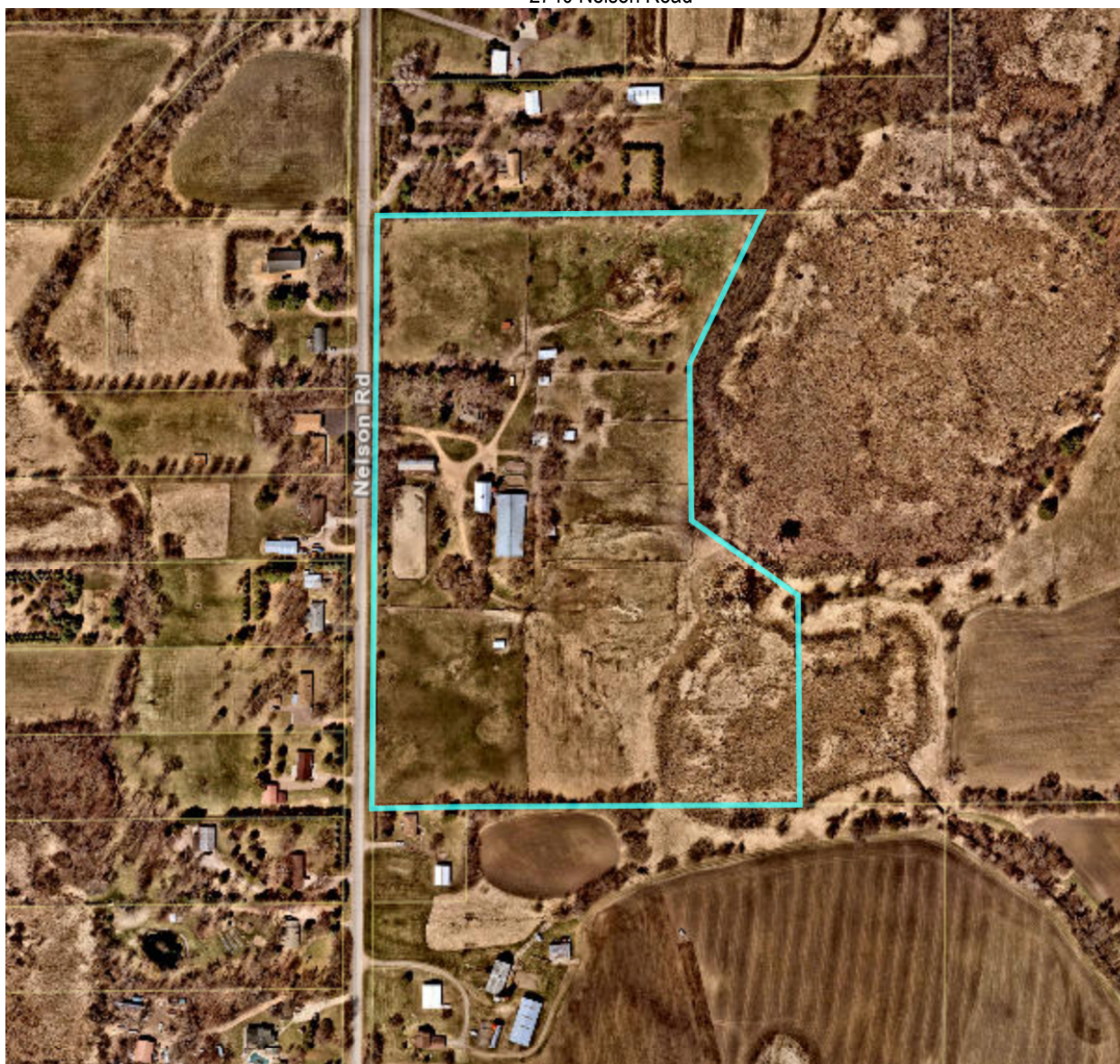
Trevor Clemming Jr. (Applicant/Owner) requests that the City consider the following action for the property located at 2740 Nelson Road (PID No. 18-118-24-42-0001) in Independence, MN:

- a. A conditional use permit (CUP) to allow a commercial riding stable to be operated on the subject property.

Property/Site Information:

The property is located on the east side of Nelson Road, south of TH 12 and north of Dean Lane. The property is comprised of an existing home, barn, riding arena and several additional detached accessory structures. The property has pasture areas, paddocks and a wetland in the southeast corner. The property has the following characteristics:

Property Information: 2740 Nelson Road
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: *25 acres*



Discussion:

The Applicant recently purchased the subject property and approached the City about the possibility of obtaining a conditional use permit to allow boarding and commercial riding stable operations on the property. The property has historically been operated as a private horse farm. There are eight stalls located within the existing barn. There is an existing quonset style building that is used for storage and would be renovated inside to accommodate an additional 6-10 stalls. There is an existing indoor and outdoor riding arena. The indoor riding arena and barn are connected.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The City generally allows 1 animal unit on the first two acres and then 1 additional

animal unit for each additional acre of property. The subject property is comprised of approximately 25 acres. Of the 25 acres, approximately 21 acres is useable upland based on the national wetland inventory and Hennepin County natural resources mapping. Applying the City's typical standard, the site would accommodate 24 animal units using the gross acreage.

The City has historically required that the applicants comply with a manure management plan, maintain all applicable permits relating to the management of manure on the property and maintain 1/3 acre of open pasture per animal unit. In December 2018, City Council adopted a Manure Management Policy for the City. The policy provides regulations relating to the management of manure associated with commercial horse operations in the City. This property is subject to the Manure Management Policy.

The subject property is primarily comprised of open pasture, several small tree stands and a wetland in the southeast corner. There are approximately 15 acres of open pasture. The requisite amount of open pasture needed to comply with the City's Manure Management Policy (1/3 acre per animal unit) would be 8 acres (24 animal units). The applicant noted that the horses are not fully dependent on pasture grazing as all horses will be boarded inside the stall barn or renovated quonset building and receive hay and feed supplements.

The proposed commercial boarding stable would have the additional following characteristics:

1. The existing horse indoor riding arena is one-story and 8,400 SF in size.
2. The existing barn is 2,275 SF and has a total of 8 stalls.
3. There would be no full-time employees on the property. The Applicant is working with a trainer that would provide lessons and boarding for private clients. The typical number of guests on the property during regular hours will be 3-5. There may be additional guests for group trainings and clinics.
4. The applicant has stated that they would initially have 16 horses on the property in addition to the cows that are currently on the property. They would like to have the option to accommodate a maximum of 24 animal units on the property.
5. Farriers would come to the site to shoe the horses on a regular basis.
6. There would be regular garbage service and deliveries to the property.
7. Manure is proposed to be collected on-site and stored in a new manure enclosure that would have a concrete floor and wood wall construction. The applicant would like to spread the manure if possible in accordance with the manure management policy. Any manure that could not be field spread would be hauled off-site as needed.
8. The applicant has already received a delivery of hay that will provide an adequate supply for this upcoming winter. Hay would be delivered as needed after that supply is consumed.

9. The City typically regulates the number of events, training sessions or gatherings that are greater than 15 people in size through the conditional use permit. The City has commonly applied a limit to no more than two larger events per year that would allow up to 50 people. Any event greater than 50 participants would be subject to the review and approval of a large assembly permit.
10. The Applicant has worked with the City to provide a site plan of the existing and proposed conditions.

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

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.



The City has reviewed the site and discussed the operation of the proposed commercial riding stable with the applicant. The following additional considerations should be noted by the City:

- This property has historically been operated as a private horse farm and riding stable.
- The proposed use as a commercial riding stable generally fits into the character of the surrounding area and is in keeping with the City's Comprehensive Land Use Plan. It should be noted that there is a cluster of five-acre parcels located west and north of the subject property. All properties in this area are guided for long-term Agriculture.
- The applicant will need to fully comply with the City's recently adopted Manure Management Policy. This will include maintaining the prescribed buffer from the existing wetland located in the southwest corner of the property and constructing a new manure containment area.

The location of the property, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a private horse farm aid in mitigating potential impacts relating to the commercial use of the property. The City will need to find that the proposed commercial riding stable meets the requirements for granting a conditional use permit.

Neighbor Comments:

The City has not received any written or oral comments regarding the proposed conditional use permit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit requests meet all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The conditional use permit will include the following conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. Any new signage shall comply with all applicable standards of the City's ordinance and require a sign permit.
 - c. No more than 24 horses (total animal units) shall be boarded on the property.

- d. The applicant and facility must operate in compliance with the City of Independence Manure Management Policy.
 - e. The hours of operation are: 7:00 am – 10:00 pm.
 - f. No parking shall be permitted on public roadways.
 - g. Two (2), one day, horse related events will be permitted per year and shall comply with the following provisions:
 - The horse related events shall occur during the permitted hours of operation.
 - No more than 50 participants shall be permitted at each event.
 - h. No renting of hack horses shall be permitted.
 - i. No riding on adjacent private land unless authorized by owners.
 - j. Must utilize appropriate management practices to control flies and odor.
 - k. No riding on adjacent private land unless authorized by owners.
 - l. No future expansion of the accessory structures shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

- 1. Application
- 2. Site Plan Sketch
- 3. Manure Management Policy



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 2740 Nelson Rd PID 18-118-24-42-0001

Proposal -Full documentation must accompany application

17 horses ~~25 max~~ T.C. 35 Max

Applicant

Name Treuer Clemming Jr Email Clemmings.TJ@gmail.com

Address 2740 Nelson Rd Independence MN 55328

Phone 612-655-0399 Additional phone/contact 612-384-4971

Printed Name Treuer Clemmings Jr Signature [Signature]

Owner Information (if different from applicant)

Name _____ Email _____

Address _____

Phone _____ Additional phone/contact _____

Printed Name _____ Signature _____

Office Use Only

Date 7-30-2020 Application Amount 2000 Check # 1406 Accepted By Bruce S

Escrow Paid _____ Check # _____ 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.

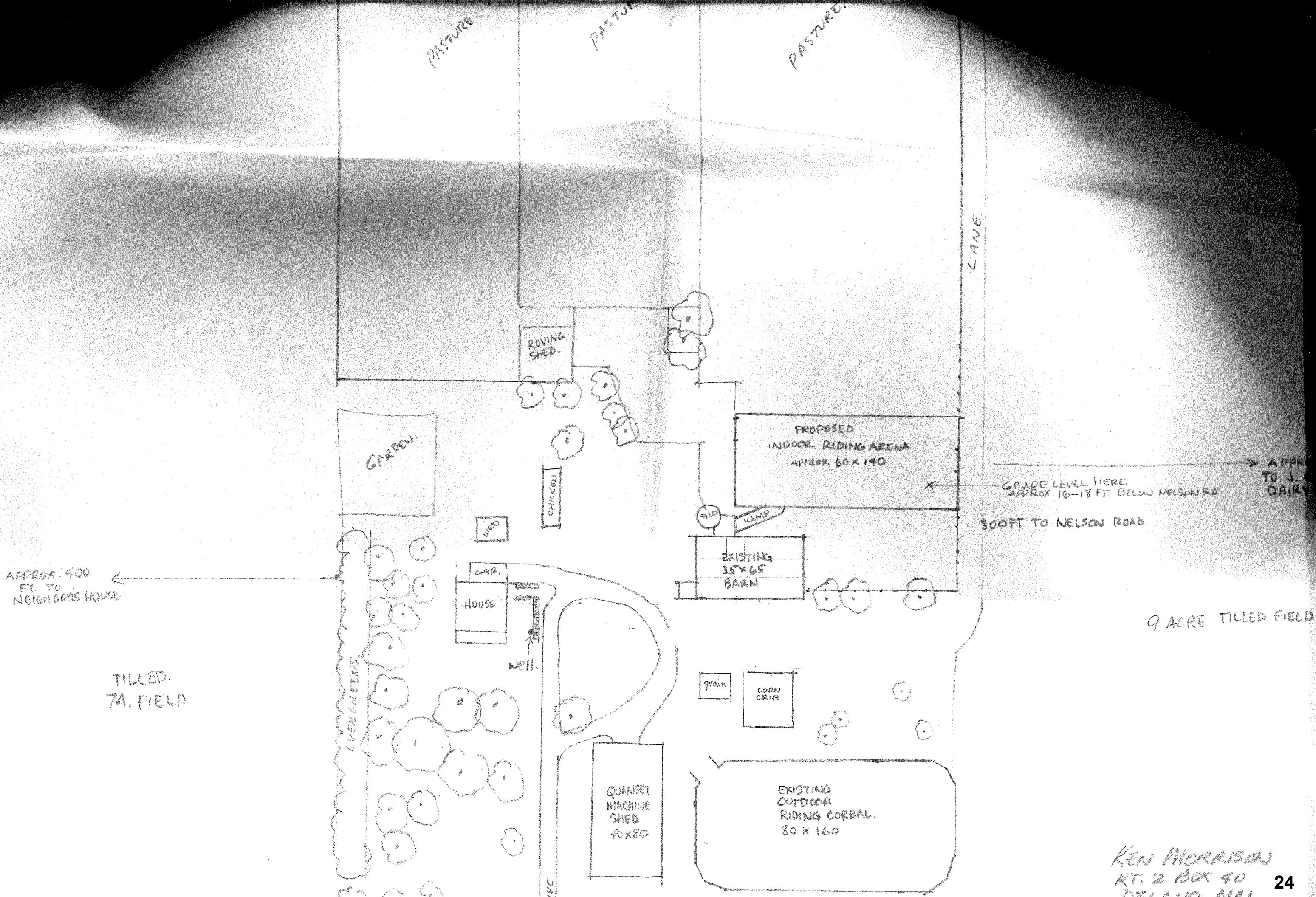
I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: _____

Date: _____

Owner Signature (if different): _____

Date: _____



KEN MORRISON
RT. 2 BOX 40
DELAND, MA



City of Independence Manure Management Policy

1. Determination of Need and Introduction

The City has determined that it is in the best interest of the residents of Independence to protect the valuable water resources of our region. Management of surface water runoff relating to the storage and land application of manure generated by commercial riding stables has been identified as an important measure to protect water quality. The City has found that the consistent application of standards relating to manure management is important and warrants the establishment of this manure management policy.

In order to ensure that best management practices are being followed, Independence has identified a need for all commercial riding stables to prepare and maintain a manure management plan and adhere to established manure management standards. The required plan will provide detailed information pertaining to the management of manure generated from commercial riding stables.

2. Manure Management Best Practices

The City has developed the following best management practices that shall be used in the preparation of the manure management plan:

- a. Animal unit density should be based on the buildable, upland acres of a property. Existing and proposed building areas, parking areas as well as wetlands, steep slopes and other natural impediments should be subtracted from the total acreage.
- b. Each animal unit shall have 1/3 of an acre of grazable pasture. If the grazable pasture area restricts the number of animal units, the lesser number should be used to determine the maximum number of animal units permitted.
 - i. The applicant shall manage the pasture areas by rotating their use during the growing months. A minimum of 70 percent vegetative cover shall be maintained on the pasture areas during the growing season. The City shall determine the 70% coverage by using a dimensional transect method.
- c. Manure management shall be addressed using one of the following methods:
 - i. Contain manure on-site and remove manure from the property by taking off-site.

- ii. Contain manure on-site and compost by using an approved compost system.
 - iii. Contain manure on-site and land apply manure.
- d. Land application of manure shall consider the following best practices:
- i. Time of year – manure shall not be land applied to frozen ground.
 - ii. Setbacks from wetlands, steep slopes, drainage ditches/creeks/other water resources – a minimum of a twenty-five (25) foot setback (buffer) shall be maintained for all land applications.
 - iii. Shoreland Overlay – no land application of manure shall be permitted in the shoreland overlay zoning district.
 - iv. Manure Containment - detailed plans for the manure containment area, including the type of surface and or structure to be used for manure storage. Manure containment areas shall be impervious and located in an area which avoids direct run-off into wetlands, drainage swales and other similar water resource areas.
 - v. Soil Testing – the City will review the plan and may require that prior to land application of manure, the soil will be tested to determine the existing level of nutrients. The City will review the site and determine the best locations for testing. Test samples should be taken at a rate of three samples for each twenty acres. The soil test samples taken shall be analyzed using the University of Minnesota recommended maximum nutrient levels for in-situ phosphorous concentration (the phosphorous uptake from the vegetation). Based on the findings of the analysis and at the discretion of the City, the applicant may not be permitted to land apply the manure until such time as the phosphorus levels decrease.

3. Plan Requirements

The manure management plan shall address and provide information relating to the following:

- a. Site Plan – Provide a scaled site plan indicating the location of the manure containment area, existing natural resources (wetlands, drainage swales, wooded areas, etc.), two-foot contours, pasture areas, and existing and proposed structures.
- b. Manure Containment - Detailed plans for the manure containment area, including the type of surface and or structure to be used for manure storage.
- c. Buffer Areas – Indicate on the plan the twenty-five-foot buffer setback from wetlands and drainage swales.