



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY, MARCH 21, 2017

6:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes from the February 21, 2017 Planning Commission Meeting.
4. **PUBLIC HEARING:** James and Alison Conely (Applicant/Owner's) request that the City consider the following actions for the property located at 4530 Lake Sarah Drive South (PID No. 02-118-24-24-0020 in Independence, MN:
 - a. A variance to allow a reduced front and side yard setback. The setback reductions would permit the construction of a third garage stall attached to the existing garage.
5. **PUBLIC HEARING:** Jay Lorek (Applicant/Owner) requests that the City consider the following actions for the property located at 990 County Road 92 N (PID No. 28-118-24-33-0008) in Independence, MN:
 - a. A Conditional Use Permit to allow an accessory dwelling unit to be located within the existing detached accessory building on the subject property.
6. **PUBLIC HEARING – (TO BE CONTINUED TO APRIL 18, 2017):** Dean Fowser (Applicant/Owner) requests that the City consider the following actions for the property located at 8875 Highway 12 (PID No. 18-118-24-11-0001) in Independence, MN:
 - a. An amendment to the conditional use permit to expand the commercial building located on the property.
7. **Comprehensive Plan Discussion.**
 - a. Joint Planning Commission/City Council Kick-off Meeting.
8. Open/Misc.
9. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, FEBRUARY 21, 2017 – 6:30 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 Chair Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Gardner, Palmquist, Dumas and Thompson
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: None
VISITORS: Lynda Franklin, Randy Mason, Dale Hoikka, Jean Gardner, Corey Oefflin, Brad Johnson

3. Swearing in of New Planning Commissioner Leith Dumas.

4. APPROVAL OF MINUTES:

a. January 17, 2017 Planning Commission Meeting

Motion by Gardner, to approve the minutes of the January 17, 2017 Planning Commission Meeting, second by Palmquist. Ayes: Gardner, Thompson, Phillips and Palmquist. Nays: None. Absent: None. Abstain: Dumas. Motion approved.

5. **PUBLIC HEARING:** Randall and Margaret Mason (Applicant/Owner) requests that the City consider the following actions for the property located at 3212 Independence Road (PID No.s 13-118-24-22-0008, 13-118-24-22-0009, 12-118-24-33-0004, 12-118-24-33-0004) in Independence, MN:

a. A minor subdivision to combine the two existing lots into one lot.

Kaltsas said the subject property is located along Independence Road just north of Lindgren Lane. There are currently four tax parcels on this property due to the location of the section line, which separates school districts. The property has access onto Lake Independence.

In 2010, the previous owner of this parcel subdivided the original lot into two (2) buildable lots. The property was recently purchased by the applicants. They would like to combine the properties back into one (1) lot for the purpose of constructing a single-family home on the property. In discussing the property with the applicants, the City noted that structures constructed on the property would need to meet all applicable building setbacks from the existing property lines (cannot be constructed across property lines). In addition, the City noted that detached accessory structures could not be constructed on a lot without a principle structure. This would preclude the applicants from constructing a home on one side of the property and a detached accessory structure on the adjacent property. Because of this information, the applicant made an application to the City for a minor subdivision to combine the two properties into one lot.

There are several unique aspects of this property that should be noted by the City during consideration of the application:

1. The property is bisected by a section line that separates the Delano and Orono School Districts. As a result, the property has four property id (PID) numbers associated with the two lots. In the after condition, the property will still have two PID numbers, but only one buildable lot.
2. The previous owner paid for two sewer connections for the two properties. Any new home construction on this property will connect to the City's sewer on Independence Road.
3. There was a single-family home on the property that was razed by the previous homeowner. This property in the after condition can accommodate a new home and meet all applicable setbacks.
4. An existing driveway provides access to this property from Independence Road.
5. The requisite drainage and utility easements may need to be vacated and re-dedicated. The applicant shall execute the necessary documents to clean up any easements as determined necessary by the City.

The proposed subdivision to allow a lot combination appears to meet all applicable standards of the City's zoning and subdivision ordinance. The combined lot will fit into the surrounding area and have minimal impacts on the surrounding properties.

Kaltsas said the City has not received any written comments regarding the proposed subdivision or conditional use permit.

Staff is seeking a recommendation from the Planning Commission for the requested Subdivision with the following findings:

1. The proposed subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
4. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Public Hearing Open

No comments.

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

Public Hearing Closed

Motion by Palmquist, to approve a minor subdivision to combine the two existing lots into one lot for the property located at 3212 Independence Road (PID No.s 13-118-24-22-0008, 13-118-24-22-0009, 12-118-24-33-0004, 12-118-24-33-0004) in Independence, MN., second by Gardner. Ayes: Gardner, Thompson, Phillips, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

6. **PUBLIC HEARING:** Corey Oeffling (Applicant/Owner) requests that the City consider the following actions for the property located at 5215 Sunset Lane (PID No. 01-118-24-31-0002):

- a. A variance to allow a reduced front and side yard setback. The setback reductions would permit the construction of a new attached garage and front porch.

Kaltsas said the subject property is located at 5215 Sunset Lane, which is on the south side of the road before it curves north along Lake Sarah. The property is comprised of approximately .84 acres. The property has a significant grade change and a mix of upland wooded areas.

Kaltsas said this was an update from a previous request. UPDATE - The Planning Commission initially reviewed this request in November of 2016. At that time, the applicant did not have an official survey of the property and was asking the Planning Commission to consider a variance for a reduced front and side yard setback. The request made to the City included the following proposed setbacks from the front and side yards:

Front Yard Required: 85 feet from centerline of road.

Front Yard Proposed: 45 feet from centerline of road

Variance: 40 feet

Side Yard Required: 30 feet (existing home is located 19.7 feet from side property line)

Side Yard Proposed: 16 feet

Variance: 14 feet

The Planning Commission reviewed the request and recommended approval subject to the applicant obtaining a certified survey for the property. The applicant commissioned the survey and upon review of the proposed setbacks in relation to the property lines determined that the garage would be considerably closer to the side lot line. The applicant is now proposing the following setbacks for the garage addition:

Front Yard Required: 85 feet from centerline of road.

Front Yard Proposed: 42.1 feet from centerline of road

Variance: 42.9 feet

Side Yard Required: 30 feet (existing home is located 19.7 feet from side property line)

Side Yard Proposed: 8.7 feet

Variance: 21.3 feet

Due to the discrepancy between the setbacks initially considered by the Planning Commission and the newly proposed setbacks, it was necessary for the variance to be reconsidered by the City. The applicant is proposing a side yard setback of 8.7 feet from the west property line versus the originally proposed 16 feet. The applicant is proposing a front yard setback of 42.1 feet from the centerline of the road versus the originally proposed 45 feet. There are several additional considerations that should be noted by the Planning Commission when reviewing this request:

1. There is a narrow strip of “unbuildable” land directly adjacent to the side property line that would be closest to the proposed structure (see depiction below). This land is owned by a neighboring property owner that lives two properties to the east of the subject property. The owner of the strip of land has provided a letter to the City stating that they do not object to the requested variances.
2. The existing home will maintain an approximate 83-foot setback from the east property line.

All comments, criteria and conditions initially considered by the Planning Commission would still be applicable to this request. Commissioners will need to determine if the amended request complies with the criteria for granting a variance.

ORIGINAL REPORT – The applicant would like to construct a new front porch and attached garage on the property. There is currently an existing home located on the property. The existing home has an attached garage that is located below the living area and accessed through the lower level. The applicant recently acquired the home from his father and would like to construct a new attached garage in a location and at an elevation that would allow access into the home at the main living level. The lot slopes from west to east in a manner that would make it difficult to construct an addition that could be accessed at the main living level grade.

In order to accommodate the new garage, the applicant is seeking a variance to allow the reduction of the front and side yard setbacks. The requisite setbacks are as follows:

Front Yard Required: 85 feet from centerline of road.

Front Yard Proposed: 45 feet from centerline of road

Variance: 40 feet

Side Yard Required: 30 feet (existing home is located 21 feet from property line)

Side Yard Proposed: 16 feet

Variance: 14 feet

There are several factors to consider relating to granting a variance. 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 Rural Residential District. The property is wooded and positioned in a way that would reduce the impact of the proposed garage addition. The neighborhood surrounding this property has a wide array of property types with varying setbacks from the front and side yard setbacks. The applicants have attempted to locate the building in a manner that they feel would reduce or mitigate impacts to the surrounding properties.
- b. The character of the surrounding area is residential. The applicant is proposing to update the existing home with a new front porch. The applicant is also trying to construct a new garage that is at the same level as the main living area of the home. Currently the only access to the home from the garage is through the basement.
- c. The proposed variance would allow the expansion of a residential structure which is in keeping with the City's comprehensive plan.
- d. The existing home is located approximately 21 feet from the side property line and would be considered a non-conforming structure. The applicant could construct a detached garage that would be permitted to be located within 15 feet of the side property line.
- e. The elevation of the house and overall lot makes it difficult to locate a garage to the east of the existing home without significant changes being made to the grade. The applicant believes that the impact from those changes would be more significant to the surrounding properties than the plan which is proposed.
- f. The applicant is proposing to construct a new front porch on the existing home. The front porch would encroach into the required setback approximately 10 feet. The City could grant a variance for the porch separately if the proposed garage is not recommended for approval.
- g. Should the City consider granting approval of the requested variances, a certified survey should be provided by the applicant to verify the property lines and exact setbacks.

The Planning Commission will need to determine if the requested variances meet the requirements for granting a variance.

Neighbor Comments:

The applicant has spoken with the surrounding property owners and stated that he generally received support of the requested variance. The City received a letter from the property owner of 5175 Sunset Lane (owner of the adjacent strip of land to the west).

Staff is seeking a recommendation from the Planning Commission for the requested Variances with the following findings and conditions:

5. The proposed Variance meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
6. The requested variances will allow the construction of the proposed garage, mud room and porch in accordance with the approved plans only (plans will become an exhibit of the resolution). The variances shall be as follows:
 - a. Front Yard: 42.9 feet
 - b. Side Yard: 21.3 feet
7. The Applicant shall pay for all costs associated with the City's review of the requested variance.
8. Any future improvements or expansion of the structure will need to be in compliance with all applicable standards relating to the Rural Residential zoning districts.

Thompson asked if this request was re-noticed and Kaltsas confirmed that it indeed was re-noticed. Gardner noted the garage was 14' from the right-of-way. Phillips asked if there was a way to screen the garage from the road. Oeffling said he was not cutting down a lot of trees and he would actually be planting some trees. Kaltsas noted there is a 30' utility easement.

Public Hearing Open

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

Public Hearing Closed

Palmquist asked if it was going to be a public safety issue having the garage that close to the road. Kaltsas said Public Works did not think it would be a problem as 30' was considerable. He said WHPS did not have concern as well.

Motion by Gardner, to approve a variance to allow a reduced front and side yard setback that would permit the construction of a new attached garage and front porch for the property located at 5215 Sunset Lane (PID No. 01-118-24-31-0002), second by Thompson. Ayes: Gardner, Thompson, Phillips, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

7. **PUBLIC HEARING:** Hoikka Construction (Applicant) and Beau'Selle Stable (Owner) request that the City consider the following actions for the property located at 1060 Copeland Road (PID No. 29-118-24-31-0001) in Independence, MN:

- a. An interim use permit to allow a temporary accessory structure that is greater than 5,000 SF in association with the Commercial Riding Stable permitted as a conditional use permit on the subject property.

Kaltsas stated in the Fall of 2016, the City considered and granted a conditional use permit to allow the expansion of the existing detached accessory building (barn) to be greater than 5,000 square feet and a commercial riding stable on the subject property. At that time the owner anticipated commencing construction of the barn expansion in the fall and winter of 2016/2017. The construction of the barn expansion has not occurred and in January of 2017 the owner approached the City about constructing a temporary indoor riding arena on the property. The City noted that the applicant could construct a temporary or permanent building on the property as long as it was less than 5,000 square feet in overall size. The applicant recently acquired a steel frame “dome” style building that is approximately 12,000 square feet in overall size. The applicant inquired about erecting the building as a temporary structure until the permanent barn expansion is completed. The City noted that the applicant could construct a portion of the accessory structure (up to 4,999 square feet) without needing a conditional or interim use permit.

The applicant has already constructed a portion of the proposed temporary building. The portion of the building that has been constructed is less than 5,000 square feet in overall area. Properties greater than 10 acres in overall size do not have a limitation on the total square footage permitted for accessory buildings. The applicant is seeking approval to construct and utilize a temporary 12,000 square foot building for a period of one year from the date of approval or six months following the completion of the permanent indoor riding arena. This would allow the applicant time to complete the construction of the permanent barn expansion on the property. The interim use permit would expire six months following the completion (issuance of an occupancy permit) of the barn expansion or one year from the City Council date of approval, whichever occurs first.

The City has two ways that it could consider allowing the temporary building to be constructed. The City could amend the existing conditional use permit or grant a new interim use permit. In this situation, the City recommended that the applicant apply for an interim use permit. Interim use permits are limited to an event or date certain and allow the City to specify a clear date or event that will cause the interim use permit to end.

The City has the following criteria for granting an Interim Use Permit:

1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the city council deems appropriate for allowing the use.
5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.

The City will need to determine if the requested interim use permit (IUP) meets all of the aforementioned conditions and restrictions. The temporary nature of the proposed detached accessory structure will mitigate long term impacts of the use. The proposed location of the structure on the property appears to reduce the adverse effects on this property or the surrounding properties.

The City has visited the site and discussed the operation of the proposed temporary detached accessory structure with the applicant. Given the location of the property on Copeland Road, the adjacent

commercial riding stable (810 Copeland Road to the south), the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting an interim use permit to allow an accessory structure larger than 5,000 square feet on the property.

Should the City consider granting approval of the IUP, the following conditions should be considered:

1. The interim use permit shall expire six months following the completion (issuance of an occupancy permit) of the barn expansion or one year from the City Council date of approval, whichever occurs first.
2. All conditions of the conditional use permit for a commercial riding stable shall apply to the temporary use of the proposed accessory structure.

There have been no comments from neighboring properties.

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

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The interim use permit will include the following conditions:
 - a. The interim use permit shall expire six months following the completion (issuance of an occupancy permit) of the barn expansion or one year from the City Council date of approval, whichever occurs first.
 - b. All conditions of the conditional use permit, regulating the use for a commercial riding stable, shall apply to the temporary use of the proposed accessory structure.
 - i. No expansion of the temporary detached accessory structure shall be permitted on the property without the further review and approval by the City.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Palmquist asked if conditions of the CUP would also apply to this IUP. Kaltsas said the temporary use takes away some of those concerns. He said the codes have been met and this is for personal use now. Gardner asked if it could be converted to a CUP. Kaltsas said they could do that if they wanted to in the future. Gardner noted the rest of the structure would be addressed in the building permits. Thompson asked about future possibilities and what route could be taken that would not involve coming back to planning. Kaltsas noted that under 5000 sq. ft. there were no limitations. He said they could move the building around as long as they met the setback requirements and height limitations. Thompson asked if this path would put any extra burden on the city staff and administration. Kaltsas said this was his recommendation and makes it a cleaner process without trying to attach the CUP to it.

Public Hearing Open

No comments.

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

Public Hearing Closed

Gardner said it looks straightforward. Thompson said he always has concerns with the process but realizes this is ok as the structure is under 5000 sq. ft. Palmquist asked that the start date would be for the construction of the barn on the property. Hoikka said it would be sometime in mid-May. Palmquist asked what the duration of the construction would be. Hoikka said it would take about eight months.

Motion by Gardner, to approve an interim use permit to allow a temporary accessory structure that is greater than 5,000 SF in association with the Commercial Riding Stable permitted as a conditional use permit on the subject property located at 1060 Copeland Road (PID No. 29-118-24-31-0001), second by Palmquist. Ayes: Gardner, Thompson, Phillips, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

8. **PUBLIC HEARING:** Dean Fowser (Applicant/ Owner) requests that the City consider the following actions for the property located at 8875 Highway 12 (PID No. 18-118-24-11-0001) in Independence, MN.

- a. An amendment to the conditional use permit to expand the commercial building located on the property.

Kaltsas stated the public hearing could be opened and continued to March 21, 2017 as the applicant needs more time and would not be necessary to re-notice.

Motion by Thompson, to open the Public Hearing and continue until March 21, 2017, second by Gardner. Ayes: Gardner, Thompson, Phillips, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

9. Comprehensive Plan Discussion

- a. Overview of March Kick-off Meeting

Kaltsas said the City Council discussed the upcoming efforts to draw up the 2040 Comprehensive Land Use Plan for the City. They decided that the Planning Commission would serve as the initial “host” with public input sessions planned as well as joint meetings with the City Council. Kaltsas said the three applicants that were not selected for the open Planning Commission appointment were invited to participate as active members in the Comprehensive Plan. He said all three candidates accepted the invitation. Kaltsas said the kickoff event would take place at the March 21 meeting. The kickoff meeting will involve the process, history and requirements involved in the Comprehensive Plan. Kaltsas said it is anticipated that by the summer of 2018 a draft will be adopted with the final plan submitted by the end of 2018.

Palmquist asked if there would be joint meetings with Maple Plain. Kaltsas thought that probably would be one or two meetings with Maple Plain. Phillips noted that some Public Hearings get heated so it may be best to have that be the only item on the agenda instead of trying to fit it with a bunch of other things.

Thompson asked if there was input, the Planning Commission would need from Met Council. Kaltsas said staff would compile the background information needed and submit that to Planning. He said if the Planning Commissioners wanted to get a jump-start, they could look at the 2040 Thrive Plan, which is Met Council's baseline plan. Thompson asked if it was data-driven or esoteric. Kaltsas said it was both. He said they use empirical data and a sophisticated and high-level demographic system to project populations. He noted their scope and breadth of the plan is much wider than it used to be.

10. Open/ Misc.

11. Adjourn

Motion by Gardner, second by Phillips to adjourn the meeting at 7:30 p.m. Ayes: Gardner, Thompson, Phillips, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

Respectfully Submitted,

Trish Bemmels
Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, FEBRUARY 28, 2017 –7:30 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 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors McCoy, Spencer and Grotting

ABSENT: Betts

STAFF: City Planner & City Administrator Mark Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: WHPS Director Gary Kroells, Dale Hoikka, Lynda Franklin

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

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

- a. Approval of City Council minutes from the January 24, 2016 Regular City Council Meeting.
- b. Approval of City Council minutes from the February 1, 2017 Special City Council Meeting.
- c. Approval of the City Council minutes from the February 9, 2017 Special City Council Meeting.
- d. Approval of Accounts Payable; Checks Numbered 16895-16926 and 16943-16989 (Check Numbered 16972 was voided). For Information Checks Numbered 16879-16894 and 16927-16942 are Payroll Checks.
- e. Approval of the Non-City Assembly Permit for the Tour de Tonka Bike Ride on August 5, 2017.
- f. Approval of an Amendment to the LMCC Joint Powers Agreement.

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

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Met with Ende/ Public Works
- City Council Workshop February 1st
- City Council Meeting/Work Session February 9th
- Planning Commission Meeting

- Sensible Land Use Coalition Luncheon

Grotting attended the following meetings:

- Sensible Land Use Coalition Meeting
- Leadership Conference for LMC
- City Council Workshop February 1st
- City Council Meeting/ Work Session February 9th
- LMCC Meeting
- Tour of the Metropolitan waste disposal site in St. Paul
- Citizens Academy

McCoy attended the following meetings:

- City Council Workshop February 1st
- City Council Meeting/ Work Session February 9th
- Orono Schools Breakfast Presentation

Betts attended the following meetings:

Johnson attended the following meetings:

- Sensible Land Use Committee Meeting x 2
- Police Commission Meeting
- Community Action Partnership Suburban Hennepin County Board Meeting x 2
- Experienced Officials Conference
- National League of Cities Conference Call
- Love INC. Heartland Annual Meeting
- Hennepin County Board of Commissioners Interview
- City Council Workshop February 1st
- City Council Meeting/ Work Session February 9th
- Orono Healthy Youth Meeting
- Maple Plain Fire Department Meeting
- St. Paul Mayor's Reception at the Winter Carnival
- NW League of Municipalities Meeting
- WeCAN Fundraiser breakfast
- Regional Council of Mayors Meetings x 2
- Orono School Board Meeting
- Delano School Board Meeting
- West Hennepin Chamber of Commerce AED Training
- Drug Task Force Award Presentation
- Orono Foundation Meeting
- Hennepin County Healthy Living Meeting
- 4 Community Theatre Play

Horner attended the following meetings:

- Met with Jim from LMCC about monitor
- Met with Loffler representative about contract
- City Council Workshop February 1st
- City Council Meeting/ Work Session February 9th

Kaltsas attended the following meetings:

- Annual Loretto Fire Department Meeting
- City Council Workshop February 1st
- City Council Meeting/ Work Session February 9th

*Vose added that the League of Minnesota Cities Director Tom Grundhoefer passed away unexpectedly and his funeral would be on Monday, February 27, 2017.

7. JOE BAKER, CHAIRMAN OF THE PIONEER SARAH CREEK WATERSHED MANAGEMENT COMMISSION- PSCWC PROJECT UPDATES

Baker said the goal was to the phosphorus in Lake Sarah by 143 lbs. per year and 535 lbs. per year for Lake Independence. He said there are a number of opportunities in the City to hold back runoff and improve water quality. Baker summarized the action plan for 2017:

- a) Work with the County on buffer strips
- b) Move the Baker Park Ravine Partnership project forward and into the grant process
- c) Consider further feasibility study of a large scale Iron Enhanced Sand filter project
- d) Identify more willing landowners to explore further BMP's
- e) The City Council will be considering how best to implement the PSCWMC recommendations regarding manure management
- f) Continue to support the PSCWMC as a functioning WMO to achieve our City's water related objectives

Johnson asked if the City of Maple Plain was asked to share in the costs of the studies and projects. Baker said they will most likely become a partner in the future. Johnson asked if the ravine along Budd Street made any measurable difference. Baker noted a lot of the changes that will help will be behavioral changes and manure management. Baker said the Selstad property is being looked at for a feasibility study as well and more information will be provided on that at a later date.

Johnson said he appreciated Baker taking the time to get together with Koch's. Spencer said the City is well-served by volunteers like Baker.

8. DIRECTOR GARY KROELLS, WEST HENNEPIN PUBLIC SAFETY - ACTIVITY REPORT FOR THE MONTH OF JANUARY, 2017.

for a complete activity report for the month of January 2017 see the City Council packet

Kroells noted that Independence had 337 incidents which is an increase of 43 incidents over last year.

9. COREY OEFFLING (APPLICANT / OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 5215 SUNSET LANE (PID NO. 01-118-24-31-0002) IN INDEPENDENCE, MN:

- a. **RESOLUTION 17-0228-01** Considering a variance to allow a reduced front and side yard setback. The setback reductions would permit the construction of a new attached garage and front porch.

Kaltsas said the Planning Commission initially reviewed this request in November of 2016. At

that time the applicant did not have an official survey of the property and was asking the Planning Commission to consider a variance for a reduced front and side yard setback. The initial request made to the City included the following proposed setbacks from the front and side yards:

Front Yard Required: 85 feet from centerline of road.

Front Yard Proposed: 45 feet from centerline of road
Variance: 40 feet

Side Yard Required: 30 feet (existing home is located 19.7 feet from side property line)

Side Yard Proposed: 16 feet
Variance: 14 feet

The Planning Commission reviewed the request and recommended approval subject to the applicant obtaining a certified survey for the property to verify the proposed setbacks. The applicant commissioned the survey and upon review of the proposed setbacks in relation to the property lines determined that the garage would be considerably closer to the side lot line. In light of the survey findings, the applicant is now proposing the following setbacks for the garage addition:

Front Yard Required: 85 feet from centerline of road.

Front Yard Proposed: 42.1 feet from centerline of road
Variance: 42.9 feet

Side Yard Required: 30 feet (existing home is located 19.7 feet from side line)

Side Yard Proposed: 8.7 feet
Variance: 21.3 feet

Kaltsas said due to the discrepancy between the setbacks initially considered by the Planning Commission and the newly proposed setbacks, it was necessary for the variance to be reconsidered by the City. The applicant is proposing a side yard setback of 8.7 feet from the west property line versus the originally proposed 16 feet. The applicant is proposing a front yard setback of 42.1 feet from the centerline of the road versus the originally proposed 45 feet. There are several additional considerations that should be noted by the City when reviewing this request:

1. There is a narrow strip (30-foot-wide drainage and utility easement) of “unbuildable” land directly adjacent to the side property line that would be closest to the proposed structure (see depiction below). This land is part of a larger parcel owned by a neighboring property to the east of the subject property. The owner of the strip of land has provided a letter to the City stating that they do not object to the requested variances. The 30 foot wide parcel provides access to the lakeshore for the property that owns the strip. That properties access to the lake is otherwise

limited due to an existing wetland.

2. The existing home will maintain an approximate 83-foot setback from the east property line. The City has historically considered the combined side yard setback of a parcel as one metric to ensure adequate access around the property.

The applicant would like to construct a new front porch and attached garage on the property. There is currently an existing home located on the property. The existing home has an attached garage that is located below the living area and accessed through the lower level. The applicant recently acquired the home from his father and would like to construct a new attached garage in a location and at an elevation that would allow access into the home at the main living level. The lot slopes from west to east in a manner that would make it difficult to construct an addition that could be accessed at the main living level grade.

There are several factors to consider relating to granting a variance. 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 Rural Residential District. The property is wooded and positioned in a way that would reduce the impact of the proposed garage addition. The neighborhood surrounding this

property has a wide array of property types with varying setbacks from the front and side yard setbacks. The applicants have attempted to locate the building in a manner that they feel would reduce or mitigate impacts to the surrounding properties.

- b. The character of the surrounding area is residential. The applicant is proposing to update the existing home with a new front porch. The applicant is also trying to construct a new garage that is at the same level as the main living area of the home. Currently the only access to the home from the garage is through the basement.
- c. The proposed variance would allow the expansion of a residential structure which is in keeping with the City's comprehensive plan.
- d. The existing home is located approximately 19 feet from the side property line and would be considered a non-conforming structure. The applicant could construct a detached garage that would be permitted to be located within 15 feet of the side property line.
- e. The elevation of the house and overall lot makes it difficult to locate a garage to the east of the existing home without significant changes being made to the grade. The applicant believes that the impact from those changes would be more significant to the surrounding properties than the plan which is proposed.
- f. The applicant is proposing to construct a new front porch on the existing home. The front porch would encroach into the required setback approximately 10 feet. The City could grant a variance for the porch separately if the proposed garage is not recommended for approval.

The City will need to determine if the requested variances for a reduced front and side yard setback meet the requirements for granting a variance.

Kaltsas said the applicant has spoken with the surrounding property owners and stated that he generally received support of the requested variance. The City received a letter from the property owner of 5175 Sunset Lane (owner of the adjacent strip of land to the west) stating that they support the requested variances.

Kaltsas said Commissioners discussed the proposed variances and asked questions of staff and the applicant. Commissioners confirmed the width of the adjacent strip of land and it was noted that it is 30 feet in width. Commissioners asked if the proximity of the proposed garage to the road would cause any issues with maintenance and plowing of the road. Staff confirmed that the City had reviewed the proposed garage and believes that the setback allows for adequate maintenance of the City's right of way and infrastructure. Commissioners asked if any additional screening of the proposed garage should be required by the City. The applicant noted that he is planning on maintaining the majority of the existing trees located near the property line. In addition, the applicant stated that he would like to plant additional screening to block headlights from getting to the home. Commissioners were satisfied that the City did not need to require additional screening for the proposed garage. Commissioners found that the criteria for granting a variance had been met and recommended approval of the variances to the City Council subject to the findings and

conditions noted in this report.

The Planning Commission recommended approval of the requested Variances with the following findings and conditions:

1. The requested variances meet all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The requested variances were found to meet the criteria for granting a variance due to the following conclusions:
 - a. The proposed garage and front porch improvements are in keeping with the character of the surrounding neighborhood
 - b. The proposed property improvements will allow the property to continue to be used in a manner consistent with the comprehensive plan.
 - c. The grade of the property and the proximity of the home to the property lines is a unique condition to this property.
3. The requested variances will allow the construction of the proposed garage, mud room and porch in accordance with the approved site plan only (the site plan will become an exhibit of the resolution).

The approved setback variances shall be as follows:

- a. Front Yard: 42.9 feet
 - b. Side Yard: 21.3 feet
4. The Applicant shall pay for all costs associated with the City's review of the requested variances.
 5. Any future improvements or expansion of the structure will need to be in compliance with all applicable standards relating to the Rural Residential zoning districts.

Spencer asked if the intention was to do a tuck-under garage. Kaltsas said he was not sure but noted this was the applicant's father's home and he was trying to update it and make it more usable. Spencer said that the way it sits now any car going around the curve would mean there are lights shining in the windows. He said by putting in a garage that could hide or block the lights from cars which would be an improvement. Grotting asked about the inventory of the surrounding properties in relation to setbacks. Kaltsas stated there are other properties that have similar setbacks. Grotting noted there was no change in the existing driveway. Kaltsas said that was a correct statement.

Motion by Spencer, second by Grotting to approve RESOLUTION 17-0228-01 for a variance to allow a reduced front and side yard setback for the property located at 5215 sunset lane (PID no. 01-118-24-31-0002) in Independence, MN. The setback reductions would permit the construction of a new attached

garage and front porch. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts.
MOTION DECLARED CARRIED.

10. HOIKKA CONSTRUCTION (APPLICANT) AND BEAU' SELLE STABLE (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 1060 COPELAND ROAD (PID NO. 29-118-24-31-0003) IN INDEPENDENCE, MN:

- a) **RESOLUTION 17-0228-02** Considering an interim use permit to allow a temporary building that is greater than 5,000 SF in association with the Commercial Riding Stable permitted as a conditional use permit on the subject property.

Kaltsas said the property is located on the east side of Copeland Road, north of CSAH 6. The property has an existing home, large barn, and several smaller barns and accessory structures. There are several large pasture areas and a large area with existing tree coverage. In the Fall of 2016, the City considered and granted a conditional use permit to allow the expansion of the existing detached accessory building (barn) to be greater than 5,000 square feet and a commercial riding stable on the subject property. At that time the owner anticipated commencing construction of the barn expansion in the fall and winter of 2016/2017. The construction of the barn expansion has not occurred and in January of 2017 the owner approached the City about constructing a temporary indoor riding arena on the property. The City noted that the applicant could construct a temporary or permanent building on the property as long as it was less than 5,000 square feet in overall size. The applicant recently acquired a steel frame "dome" style building that is approximately 12,000 square feet in overall size. The applicant inquired about erecting the building as a temporary structure until the permanent barn expansion is completed. The City noted that the applicant could construct a portion of the accessory structure (up to 4,999 square feet) without needing a conditional or interim use permit.

The applicant has already constructed a portion of the proposed temporary building. The portion of the building that has been constructed is less than 5,000 square feet in overall area. Properties greater than 10 acres in overall size do not have a limitation on the total square footage permitted for accessory buildings. The applicant is seeking approval to construct and utilize a temporary 12,000 square foot building for a period of one year from the date of approval or six months following the completion of the permanent indoor riding arena. This would allow the applicant time to complete the construction of the permanent barn expansion on the property. The interim use permit would expire six months following the completion (issuance of an occupancy permit) of the barn expansion or one year from the City Council date of approval, whichever occurs first.

The City has two ways that it could consider allowing the temporary building to be constructed. The City could amend the existing conditional use permit or grant a new interim use permit. In this situation, the City recommended that the applicant apply for an interim use permit. Interim use permits are limited to an event or date certain and allow the City to specify a clear date or event that will cause the interim use permit to end.

The City has the following criteria for granting an Interim Use Permit:

1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.

2. The date or event that will terminate the use can be identified with certainty.
3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the city council deems appropriate for allowing the use.
5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.

The City will need to determine if the requested interim use permit (IUP) meets all of the aforementioned conditions and restrictions. The temporary nature of the proposed detached accessory structure will mitigate long term impacts of the use. The proposed location of the structure on the property appears to reduce the adverse effects on this property or the surrounding properties.

The City has visited the site and discussed the operation of the proposed temporary detached accessory structure with the applicant. Given the location of the property on Copeland Road, the adjacent commercial riding stable (810 Copeland Road to the south), the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting an interim use permit to allow an accessory structure larger than 5,000 square feet on the property.

Kaltsas said should the City consider granting approval of the IUP, the following conditions should be considered:

1. The interim use permit shall expire six months following the completion (issuance of an occupancy permit) of the barn expansion or one year from the City Council date of approval, whichever occurs first.
2. All conditions of the conditional use permit for a commercial riding stable shall apply to the temporary use of the proposed accessory structure.
3. The City has not received any written or oral comments regarding the proposed interim use permit.
4. Commissioners discussed the requested interim use permit to allow a temporary accessory structure that is larger than 5,000 square feet. Commissioners asked staff if the proposed temporary building met the building code life safety requirements of a permanent building. Staff noted that the temporary building would be required to meet all applicable building code requirements for the proposed occupancy. Commissioners discussed the end date or event of the interim use permit and wanted to make sure that there was a clear date that the permit would terminate. Commissioners discussed and clarified that the applicant could construct multiple smaller accessory structures on the property as long as they were individually less than 5,000 square feet. Commissioners asked the applicant how long the construction of the permanent building would take and when they intended to commence construction. The applicant noted that they intended to commence construction when road restrictions are lifted in the spring of this year and that the expected construction time is 6-9 months. Commissioners confirmed that all conditions stated in the conditional use permit

for this property would apply to this use of the temporary accessory structure. Commissioners found that the requested IUP met the criteria established in the ordinance and recommended approval to the City Council.

5. Commissioners discussed the requested interim use permit to allow a temporary accessory structure that is larger than 5,000 square feet. Commissioners asked staff if the proposed temporary building met the building code life safety requirements of a permanent building. Staff noted that the temporary building would be required to meet all applicable building code requirements for the proposed occupancy. Commissioners discussed the end date or event of the interim use permit and wanted to make sure that there was a clear date that the permit would terminate. Commissioners discussed and clarified that the applicant could construct multiple smaller accessory structures on the property as long as they were individually less than 5,000 square feet. Commissioners asked the applicant how long the construction of the permanent building would take and when they intended to commence construction. The applicant noted that they intended to commence construction when road restrictions are lifted in the spring of this year and that the expected construction time is 6-9 months. Commissioners confirmed that all conditions stated in the conditional use permit for this property would apply to this use of the temporary accessory structure. Commissioners found that the requested IUP met the criteria established in the ordinance and recommended approval to the City Council.

Kaltsas said the Planning Commission recommended approval of the request for an interim use permit with the following findings and conditions:

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The interim use permit will include the following conditions:
 - a. The interim use permit shall expire six months following the completion (issuance of an occupancy permit) of the permanent barn expansion or one year from the City Council date of approval, whichever occurs first.
 - b. All conditions of the conditional use permit, regulating the use for a commercial riding stable, shall apply to the temporary use of the proposed accessory structure.
 - i. No expansion of the temporary detached accessory structure shall be permitted on the property without the further review and approval by the City.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Johnson noted the Resolution does not reference the square feet requirements. Kaltsas said that could be added.

Motion by Spencer, second by McCoy to approve RESOLUTION 17-0228-02 granting an interim use permit to allow a temporary building that is greater than 5,000 SF but not over than 120000 SF in association with the Commercial Riding Stable permitted as a conditional use permit for the property located at 1060 Copeland Road (PID No. 29-118-24-31-0003) in Independence, MN. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

11. RANDALL AND MARGARET MASON (APPLICANT/ OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 3212 INDEPENDENCE ROAD (PID NO.S 13-118-24-22-0008, 13-118-24-22-0009, 12-118-24-33-0004, 12-118-24-33-0004) IN INDEPENDENCE, MN:

- a. **RESOLUTION 17-0228-03** Considering a minor subdivision to combine two lots into one lot.

Kaltsas said the subject property is located along Independence Road just north of Lindgren Lane. There are currently four tax parcels on this property due to the location of the section line which separates school districts.

The property has access onto Lake Independence.

In 2010 the previous owner of this parcel subdivided the original lot into two (2) buildable lots. The property was recently purchased by the applicants. They would like to combine the properties back into one (1) lot for the purpose of constructing a single-family home on the property. In discussing the property with the applicants, the City noted that structures constructed on the property would need to meet all applicable building setbacks from the existing property lines (cannot be constructed across property lines). In addition, the City noted that detached accessory structures could not be constructed on a lot without a principle structure. This would preclude the applicants from constructing a home on one side of the property and a detached accessory structure on the adjacent property. As a result of this information, the applicant made an application to the City for a minor subdivision to combine the two properties into one lot.

There are several unique aspects of this property that should be noted by the City during consideration of the application:

1. The property is bisected by a section line that separates the Delano and Orono School Districts. As a result, the property has four property identification (PID) numbers associated with the two lots. In the after condition, the property will still have two PID numbers, but only one buildable lot.
2. The previous owner paid for two sewer connections for the two properties. Any new home construction on this property will connect to the City's sewer on Independence Road.
3. There was a single-family home on this property that was razed by the previous homeowner. This property in the after condition can accommodate a new home and meet all applicable setbacks.

4. There is an existing driveway that provides access to this property from Independence Road.
5. The requisite drainage and utility easements will need to be re-dedicated based on the lot combination. The applicant shall provide the City with the requisite easement legal descriptions and execute the necessary documents to convey the required easements.

The proposed subdivision to allow a lot combination appears to meet all applicable standards of the City's zoning and subdivision ordinance. The combined lot will fit into the surrounding area and have minimal impacts on the surrounding properties.

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

Planning Commissioners reviewed the request to combine the two existing properties. Commissioners found that the request was straight forward and met the criteria for a minor subdivision. Commissioners asked what would happen to the second sanitary sewer stub that was purchased by the previous property owner. Staff noted that the City did not install physical stubs along Independence Road and if the property ever subdivided in the future, the owner could request an additional connection. Commissioners recommended approval of the requested minor subdivision to permit a lot combination.

Kaltsas said the Planning Commission recommended approval for the requested Subdivision with the following findings:

1. The proposed subdivision to allow a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
4. The Applicant provides the legal descriptions and executes and records the requisite drainage and utility easements with the county within six (6) months of approval.

McCoy asked why there were not utility easements already on record for these lots. Kaltsas said the City did grant the easements but they were not recorded with the 2010 subdivision action. Kaltsas said the City is now doing the recordings.

Motion by McCoy, second by Grotting to approve RESOLUTION 17-0228-03 considering a minor subdivision to combine two lots into one lot for the property located at 3212 Independence Road (PID No.s 13-118-24-22-0008, 13-118-24-22-0009, 12-118-24-33-0004, 12-118-24-33-0004) in Independence,

MN. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

12. CONSIDERATION OF APPROVAL OF THE 2017 FEE SCHEDULE RELATING TO QUARTERLY SEWER RATES:

- a. RESOLUTION 17-0228-04** Considering an increase to the quarterly sewer access charge and annual availability charge.

Kaltsas said based on direction from the City Council at the December, 2016 and February, 2017 Workshops, and staff have prepared a rate increase for both the quarterly sewer access charge and annual sewer availability charge. The City initially commissioned the sewer rate study in 2015. Following an iterative and careful review of the information and possible rate increase scenarios, Council directed staff to bring forward a sewer rate increase. One of the primary discussion points during the evaluation of the sewer rates was how to address those users that are not currently connected, but have availability of the sanitary sewer.

Staff evaluated the total cost of maintain the system versus the total cost of operating the system. This was done in an effort to understand if the amount proposed to be charged to those properties that have stubbed connections was adequate to cover the cost of maintaining the system. It was found is that the cost to maintain the system divided by the total number of connected and stubbed users is actually substantially higher than the proposed availability charge. It is estimated that the cost to maintain the system would actually be \$755 per property per year.

	Sewer fixed expenditures
MCES	25,750.00
Depreciation	123,600.00
Repair and Maint.	20,600.00
Capital outlay	20,600.00
Insurance	3,170.00
Claim	520.00
Total	<hr/> 194,240.00
# of users	<hr/> 257.00
Annual per user cost	755.80

The City has developed a rate increase projection that will allow those users paying the availability charge a gradual rate increase over five years. At the end of the five years, all residents that use or have availability to City sewer will pay the same quarterly/annual rate. Based on the recommended rate increases, the City will be able to meet its target cash reserve goal by the year 2025.

The proposed 2017 rate increases will be as follows:

Connected Properties:

2016 (CURRENT): \$168 per quarter 2017
(8% INCREASE): \$181 per quarter

Stubbed Properties:

2016 (CURRENT): \$32 per quarter 2017
(231% INCREASE): \$74 per quarter

Kaltsas said it is anticipated that the City will reevaluate the sewer fund and potential rate increases annually to ensure a nexus between the rates charged and the cost of to provide the services to our residents. The City projects that additional rate increases will be necessary to ensure that the sewer fund continue to support the cost to operate and maintain the system. Should the City add additional users in the urban residential guided area, it is possible that reduced increases could be considered in the future.

The City Council is being asked to consider **RESOLUTION 17-0228-04** which would amend the City's current fee schedule based on the recommended sewer rate increases.

Johnson noted letters were sent out to residents and open houses were held to educate the public and answer any questions. Johnson said the auditors could be quoted as saying something had to be done with the sewer fund and the importance of acting now.

Motion by Spencer, second by Grotting to approve RESOLUTION 17-0228-04 to authorize an increase to the quarterly sewer access charge and annual availability charge. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

13. CONSIDER AN APPROVAL TO PURCHASE A NEW VEHICLE AND LAWN MOWER FOR THE PUBLIC WORKS DEPARTMENT.

Kaltsas said a new vehicle and lawn mower were budgeted for Public Works in the 2017 budget. Ende found GMC Sierra 2500 for \$36,000 including tax. It is equipped to pull a trailer but not to plow at this point. Kaltsas noted local bids were accepted but could not compete with the bid from Nelson Auto Center out of Fergus Falls. Spencer said Kaltsas and Ende had spent lots of time researching the best deal and appreciates the due diligence.

Motion by Spencer, second by McCoy to approve the purchase of the GMC Sierra 2500 per the bid received from Nelson Auto Center. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

Kaltsas said the City's current lawn mower will require \$1500-\$2000 in routine maintenance costs this year per Ende. Ende researched replacing the current mower with a Kubota diesel mower and having a larger 72" deck installed for mowing. Ende priced out John Deere and Kubota mowers and also trade valuations. Lano

had the most aggressive deal with a new Kubota tractor at \$12,900 with our trade-in. Kaltsas said the funds would come from the the Capital fund for Public Works equipment. Spencer said it makes sense with the savings we are making from not outsourcing our park maintenance mowing anymore.

Motion by Spencer, second by Johnson to approve the purchase of the Kubota lawn mower per the bid received from Lano Equipment. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

14. DISCUSSION OF UPCOMING CITY COUNCIL MEETING DATES.

March meetings were discussed as Kaltsas and Johnson will be absent separate weeks. Kaltsas noted there will be a joint Meeting with the Planning Commission for the kick-off of the 2040 Comprehensive Plan. It was decided to cancel the March 14th meeting but to keep the March 28th meeting as scheduled.

Motion by Spencer, second by McCoy to cancel the March 14, 2017 City Council meeting. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

15. OPEN/MISCELLANEOUS

16. ADJOURN

Motion by McCoy, second by Grotting to adjourn at 9:25 p.m. Ayes: Johnson, McCoy, Spencer and Grotting. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

City of Independence

Request for a Variance from the Front and Corner Yard Setbacks for the Property Located at 4530 Lake Sarah Drive South

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	March 21, 2017
<i>Applicant:</i>	James and Alison Conely
<i>Owner:</i>	James and Alison Conely
<i>Location:</i>	4530 Lake Sarah Drive South

Request:

James and Alison Conely (Applicant/Owner's) request that the City consider the following actions for the property located at 4530 Lake Sarah Drive South (PID No. 02-118-24-24-0020 in Independence, MN:

- a. A variance to allow a reduced front and side yard setback. The setback reductions would permit the construction of a third garage stall attached to the existing detached garage.

Property/Site Information:

The subject property is located at 4530 Lake Sarah Drive South. The property is located at the intersection of Lake Sarah Drive South and Shady Beach Circle. There is an existing home and detached garage on the subject property.

Property Information: 4530 Lake Sarah Drive South

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: *1.03 acres (44,777 square feet)*

Impervious Surface Maximum: *25% (11,194.25 square feet)*

4530 Lake Sarah Drive South (blue line)



Discussion:

The applicant is seeking approval to construct an addition (third stall) onto the existing detached garage. The garage addition would be 17 feet wide by 30 feet in length. The property is located at the intersection of Shady Beach Circle and South Lake Sarah Drive and therefore is subject to the recently adopted corner setback provisions of the ordinance. The existing garage is located on the property such that the angle prevents the addition of a third garage stall from meeting both the front yard (setback from South Lake Sarah Drive) and corner yard setbacks (setback from Shady Beach Circle).

The ability of the owner to expand the garage is limited by the current location and its proximity to the adjacent property lines. In reviewing the property, it does not appear that there is a logical alternative solution to expanding the garage in an area that meets all requisite setbacks. The proposed garage expansion would have the following setbacks:

Front Yard Setback:

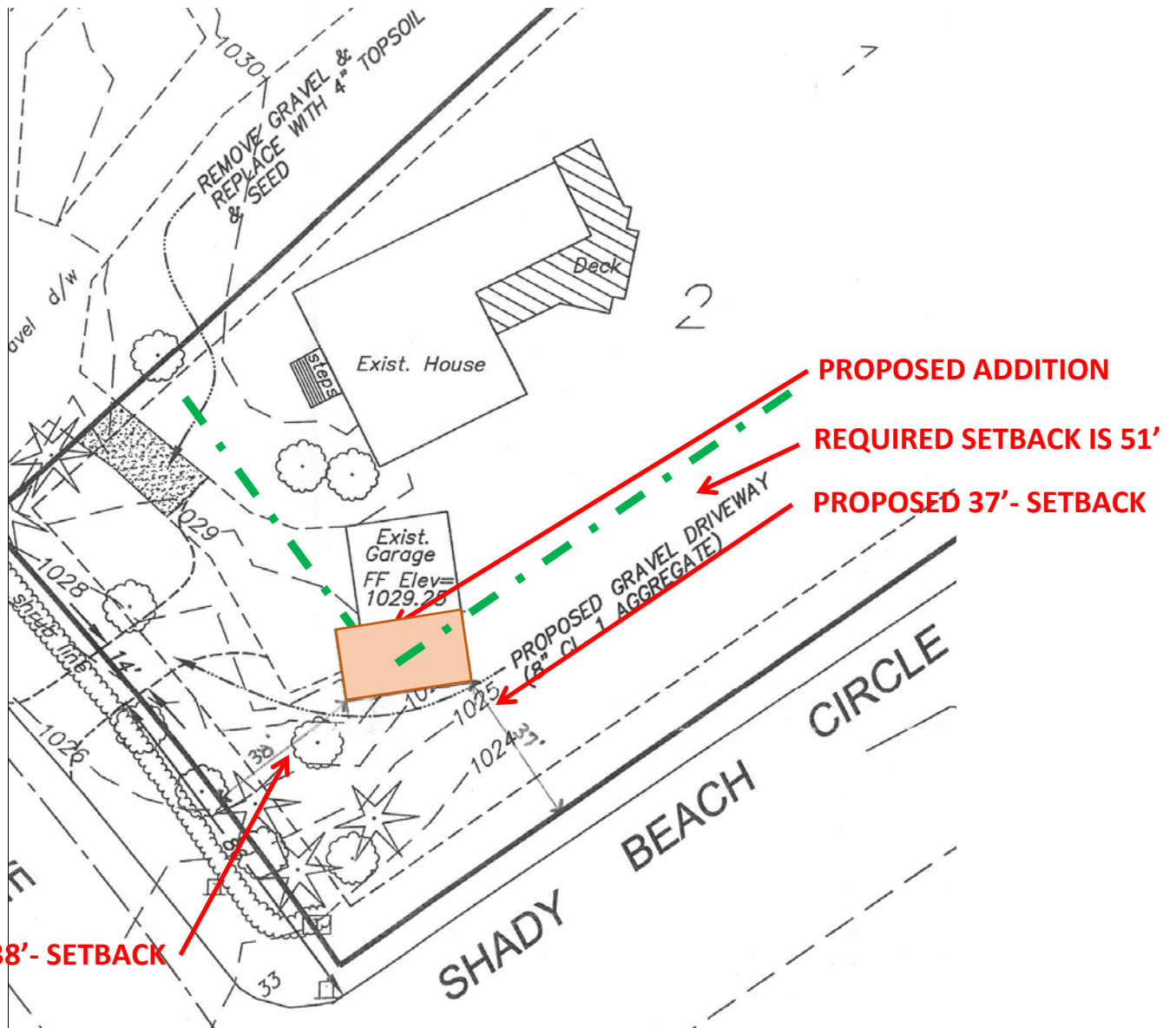
Required: 85 feet from centerline or 51 feet from the ROW.

Proposed: 38 feet from the right of way (variance of 13 feet)

Corner Yard Setback:

Required: 51 feet from the ROW

Proposed: 37 feet from the right of way (variance of 14 feet)



There are several factors to consider relating to granting a variance. 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. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that is generally consistent with similar variances granted for properties in this area.
- b. Many of the properties in this area have setbacks from the right of way or side property lines that do not meet the required setbacks.
- c. The character of the surrounding area is residential. The proposed garage expansion for a single-family home is in keeping with the City's comprehensive plan.

There are several additional items that could be considered by the City:

1. Many of the surrounding properties have been granted relief from the requisite setback requirements due to the small size of the properties, unique lot layouts resulting from the historic nature of the structures on the properties and the change in nature of the homes from seasonal to permanent.
2. The neighboring property owner directly across Shady Beach Circle that would have the most visibility of the garage expansion has submitted a letter to the City stating that they have no problem with the requested variance.
3. The property across Shady Beach Circle is setback 20 feet from the right of way line.
4. The property has a fairly extensive vegetative screen that would further mitigate potential impacts of the proposed garage (see pictures attached).

Ultimately the City will need to find that the aforementioned criteria for granting a variance have been met by the applicant.

Public Comments:

The City received a letter from the neighboring property owner located at 450 Shady Beach Circle.

Recommendation:

Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties or right of way relating to grading and drainage.
3. The Applicant shall pay for all costs associated with the City's review of the requested variance.
4. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the home/ garage or impervious areas will be permitted without an additional variance request.

Attachments:

1. Application
2. Owners Statement
3. Site Plan/Survey
4. Garage Plans
5. Letter from Adjacent Property Owner
6. Pictures

To the City of Independence MN Planning Commission and City Council;

- **Regarding:** Variance request to front and side yard setback to permit the construction of a third garage stall attached to existing garage.
- **PID 02-118-24-24-0020**
- **Lot 2, Block 1, Emmer Addition**
- **4530 Lake Sarah Drive S.**

Property Owner Statement:

A two stall garage fills up quickly with two cars for two working adults, a family's worth of bikes and toys for two children, basic tools and other hobby items. Our existing two stall garage is to the point where there's no room to fit the snowblower during the winter months. When it comes to space, the one thing we didn't think was lacking was adequate space on the property to add a third stall.

When applying for the permit we were told the combination of (1) the property's irregular lot size, (2) being a corner lot and (3) the location of the existing garage, there was literally nowhere to build that wouldn't come near the 85' front road setback and the 51' right-of-way setback from the side road for our corner lot. Our property's irregular lot size, the location of the existing physical structures and the setbacks are circumstances over which we have no control.

Being consciences neighbors, we've reviewed the site plan with our immediate neighbors. There have been no concerns. In addition, we have gone so far as to get written approval from the property owner that is in direct line-of-site of where the proposed third stall will be. Full support has been provided by this neighbor. This document is included in the informational packet.

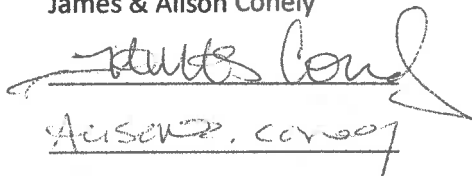
The property is also lined by a mature privacy hedge that runs the length of both the front and side where the garage is located. The privacy provided by the lilac hedge is significant year round. Pictures documenting the privacy hedge are included in the informational packet.

Lastly, our property is not on Lake Sarah itself. Rather it is up the hill at the T-intersection of Lake Sarah Dr. S. and Shady Beach Circle. The physical structures on the property are in no way located such that they will block or otherwise hamper any neighbor's view of the lake.

Thanks for your time and consideration

Sincerely;

James & Alison Conely



The block contains two handwritten signatures. The top signature is in dark ink and appears to read 'James Conely'. The bottom signature is in lighter ink and appears to read 'Alison Conely'. Both signatures are written over a horizontal line.

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: Variance for front
and side yard setback.

Site Address or Property Identification Number(s):

02-118-24-24-0020

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

\$ 2000-1,250

Application Amount

750⁰⁰

Escrow Paid

Date Accepted by Planner

City Planner

3-1-2017
Date

1401
Application Check #

1401
Escrow Check #

Bruce
Accepted By

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

Applicant Information:

Name: James Conely
Address: 4530 S Lake Sarah Dr.
City, State, Zip: Independence, MN 55359
Phone: 651-247-1761
Email: jamesconely@gmail.com
Signature: [Signature]

Owner Information (if different than applicant)

Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____
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: [Signature]
Date: 3/01/2017

Owner Signature (if different): _____
Date: _____

Bruce Satek

From: james conely <jamesconely@gmail.com>
Sent: Friday, March 03, 2017 6:15 AM
To: mark@terra-mark.com; Bruce Satek
Subject: Request - Variance Request statement

Morning;

If appropriate, I would like to have the following line added to the variance request to the statement that goes out in the mail.

Request: Variance for reduced front and side yard setback to allow for the addition of a third stall to an existing detached garage.

This is probably something that you would have added that to the Legal Notice/Planning Commission letter that you're sending out, but I wanted to make the request on my behalf.

Thanks

*want this added to his
request*

Owner: James & Alison Conely

Address: 4530 S. Lake Sarah Drive, Independence, MN 55359

PID: 02-118-24-24-0020

Legal: Lot 002 Block 001 Emmer Addition

Project: Detached Garage Addition (17W x 28D)

Roof Pitch: 6/12 with Engineered Truss

Rake 12" **Eaves** 12"

Wall: Height 8' 8" 16" O.C. 2x4

Footings: Reinforced concrete

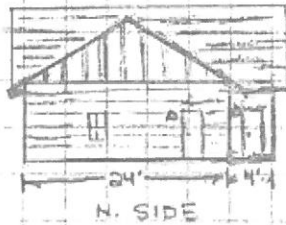
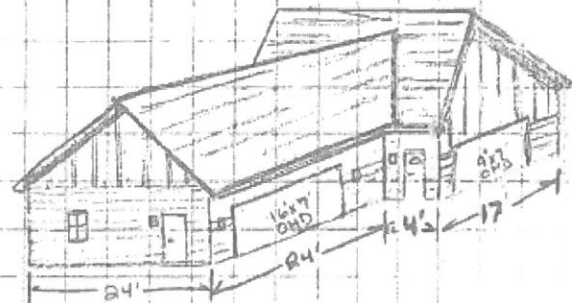
Siding: 10.5" LP Smartside strand lap siding

O.H. Garage Door Header: 2 - 2x12"

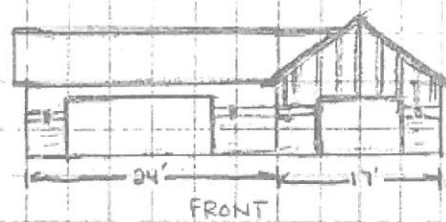
Project No. _____

Book No. _____

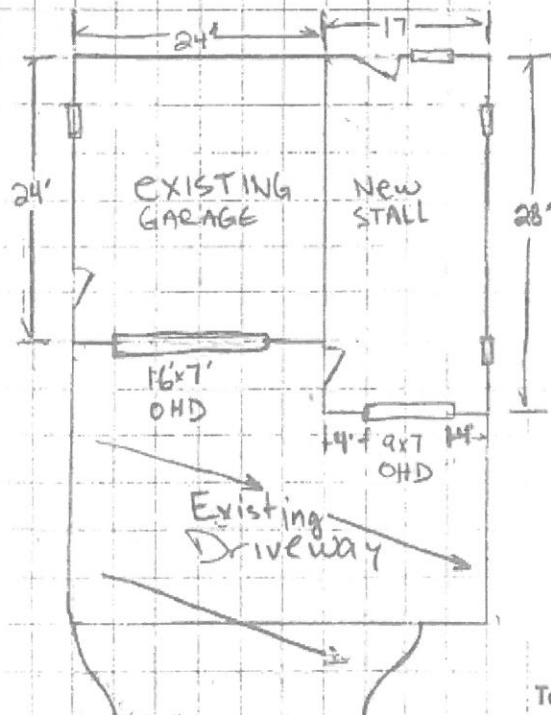
28



(Facing Shady Beach Circle)



(Facing S. Lk Sarah Dr.)



To Page No. _____



Figure – Looking North on South Lake Sarah Drive



Figure – Looking East down Shady Beach Circle



Figure – View of privacy hedge from nearest neighbor on Shady Beach Circle



Figure – Looking North on South Lake Sarah Drive at intersection with Shady Beach Circle



Figure – Looking East down Shady Beach Circle

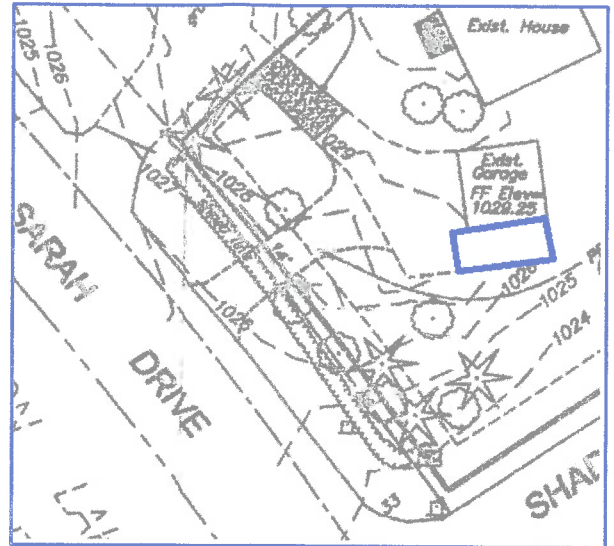
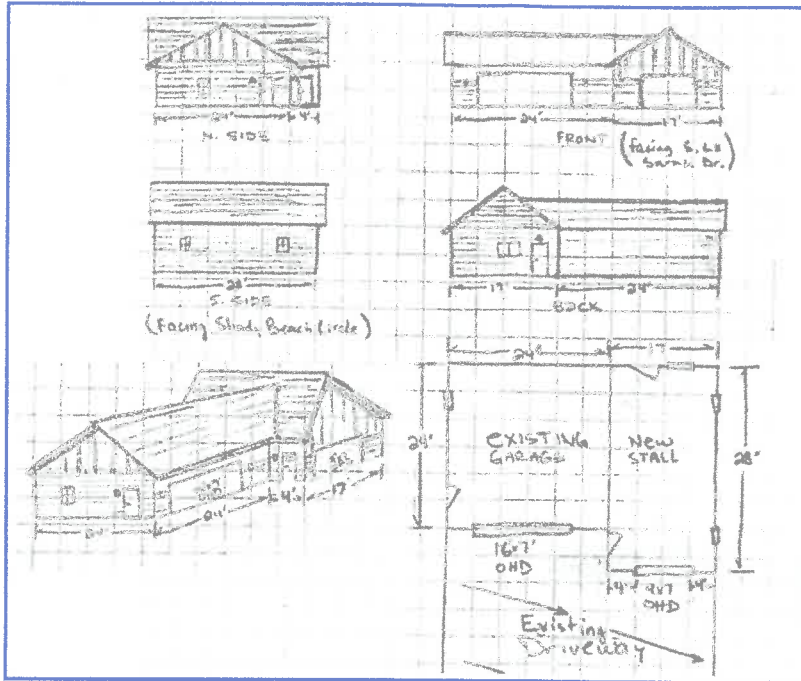


Figure – View of privacy hedge from nearest neighbor on Shady Beach Circle

I am a neighbor and have reviewed the project and site plan for the addition of a 3rd garage stall with the property owner James Conely @ 4530 S. Lake Sarah Drive.

PID: 02-118-24-24-0020

Legal Description: Lot 2 Block 1 Emmer Addition



City of Independence

Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit on the Property Located at 990 County Road 92 North

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	March 21, 2017
<i>Applicant:</i>	Jay Lorek
<i>Owner:</i>	Jay Lorek
<i>Location:</i>	990 County Road 92 North

Request:

Jay Lorek (Applicant/Owner) requests that the City consider the following actions for the property located at 990 County Road 92 N (PID No. 28-118-24-33-0008) in Independence, MN:

- a. A Conditional Use Permit to allow an accessory dwelling unit to be located within the existing detached accessory building on the subject property.

Property/Site Information:

The property is located on the east side of County Road 92 North and south of Turner Road. The property is mostly upland and has one detached accessory building and a small shed.

Property Information: 990 County Road 92 N

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 4.85 *acres*

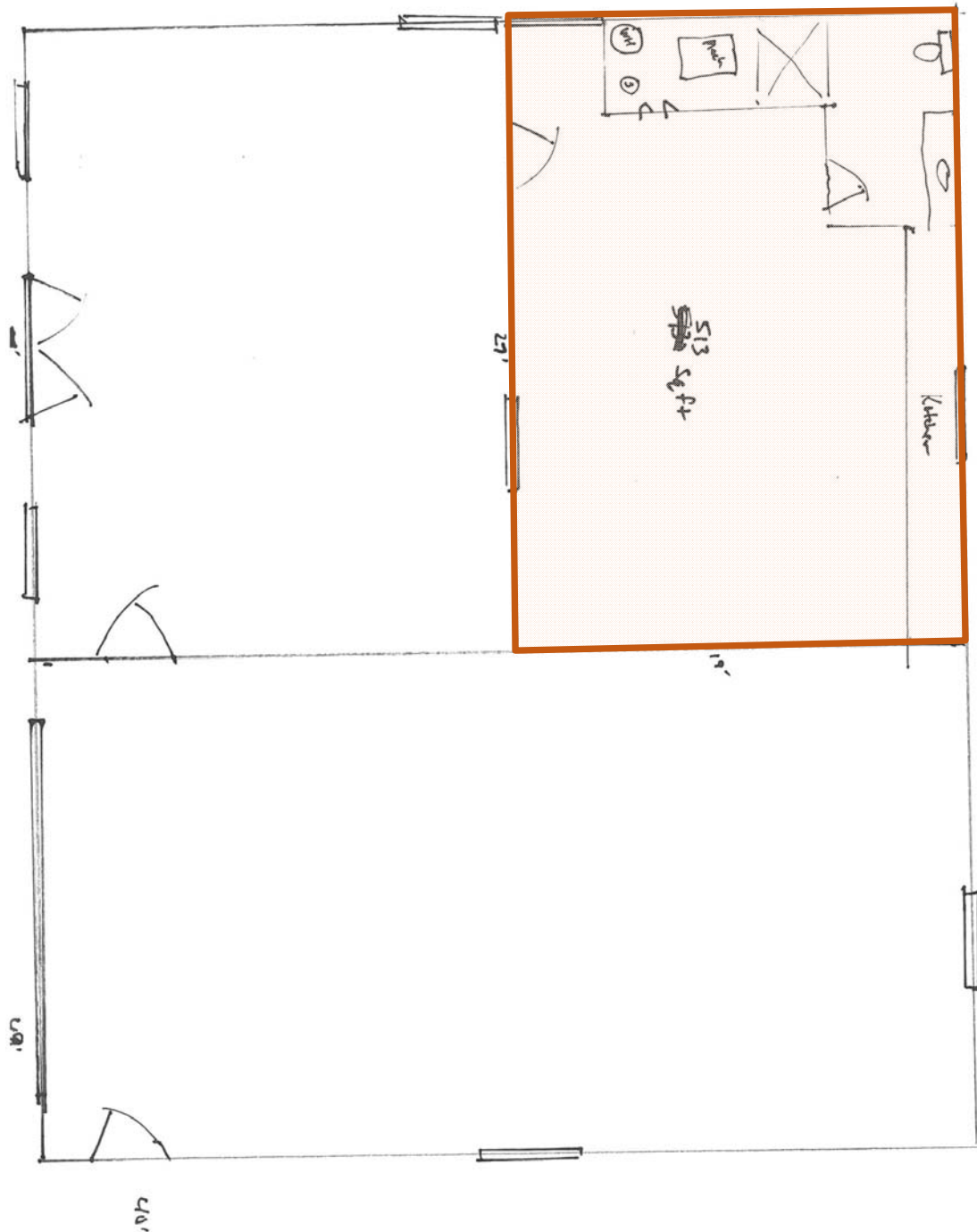


Discussion:

Several years ago, the City adopted an ordinance permitting accessory dwelling units as a conditional use in both Rural Residential and Agriculture zoning districts. The intent of the ordinance was to allow for "mother-in-law" type units to be located within the principle structure or a detached accessory building. The applicant is seeking a conditional use permit to allow an accessory dwelling unit inside of a portion of the existing detached accessory structure on the property. The detached accessory structure is currently utilized as both a garage and unfinished all-purpose space. The applicant currently houses his elderly father within his existing home. He would like to finish a portion of the detached accessory structure into a "studio" (open floor plan) type dwelling unit. The proposed unit would have a living space/bedroom, full bath and kitchen facilities. There would be a separate access into the unit from the outside. The proposed accessory structure would be used a true "mother in law" unit.

The subject property has an existing principle home and several small accessory buildings on the property. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all

applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.



An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

- (a) *Physically attached to or within a single-family dwelling unit or within a detached^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct the accessory dwelling unit within an existing detached accessory structure.

- (b) *Subordinate in size to the single-family dwelling unit; and*

The proposed accessory dwelling unit would be subordinate in size to the single family dwelling unit.

- (c) *Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and*

The proposed accessory dwelling unit would be separated from the single-family home.

- (d) *Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

The proposed accessory structure is existing and appears to generally complement the principle home on the property.

- (e) *The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

The principal structure has ~1,575 square feet of above ground space not including the basement. 33% of 1,575 square feet equals 520 square feet. The applicant is proposing to construct an accessory structure which will total 513 square feet. The proposed square footage would be equal to the permitted maximum square feet.

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

The maximum accessory structure size for properties zoned Agriculture is 2% of the buildable (upland) lot area up to 10 acres and then it is no longer restricted. The applicant has 17 acres and therefore would comply with applicable standards.

- (g) *Has permanent provisions for cooking, living and sanitation; and*

The applicant is proposing to construct permanent provisions for cooking; living and sanitation (see attached depiction).

(h) *Has no more than 2 bedrooms; and*

The applicant is proposing to have one bedroom within the accessory dwelling unit.

(i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

(j) *Uses the existing on-site septic system^b or an approved holding tank; and*

The property has an existing septic system that was designed for a four (4) bedroom home. The existing home has three (3) bedrooms. The City has reviewed the septic system and found that it is able to accommodate the proposed bedroom.

(k) *Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

The detached accessory is a conforming structure that is currently in existence.

(l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes and will be required to obtain requisite permits.

^a *On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.*

^b *The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.*

The location of the existing accessory building and its proximity to the surrounding properties will mitigate potential impacts of converting a portion of the space into an accessory dwelling unit. The surrounding properties are similar in character and have similar sized detached accessory buildings. The accessory dwelling unit will need to meet all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits.



As proposed, the accessory dwelling unit appears to meet all applicable criteria established in the zoning ordinance. In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit

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 from 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 conditional 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.

Consideration for the proposed conditional use permit should weigh the impact of having an accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

Should the CUP to allow an accessory dwelling unit be recommended for approval by the Planning Commission, it is suggested that the following conditions be noted by the City:

- The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
- The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City has not received any written comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

Recommendation:

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

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be issued subject to the following items being completed:
 - a. The Conditional Use Permit will be subject to the applicant successfully obtaining and

completing a building permit for all applicable improvements required for a dwelling unit.

- b. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
- 3. Prior to the City Council placing the Conditional Use Permit into effect, the applicant shall provide the City with the following items:
 - A. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments:

- 1. Site Pictures
- 2. Proposed Accessory Dwelling Unit Floor Plan
- 3. Application

Attachment #1



City of Independence

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- ☐ Vacation
- ☐ Variance
 - ☐ Subdivision Regulations
 - ☐ Zoning
 - ☐ Road Frontage
- ☐ Zoning Text Amendment

*Please check all that apply

Request: Care Given for my
Father. Requesting to move him
to Pole shed due to poor health
Must be on one level.

28-118-24-33-0008
Site Address or Property Identification Number(s):
990 CR 92 N
Independence, MN 55359

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

\$2000 - 1250

Application Amount

750⁰⁰

Escrow Paid

Date Accepted by Planner

City Planner

3-1-2017

Date

#2564

Application Check #

2564

Escrow Check #

Bruce

Accepted By

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

Applicant Information:

Name: Jay Lorek
Address: 990 CR 92 N
City, State, Zip: Independence, MN
Phone: 208-818-1606
Email: jxlorek@ups.com
Signature: Jay L

Owner Information (if different than applicant)

Name: same
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____
Signature: _____

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

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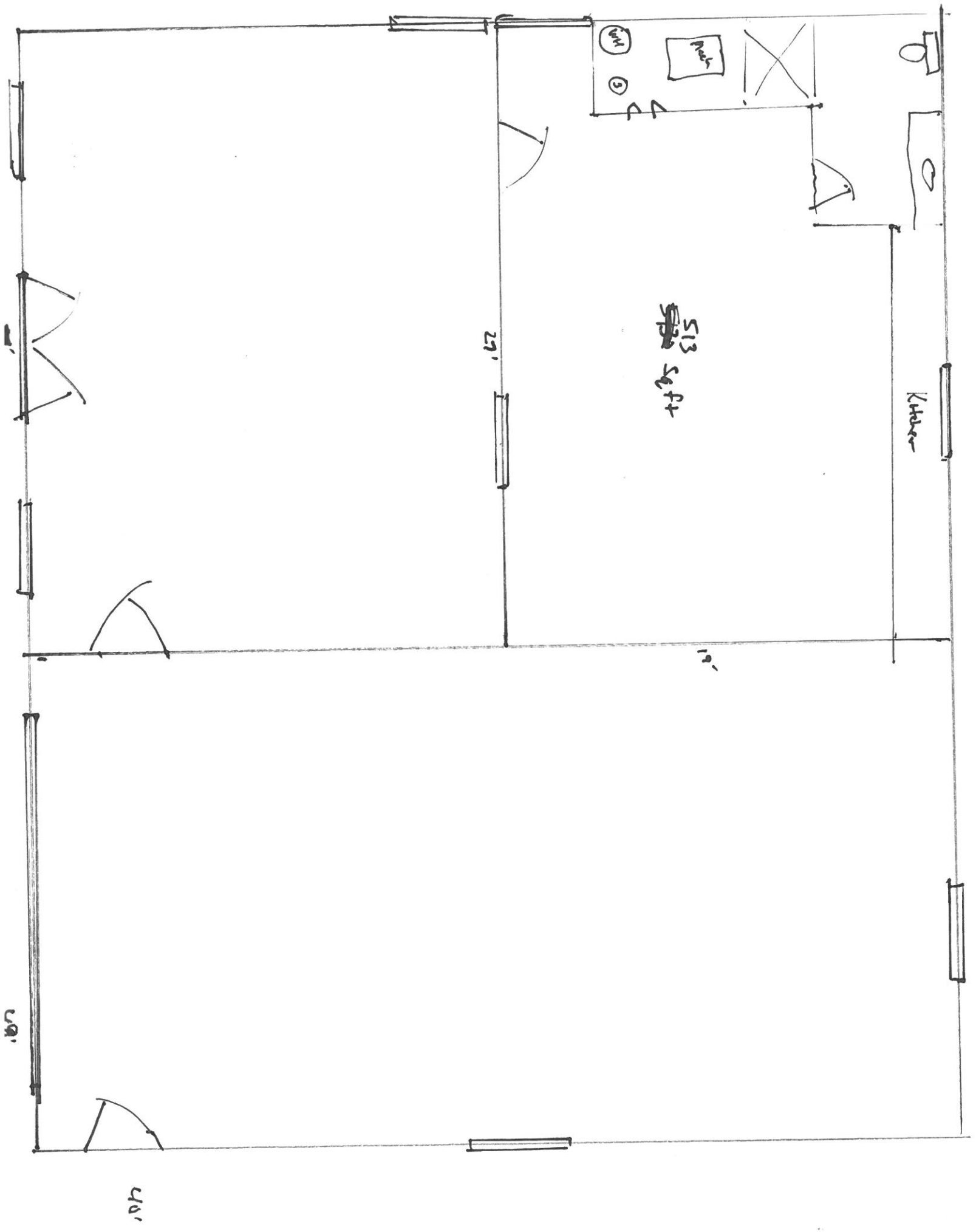
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I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: Jay L
Date: 3/1/12

Owner Signature (if different): _____
Date: _____



Kitchen

513 sq ft

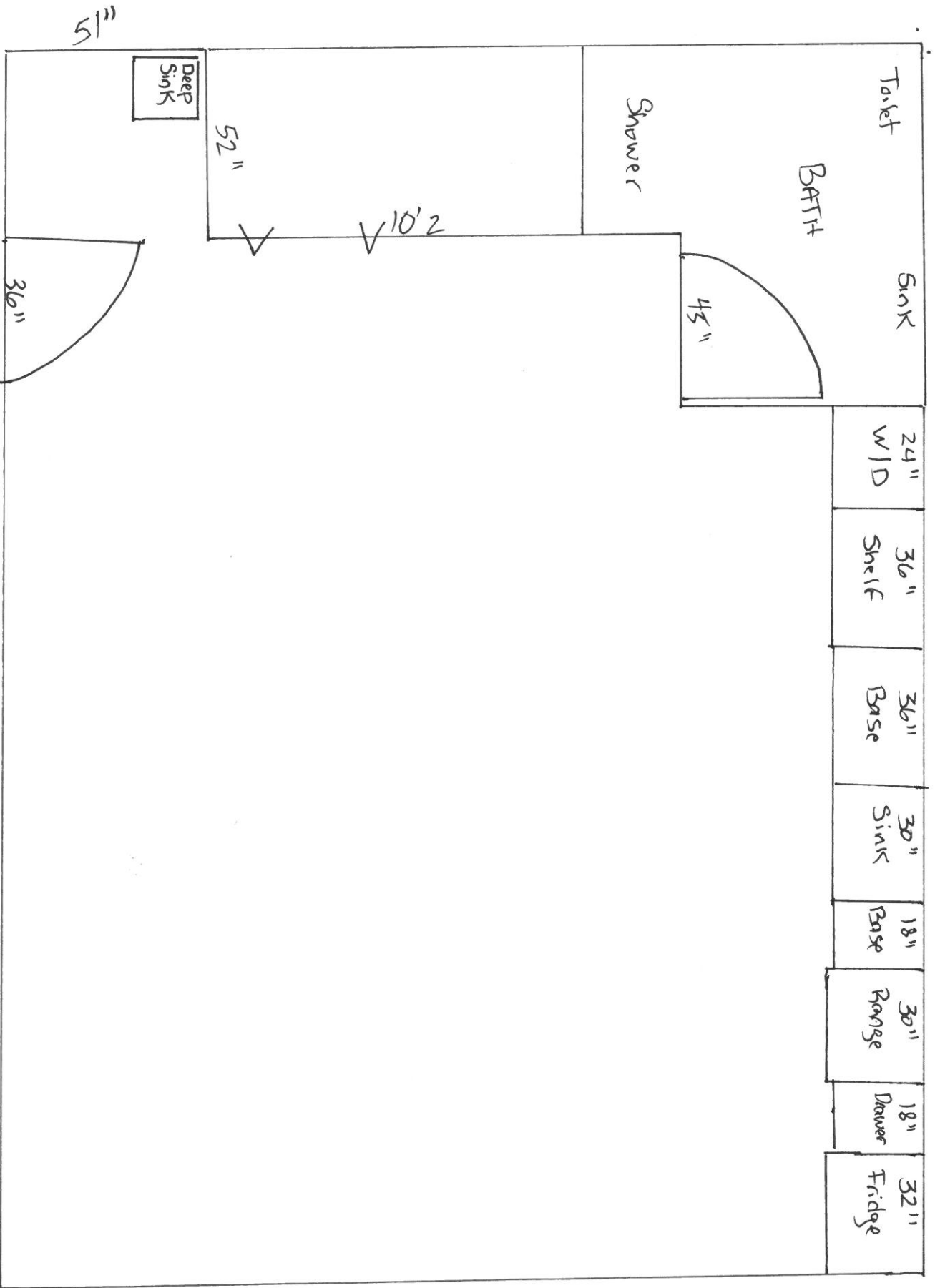
29'

19'

44'

48'

19.2



19.4

INSPECTOR'S COPY

Joseph Olson D.B.A. Rusty Olson's--Soil and Percolation Testing

Joseph J. Olson--MPCA License #810
11481 Riverview Rd. NE, Hanover, MN 55341
(763) 498-8779 Fax (763) 498-8290

Revised April 08, 2011

May 19, 2007

Wilfred Anderson / Jay Lorek

990 County Road #92

Independence, Hennepin County

This on-site Sewage Treatment System is designed for a Type 1, four-bedroom home in accordance with the Minnesota Pollution Control Agency Chapter 7080 and local ordinances.

The periodically saturated soils were located at 20-22 inches (mottled soil). Due to The periodically saturated soils, a pressurized Mound System will need to be installed to treat septic effluent. The bottom of the treatment area must be located at least 3' above the saturated soils.

Use 7/32 inch perforations on the laterals.

The soils at a depth of 12" have a percolation rate averaging 4 MPI.

** NO disposal * o.k.*

All neighboring wells are located greater than 100' away from proposed treatment area.

Existing tanks ~~must be abandoned~~ ^{2, 1000} and two 1050 gallon tanks ~~must be installed~~. *are o.k.*

All tanks need to be insulated if there is less than two feet of cover over the top of the tanks. ~~A filter needs to be installed on the second tank.~~ Clean outs must be installed on the end of the laterals for maintenance.

¹⁰⁰⁰
A 1050 gallon pumping chamber will need to be installed to lift the effluent to the treatment area. The power supply and Switches must be located outside the manhole and pumping chamber in a weatherproof enclosure. A warning device must be installed with light and sound devices; this is in case of a pump failure. The manifold and supply line must have back drainage to the pumping chamber.

Keep all heavy equipment off of the proposed treatment areas before, during and after construction. The area around both sites must be fenced off by the contractor before any construction begins. This Design is not valid and the System will need to be relocated if failure to protect the areas proposed for On-Site Sewage Treatment occurs.

With proper installation and maintenance, this system should have no problem in treating septic effluent effectively. Nothing other than gray water, (laundry, showers, etc.) Human water and toilet tissue should be disposed of into the septic tanks. Garbage disposals are not recommended. Additives must not be used; they may cause harmful damage to your septic system. It is recommended that you pump the tanks every two years

Sincerely,

Joseph J. Olson

CITY OF *Independence*
Date *6-6-11*

REVIEWED
Bruce Satt
For Code Compliance

MINIMUM
24 HOUR NOTICE ON
ALL INSPECTIONS
CALL: 763-479-0527

Independence - 2040 Comprehensive Plan



Background

In response to the 2040 issuance of the regional system statements, the City of Independence is beginning the process of updating its local comprehensive plan. The comprehensive plan update will ensure consistency with the most recent adopted regional plans and policies and provide the City with a comprehensive development map for the next twenty years. The City of Independence will prepare an update to the 2030 Comprehensive Plan to guide development and land use through the year 2040. Due to changes in population forecasts, growth and housing trends, it is imperative that the City evaluate its past and ensure that it is prepared to secure its future. The City will engage the elected and appointed City officials and public to develop a unified vision for the future of Independence. Once this vision has been established, the City will work to prepare a detailed and sustainable comprehensive plan that responds to all aspects of the prescribed growth and future development and redevelopment. Areas of focus will be to understand and plan for future housing needs, to enhance and protect natural resources and to attract residential, commercial, retail, industrial and office development and redevelopment within the City.



Note: The Metropolitan Land Planning Act requires cities within the seven county Metro Area to prepare and submit a comprehensive plan to the Metropolitan Council every ten years. The Metropolitan Council is the regional planning authority established to oversee regional growth and development. The City of Independence is required to submit an updated comprehensive plan no later than December 31, 2018.

Process

In support of advancing the development of the City's comprehensive plan, the City will need to select or appoint a representative task force to lead the planning process. Typically, the City will utilize the expertise and diverse representation of the Planning Commission to lead the comprehensive plan development process. The City Council and various other community groups, business owners and residents will also aid in development of the plan. It is anticipated that the development of the comprehensive plan will take approximately eighteen months to complete. The submittal of the plan to the Metropolitan Council would occur in the summer-fall of 2018.

A key component to a successful comprehensive plan is actively involving community stakeholders as the comprehensive plan is being developed. Public participation will help to ensure that the resulting comprehensive plan accurately reflects the vision, goals, and values of the community. There is a wide array of public participation activities that can be utilized to foster public participation throughout every stage of the comprehensive planning process. Some of the activities that can be considered by the City are as follows:

- Direct Mail/Email/Social Media
- News releases and mass media
- Displays and exhibits
- Public educational meetings
- Website
- Open houses
- Public hearings
- Visual preference survey
- Design Charrette
- Focus groups
- Community surveys
- Visioning

The City's Comprehensive Plan public participation strategy would be established to embody the following goals:

- Include a variety of input opportunities for every audience group at every stage of the process.
- Provide opportunities for people to participate “a little” or “a lot” in the process, while assuring that one or a few individuals or interest groups do not dominate the process.
- Recognize that ongoing public involvement is essential to create an innovative plan, yet one that can be implemented.
- Use existing planning and committee frameworks as a foundation for the comprehensive planning process.
- Engage media and educational institutions to increase public input opportunities and leverage City resources.
- Inform and work with other governments and institutions with an interest in planning for the City of Independence.
- Recognize that the goals expressed above must be balanced with the need to complete a comprehensive plan within a set budget and timeframe.

It is anticipated that the City will utilize some or all the public participation strategies while developing the comprehensive plan. One established method that would be recommended for the City to consider is the development and use of a community survey. The information and insight obtained from a community survey could help in the development of the comprehensive plan. Utilization of social media and the City's website could also secure quick and efficient communication and feedback with the City's constituents.

The City anticipates that the public participation strategy will lead to the development and ultimately the adoption of a policy document that addresses issues such as land use, resource conservation and park system development, transportation, and other topics identified during the process. The Planning Commission, staff and consultants will carry out research, outline policy choices, and prepare a draft policy document that will be reviewed through the public input process described above. The City's Planning Commission, in conjunction with the City Council can lead the preparation of this important policy document.

The draft process of developing the comprehensive plan is outlined in the timeline to follow. The timeline represents a conceptual outline of the various elements and components of the plan along with the necessary participants and estimated time to complete each step in the process. The timeline, public involvement, number of meetings and content can be modified during the process to respond to the actual needs of the City.

Staff is generally seeking feedback from the City Council pertaining to the conceptual process and timeline.

Independence - 2040 Comprehensive Plan



Conceptual Timeline

Activities	Steps	Participant/Preparer	Time Frame
Identify and organize process and public participation strategy.	<i>Meeting with the City Council.</i>	<i>City Council, Staff</i>	<i>One (1) Meeting – February 2017</i>
Kick-off meeting with City Council and Planning Commission.	<i>Joint meeting with City Council to be held at Planning Commission Meeting.</i>	<i>City Council, Planning Commission, Staff and Consultants</i>	<i>One (1) Joint Meeting – March 2017</i>
Prepare community survey and send out to constituents.	<i>Prepare draft survey for consideration by City Council/Planning Commission. Develop and market survey via email, water billing and social media.</i>	<i>Staff and Consultants</i>	<i>4-6 weeks One (1) Planning Commission Meeting One (1) City Council Meeting April 2017</i>
Present findings of community survey and provide analysis of results to Planning Commission and Public.	<i>Take findings of survey and present information to Planning Commission and public. Obtain feedback and direction from group.</i>	<i>City Council, Planning Commission, Staff and Consultants</i>	<i>One (1) Planning Commission Meeting June 2017</i>
Prepare initial comprehensive plan chapters.	<i>Prepare the community character, profile and vision. Assess projected demographic, economic and environmental trends relevant to Independence.</i>	<i>Planning Commission, Staff and Consultants. Other groups and residents as necessary.</i>	<i>3 months Two (2) Planning Commission Meetings One (1) Joint CC and PC Meeting July-August 2017</i>
Public participation - design charrette with visual preference survey and public input session.	<i>Present initial plan information relating to land use, parks, trails and transportation. Facilitate design charrette and visual preference survey at public input session.</i>	<i>City Council, Planning Commission, Staff and Consultants</i>	<i>One (1) Joint CC and PC Meeting and Public Hearing September 2017</i>
Plan development.	<i>Prepare land use, transportation, water resources, parks and trails, housing, resilience and economic competitiveness.</i>	<i>Planning Commission, Staff and Consultants. Other groups as necessary.</i>	<i>6 months Three (3) Planning Commission Meetings One (1) Joint CC and PC Meeting October 2017 - March 2018</i>
Prepare implementation plan.	<i>Prepare implementation plan: includes timeline, capital improvements and necessary modifications to City controls.</i>	<i>Planning Commission, Staff and Consultants</i>	<i>1 month March 2018</i>
Revise and prepare final plan for preliminary adoption. Submit plan to surrounding communities for public comment.	<i>Utilize public, Commission and Council input to revise and prepare final comprehensive plan.</i>	<i>Planning Commission, Staff and Consultants</i>	<i>6 months Two (2) Planning Commission Meetings One (1) Joint CC and PC Meeting April- August 2018</i>

Independence - 2040 Comprehensive Plan



Activities	Steps	Participant/Preparer	Time Frame
Public participation – Open house. Revise plan as necessary based on feedback from public open house.	<i>Present draft plan to the public for final comments and consideration.</i> <i>Prepare revisions to the plan as necessary.</i>	<i>City Council, Planning Commission, Staff and Consultants</i>	<i>One (1) Public Hearing</i> August 2018
Adopt final plan and submit for review and approval. Revise plan per comments as necessary.	Adopt final plan document and submit for review to the Metropolitan Council.	<i>Planning Commission, City Council, Staff and Consultants</i>	<i>1 month</i> <i>One (1) Planning Commission Meeting</i> <i>One (1) City Council Meeting</i> September 2018