



CITY COUNCIL MEETING AGENDA
TUESDAY SEPTEMBER 3, 2019
REGULAR MEETING

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

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 August 20, 2019 Regular City Council Meeting.

b. Approval of Accounts Payable; Checks Numbered 19074-19094.

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

7. Jim Ziebell of 6014 Drake Drive would like to address the City Council to discuss a drainage issue relating to his property.

8. Resident Director Gary Kroells, West Hennepin Public Safety:

a. Activity Report for the Month of July 2019.

9. George and Linda Betts (Applicants/Owners) request that the City consider the following actions for the properties identified by (PID No.s 14-118-24-34-0003 and 14-118-24-34-0007) and located at 6050 Pagenkopf Road and 2465 Becker Road in Independence, MN:

a. **RESOLUTION NO. 19-0903-01** – granting approval of a minor subdivision to allow a lot line rearrangement to adjust the east west property line separating the properties to the north.

- b. **RESOLUTION NO. 19-0903-02** – granting approval of a conditional use permit to allow the existing detached structure to be used as an accessory dwelling unit on the 6050 Pagenkopf Road property.
- 10. Laura Dwyer (Applicant/Owner) requests that the City consider the following action for the properties located at 5215 and 5175 Sunset La. (PID No. 01-118-24-31-0002 and 01-118-24-42-0028) in Independence, MN:
 - a. **RESOLUTION NO. 19-0903-03** – granting approval of a minor subdivision to consider a lot line rearrangement for the properties located 5215 and 5175 Sunset Ln. The lot line rearrangement would allow for a portion of the property currently attached to 5175 Sunset Ln. to be combined with 5215 Sunset Ln.
- 11. Sharratt Design & Company (Applicant) and Curt Marks (Owner) request that the City consider the following action for the property identified by (PID No. 28-118-24-14-0006) and located at 7220 Turner in Independence, MN:
 - a. **RESOLUTION NO. 19-0903-04** - granting approval of a conditional use permit and variance to allow an accessory dwelling, an accessory structure larger than 5,000 SF and taller than the principal structure.
- 12. Gregory Hamman (Applicant/Owner) requests that the City consider the following action for the property identified by (PID No. 16-118-24-33-0002) and located at 2460 CSAH 92 N in Independence, MN:
 - a. **RESOLUTION NO. 19-0903-05** - granting approval of a variance to allow an accessory structure to exceed the height of the principle structure.
- 13. Open/Misc.
- 14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 20, 2019 –6:30 P.M.

1. CALL TO ORDER.

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

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, McCoy and Grotting

ABSENT: City Attorney Vose, Councilor Betts

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas

VISITORS: Scott Ficek, Anita Volkenant, Laura Dwyer, Corey Oeffling, Tyler Stephenson, Curtis Marks, Michael Sharray, Nate Sleck

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

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

- a. Approval of City Council Minutes from the July 30, 2019 Regular City Council Meeting.
- b. Approval of City Council Minutes from the August 7, 2019 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 19039-19073.
- d. Approval of a Large Assembly Permit for Mama's Happy (7888 County Road 6) Fall Art Fair: September 12-14, 2019.
- e. Approval of a Medium Assembly Permit for Brian Gilbertson (7165 Turner Road) to Host a Hog Roast: September 21, 2019.
- f. **RESOLUTION NO. 19-0820-01** – Adopting the Proposed Assessment for the Lyndale Sanitary Sewer Improvements.

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

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

Kaltsas removed item 7 as Chief Kroells was unable to attend. His report will be made at the 09/03/19 meeting.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- City Council Workshop
- City of Medina, LICA and Three Rivers Parks Districts members about the no-wake ordinance on Lake Independence.

Grotting attended the following meetings:

- City Council Workshop
- LMCC Quarterly meeting
- Three Night-to-Unite Events

McCoy attended the following meetings:

- City Council Workshop
- Three Night-to-Unite Events

Betts attended the following meetings:

Johnson attended the following meetings:

- Haven Homes Meeting
- Police Commission Meeting
- Senior Community Services Finance Committee Meeting
- Five Night-to-Unite Events
- City Council Workshop
- Eagle Scout Sam Lieberman's Ceremony
- North West Trails Snowmobile Event
- Maple Plain Library Historical Ice Cream Social
- Congressmen Phillip and Angie Craig meeting to discuss funding for Highway 12
- Orono Healthy Youth Meeting Caring for Kids
- West Hennepin Chamber of Commerce Meeting
- Highway 12 Safety Coalition Meeting
- Highway 55 Coalition Meeting
- West Hennepin Historical Society of Long Lake meeting
- Orono School Board Meeting
- City Council Workshop

Horner attended the following meetings:

- West Hennepin Chamber of Commerce Meeting
- City Council Workshop

Kaltsas attended the following meetings:

- Highway 12 Safety Coalition Meeting
- City Council Workshop

7. Director Gary Kroells, West Hennepin Public Safety:
 - a. Activity Report for the Month of July 2019. (rescheduled for 09/03/19 meeting)
8. **PUBLIC HEARING:** Consideration to authorize the issuance of revenue bonds for the benefit of PHS Founders Ridge, Inc.; approving the execution of the revenue obligations and related documents; and taking other actions with respect thereto.

RESOLUTION NO. 19-0820-02 – Authorizing the issuance of revenue obligations for the benefit of PHS Founders Ridge, Inc.; execution of the revenue obligations and related documents; and taking other actions with respect thereto.

Kaltsas said the City has received a proposal to upgrade the existing sanitary sewer system that serves Ox Yoke and the two adjacent residential properties (Lyndale Sanitary Sewer System). The City has had a series of meetings with Ox Yoke and the City's current operator of the existing mound system that serves the restaurant to discuss issues that are causing the system to not work properly. The concentration of the discharge (CBOD and TSS) from the system is too high to be handled by the existing system. The City has been working with a company named Septic Check to design an upgrade to the existing system that can handle the discharge. Septic Check from Milaca has prepared an estimate for the upgrade to the system for \$50,500 with an additional \$2,500-\$5,000 cost to upgrade the existing lift station control panels. The upgrade to the control panels will provide Septic Check with the ability to remotely monitor the system. The City believes that the proposed system provides the most cost effective and sustainable solution to address the sanitary sewer needs for this area moving forward.

Kaltsas said Staff has discussed the proposed update with Ox Yoke based on direction previously provided by the City Council relating to funding for the project. Currently, the owner is asking the City to assess a portion of the update costs to the Ox Yoke property. The City had initially discussed assessing 50% of the project cost to the property. The owner is asking for additional consideration to assess 70% of the project cost or \$35,000 to the property. The remaining balance (~\$15,000) will be paid up front by the property owner. In exchange for the additional assessment amount, the City would reduce the assessment period to 5 years.

Council provided direction to staff to move forward with an assessment of \$35,000 over five years. The City has prepared a detailed breakdown of the proposed assessment role for the property. The owner of Ox Yoke has agreed to waive any objection to the special assessment. This waiver agreement allows the City to proceed with adopting the assessment without any further hearings or discussion. If approved, the sanitary sewer system upgrades will likely commence in September 2019. The City will contract with Septic Check to design, install and regularly monitor the entire system. Independence staff will no longer maintain and or monitor the system. The cost of monitoring the system will continue to be charged to the users of the system via regular quarterly sewer charges.

Public Hearing Open

No comments.

Motion by Spencer to close the Public Hearing, second by Grotting. Ayes: Johnson, McCoy, Grotting and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

Public Hearing Closed

Kaltsas said this was a good opportunity for the City to obtain some funds through this conduit financing. He noted the City would receive about \$45,000 as payment for issuing the note. That amount is ½ of 1% of 9M. This is a tax-exempt obligation and there is no liability to the City. Kaltsas said the City has done a couple of these notes in the past and it is relatively low administrative costs to the City.

Motion by Spencer, second by McCoy to approve RESOLUTION NO. 19-0820-02 – Authorizing the issuance of revenue obligations for the benefit of PHS Founders Ridge, Inc.; execution of the revenue obligations and related documents; and taking other actions with respect thereto. Ayes: Johnson, McCoy, Grotting and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

9. Consider Approval of an Amendment to the Tri-City Agreement Creating the Quad City Agreement to Allow Loretto to Connect to the City's Existing Sanitary Sewer Line.

a. **RESOLUTION NO. 19-0820-03** – Approving the Quad City Agreement.

Kaltsas said the City has been working on an amendment to the Tri-City Agreement (will now be called the Quad-City Agreement) in order to allow Loretto to connect to the City of Independence Force Main on County Road 19. The agreement has been revised and is now in a form to be considered for adoption by the City. There are several key points that should be noted:

The City has been working to understand the potential number of additional Independence units that could be connected to the system. The City has focused on lakeshore lots that have access to the sewer. Earlier this year the City determined that lakeshore lots that have the ability to connect to City sewer can be a minimum of 1 acre. Based on the conceptual subdivision of properties, (primarily along Independence Road) it was estimated that an additional 14-34 lots could be realized. The City also recognized that there are six properties on Windmill Dr. that are not connected City sewer. Staff has been working with Medina to increase the number of connections included in the Quad City Agreement. Medina has stated that they would allow an additional 26 connections on top of the 289 agreed to in the Tri-City Agreement for a total of 315 connections. The City has been working to determine how the Metropolitan Council will handle I&I after the Loretto connection. Independence and Loretto will be metered by the Metropolitan Council before discharging into the force main sanitary sewer line that runs south along County Road 19 to the Medina lift station. Greenfield will not be metered by the Metropolitan Council. Independence will continue to receive meter readings from Greenfield and will be responsible for administering a proportionate share of any I&I surcharges. Similarly, Independence connects to Medina's gravity sanitary sewer line at Perkinsville Road. This connection point will not be metered by the Metropolitan Council and Independence will be subject to providing Medina with sewer flow readings and a proportionate share of any I&I surcharges. Many of the costs associated with maintenance and repairs to the shared system will now be reimbursed by the Metropolitan Council and can be seen in the cooperative agreements between the Metropolitan Council and the cities of Medina and Independence. There is a cap on the total amount that will be reimbursed and any costs exceeding the cap amount will be proportionately shared amongst the quad cities. The agreement has been modified to remove the reconstruction of the pipe under Sycamore Trail. The Metropolitan Council is including this replacement in their project. The Cities will continue to have a maximum daily flow that can be pumped into the system. Those daily flow numbers will reflect the increased number of units.

Johnson asked if Met Council is working with Greenfield and Kaltsas replied they are not. He said we would be the recipients not Greenfield and then the flow goes to Medina. McCoy asked if the meter would be upgraded. Kaltsas said Met Council is not going to upgrade the meter and Staff is fine with the readings we are getting through the meter at this point. We will be able to back charge I&I if that becomes an issue. Johnson noted this was a great value because it would be an improvement for Sycamore Lane. Kaltsas said the sewer fund would benefit from this too. Kaltsas said if Greenfield does not approve that it will be back to a tri-review again.

Motion by Spencer, second by McCoy to RESOLUTION NO. 19-0820-03 – Approving the Quad City Agreement if the City received reimbursement for expenses. Ayes: Johnson, McCoy, Grotting and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.

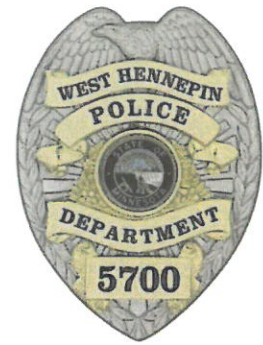
10. Open/Misc.

11. Adjourn.

Motion by Spencer, second by McCoy and carried to adjourn the meeting at 7:22 p.m.
Respectfully Submitted,

Trish Gronstal/Recording Secretary

DRAFT



Date: August 9, 2019

To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members

From: Director Gary Kroells *GK*

SUBJECT: JULY 2019 ACTIVITY REPORT

The purpose of this report is to give the reader a quick overview of the activities of the Public Safety Department each month. It also compares monthly and year-to-date information to the reader.

The report is broken down into five categories, as defined by the Criminal Justice Reporting System.

CRIMINAL-- Criminal is broken down into Part I and Part II crimes.

Part I includes crimes against persons versus crimes against property; criminal homicide, forcible rape, robbery assault, aggravated assault, burglary -breaking or entering, larceny-theft, larceny analysis, motor vehicle theft and arson.

Part II includes other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, buying, receiving, possession; vandalism, weapons, carrying, possessing, etc.; prostitution and commercialized vice, sex offenses; drug abuse violations, gambling, offenses against the family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses, suspicion, curfew and loitering laws - persons under 18; and runaways - persons under 18.

TRAFFIC-- Includes violations of the road and driving laws.

PART III-- Lost and Found: Includes lost and found persons, animals, and property, and stalled and abandoned vehicles.

PART IV-- Casualties: Includes all motor vehicle accidents, boating, and snowmobile; public home occupational accidents, fires, suicides, sudden deaths, burning permits, and burning violations.

PART V-- Miscellaneous Public: Includes open doors, gun permit applications, suspicious activities, animal complaints, motorist assists, alarm calls, parking complaints, house checks, driving complaints, civil matters, family disputes, department assists.

The balance of the report shows the total number of incidents handled, miles driven and how the Public Safety Department received calls. If anyone should desire more detailed statistical data, please contact my office.

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West Hennepin Public Safety Department
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Monthly Activity Report July 2019

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	14	12	54	84
Traffic	174	150	1,007	1,087
Part III	9	8	66	53
Part IV	25	26	277	221
Part V	138	159	923	978
Total City of Independence	360	355	2,327	2,423
City Of Maple Plain				
Criminal	7	8	37	36
Traffic	60	102	426	671
Part III	6	3	36	20
Part IV	15	22	120	149
Part V	119	156	663	874
Total City Of Maple Plain	207	291	1,282	1,750
Grand Total Both Cities	567	646	3,609	4,173
TZD	8	13	145	86
Agency Assists	14	32	140	205
Total ICR Reports	589	691	3,894	4,464
How Received				
Fax	2	9	52	87
In Person	21	30	193	188
Mail	0	5	6	11
Other	1	1	11	18
Phone	41	38	278	261
Radio	170	218	1,181	1,287
Visual	302	332	1,924	2,327
Email	14	11	49	35
Lobby Walk In	38	47	200	250
Total	589	691	3,894	4,464

July 2019 Criminal Part I & II

City of Independence Grid #'s 3-5

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19003339	Forgery/ Electronic Funds	3	7/2/2019	U1200
WHPS	19003359	DANCO Violation	5	7/3/2019	N1390
WHPS	19003415	4th Degree DWI	5	7/6/2019	JGW01
WHPS	19003458	4th Degree DWI	3	7/8/2019	JGW01
WHPS	19003515	Theft	3	7/10/2019	T0229
WHPS	19003578	2nd Degree DWI	5	7/13/2019	JEW01
WHPS	19003641	Theft from Motor Vehicle	3	7/18/2019	TK991
WHPS	19003701	Felony 5th Degree Controlled Substance - Possession / Possession of Hypodermic Needle	5	7/20/2019	DH540
WHPS	19003770	Damage to Property	4	7/24/2019	P3119
WHPS	19003807	3rd Degree DWI	3	7/26/2019	JFW01
WHPS	19003817	Felony 1st Degree DWI / Felony 5th Degree Narcotics	3	7/27/2019	JDW01
WHPS	19003823	Assault	3	7/27/2019	A5353
WHPS	19003832	3rd Degree DWI / Possess Over 1.4 Grams Marijuana in Motor Vehicle	3	7/28/2019	JFW01
WHPS	19003853	Drugs-Small Amt of Marijuana in Motor Vehicle / Pharmacy - Drug Possession	5	7/29/2019	DC500

July 2019 Criminal Part I & II

City of Maple Plain Grid # 1-2

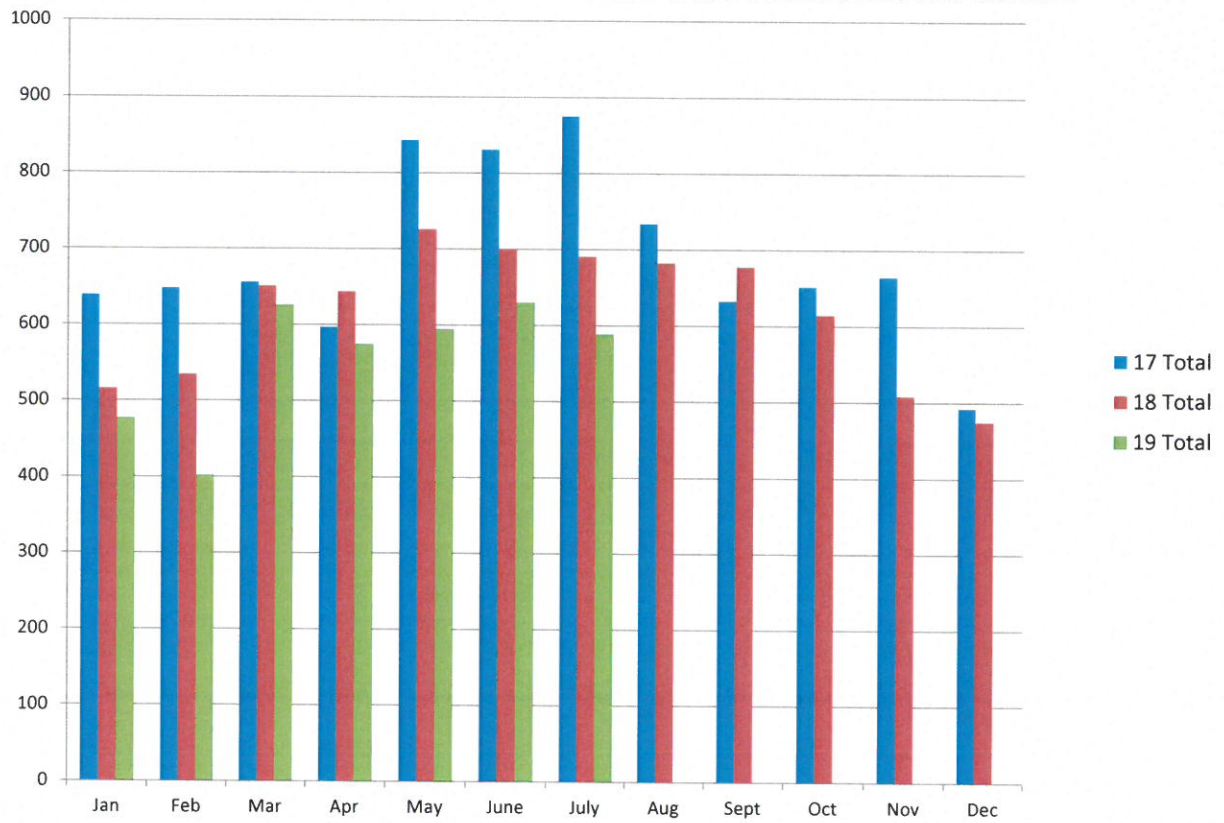
AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19003578	2nd Degree DWI / Open Bottle / Pharmacy - Drug Possession / DAR / Uninsured Driver	1	7/13/2019	JEW01
WHPS	19003673	4th Degree DWI - 5th Degree Controlled Substance Possession / Possession of Drug Paraphernalia / Open Bottle	1	7/18/2019	JGW01
WHPS	19003832	3rd Degree DWI / Possess over 1.4 grams Marijuana in Motor Vehicle	2	7/28/2019	JFW01
WHPS	19003848	Give Peace Officer False Name / 5th Degree Controlled Substance - Possession / Careless Driving	2	7/29/2019	DH570
WHPS	19003853	Drugs-Small Amt of Marijuana in Motor Vehicle / Drugs - Paraphernalia Possession	1	7/29/2019	DC500
WHPS	19003864	Felony 5th Degree Controlled Substance - Possession / Possess Ammo, Firearm /Firearms	2	7/30/2019	DH570
WHPS	19003866	Fraud Attempt / Stolen Check	1	7/30/2019	C09C2

July 2019 Criminal Part I & II

Towards Zero Death Grant Shift

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19003807	3rd Degree DWI	65	7/26/2019	JFW01
WHPS	19003848	Give Peace Officer False Name/ 5th Degree Controlled Substance Possession /DAR / Careless Driving	20	7/29/2019	DH570

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY JULY 2019 Activity Report

Year to Date Activity Report

At the end of July 31, 2019 West Hennepin Public Safety (WHPS) handled year-to-date a total of 3,894 incident complaints. For the month of July; 360 incidents occurred in Independence and 207 incidents were in Maple Plain.

The Criminal Part I and Part II cases for both cities have been highlighted for your review on the attached documents.

Recent Highlighted Cases:

Welfare Check

July 1 1500 Howard Ave. Maple Plain. Social worker for the building called stating a resident had not been seen or heard from for 7 days. Officer entered the apartment; the TV was on very loud and did not find anyone inside. Everything looked orderly. Officer locked the door and advised the social worker of his findings.

Gas Odor

July 1 1400 Meadow Lane, Maple Plain. Officers received a call of the smell of gasoline in the house. Maple Plain Fire responded as well. It was found the resident had spilled some unleaded fuel outside earlier in the day while moving the lawn. MPFD checked the residence with a monitor and it was found to be safe.

Semi-Trailer detached

July 2 5900 Hwy 12, Maple Plain. A six axle semi-tractor trailer was east on Hwy 12 and the driver felt the trailer shift and observed the trailer coming off the semi. The king pin came unhooked, brakes locked up and it came to a rest on the shoulder. The driver was issued a citation for the trailer not properly engaged.

DANCO Violation

July 3 CR 50 /Roy Road, Independence. Vehicle stopped for a crack in the windshield running across the width of the windshield. Contact with occupants found the male passenger had a DANCO (Domestic Abuse No Contact Order) in place prohibiting contact with the female driver. Passenger Joseph Donald Smith, 52 Chaska was arrested and transported to Hennepin County Jail for the DANCO violation.

Solicit without a Permit

July 4 Dispatched to a report of a white male in a blue shirt soliciting for a pest control business near Three Oaks Ave and Main Street in Maple Plain. Solicitor located: Brady Lawrence Abbott, 27 Maple Grove who did not have a solicitor permit for Maple Plain. Abbott was cited for Soliciting without a Permit and was instructed to stop soliciting for the company in Maple Plain.

Property Damage Crash

July 5 1500 Wyman Ave. Maple Plain. Business reported a car had run into their building the night prior. The west exterior wall had significant damage. While speaking with the caller an employee said she had been cited by West Hennepin Police on her way to work. When she arrived at work, she was stressed out and mixed up the pedals in the car and drove into the side of the building.

DWI

July 6 Vehicle was north on County Line road from Co Rd 11, Independence and accelerated at a high rate of speed of 55/45 mph. Driver Coleman William McKinley admitted to drinking. McKinley submitted a breath test which resulted in .10 breath alcohol concentration. McKinley was arrested for 4th Degree DWI and released.

Domestic

July 6 900 CR 19, Independence. Girlfriend reported her boyfriend had been drinking all day and they were arguing during the evening. Female called the police because she didn't want things to get any worse. Both persons agreed to separate and leave each other alone for the night.

Civil Matter

July 6 10:48 p.m. 1700 Perkins Lane, Maple Plain, Female reported her fiancé left with her van and left her in Maple Plain. Police advised this was a civil issue and not a stolen vehicle. Female did not have a place to stay and requested a ride to Delano.

Recovered Stolen Mail

July 6 11:31 p.m. 1700 Perkins Rd. Resident provided West Hennepin Officer a large stack of mail she just found inside a trailer in her driveway. The items were postmarked July 1 - July 4 range from multiple locations from around Maple Plain. The case is under investigation and the suspect is currently on probation.

Property Damage Crash

July 7 Driver stated she was west on CR 11 by CR 92 when a raccoon ran up on the road. She tried to drive around it and the vehicle drove into the ditch hitting a utility pole. Wright Hennepin Electric responded and determined the power pole would need to be replaced. The driver was wearing her seatbelt and towing company removed her vehicle from the ditch.

4th Degree DWI

July 8 12:32 a.m. CR 90 / Pagenkopf Rd, Independence. Officer observed vehicle cross the center line. While attempting to catch up with the vehicle the driver turned right causing the vehicle to go into the ditch. Contact with driver, Logan Rocky Juusola 28, of Independence submitted a breath test which resulted in .13 Breath Alcohol Concentration. Juusola was arrested for 4th Degree DWI and released at his residence.

Crash PI

July 8 Vehicle 1 was traveling west on Co Rd 6 and had slowed down to turn into a driveway at 5700 block of CR 6, Independence. Her vehicle was rear-ended and driver 2 stated she had fallen asleep. Driver 2 admitted using her mom's car because her vehicle has "whiskey plates". Driver 2 stated the cops would have seen her "whiskey plates" and run them, and well "that would be just stupid." Ri'Zae Ann Colenda La'R Robinson, 23 Brooklyn Center was cited for Driving after Revocation, No Insurance on MV and Careless Driving. Both vehicles had damage and Vehicle 2 was towed from the scene.

Traffic Complaint

July 8 4900 Independence St Maple Plain. Reported an ongoing issue of several dirt bikes driving past caller's residence at high speed and appeared to not be registered vehicles. Possibly the riders are late teen's and have been driving in the area most evenings. Area was checked and vehicles GOA.

Chase/ Pursuit

July 9 8:53 p.m. Officer observed a motorcycle traveling west on Co Rd 6 at 76 mph / 50 mph zone. The officer attempted to catch up and stop the motorcycle, but it took off at high rate of speed. It continued west on Co Rd 6 into Carver County. The area was checked by several squads, which did not locate the driver or motorcycle. Motorcycle is blue and white (paint brush splatter type design), with a pulsating rear brake light. Driver was wearing a white and blue helmet that matched the motorcycle. Case under investigation.

Theft

July 10 400 CR 110, Independence. Business reported advertisement signs are being stolen from their construction sites. The temporary plastic sign is put in the ground to advertise they are drilling a well. Other signs next to theirs were not stolen. Recently they have had a problem at several locations, many outside WHPS area.

Suspicious Act

July 13 12:20 a.m. 1500 Baker Park Rd, Maple Plain. Vehicle was found occupied with a male sleeping in the back of the truck. The male stated he had reservations for Baker Park Campground for the following day and had arrived early. He was advised camping in the lot was prohibited.

Suicidal Male

July 13 5:36 p.m. Officer dispatched for a suicidal male at Vinland National Center, Independence. 25 yoa male from Coon Rapids stated he was feeling suicidal and had a plan. The male stated he ran out of depression medication 3 days ago and this is when things started to unravel. The male requested transport to the hospital. North Ambulance EMS responded and transported him to the hospital.

2nd Degree DWI

July 13 Driving complaint of a vehicle crossing lines and weaving in the lane of traffic westbound on Hwy 12 at County line Rd, Independence. Driver Evan Lee Knollenberg, 26 of Loretto submitted a breath test which resulted in .09 Breath Alcohol Concentration. Knollenberg was arrested, transported and booked into Hennepin Co Jail for 2nd Degree DWI, No Proof of Insurance and Open Bottle.

Property Damage Crash

July 14 Veh 1 was traveling WB on Hwy 12 at Halgren Rd, Maple Plain when his vehicle was rear-ended by Veh 2. Driver of Veh 2 stated he looked up from his GPS/Cell Phone and struck Veh 1. The GPS/Cell Phone was in a mount, attached to the air vents above his radio. Both vehicles had damage and both were drivable from the scene. Driver 2 was cited for Failure to Drive with Due Care,

Driving Complaint

July 14 Hwy 12 / Halgren Road, Maple Plain. Traffic complaint called in on a vehicle that was swerving and braking. Officer contact with the 30 yoa female driver from Minnetrista who had two kids in car seats and she was trying to reach a 'nuk' for one of them. Driver was advised of the crashes and dangers of Hwy 12.

Welfare Check

July 15 5200 Hwy 12, Maple Plain Caller requested a welfare check on a female she had driven around for errands on Friday. Caller had to physically assist the woman out of the taxi van and was concerned about her all weekend. Incident was called in three days later. Contact with the female who stated she was fine overall; except some medication she was prescribed makes her dizzy at times. The female stated she did not need any assistance.

House Lightning Strike

July 15 Dispatched to a house fire/lighting strike call at 6200 Waldemar Way, Independence. The homeowner smelled smoke in the residence after lightning struck their home. Maple Plain FD responded to the residence and checked the interior and exterior of the residence with no visible signs of damage at that time but a smell of something burned was evident inside of the residence. A short time later MP Fire was called back as the homeowner discovered a charred item and wanted it investigated.

Suspicious Activity

July 17 8:45 a.m. 4900 Hwy 12, Maple Plain. Maple Plain Bank called and was concerned about a person sleeping in a vehicle in front of the bank. Officer contact with the driver who advised he is a customer and was waiting for the bank to open at 9:00. He works nights and just got off work at 7. The bank was advised of the Officer findings.

Suspicious Act

July 18 12:49 a.m. 5100 Main Street, Maple Plain. On routine patrol an officer observed a vehicle parked behind a closed business. Lights were on inside the business and the rear door was unlocked. Officer announced himself and made contact with a male who was cooking food; stated they were behind on prep so he was cooking and catching up. It was obvious the male worked there and no issues were found.

Theft

July 18 18 Golf Walk, Independence. Reported a wallet, cash, passport, credit cards, were stolen from his vehicle that was left unlocked in the parking lot. The Case is under investigation.

Allergic Reaction

July 18 Vinland Center, 3675 Ihduhapi Trail, Independence. Victim had been stung by a bee and was suffering from labored breathing and exhibiting other signs of anaphylaxis. Staff administered an epi pen prior to Officer arrival. Loretto Fire and North Memorial EMS assisted the victim.

Broken Bones

July 19 Camp Ihduhapi, 3425 Ihduhapi Trail, Independence. Victim was on a floatable mat in the bay and was running along the mat and slipped, dislocating his knee. Loretto Fire hospital by ambulance.

Parking Complaint

July 19 Parking complaint in 5600 block of Lake Sarah Heights of 3 cars parked in front of a residence that the caller did not recognize. Officer located the vehicles, did not appear to be a hazard and believed a nearby homeowner had some friends over. No criminal activity found. Officer notified the caller of his findings.

Medical

July 20 Dispatched for a male having a seizure at Vinland Center 3675 Ihduhapi Trail, Independence. Upon arrival the patient was alert and oriented. He stated he had missed his 7pm anti-seizure medication. Memorial EMS arrived and took over patient care.

Warrant Arrest

July 20 8:22 p.m. Officer observed a 59 yoa male who had a known active warrant for 5th Degree Drug Possession, walk out of a residence 7900 CR 6, Independence. Officer instructed the male to stop and he was under arrest. The male continued to walk away, entered his residence and locked the door. A female exited the house and left the door open. Officer announced himself multiple times and the male came out from where he was hiding and surrendered. He was arrested, transported and booked in Henn Co Jail for his warrant.

Fall

July 21 48 yoa male from Medina was riding his bicycle west on County Road 6, Independence when the chain fell off his bike and he flew over his handlebars hitting his head. The male was wearing his helmet and became dizzy when sitting up. North Memorial EMS transported him to the hospital.

Business Alarm

July 23 2:50 a.m. Dispatched for a business alarm covering a gate entry of a closed business at 5000 Industrial Street, Maple Plain. Officer found the gate closed and a security magnet disconnected. Key holder responded and viewed the cameras and observed a male figure near the gate entrance. Case under investigation.

Medical / Unconscious

July 23 Officer and Delano Fire Rescue responded for a female who was lying on the ground and unresponsive at 3000 Lake Sarah Rd, Independence. Patient was located lying on the floor in the horse barn. Bystanders stated the patient was complaining of a headache prior to becoming weak and was ultimately unresponsive. No traumatic injury had occurred. North Memorial EMS arrived, took over treatment and transported the patient to the hospital.

Damage to Property

July 24 A vehicle drove onto the homeowners grass, left the property and went through the ditch, striking the mailbox, destroying it and the wooden post in 3800 CR 90, Independence. No other yards or mailboxes were damaged in the neighborhood. The case is under investigation. The suspect driver in this incident was arrested later that afternoon for killing his mother and severely injuring his father in Maple Grove.

Property Damage

July 25 CR 92 / Pioneer Rd, Independence Officer responding to property damage report. The driver said he was driving south on County 92, Independence and a car nearly hit him while trying to overtake him on the bridge. He moved over to avoid hitting the car and his tractor pulling a bailer and hay wagon struck the guard rail for the CR 92 Bridge over Pioneer Creek. The car had continued on. The bailer was damaged and the axle was broken in half and was towed from the scene. Hennepin County Public Works was notified and responded to repair the guard rail. The driver was able to attach the hay wagon to his tractor and remove both from the scene. Damage was over \$1,000.00.

Trespassing Complaint

July 25 8400 Hitsman Lane, Independence. Reported someone drove on the property in a John Deer Gator. The supervisor stopped the person and told him he couldn't drive on the property. The driver told the supervisor that's where they access the property while horseback riding and he has permission from the property owner. The property owner has not given anyone permission to be accessing the property on horseback. Property Owner requested advice on how to stop people from trespassing.

3rd Degree DWI

July 26 Driving complaint of a vehicle driven the wrong way on CR 92 / CR 6, Independence went into the ditch and struck trees. Driver Kelly Marie Mulvehill, 39 of Minneapolis submitted a breath test which resulted in .17 breath alcohol concentration. Mulvehill was arrested, transported and booked in Hennepin County Jail for 3rd Degree DWI.

Assault

July 27 Reported received of two males fighting on the roadside at CR 11 / CR 90, Independence. Officers responded and prior to arrival dispatch advised both parties had left. The area was checked and contact was made with an involved party who stated a vehicle passed him at a high rate of speed and he followed it. The vehicle pulled over and the driver got out, walked up to his vehicle and began punching him. Party denied injury however he had bruises to his face and cuts to his hands. Case under investigation.

3rd Degree DWI

July 28 Hwy 12/ Baker Park Rd, Maple Plain. Officer observed a vehicle make an illegal U-turn at Hwy 12 / Co 90, Independence. Vehicle was stopped and the driver showed signs indicating impairment. Driver Jordan Tyler Mills, 25 of St. Paul provided a breath test resulting in .16 breath alcohol concentration. Mills was arrested, transported and booked in Hennepin Co Jail for 3rd Degree DWI and Possession of Marijuana in Motor Vehicle.

Threat / 72 Hour Hold

July 28 Reported a male left Vinland Center, 3675 Ihduhapi Trail, Independence and was walking on CR 11. Officer located the 46 yoa male from North Branch. The male was very animated and appeared to be in a manic and psychotic state. The male was disruptive towards staff and had threatened to kill or injure himself. Staff agreed they didn't want the male charged; they wanted him to get help at the hospital. The male was transported by North Memorial EMS to the hospital on a 72 emergency hour.

Assist

July 29 Reported there were two homeless people causing a disturbance; they had slept overnight and were at Rainbow Park, Maple Plain. Officer found a daughter and mother were picking grass out of the sand volley ball court. There was a large pile of grass next to their vehicle. They were packing up their storage unit and needed packaging protection for their glass items and wanted to know if Maple Plain would let them take the grass. Officer found the two females were not homeless and had not slept overnight at the park. No criminal activity found

Suspicious Act

July 29 1800 Newport Street, Maple Plain. Caller reported 3 weeks ago a suspicious male was riding his bike around the apartment buildings, looking into windows and walking around. Other residents have seen him and told the male to leave as he does not live at the apartment building. WHPS posted a Crime Alert Notice inside the 5 buildings, 5285 Manchester, 1875, 1880, 1885 & 1890. The property owner was contacted and advised of the activity. A few days later the suspect was located, and he lives in the area. He stated he stands outside the apartment buildings and uses the free WIFI so he can access his social media accounts. He was issued a no trespassing order and is not allowed near the apartment complexes.

Traffic Complaint – Arrest

July 29 12:46 p.m. Hwy 12/ Halgren Rd, Maple Plain. Officer responded to a traffic complaint and located the suspect vehicle at the Holiday Gas Station. Contact with the driver, a 41-year-old female from St Paul, revealed she is driving on a revoked driver's license. The 45-year-old passenger from Buffalo provided false info to the police officer and the driver aided and abetted the false info. The vehicle smelled of marijuana. Passenger had a felony warrant and was arrested, transported and released to Wright County Sheriff's Office. A search of the passenger's purse at jail revealed 3 small pieces of crystal methamphetamine. Passenger charged with 5th Degree Controlled Substance. Female driver was arrested, transported and booked into Henn Co Jail. Charges: Give Peace Officer False Name and Driving after Revocation.

Traffic Complaint – Arrest

July 29 7:44 p.m. Caller reported a vehicle was driving reckless and tailgating and both vehicles were pulled over. Both drivers claimed the other was driving poorly. While speaking with the 23 yoa male driver from Delano, Officer detected an overwhelming odor of burnt marijuana coming through the passenger window and in plain sight a glass canning jar with large buds of a green leafy substance consistent with marijuana. Driver acknowledged it was marijuana and consented to a search of the vehicle. A search located marijuana and drug paraphernalia. The driver was cited for Small Amount of MJ in MV and Possession of Drug Paraphernalia. Both parties advised to adjust their driving behavior.

Weapons Narcotics Violations

July 30 Joyce Street / Wyman Ave, Maple Plain. Vehicle parked alongside the road and the male driver was getting into the passenger seat of the vehicle. The 27 yoa male driver from New Ulm had a suspended drivers' license and was wearing a parole ankle bracelet. An inventory search of the vehicle found several hand guns and drugs. Both were arrested, transported and booked into Henn Co Jail for Felony Firearms Possess w/Altered Serial Numbers and 5th Degree Controlled Substance. 2nd passenger a 30 yoa female from New Ulm was released to her sister.

Fraud Attempt

July 30 4900 Hwy 12, Maple Plain. Reported an attempt to cash a check on a closed account that had been closed due to fraudulent activity. Case is under investigation.

Welfare Check

July 31 Reported a male was walking in the roadway of CR 110 / CR 6, Independence. Contact with the male who was trying to get to a friend's house after running out of gas. The male was not making sense and showed the officer a scar on his belly from a recent surgery. The male agreed to go to Abbot NW hospital where he had his surgery and be evaluated. North Memorial EMS transported him to the hospital.

Utility Theft

July 31 5200 Independence Street, Maple Plan. Landlord reported one of his tenants had attached to a gas line of a neighboring tenant. The case is under investigation.

239 contacts of citations, verbal and written warnings were issued for traffic and equipment violations.

City of Independence

Request for a Minor Subdivision to Permit a Lot Line Rearrangement and a Conditional Use Permit to Allow an Accessory Dwelling Unit on the Properties Located at 6050 Pagenkopf Road and 2465 Becker Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	September 3, 2019
<i>Applicant:</i>	George and Linda Betts
<i>Owner:</i>	George and Linda Betts
<i>Location:</i>	6050 Pagenkopf Road and 2465 Becker Road

Request:

George and Linda Betts (Applicants) request that the City consider the following action for the properties identified by (PID No.s 14-118-24-34-0003 and 14-118-24-34-0007) and located at 6050 Pagenkopf Road and 2465 Becker Road in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement to adjust the east west property line separating the properties to the north.
- b. A conditional use permit to allow the existing detached structure to be used as an accessory dwelling unit on the 6050 Pagenkopf Road property.

Property/Site Information:

There are two subject properties involved in the applicant's request. Both properties are located at the intersection of Pagenkopf and Becker Roads. There is a residential structure located on each property. 6050 Pagenkopf Road has two additional detached accessory structures. The property has a mixture of mature trees and open pasture/lawn.

Property Information: 6050 Pagenkopf Road

Zoning: *RR-Rural Residential*
Comprehensive Plan: *Rural Residential*
Acreage (before): 2.50 *acres*
Acreage (after): 2.98 *acres*

Property Information: 2465 Becker Road

Zoning: *RR-Rural Residential*
Comprehensive Plan: *Rural Residential*
Acreage (before): 3.60 *acres*
Acreage (after): 3.13 *acres*



Discussion:

The City allows 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 within a detached accessory building. The applicants have two properties with a residential structure located on each property. The applicants have historically used the residential structure located on the 2465 Becker Road property as a "mother-in-law" unit. It is apparent that the structure was constructed as a secondary dwelling due to the location of the structure, the lack of an independent access, the subordinate size of the second structure and the proximity of the structure to the principle residence on 6050 Pagenkopf Road. The applicants would like to adjust the east/west property line separating the two properties to the north to capture the secondary residential structure as an accessory dwelling unit on the 6050 Pagenkopf Road property. This lot line rearrangement would allow the 2465 Becker Road property to be developed with a new principle residential structure.

The existing accessory dwelling unit is comprised of two bedrooms, a bathroom, a kitchen, dining and family room area. In order to allow an accessory dwelling unit, the applicant will need to demonstrate that 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 utilize the existing detached accessory dwelling unit.

- (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 somewhat architecturally similar to the principal structure. The structure has siding and architectural features that 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 3,306 square feet of above ground space not including the basement. 33% of 3,306 square feet equals 1,091 square feet. The applicant is proposing to include the existing detached accessory structure which is a total of 1,100 square feet. The proposed square footage would be close (would round up 9 SF) to equal to the permitted maximum number of 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 RR-Rural Residential is 2% of the buildable (upland) lot area. In the after condition, the subject property would be 2.98 acres. This would allow a total of 2,596 SF of accessory structures to be constructed on the property. There are two existing detached accessory structures comprised of 830 SF and 200 SF which total 1,030 SF. With the additional 1,100 SF of the existing accessory dwelling unit added to the total square footage (2,130), the subject property would comply with applicable standards.

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

The existing accessory dwelling unit has permanent provisions for cooking; living and sanitation.

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

The existing accessory dwelling unit has two bedrooms.

- (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 existing detached accessory dwelling unit on the 2465 Becker Road property has an existing on-site septic system that is in working condition. The applicant is asking the City to consider allowing the existing detached accessory unit to continue to utilize the existing system rather than connecting to the septic system serving the principle residence. The City can condition approval of the CUP on this condition. If considered by the City, it is recommended that the condition stipulate that the accessory dwelling unit be connected to the principle system upon sale or transfer of the property.

- (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 subject property cannot be further subdivided and the location of the existing accessory dwelling unit to the north of the existing home would not impede the ability to subdivide the property or locate a secondary septic site if standards were changed in the future.

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

The existing detached accessory dwelling unit meets all applicable building codes.

^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 existing detached accessory dwelling unit has historically been used as an "mother-in-law" unit of the principle residence located on 6050 Pagenkopf Road. The historic use of the property and the relationship of the existing accessory dwelling unit to the principle structure would not change if the property line was adjusted to the north. The remaining property located at 2465 Becker Road would be required to meet all

applicable standards. A primary and secondary septic system will be required to be verified on the 2465 Becker Road property in the after condition.

2465 Pagenkopf Road

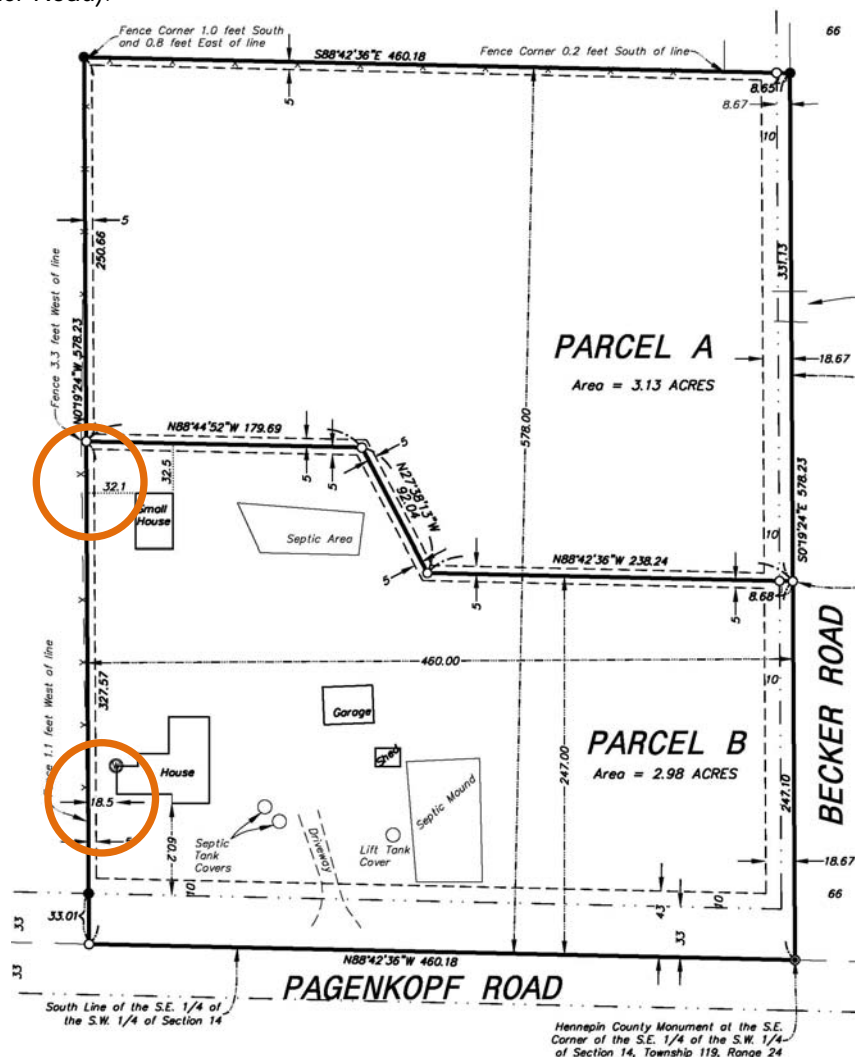
Minimum Lot Size Required: 2.5 acres

Minimum Lot Size Proposed: 3.13 acres

Road Frontage Required: 200 LF

Road Frontage Proposed: 341 LF

The 6050 Pagenkopf Road property will need to comply with applicable standards in the after condition. The applicant is proposing to adjust the north property line so that the existing accessory dwelling unit meets the applicable side yard setback of 15 feet (proposed 32.5 feet). The existing residential structure and the detached accessory dwelling unit do not currently meet the requisite rear yard setback standard of 40 feet. As such, they are considered legal non-conforming structures (front yard for both properties is considered Becker Road).



As proposed, the existing detached accessory dwelling unit appears to meet all applicable criteria established in the zoning ordinance with the exception of using the septic system for the principle structure and meeting the rear yard setback (existing condition). The 6050 Pagenkopf Road property has the capacity to accommodate the additional detached accessory structure square footage. 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 form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

Consideration for the proposed conditional use permit should weigh the impact of moving the lot line to allow the existing accessory dwelling unit to be located on the 6050 Pagenkopf Road property. The historic use of both properties will essentially remain the same in the after condition. The applicant has used the detached accessory dwelling unit as a "mother-in-law" apartment since it was originally constructed. The Becker Road property will become an available buildable lot. The location of the existing accessory dwelling unit and its compliance with most applicable standards would allow the City to consider approval of the conditional use permit. The proposed minor subdivision to allow a lot line rearrangement can only be considered at this time if the City recommends approval of the conditional use permit for the detached accessory dwelling unit. The City will need to find that the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

The following conditions should be considered for inclusion if approved by the City:

- The 6050 Pagenkopf Road property has a fully compliant septic system. The applicant will need to provide verification that the 2465 Becker Road property can accommodate a primary and secondary septic system.
- Upon the sale or transfer in title or ownership of the 6050 Pagenkopf Road property, the existing detached accessory dwelling unit shall be connected to the principle residence septic system.
- The applicant is proposing to dedicate the requisite drainage and utility easements to the City for both properties. The City will require that the applicant deed the easements to the City.
- 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 and possibly a variance 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 or the minor subdivision.

Planning Commission Discussion:

Planning Commissioners reviewed the requested application and asked questions of staff and the applicant. Commissioners discussed the historic use of the structure in relation to the existing home. Commissioners asked for clarification relating to the septic system provision that would allow the existing accessory dwelling unit to stay connected to the existing septic system until there is a sale or transfer of the southern property. Commissioners discussed the remaining property and where the property access would be for the north property on Becker Road. The Planning Commission ultimately found that the criteria for granting a conditional use permit and minor subdivision have been satisfied by the applicant and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the requested conditional use permit and minor subdivision with the following findings and conditions:

- A. The proposed conditional use permit and minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
- B. The conditional use permit will be issued subject to the following Conditions:
 - 1. The existing 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 and possibly a variance following all applicable procedures.

2. Upon the sale or transfer in title or ownership of the 6050 Pagenkopf Road property, the existing detached accessory dwelling unit shall be connected to the principle residence septic system.
- C. Prior to the City Council placing the Conditional Use Permit into effect, the applicant shall provide the City with the following items:
- The Applicant will need to provide verification that the 2465 Becker Road property can accommodate a primary and secondary septic system.
 - The Applicant shall provide, execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
 - The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit and minor subdivision.
- D. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Before and After Site Plan Exhibits
2. Application



PLANNING APPLICATION

Case No. _____

Type of application

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

Site Location— Additional addresses on back and legal description attached

Property address 2465 Becker Rd Maple Plain, MN 55359 PID 14-118-24 34 0007

Proposal -Full documentation must accompany application

Lot /line re-alignment between 6050 Pagenkopf Rd and
2465 Becker Rd.

Applicant

Name George D. Betts and Linda R. Betts Email gbetts@bettsandhayes.com

Address 6050 Pagenkopf Rd Maple Plain MN 55359

Phone 763 479 2789 Additional phone/contact 612 744 3923

Printed Name George D. Betts Signature George D. Betts
Linda R. Betts Linda R. Betts

Owner Information (if different from applicant)

Name _____ Email _____

Address _____

Phone _____ Additional phone/contact _____

Printed Name _____ Signature _____

Office Use Only

Date 5/21/2019

Application Amount 1,250

Check # 10481

Accepted By [Signature]

Escrow Paid 750

Check # 10481

Date Accepted by Planner _____

City of Independence

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

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

Application for Planning Consideration Fee Statement

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

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

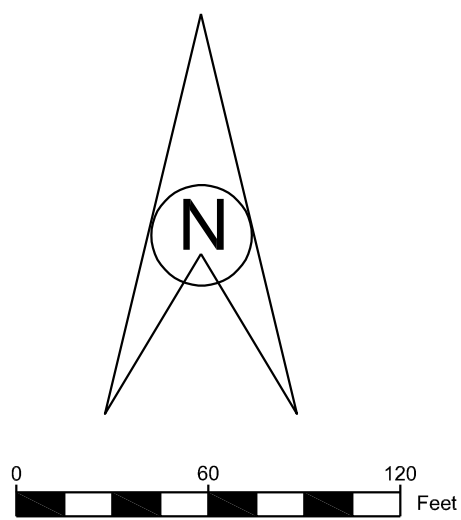
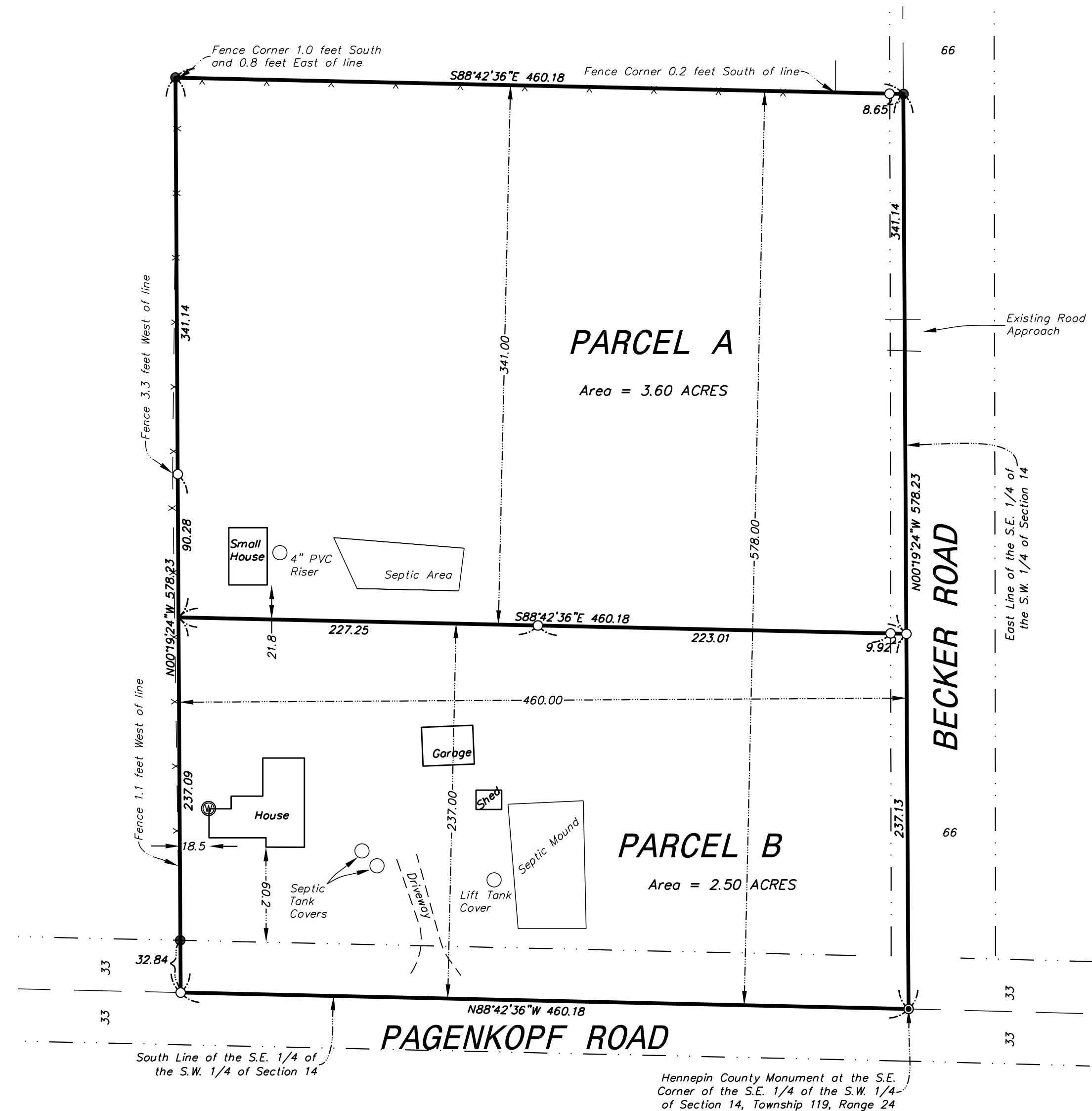
Applicant Signature: 

Date: 5/20/19

Owner Signature (if different): _____

Date: _____

Certificate of Survey Before



EXISTING LEGAL DESCRIPTIONS

Parcel A:

The North 341.00 feet of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

Parcel B:

The South 237.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

Certificate of Survey on part of the S.E. 1/4 of the S.W. 1/4 of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

Revised:

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

Paul E. Otto
Paul E. Otto
License #40062 Date: 6-17-19

Requested By:

George Betts

Date:

6-10-19

Drawn By:

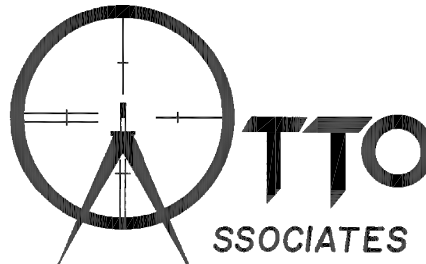
M.L.O.

Scale:

1"=60'

Checked By:

P.E.O.



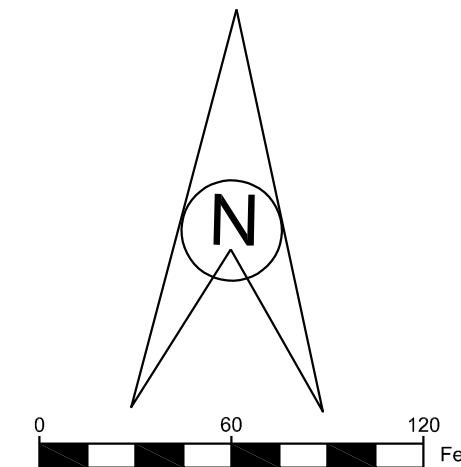
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

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

Project No.

19-0273

Certificate of Survey After



--- denotes proposed drainage and utility easement

the South 5.00 feet, and the West 10.00 feet of the East 18.67 feet of the following described property:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Northerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Parcel B:

A drainage and utility easement over, under, and across the North 5.00 feet, the West 5.00 feet, and the North 10.00 feet of the South 43.00 feet and the West 10.00 feet of the East 18.67 feet of the following described property:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

PROPOSED PROPERTY DESCRIPTIONS

Parcel A:

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Parcel B:

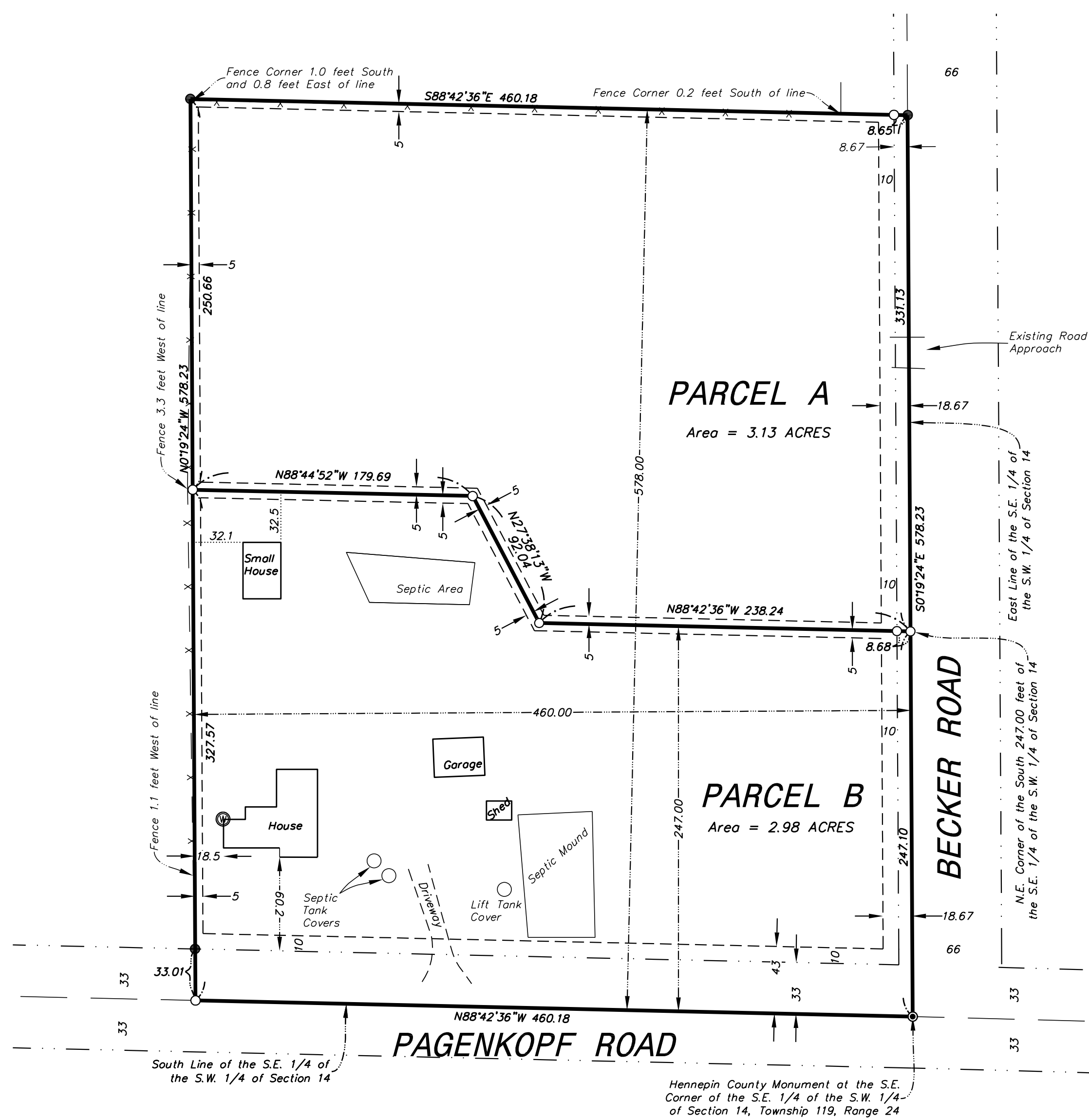
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Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

PROPOSED DRAINAGE AND UTILITY EASEMENTS

Parcel A:

A drainage and utility easement over, under, and across the North 5.00 feet, the West 5.00 feet,



Certificate of Survey on part of the S.E. 1/4 of the S.W. 1/4 of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

Revised: 7-25-19 Adjusted property line

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

Paul E. Otto
Paul E. Otto
License #40062 Date: 7-25-19

Requested By:

George Betts

Date:	Drawn By:	Scale:	Checked By:
6-10-19	M.L.O.	1"=60'	P.E.O.



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

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

Project No. 19-0273



RESOLUTION NO. 19-0903-01

A RESOLUTION GRANTING APPROVAL OF A MINOR SUBDIVISION TO ALLOW A LOT LINE REARRANGEMENT BETWEEN THE PROPERTIES LOCATED AT 6050 PAGENKOPF ROAD AND 2465 BECKER ROAD

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, George and Linda Betts (the “Applicant”) submitted a request for a minor subdivision to allow the lot line rearrangement between the properties located at 6050 Pagenkopf Road and 2465 Becker Road and identified by (PID No.s 14-118-24-34-0007 and 14-118-24-34-0003) (the “Properties”); and

WHEREAS, the Properties are legally described on Exhibit A attached hereto; and

WHEREAS, the subdivision is further depicted on Exhibit B attached hereto; and

WHEREAS, the Properties are zoned RR-Rural Residential; and

WHEREAS the requested Minor Subdivision meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on July 16, 2019 to review the application for the Minor Subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by

George and Linda Betts for a minor subdivision to permit a lot line rearrangement per the City's zoning regulations with the following conditions:

1. The proposed minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions, in the City of Independence Ordinances.
2. City Council approval shall be subject to the following:
 - The Applicant will need to provide verification that the 2465 Becker Road property can accommodate a primary and secondary septic system.
 - The Applicant shall provide, execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
 - 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.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of September 2019, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

PROPOSED PROPERTY DESCRIPTIONS

Parcel A:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Northerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Parcel B:

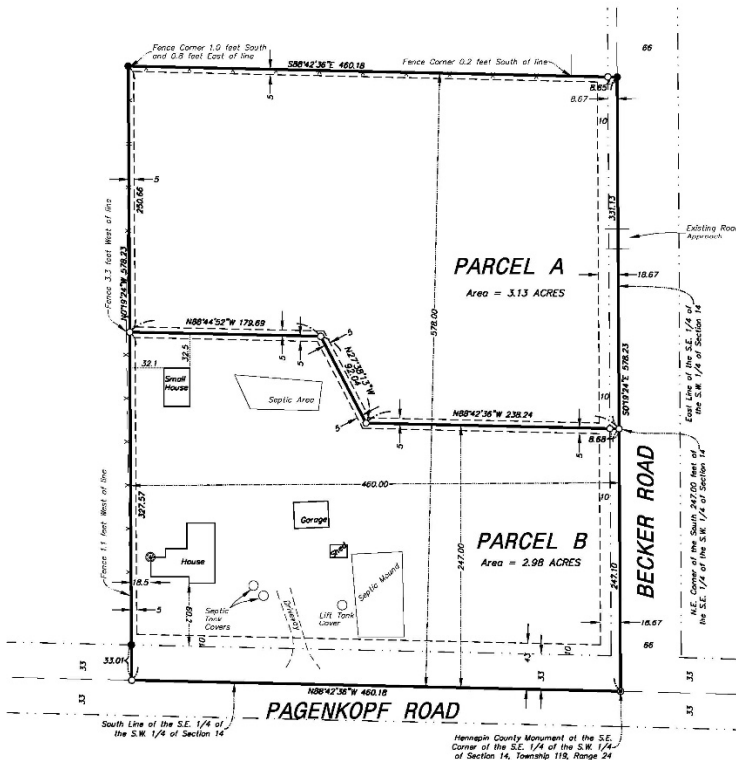
That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

EXHIBIT B

(Subdivision)

Certificate of Survey After



PROPOSED PROPERTY DESCRIPTIONS

Parcel A:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Northerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Parcel B:

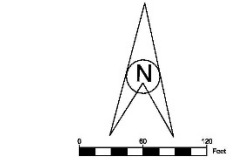
That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

PROPOSED DRAINAGE AND UTILITY EASEMENTS

Parcel A:

A drainage and utility easement over, under, and across the North 5.00 feet, the West 5.00 feet,



--- denotes proposed drainage and utility easement

the South 5.00 feet, and the West 10.00 feet of the East 18.67 feet of the following described property:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Northerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Parcel B:

A drainage and utility easement over, under, and across the North 5.00 feet, the West 5.00 feet, and the North 10.00 feet of the South 43.00 feet and the West 10.00 feet of the East 18.67 feet of the following described property:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Certificate of Survey on part of the S.E. 1/4 of the S.W. 1/4 of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

Revised:
7-25-19 Adjusted property line

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

Paul E. Otto
License #40062 Date: 7-25-19

Requested By:

George Betts

Date: 6-10-19

Drawn By: M.L.O.

Scale: 1"=60'

Checked By: P.E.O.



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

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

Project No. 19-0273



RESOLUTION NO. 19-0903-02

A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT ON THE PROPERTY LOCATED AT 6050 PAGENKOPF ROAD

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, George and Linda Betts (the “Applicant”) submitted a request for a Conditional Use Permit to allow an accessory dwelling unit on the property located 6050 Pagenkopf Road and Identified by (PID No. 14-118-24-34-0007) (the “Property”); and

WHEREAS, the Property is legally described on Exhibit A attached hereto; and

WHEREAS, the Property is zoned RR-Rural Residential; and

WHEREAS the requested conditional use permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on July 16, 2019 to review the application for the conditional use permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by George and Linda Betts for a conditional use permit with the following conditions:

1. The proposed conditional use permit requests meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The conditional use permit will be issued subject to the following Conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. The existing 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 and possibly a variance following all applicable procedures.
 - c. Upon the sale or transfer in title or ownership of the 6050 Pagenkopf Road property, the existing detached accessory dwelling unit shall be connected to the principle residence septic system.
 - d. The accessory structure shall not be permitted as a second principle structure on the property.
 - e. The use of the ADU is 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.
3. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
4. The Applicant shall record the City Council Resolution with the county within six (6) months of approval.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of September 2019, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

PROPOSED PROPERTY DESCRIPTIONS

Parcel A:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Northerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

Parcel B:

That part of the South 578.00 feet of the East 460.00 feet of the Southeast Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, that lies Southerly of the following described line:

Beginning at the Northeast corner of the South 247.00 feet of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 42 minutes 36 seconds West, along the North line of said South 247.00 feet, a distance of 238.24 feet; thence North 27 degrees 38 minutes 13 seconds West, a distance of 92.04 feet; thence North 88 degrees 44 minutes 52 seconds West, a distance of 179.69 feet to the West line of said East 460.00 feet of the Southeast Quarter of the Southwest Quarter and said line there terminating.

City of Independence

Request for a Minor Subdivision to Allow a Lot Line Rearrangement on the Properties Located at 5215 and 5175 Sunset Lane

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: September 3, 2019
Applicant: Laura Dwyer
Owner: Laura Dwyer and Tyler and Dayna Stephenson
Location: 5215 and 5175 Sunset Lane

Request:

Laura Dwyer (Applicant/Owner) requests that the City consider the following action for the properties located at 5215 and 5175 Sunset La. (PID No. 01-118-24-31-0002 and 01-118-24-42-0028) in Independence, MN:

- a. A Minor Subdivision to consider a lot line rearrangement for the properties located 5215 and 5175 Sunset Ln. The lot line rearrangement would allow for a portion of the property currently attached to 5175 Sunset Ln. to be combined with 5215 Sunset Ln.

Property/Site Information:

The property is located on the south side of Sunset Lane near the intersection of Sunset Lane and Lake Sarah Heights Drive. There is an existing residence located on each of the respective properties. 5175 Sunset Lane has lakeshore access on Lake Sarah. The properties have the following characteristics:

Property Information: 5215 Sunset Lane

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: Before – *0.84 acres*
After – *0.97 acres*

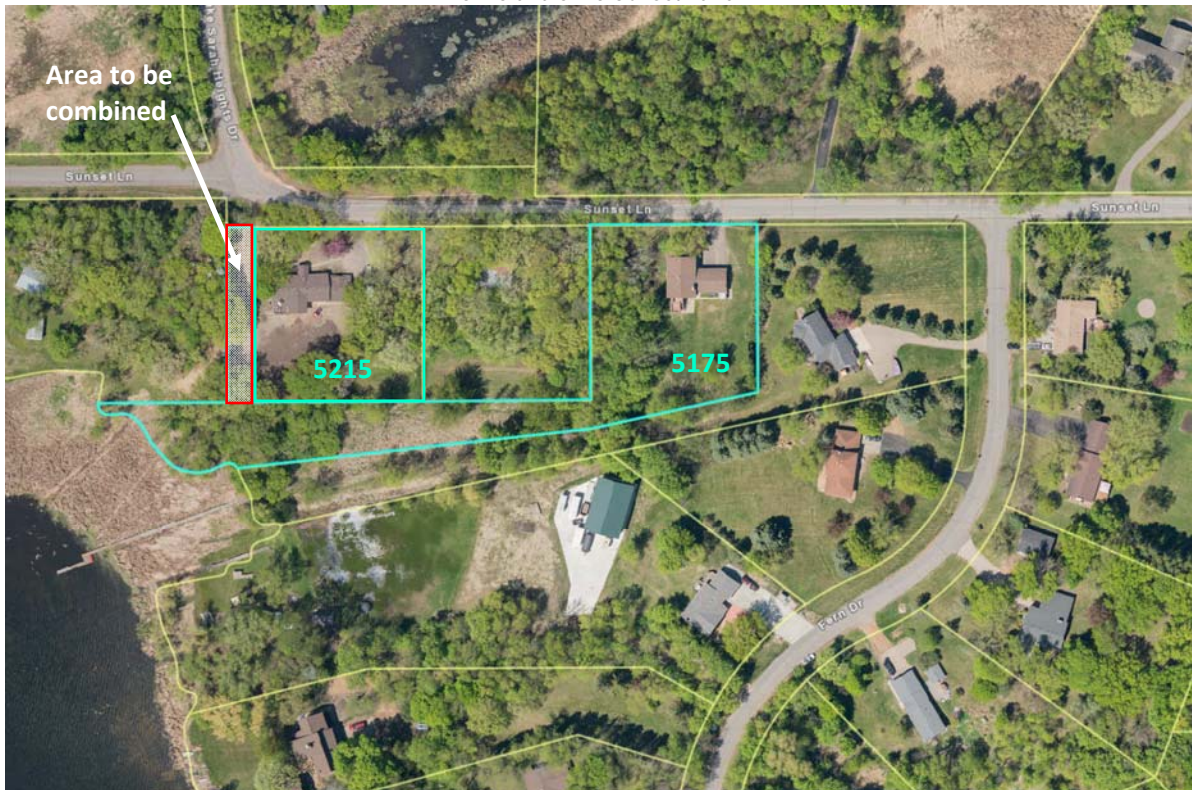
Property Information: 5175 Sunset Lane

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: Before – *1.67 acres*
After – *1.54 acres*

5215 and 5175 Sunset Lane



Discussion:

The applicant is seeking a minor subdivision to allow a lot line rearrangement that would allow the property located at 5215 Sunset Lane to capture a “strip” of land directly adjacent and currently belonging to the property located at 5175 Sunset Lane. The 30-foot-wide piece of property appears to have been attached to the 5175 Sunset property to provide access to the western portion of the property along the lakeshore. There is an existing low area between the house on 5175 Sunset Lane and the lake frontage which can restrict access to the shoreline in wet years. The subject 30 foot wide strip of land has historically been maintained by the owners of 5215 Sunset Lane. The two property owners have worked out an agreement that would allow the property to be combined with 5215 Sunset Lane. In exchange for the sale of the property, the owners of 5215 Sunset Lane would grant an access easement back to the owners of 5175 Sunset Lane.

5215 Sunset Lane is considered a legal non-conforming lot by the City. The minimum lot size for sewered properties located in the Shoreland Overlay district is one acre. In addition, the property located at 5215 Sunset Lane received a side yard and front yard setback variance in 2017 to allow the expansion of the existing home. Should the City approve the minor subdivision, the existing home would come into conformance with the requisite side yard setback. The 5175 Sunset Lane property is a legal property.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. The lot line rearrangement does not appear to impact either property or create any additional non-conformities.
2. The side yard setback of the existing home on the 5215 Sunset Lane property would be conforming in the after condition.
3. Both properties are connected to City sewer.
4. The minor subdivision would clean up both properties and align with the historical use and maintenance of the properties.

Neighbor Comments:

The City has not received any written comments pertaining to the request for a lot line rearrangement and no comments were made at the Planning Commission Public Hearing.

Planning Commission Discussion:

Planning Commissioners reviewed the requested application and asked questions of staff and the applicant. Planning Commissioner's clarified that the applicant was maintaining an access easement across the property and that it would run in perpetuity with the land. The Planning Commission ultimately found that the criteria for approving a minor subdivision have been satisfied by the applicant and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the requested minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in 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.

Attachments:

1. Application
2. Surveys (Before and After)

**RECEIVED**

7-9-19

PLANNING APPLICATION

Case No.

Type of application

- ☒ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication
- ☐ Rezoning ☐ Conditional Use Permit ☐ Variance ☐ Ordinance Amendment ☐ Subdivision
- ☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan ☐ Final Site & Building Plan ☒ Other minor subdivision Lot line adjustment / rearrangement

Site Location— Additional addresses on back and legal description attached

Property address 5215 Sunset Lane

PID 0111824310002

Proposal -Full documentation must accompany applicationLot Line Rearrangement -see all attached**Applicant**

Name Laura L Dwyer Email DWLA0001@hotmail.com

Address 5215 Sunset Lane Independence, MN 55357

Phone 701-226-9192 Additional phone/contact corey deffling 651-248-2707

Printed Name Laura L Dwyer Signature Laura L Dwyer

Owner Information (if different from applicant)

Name Email

Address

Phone Additional phone/contact

Printed Name Signature

Office Use Only

Date

7-9-19

Application Amount

750.00 + 1250.00

Check #

11940 + 2092

Accepted By

TG

Escrow Paid

Check #

Date Accepted by Planner

City of Independence

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

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

Application for Planning Consideration Fee Statement

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

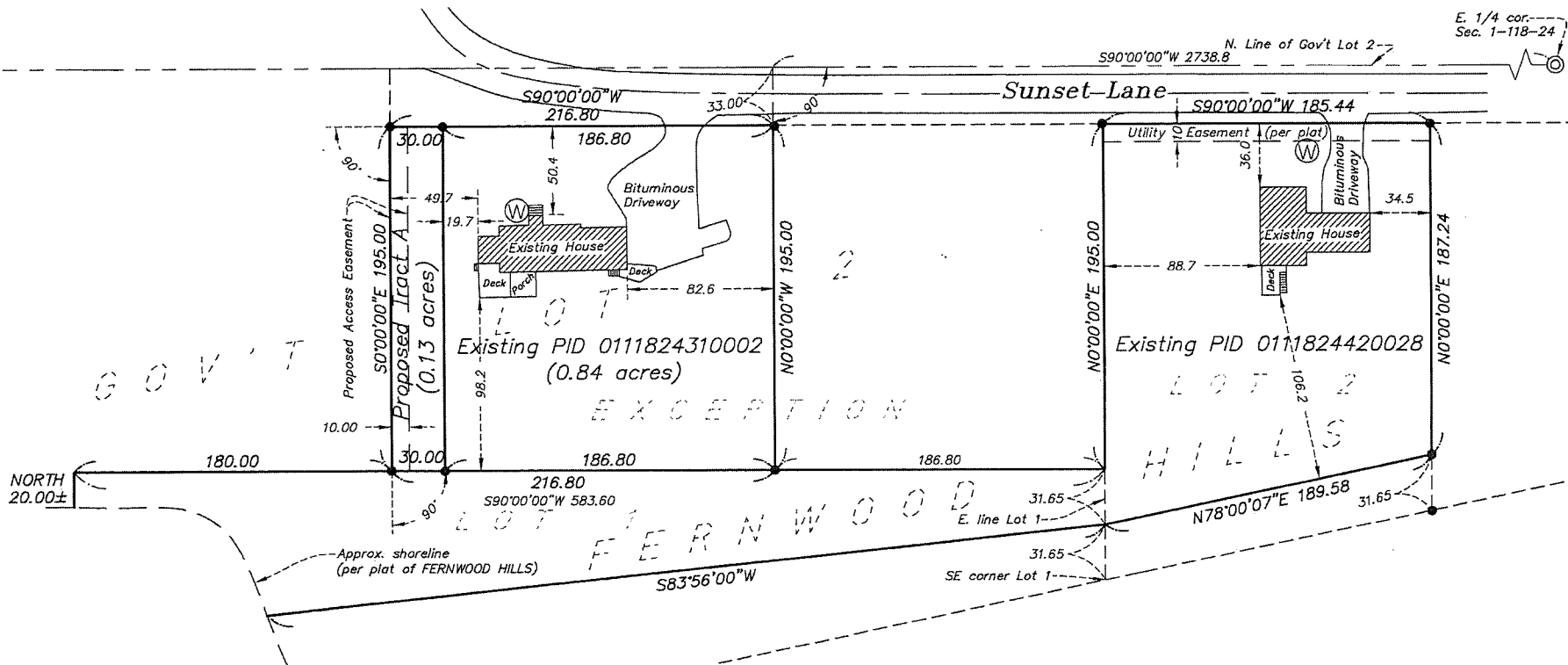
I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: Laura L. Dwyer

Date: 7-9-19

Owner Signature (if different): _____

Date: _____



SCHOBORG
LAND SERVICES
INC.

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: July 2, 2019 Registration No. 48328

Job Number: 8345
Survey Date: 6-17-19
Drawing Name: oeffling.dwg
Drawn by: KLB
Revisions: 7-02-19 (easements)

Certificate of Survey

Prepared for:
Corey Oeffling and Laura Dwyer

Existing Description PID 0111824310002 (5215 Sunset Lane, Independence):

That part of Government Lot 2, Section 1, Township 118, Range 24, described as follows:

Commencing at a point on the north line of said Government Lot 2, a distance of 2738.8 feet West of the East Quarter corner of said Section 1; thence South at right angles with said north line 33 feet to the point of beginning of the property being described; thence West parallel with said north line 186.8 feet; thence deflecting left 90 degrees a distance of 195 feet; thence deflecting left 90 degrees a distance 186.8 feet; thence North to the point of beginning, Hennepin County, Minnesota.

Existing Description PID 0111824420028 (5175 Sunset Lane, Independence):

That part of Lot 2, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the southerly 31.65 feet thereof, measured along the east and west lines thereof.

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line and the easterly and westerly extensions thereof which bears South 83 degrees 56 minutes 00 seconds West, and which commences at a point in the east line of said Lot 1, distance 31.65 feet north of the southeast corner of said Lot 1, and terminates at the westerly line of said Lot 1. The east line of said Lot 1 bears North.

"Released Property" Proposed Tract A Description:

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

Proposed Access Easement:

An easement for ingress and egress purposes over, under and across the west 10.00 feet of that part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

"Retained Property" Proposed Description for 5215 Sunset Lane, Independence:

That part of Government Lot 2, Section 1, Township 118, Range 24, and of that part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, all in Hennepin County, Minnesota, described as follows:

Commencing at a point on the north line of said Government Lot 2, a distance of 2738.8 feet West of the East Quarter corner of said Section 1; thence South at right angles with said north line 33 feet to the point of beginning of the property being described; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet; thence deflecting left 90 degrees a distance 216.80 feet; thence North to the point of beginning.

Subject to an easement for ingress and egress purposes over, under and across the west 10.00 feet thereof.

"Retained Property" Proposed Description for 5175 Sunset Lane, Independence:

That part of Lot 2, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the southerly 31.65 feet thereof, measured along the east and west lines thereof.

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line and the easterly and westerly extensions thereof which bears South 83 degrees 56 minutes 00 seconds West, and which commences at a point in the east line of said Lot 1, distance 31.65 feet north of the southeast corner of said Lot 1, and terminates at the westerly line of said Lot 1. The east line of said Lot 1 bears North.

Except that part of said Lot 1, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

Reserving there from an easement for ingress and egress purposes over, under and across the west 10.00 feet of said exception.

Bearings based on assumed datum.



763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Job Number:	8345
Survey Date:	6-17-19
Drawing Name:	oeffling.dwg
Drawn by:	KLB
Revisions:	7-02-19 (easements)

Boundary Descriptions

Prepared for:
Corey Oeffling and Laura Dwyer

3995543

BY James A. Hoge DIRECTOR
James A. Hoge DEPUTY
 THIS CERTIFICATE IS VALID FOR THE EXPIRATION DATE OF 1973 JULY 20

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

That part of Lot 1, Block 1, FERNWOOD HILLS lying north of the westerly extension of the south line of the following described property:

That part of Government Lot Two (2), Section 1, Township 118, Range 24, described as follows: Commencing at a point on the North line of said Government Lot 2, a distance of 2738.8 feet West of the East quarter corner of said Section 1; thence South at right angles with said North line 33 feet to the point of beginning of the property being described; thence West parallel with said North line 186.8 feet; thence deflecting left 90 degrees a distance of 195 feet; thence deflecting left 90 degrees a distance of 186.8 feet; thence North to the point of beginning, Hennepin County, Minnesota.

If a licensed surveyor recommends a different legal description which essentially describes the same property as described above, the Parties agree to substitute the surveyor's description in this Agreement and utilize that description in the Deed.

EXHIBIT B

EASEMENT AGREEMENT

See attached.



RESOLUTION NO. 19-0903-03

A RESOLUTION GRANTING APPROVAL OF A MINOR SUBDIVISION TO ALLOW A LOT LINE REARRANGEMENT BETWEEN THE PROPERTIES LOCATED AT 5215 AND 5175 SUNSET LANE

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Laura Dwyer (the “Applicant”) submitted a request for a minor subdivision to allow the lot line rearrangement between the properties located at 5215 and 5175 Sunset La. (the “Properties”) and identified by (PID No.s 01-118-24-31-0002 and 01-118-24-42-0028); and

WHEREAS, the Properties are legally described on Exhibit A attached hereto; and

WHEREAS, the subdivision is further depicted on Exhibit B attached hereto; and

WHEREAS, the Properties are zoned RR-Rural Residential; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on August 20, 2019 to review the application for the minor subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by

Laura Dwyer for a minor subdivision to permit a lot line rearrangement per the City's zoning regulations with the following conditions:

1. The proposed minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions, in the City of Independence Ordinances.
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.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of September 2019, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A (Legal Description)

Existing Description PID 0111824310002 (5215 Sunset Lane, Independence):

That part of Government Lot 2, Section 1, Township 118, Range 24, described as follows:

Commencing at a point on the north line of said Government Lot 2, a distance of 2738.8 feet West of the East Quarter corner of said Section 1; thence South at right angles with said north line 33 feet to the point of beginning of the property being described; thence West parallel with said north line 186.8 feet; thence deflecting left 90 degrees a distance of 195 feet; thence deflecting left 90 degrees a distance 186.8 feet; thence North to the point of beginning, Hennepin County, Minnesota.

Existing Description PID 0111824420028 (5175 Sunset Lane, Independence):

That part of Lot 2, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the southerly 31.65 feet thereof, measured along the east and west lines thereof.

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line and the easterly and westerly extensions thereof which bears South 83 degrees 56 minutes 00 seconds West, and which commences at a point in the east line of said Lot 1, distance 31.65 feet north of the southeast corner of said Lot 1, and terminates at the westerly line of said Lot 1. The east line of said Lot 1 bears North.

"Released Property" Proposed Tract A Description:

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

Proposed Access Easement:

An easement for ingress and egress purposes over, under and across the west 10.00 feet of that part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

"Retained Property" Proposed Description for 5215 Sunset Lane, Independence:

That part of Government Lot 2, Section 1, Township 118, Range 24, and of that part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, all in Hennepin County, Minnesota, described as follows:

Commencing at a point on the north line of said Government Lot 2, a distance of 2738.8 feet West of the East Quarter corner of said Section 1; thence South at right angles with said north line 33 feet to the point of beginning of the property being described; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet; thence deflecting left 90 degrees a distance 216.80 feet; thence North to the point of beginning.

Subject to an easement for ingress and egress purposes over, under and across the west 10.00 feet thereof.

"Retained Property" Proposed Description for 5175 Sunset Lane, Independence:

That part of Lot 2, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the southerly 31.65 feet thereof, measured along the east and west lines thereof.

That part of Lot 1, Block 1, FERNWOOD HILLS, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line and the easterly and westerly extensions thereof which bears South 83 degrees 56 minutes 00 seconds West, and which commences at a point in the east line of said Lot 1, distance 31.65 feet north of the southeast corner of said Lot 1, and terminates at the westerly line of said Lot 1. The east line of said Lot 1 bears North.

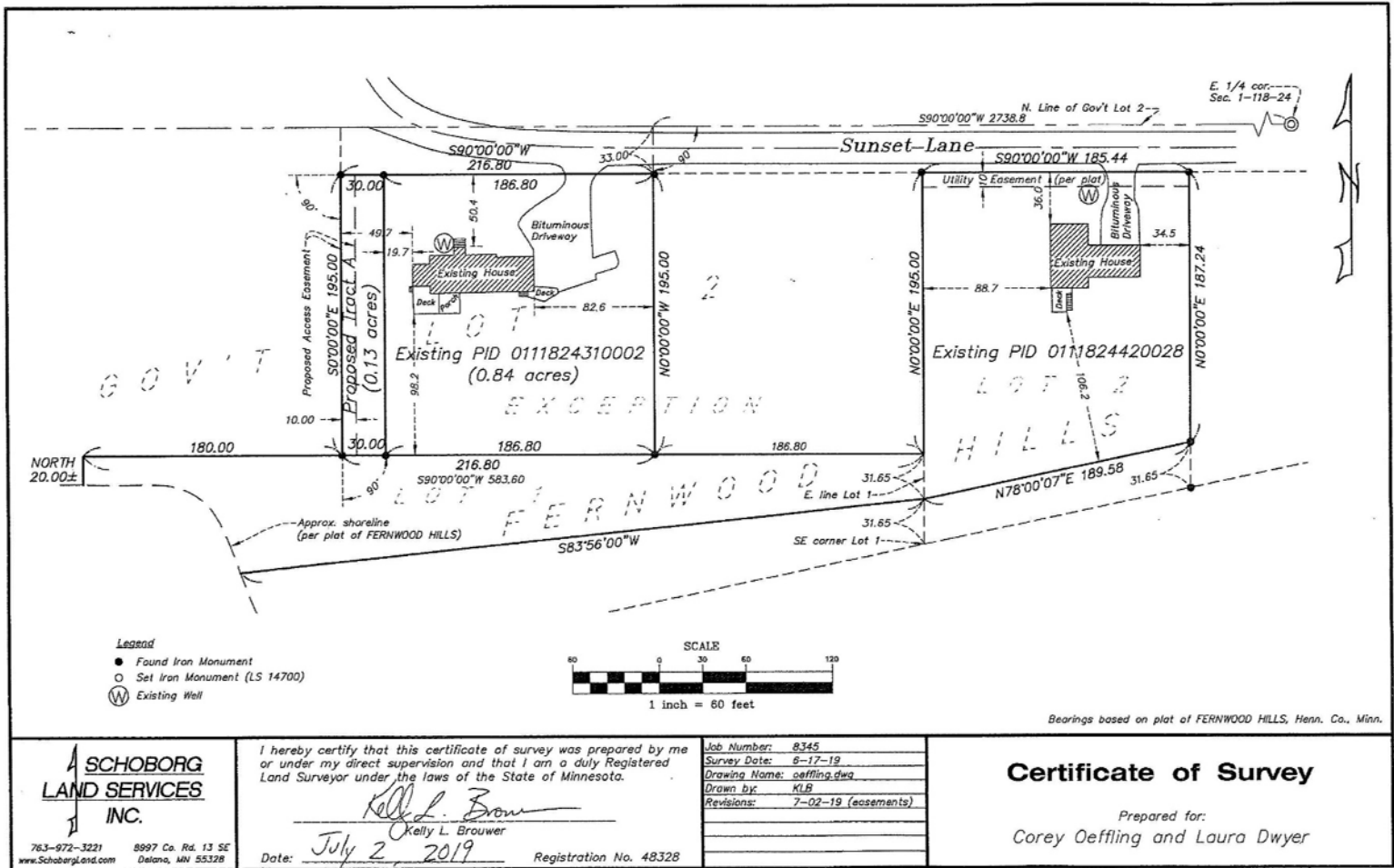
Except that part of said Lot 1, lying northerly of a line described as follows:

Commencing at a point on the north line of Government Lot 2, Section 1, Township 118, Range 24, a distance of 2738.8 feet West of the East Quarter corner thereof; thence South at right angles with said north line 33 feet; thence West parallel with said north line 216.80 feet; thence deflecting left 90 degrees a distance of 195 feet to the point of beginning of the line to be described; thence deflecting left 90 degrees a distance 30.00 feet and said line there terminating.

Reserving there from an easement for ingress and egress purposes over, under and across the west 10.00 feet of said exception.

EXHIBIT B

(Subdivision)



City of Independence

Request for a Conditional Use Permit and Variance on the Property located 7220 Turner Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	September 3, 2019
<i>Applicant:</i>	Sharratt Design & Company
<i>Property Owner:</i>	Curt Marks
<i>Location:</i>	7220 Turner Road

Request:

Sharratt Design & Company (Applicant) and Curt Marks (Owner) request that the City consider the following actions for the property identified by (PID No. 28-118-24-14-0006) and located at 7220 Turner in Independence, MN:

- a. A Conditional Use Permit to allow an accessory dwelling unit.
- b. A Conditional Use Permit to allow an accessory structure larger than 5,000 SF.
- c. A variance to allow an accessory structure that is taller than the principal structure.

Property/Site Information:

The property is located on the north side of Turner Road between CSAH 90 and CSAH 92. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and a small wetland. The property has the following characteristics:

Property Information: 7220 Turner Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *21.46 acres*



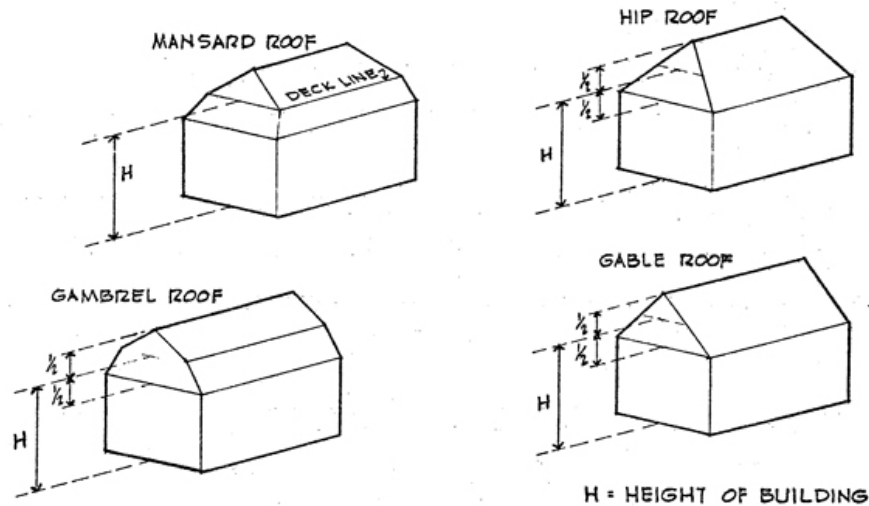
Discussion:

The property owner currently has an existing home with large barn and indoor riding arena on the subject property. The City granted a conditional use permit in 2018 to allow use of the property for a commercial riding stable. The property owner is now interested in constructing a new detached accessory structure on the property that is larger than 5,000 SF, is taller than the principle residence and houses an accessory dwelling unit.

The owner would like to construct a new detached accessory structure for personal use as a multipurpose recreation building. The proposed building would be a multi-story building comprised of approximately 6,000 SF on the first floor and 3,000 SF on the second floor. The building would have a garage, game room, accessory dwelling unit, office, kitchen and other similar and associated recreation space.

All accessory structures greater than 5,000 SF require a conditional use permit. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of a detached accessory structure shall not exceed the height of the principle structure.

³ The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.



The existing home on the property is one story home with a mean height of 24 feet (total height of 28). The applicant would like the City to permit the detached accessory building to have a mean height of 28 feet (total height of 36 feet). In order for the applicant to construct a building higher than that which is permitted, the City will need to consider granting a 4-foot 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 Agriculture Zoning District. The City is currently working on revising the ordinance to provide a method for permitting detached accessory structures that exceed the height of the home.
- b. The effect of the requested variance will be somewhat mitigated as a result of the size of the property as well as its relationship to surrounding properties.
- c. The character of the surrounding area is agriculture. The proposed detached accessory building is generally in keeping with the City's comprehensive plan.

The applicant would also like to utilize a portion of the detached accessory structure for an accessory dwelling unit. The City allows accessory dwelling units as a conditional use in the Agriculture zoning district. The intent of the ordinance was to allow for "mother-in-law" type units to be located within the principle structure or within a detached accessory building.

In order to allow an accessory dwelling unit, the property owner will need to demonstrate that 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 locate an accessory dwelling unit within the proposed detached accessory building.

- (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 as only a portion of the proposed detached accessory building would be used as an accessory 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 would have an architectural character that is consistent with the agricultural use of 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 approximately 4,500 square feet of above ground space not including the basement or garage. 33% of 4,500 square feet equals 1,485 square feet. The applicant is proposing to construct approximately 1,150 square feet of accessory dwelling unit. The proposed layout of the bedrooms, bathroom and kitchen is somewhat unique due to the multi-purpose use of the detached accessory structure. The City will need to consider the proposed layout and determine if it meets the intent of the accessory dwelling unit ordinance. Historically, the City looked to establish a clear separation or distinction between the ADU and the remaining finished or unfinished space in the detached accessory structure.

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

There is no maximum accessory structure size for properties zoned AG-Agriculture and larger than 10 acres in overall size

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

The proposed accessory dwelling unit has permanent provisions for cooking; living and sanitation.

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

The proposed accessory dwelling unit has one bedroom.

- (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 applicant will likely need to increase the size of the existing on site-septic system to accommodate the additional bedroom. The City will need to evaluate the proposed structure in more detail should the City grant approval of the ADU.

- (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 subject property cannot be further subdivided at this time due to the zoning and permitted land use.

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

The proposed detached accessory dwelling unit will need to meet all applicable building codes.

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

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.

7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City should consider the following issues/points during their review of the requested actions:

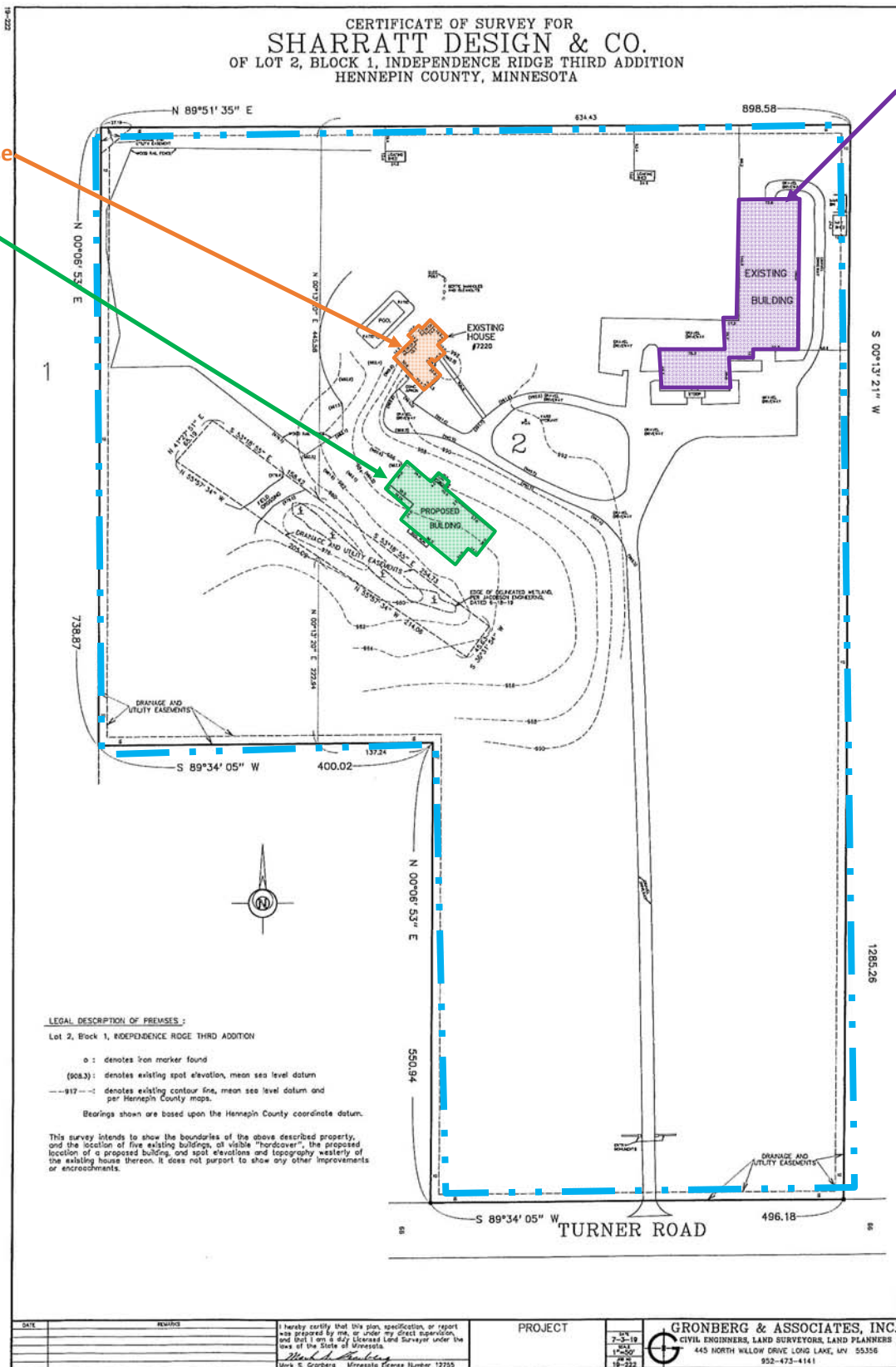
- The City is considering amending the ordinance to provide a mechanism for allowing accessory structures that are taller than the principle structure. The property owner is proposing to develop a structure that appears to be designed to have an agricultural theme utilizing materials and colors that will be compatible with character of the area.
- The property owner has noted that they intend to construct a new principle structure on the property in the near future. The new principle structure will be larger than the existing home on the property and establish a better sense of proportionality between the structures on the property.
- The location of the proposed structure and its relationship to surrounding properties will help to mitigate the potential impact of the taller and larger detached accessory structure. In addition, there is a larger stand of existing trees that would further screen the proposed structure from surrounding properties.
- The proposed accessory dwelling unit does not appear to be in keeping with the historic interpretation of the ADU ordinance. The City will need to consider how the proposed bedroom, bathroom and kitchen relate to the remaining space within the detached accessory structure as these spaces that comprise the ADU are not fully delineated from the remaining recreation space. There could be a concern relating to the structure being misunderstood as a second residential home as a result of the size, interior space and more traditional garage space. Typically, the City has reviewed ADU's that are fully delineated within a detached accessory structure and therefore clearly subordinate to the use of the detached accessory structure. The Planning Commission discussed this issue and provided additional direction in their recommendation to City Council. For context and discussion, the City would allow a finished detached accessory structure with similar features to that which is proposed without the full kitchen and bedrooms. Bathrooms, recreation space, bar, etc. would all be permitted without a conditional use. The City has typically distinguished an accessory dwelling unit from an accessory structure by whether or not there are bedrooms and or a kitchen stove/oven.

Existing Property and Buildings

Existing House

Proposed Accessory Building

Existing Barn and Riding Arena



The City has visited the site and discussed the proposed detached accessory structure with the architect. Given the location of the property off of Turner Road and 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 a conditional use permit and variance as requested.

Neighbor Comments:

The City received a written comment from a resident of Independence. The concern expressed relates to the intent of the ADU ordinance and whether or not this building would be misconstrued for a second principle dwelling on the property. In addition, it was noted there was recently a wedding held on the property that included fireworks. No other comments were made in writing or at the public hearing for this application.

Planning Commission Discussion:

Planning Commissioners reviewed the requests and asked questions of staff. Commissioners discussed the proposed accessory building, its relationship to the other buildings on the property and to other properties. Commissioners discussed the variance for the height of the building and noted that the existing stable and indoor riding arena exceeded the height limitations and that the proposed building was considerably smaller than the riding arena. Commissioners discussed the proposed ADU within the new accessory building. Commissioners talked about how to distinguish the proposed ADU from the remaining recreational space. Commissioners noted that the recreational space, minus the bedroom and full kitchen would be permitted by the City. Commissioners recommended that the City approve a site plan that details the extent of the ADU within the accessory building. The City would have the ability to inspect the property and ensure that no expansion of the designated ADU spaces (i.e. bedrooms, kitchen) would be permitted and the total square footage of those spaces could not exceed 1,200 square feet. The Planning Commission ultimately found that the requested conditional use permit and variances met all applicable criteria and recommended approval to the City Council with two additional conditions; the applicant shall prepare an exhibit that identifies that extents of the ADU within the accessory structure (the exhibit will be attached to the resolution), a condition that specifically prohibits the use of the proposed accessory structure for commercial use and or events should be added to the resolution.

Recommendation:

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

- a) The proposed conditional use permit and variance request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.

- b) The conditional use permit will include the following conditions:
1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 2. The existing accessory structure shall be constructed in accordance with the approved site and building plans as shown on EXHIBIT B. The 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 and possibly a variance following all applicable procedures.
 3. The accessory structure shall not be permitted as a second principle structure on the property.
 4. The use of the accessory structure for any commercial use and or events is prohibited.
 5. The accessory dwelling unit (ADU) will have the following restrictions:
 - i. The ADU is limited to 1,200 square feet, a maximum of 2 bedrooms and shall not be expanded beyond the extents of the area defined on EXHIBIT C.
 - ii. The use of the ADU is 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.
- c) The 4-foot variance will allow the detached accessory building to have a maximum height of 28 feet as measured in accordance with City standards.
- d) The Owner will be required to meet all applicable standards relating to the on-site septic system for the proposed detached accessory structure.
- e) The applicant shall pay for all costs associated with the review of the conditional use permit and variance applications and recording of the resolution.

Attachments:

1. Applicants Narrative
2. Site Plan/Survey (Exhibit B)
3. ADU Limits Exhibit C
4. Proposed Building Plans



PLANNING APPLICATION

Case No. _____

Type of application

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

Site Location— Additional addresses on back and legal description attached

Property address 7220 TURNER ROAD PID 28-118-24-14-0006
INDEPENDENCE, MN. 55359

Proposal -Full documentation must accompany application

SEE ATTACHED.

Applicant

Name SHARRATT DESIGN & COMPANY Email msharratt@sharrattdesign.com

Address 464 SECOND STREET, STE. 100
EXCELSIOR, MN. 55331

Phone 952.470.9750 Additional phone/contact _____

Printed Name MICHAEL D. SHARRATT Signature _____

Owner Information (if different from applicant)

Name CURT MARKS Email curt@curtmarks.com

Address 5703 YEATS MANOR DRIVE, #402
TAMPA, FL. 33616

Phone 407.421.5550 Additional phone/contact _____

Printed Name CURT MARKS Signature _____

Office Use Only

Date _____

Application Amount _____

Check # _____

Accepted By _____

Escrow Paid _____

Check # _____

Date Accepted by Planner _____

City of Independence

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

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

Application for Planning Consideration Fee Statement

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

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

Applicant Signature: _____

Date: _____

Owner Signature (if different): _____

Date: _____

CITY OF INDEPENDENCE

ATTACHMENT TO APPLICATION FORM FOR CONDITIONAL USE PERMIT AND VARIANCE APPLICATION

**Applicant: Curt Marks
Project Address: 7220 Turner Road
Independence, MN 55359**

NARRATIVE FOR CONDITIONAL USE PERMIT (CUP)

In-law-quarters is in a detached accessory building with a kitchen facility.

This detached accessory building will be used primarily as a recreation building. The Owner understands and agrees that the building will never be occupied by anyone other than family and friends, and will never be used for separate dwelling unit purposes on this property.

NARRATIVE FOR VARIANCE APPLICATION

1. FOOTPRINT SIZE:

- Variance application is for an accessory building for a footprint size in excess of 5,000 sf.
- The proposed building's enclosed and occupied conditioned space footprint is 5,930 sf.

FOOTNOTE TO FOOTPRINT:

- An existing riding arena accessory building on this property is currently allowed at 12,960 sf.

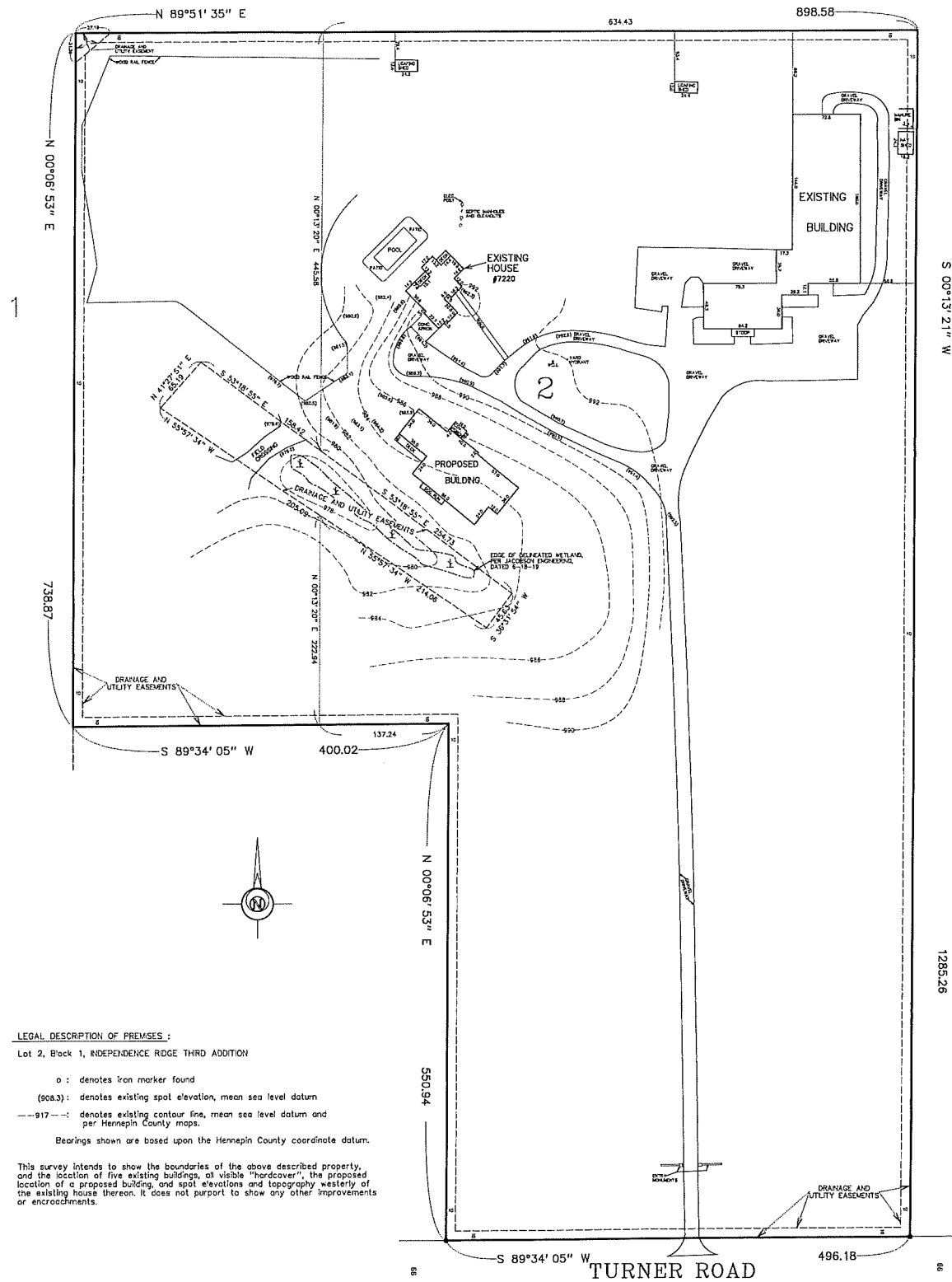
2. BUILDING HEIGHT:

- The existing home height is currently at approximately 28' in height.
- The proposed accessory building used for recreation will be 36' in height.

FOOTNOTES TO HEIGHT:

- It is understood that the ordinance controlling accessory building height is in the process of changing in the near future.
- The current home is planned to be moved off-site; and a new, larger, and taller principal residence will be constructed within the next two (2) years.
- The proposed project will be constructed roughly in the middle of the 25 acre property, and immediately adjacent to a large grove of trees that will mitigate its visibility from various angles.

CERTIFICATE OF SURVEY FOR
SHARRATT DESIGN & CO.
 OF LOT 2, BLOCK 1, INDEPENDENCE RIDGE THIRD ADDITION
 HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES:

Lot 2, Block 1, INDEPENDENCE RIDGE THIRD ADDITION

- o : denotes iron marker found
 (908.3) : denotes existing spot elevation, mean sea level datum
 ---917--- : denotes existing contour line, mean sea level datum and per Hennepin County maps.

Bearings shown are based upon the Hennepin County coordinate datum.

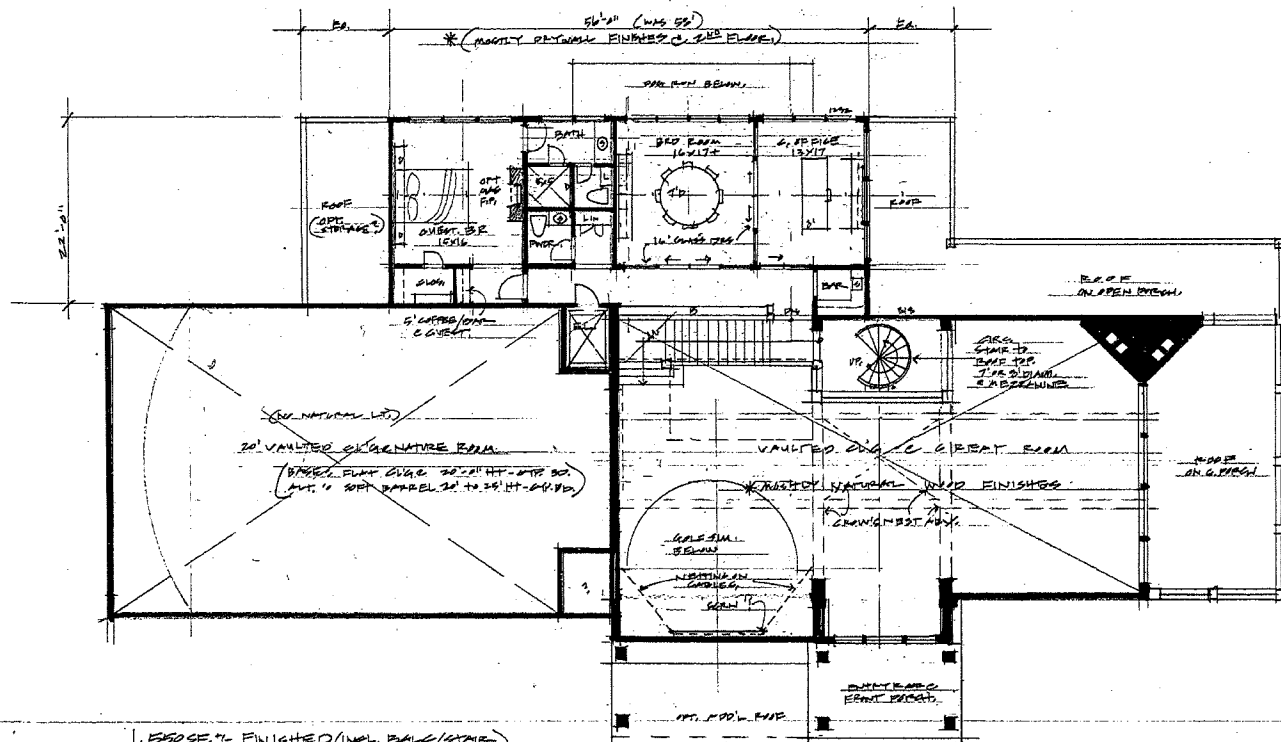
This survey intends to show the boundaries of the above described property, and the location of five existing buildings, all visible "hardcover", the proposed location of a proposed building, and spot elevations and topography westerly of the existing house thereon. It does not purport to show any other improvements or encroachments.

DATE	REMARKS	I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.
		<i>Mark S. Gronberg</i>
		Mark S. Gronberg Minnesota License Number 12755

PROJECT

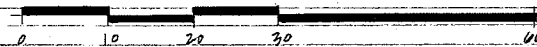
LOT
7-3-19
SHEET
17-2000
AS TO
19-222

GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141



1,550 SF +/- FINISHED (INCL. BALCONY)
1,500 SF +/- PER 7/1/2019 PLAN CONCEPT

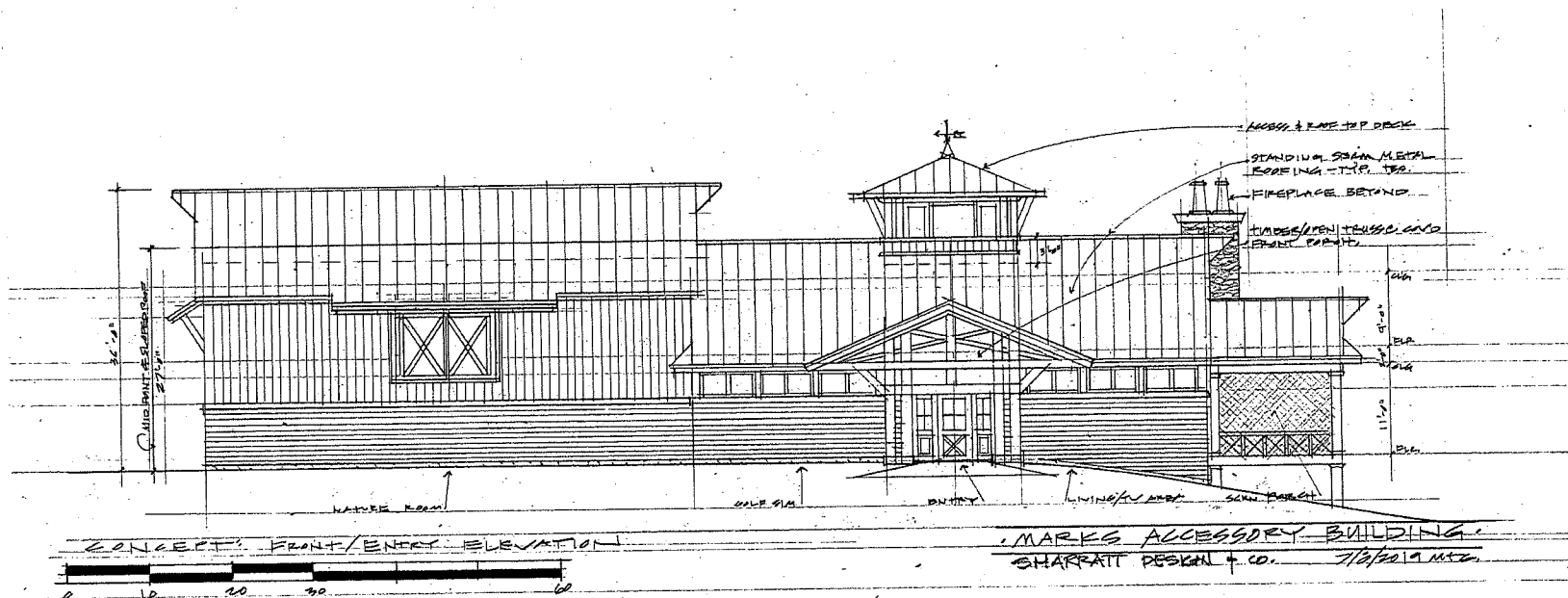
CONCEPT 1 SECOND FLOOR PLAN

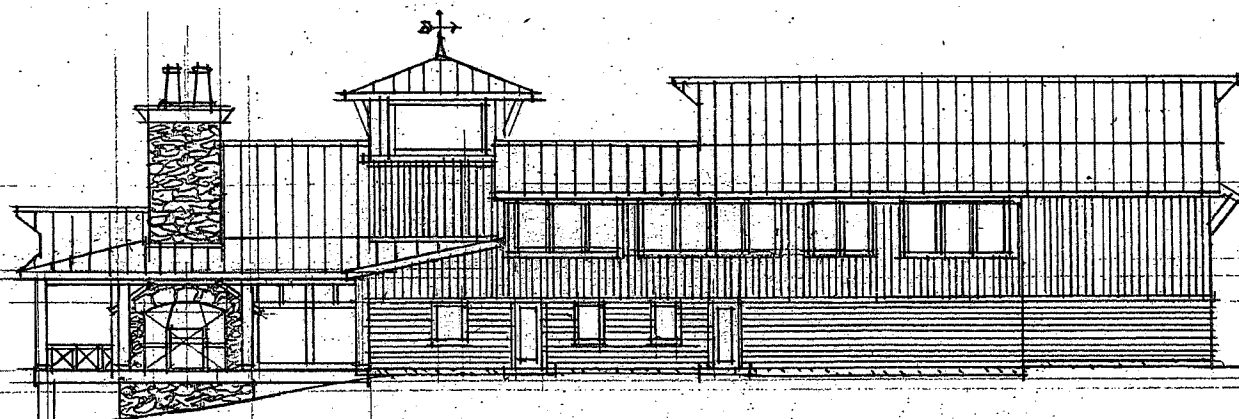


MARKS ACCESSORY BUILDING

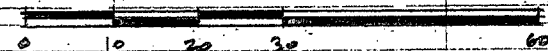
SHARRATT DESIGN & CO.

3/14/2019 MFG.
C.S.D.C.
REV. 6/17/2019 MFG.
REV. 7/1/2019 MFG.
REV. 7/1/2019 MFG.



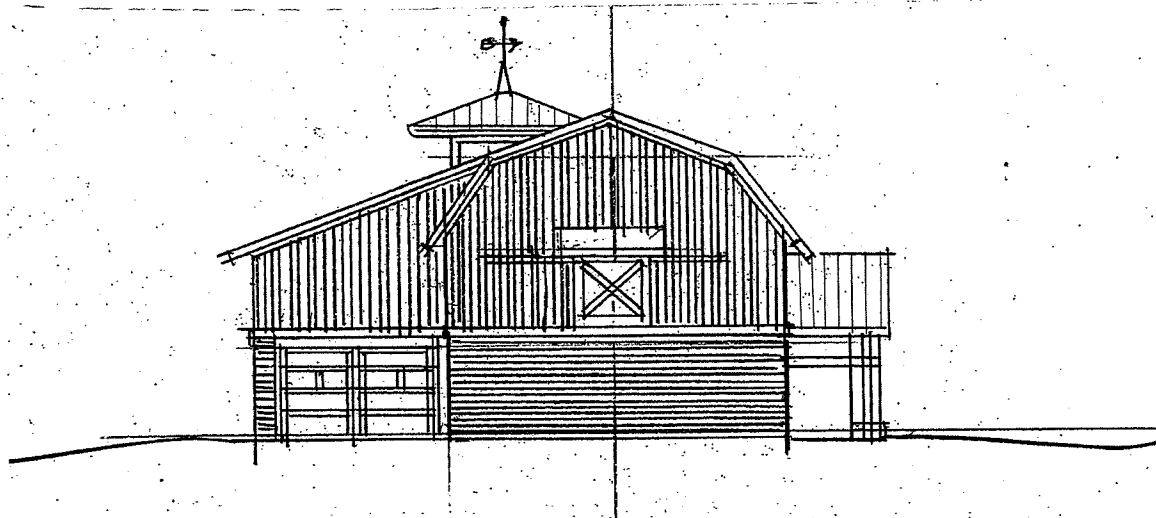


CONCEPT: FBAR ELEVATION



MARKS ACCESSORY BUILDING

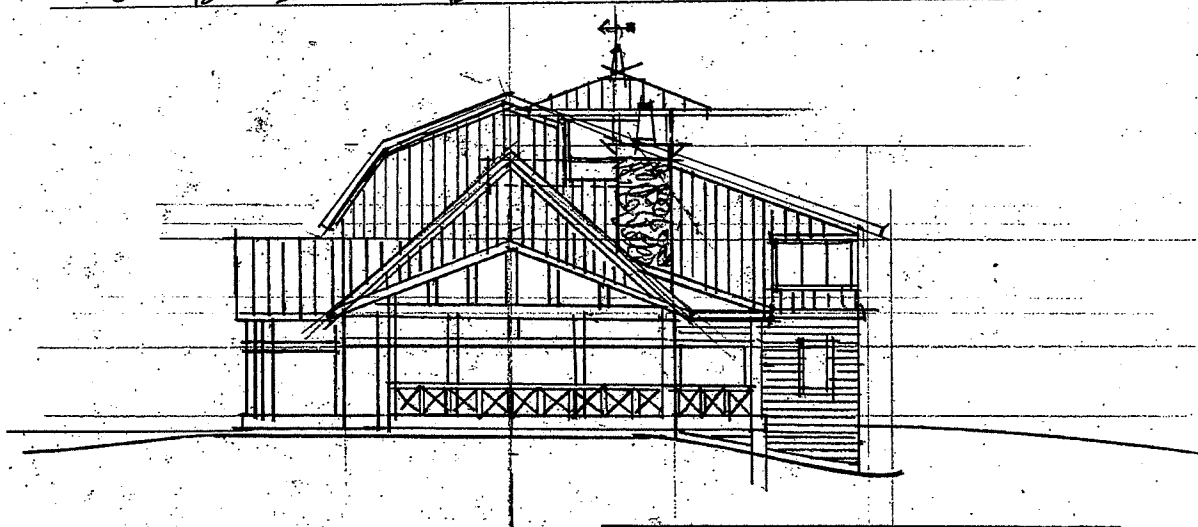
SHARPETT DESIGN & CO. LLC 7/2/2019



CONCEPT SIDE ELEVATION

MURKIN ACCESSORY BUILDING
SHERRATT DESIGN LLC 7/9/2018

0 10 20 40



CONCEPT SIDE ELEVATION

MURKIN ACCESSORY BUILDING
SHERRATT DESIGN LLC 7/9/2018

0 10 20 30 40 60

I have a couple comments on the variance request for 7220 Turner Road:

1. This proposed building sounds like another house where "family" would stay; either that or it is a recreational facility that I would think borders on commercial/business use. Both of those would not be allowed under the Code. I do not think this use is what was intended by the Accessory dwelling language.
2. I have some concerns about the uses these folks think are allowed/appropriate in the agricultural area of our city. There was a wedding there not long ago that included about 10-12 minutes of commercial grade fireworks; they lit up the neighborhood and were very noisy. As far as I know they were not permitted by the large assembly permit and there was no notice that this would occur at 10 p.m. in the neighborhood.



**CITY OF INDEPENDENCE
RESOLUTION NO. 19-0903-04**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT AND
VARIANCE AS REQUESTED BY CURT MARKS FOR THE PROPERTY
LOCATED AT 7220 TURNER ROAD**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS Curt Marks (Applicant/Owner) requests that the City consider the application for a conditional use permit to allow an accessory building that is larger than 5,000 square feet, a conditional use permit to allow an accessory dwelling unit and a variance to allow the accessory structure to exceed the height of the principle structure on the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) (the “Property”); and

WHEREAS, the Property is zoned Agriculture; and

WHEREAS, the Property is legally described on Exhibit A attached hereto; and

WHEREAS the requested Conditional Use Permits and Variance meet all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on August 20, 2019 to review the application for a Conditional Use Permit and Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Curt Marks for a Conditional Use Permit and Variance per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit and variance 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 include the following conditions:
 - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b) The existing accessory structure shall be constructed in accordance with the approved site and building plans as shown on EXHIBIT B. The 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 and possibly a variance following all applicable procedures.
 - c) The accessory structure shall not be permitted as a second principle structure on the property.
 - d) The use of the accessory structure for any commercial use and or events is prohibited.
 - e) The accessory dwelling unit (ADU) will have the following restrictions:
 - i. The ADU is limited to 1,200 square feet, a maximum of 2 bedrooms and shall not be expanded beyond the extents of the area defined on EXHIBIT C.
 - ii. The use of the ADU is 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.
3. The City finds that the requested 4-foot variance to allow the detached accessory building to have a maximum height of 28 feet is in keeping with the criteria for granting a variance. The variance will not impact the reasonable use and enjoyment of the surrounding properties due to the type and size of the other existing buildings on the property and the relationship and distance between the proposed accessory structure and surrounding properties. The City will therefore grant a 4-foot variance to allow the detached accessory building to have a maximum height of 28 feet as measured in accordance with City standards

4. The Owner will be required to meet all applicable standards relating to the on-site septic system for the proposed detached accessory structure.
5. The applicant shall pay for all costs associated with the review of the conditional use permit and variance applications and recording of the resolution.

This resolution was adopted by the city council of the City of Independence on this 17th day of September 2019 by a vote of ____ ayes and ____ nays.

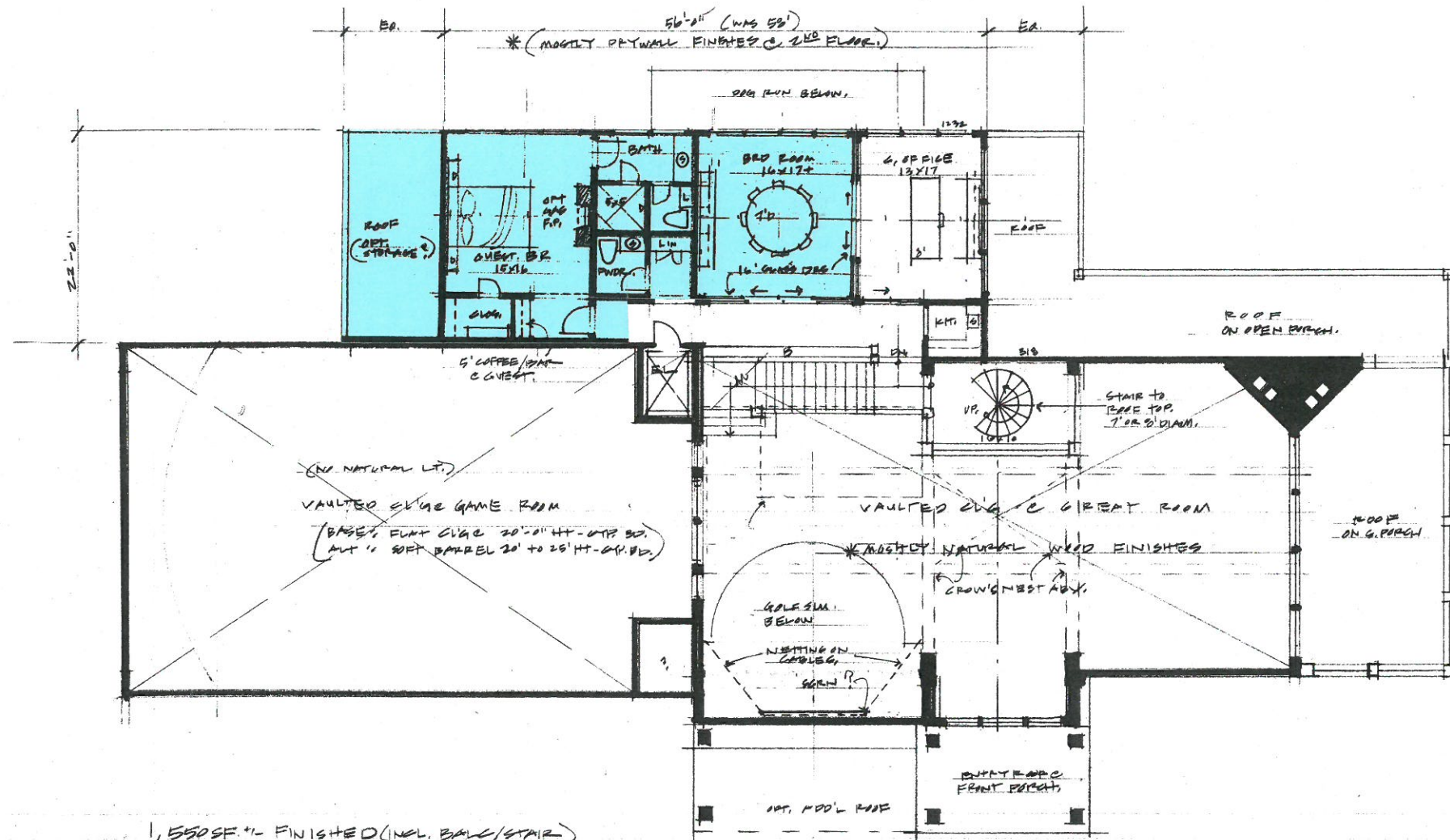
Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT C

8/29/2019 AREAS OF SPACE CONTRIBUTING
TO ADDITIONAL DWELLING UNIT
IN BLUE COLOR = 1,200 SF TOTAL



1,550 SF +/- FINISHED (INCL. BALCO/STAIR)
1,500 SF +/- PER 7/1/2019 PLAN CONCEPT

CONCEPT - SECOND FLOOR PLAN



MMC - MARK'S MAN CAVE

CMG - CURTIS MAN CAVE

SHT. 2 OF 2

3/14/2019 MFG.
ESD
REV. 6/17/2019 MFG.
REV. 7/1/2019 MFG.
REV. 7/3/2019 MFG.

[illegible]

SHH. 1 OF 2

3/4/2019 UTC

6/17/2019 MTC.

REV. 7/1/2019 MTG C500
REV. 7/2/2019 MTG C500

REV. 7/8/2019 MTG 0 522

City of Independence

Request for a Variance to Allow an Accessory Structure Which Exceeds the Height Limitations of the City's Zoning Ordinance for the Property Located at 2460 County Road 92 N.

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	September 3, 2019
<i>Applicant:</i>	Greg Hamman
<i>Owner:</i>	Greg Hamman
<i>Location:</i>	2460 County Road 92 N.

Request:

Gregory Hamman (Applicant/Owner) requests that the City consider the following action for the property identified by (PID No. 16-118-24-33-0002) and located at 2460 CSAH 92 N in Independence, MN:

- a. A Variance to allow an accessory structure to exceed the height of the principle structure.

Property/Site Information:

The subject property is located at 2460 County Road 92 N. which is on the east side of CSAH 92 and south of Highway 12. There is one residential structure on the property and the land is comprise of wetlands and upland.

Property Information: 2460 County Road 92 N.

Zoning: AG - *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 4.65 acres



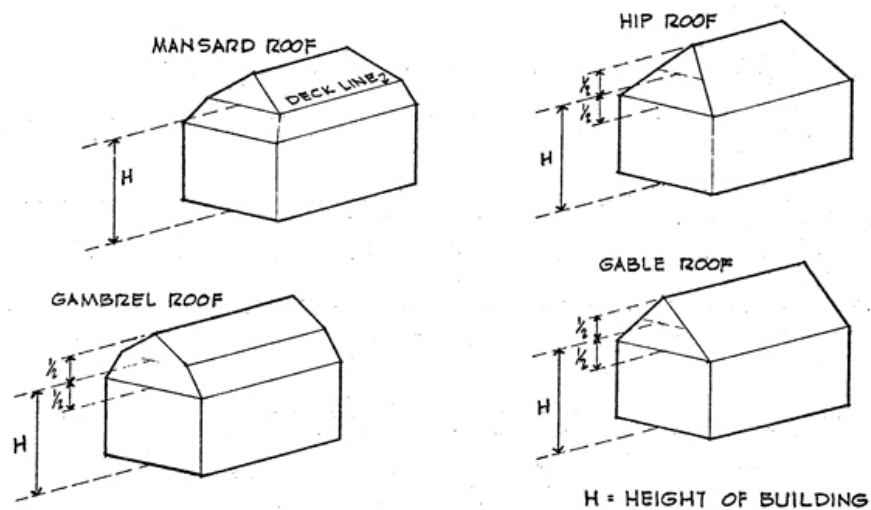
Discussion:

The applicant would like to construct a detached accessory structure on the property. There is currently an existing home located on the property. The City regulates the total square footage permitted for detached accessory structures using a formula. The formula allows a property owner to construct an accessory building which does not exceed 2% of the upland square footage of the property. In this particular case the City has determined that the upland portion of the property is 2.71 acres. Based on this determination, the total allowable square footage for a detached accessory structure is 2,361 (2.71 acres - 118,048 sf * .02 = 2,361).

The applicant is proposing to construct a 2,000 square foot detached accessory structure which is less than the maximum size permitted. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of an accessory structure shall not exceed the height of the principle structure.

³ The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured

in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.



The existing home on the property is a rambler with a mean height of 16 feet. The applicant would like the City to permit the detached accessory building to have a mean height of 19 feet. In order for the applicant to construct a building higher than that which is permitted, the City will need to consider a 3-foot variance. The applicant is proposing to locate the building to the east of the principle structure. The elevation of the proposed accessory building is approximately 2 feet lower than the elevation of the principle home. The applicant has noted that the proposed detached accessory structure would be located in a manner that would limit its visibility in relation to the existing home on the property (see attached photo simulation).



The proposed accessory structure is proposed to meet applicable building setbacks (15 foot side yard, 40 foot rear yard setback). The applicant has noted in his narrative that the proposed detached accessory structure would have an 8/12 roof pitch versus a lower pitch. It was noted that the steeper pitch will provide a nicer aesthetic appearance.

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 Agriculture Zoning District. The City is currently working on revising the ordinance to provide a method for permitting detached accessory structures that exceed the height of the principle structure.
- b. The effect of the requested variance will be somewhat mitigated as a result of the size of the property as well as its relationship to surrounding properties.
- c. The character of the surrounding area is agriculture. The proposed detached accessory building is generally in keeping with the City's comprehensive plan.

The City will need to determine if the requested variance meets the requirements for granting a variance.

Neighbor Comments:

The neighboring property owner to the west of the applicant was present at the public hearing and noted that they were in support of the requested variance for an accessory building that is taller than the principle structure.

Planning Commission Discussion:

Planning Commissioners reviewed the requested application and asked questions of staff and the applicant. Planning Commissioner's clarified that there was an approximate 2-foot separation in elevation levels between the principle structure and proposed accessory structure. The Planning Commission ultimately found that the criteria for approving a variance have been satisfied by the applicant and recommended approval to the City Council.

Recommendation:

The Planning Commission recommends approval of the requested variance with the following findings and conditions:

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 City finds that the criteria for granting a variance have been met by the applicant and specially that:
 - a. The applicant is proposing to use the property in a manner consistent with the Agriculture Zoning District. The City is currently working on revising the ordinance to provide a method for permitting detached accessory structures that exceed the height of the principle structure.
 - b. The character of the surrounding area is agriculture. The proposed detached accessory building is generally in keeping with the City's comprehensive plan.
 - c. The location of the property in relation to the county road and surrounding properties along with the proposed location of the detached accessory structure will aid in mitigating potential impacts of a taller structure.
3. The requested variances will allow the proposed detached accessory structure to be constructed in accordance with the approved plans only (plans will become an exhibit of the resolution). The variance granted shall be as follows:
 - a. A 3-foot variance will allow the detached accessory building to have a maximum height of 19

feet as measured in accordance with City standards.

4. The proposed building cannot be used for a commercial business or storage.
5. The Applicant shall pay for all costs associated with the City's review of the requested variance.
6. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the AG-Agriculture zoning districts.
7. The Applicant shall record the City Council Resolution within six (6) months of the Council approval.

Attachments:

1. Property Pictures
2. Building Plans
3. Site Survey



PLANNING APPLICATION

Case No. _____

Type of application

☒ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication

☐ Rezoning ☐ Conditional Use Permit ☒ Variance ☐ Ordinance Amendment ☐ Subdivision

☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment

☐ Final Development Plan ☐ Final Site & Building Plan ☐ Other _____

Site Location *Additional addresses on back and legal description attached*

Property address 2460 County Road 92 North

PID 16-118-24-33-0002

Proposal *Full documentation must accompany application*

Seeking variance to build an accessory structure for Agricult. & Non-Ag. use. Variance is requested for 3' additional roof height beyond house height at walk-out elevation. See: City Code 530.05 Rural Res. District, Subd. 3, footnote 3 to Building Size Table. See photo/schematic. 8/12 roof pitch desired - more attractive.

Applicant

Name Gregory W. Hamman

Email gwhamma@hotmail.com

Address 2460 County Road 92 North, Maple Plain, Minnesota 55359

Phone 952-217-1055

Additional phone/contact

Printed Name Gregory W. Hamman

Signature 

Owner Information *(if different from applicant)*

Name

Email

Address

Phone

Additional phone/contact

Printed Name

Signature

Office Use Only

Date

7/8/2019

Application Amount

91,250.

Check #

2970

Accepted By



Escrow Paid

750.

Check #

Date Accepted by Planner

City of Independence

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

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

Application for Planning Consideration Fee Statement

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

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

Applicant Signature: 

Date: July 10, 2019

Owner Signature (if different): _____

Date: 7/8/19

Supplement to Variance Application

Property Owner: Gregory W. Hamman

Property Address: 2460 County Road 92 North, Maple Plain, MN

Parcel Size: 4.65 Acres

Zoning: Rural Residential

Variance Requested: Building height increase to allow construction of a 40'X 50' accessory structure with an 8/12 roof pitch, for an accessory building height of 18 feet as determined by City Code and an overall building height of 25.5 feet from adjacent grade. Variance is to City Code 530.05 Rural Residential District, Subdivision 3, footnote 3 to the Building Size Table.

Discussion: This variance is requested because as written, the City Zoning Code imposes a hardship on owners of rambler style homes. As defined by the zoning code, the building height of a typical rambler would prohibit the construction of any sizeable accessory structure. The resulting accessory structure would be dimensionally awkward, squat and unattractive.

The only side of the rambler visible from County Road 92 is the south side. On the south side, the overall height of the rambler from adjacent grade is 22'.

The proposed accessory structure would be constructed directly east of the residence as depicted on the attached land survey. It would be for agricultural and non agricultural use, and sited at a lower base elevation than the house. The proposed location of the accessory structure would conceal the building from view from County Road 92, except from north bound traffic. However, as depicted by the attached photo rendering, north bound traffic would see the walk-out side of the rambler with a 22' overall height, and in the distance the proposed accessory structure will have an overall building height nearly identical to the rambler.

The proposed accessory structure would be in colors to match and complement the residence, be constructed with a 4' wainscot, have fenestration (windows and doors) to break up the wall planes and landscaping to accent the residential setting.

Respectfully,

Gregory W. Hamman

[illegible]

Sent from my iPhone











**CITY OF INDEPENDENCE
RESOLUTION NO. 19-0903-05**

**A RESOLUTION GRANTING APPROVAL OF A VARIANCE TO ALLOW AN
ACCESSORY STRUCTURE THAT IS TALLER THAN THE PRINCIPLE STRUCTURE FOR
THE PROPERTY LOCATED AT 2460 COUNTY ROAD 92 N**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Gregory Hamman (the “Applicant/Owner”) submitted a request for a variance to allow an accessory structure that is taller than the principle structure on the property located at 2460 CSAH 92 N (PID No. 16-118-24-33-0002) (the “Property”); and

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS, the Property is legally described as shown and depicted on Exhibit A attached hereto.

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture properties; and

WHEREAS the Planning Commission held a public hearing on August 20, 2019 to review the application for a Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by**

Gregory Hamman and grants a variance for the property in accordance with the City's zoning regulations with the following findings and conditions:

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 City finds that the criteria for granting a variance have been met by the applicant and specially that:
 - a. The applicant is proposing to use the property in a manner consistent with the Agriculture Zoning District. The City is currently working on revising the ordinance to provide a method for permitting detached accessory structures that exceed the height of the principle structure.
 - b. The character of the surrounding area is agriculture. The proposed detached accessory building is generally in keeping with the City's comprehensive plan.
 - c. The location of the property in relation to the county road and surrounding properties along with the proposed location of the detached accessory structure will aid in mitigating potential impacts of a taller structure.
3. The requested variance will allow the proposed detached accessory structure to be constructed in accordance with the approved plans only as depicted on Exhibit B, attached hereto.
4. The variance granted shall be as follows:
 - a. A 3-foot variance to permit the detached accessory building to have a maximum height of 19 feet as measured in accordance with City standards.
5. The proposed building cannot be used for a commercial business or storage.
6. The Applicant shall pay for all costs associated with the City's review of the requested variance.
7. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the AG-Agriculture zoning districts.
8. The Applicant shall record the City Council Resolution within six (6) months of the Council approval.

This resolution was adopted by the city council of the City of Independence on this 3rd day of September 2019, by a vote of ___ ayes and ___ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

The west 460.00 feet of the south 474.00 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 118, Range 24, Hennepin County, Minnesota as measured along the west and south lines thereof. Containing 5.00 acres.

Subject to Public Road Easement.

EXHIBIT B
(Building Plan)