



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, JULY 31, 2017

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 July 11, 2017 Regular City Council Meeting.
 - b. Approval of Accounts Payable; Checks Numbered 17288-17326.
 - c. Approval of the Large Assembly Permit for Dylan Lane Block Party to be held on September 9th, 2017.
 - d. **RESOLUTION NO. 17-0731-01** Approval of Temporary Gambling License for Windsong Farm Golf Club, LLC to be used at a Charity Golf Tournament held on August 28th, 2017.
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. Annual Visit from District 33 Senator David Osmek.
 8. **Tabled at May 9, 2017 City Council Meeting** - Jason Sievers (Applicant/Owner) requests that the City consider the following actions for the property located at 1180 County Road 83 (PID No. 25-118-24-32-0001) in Independence, MN:

- a. Consideration of granting a variance to allow a reduced side yard setback for the subject property (Resolution will be brought back to Council for adoption based on Council decision).
9. **PUBLIC HEARING:** Richard and Kari Stromer (Applicant/Owner) requests that the City consider the following actions for the property located at 2828 County Line Road (PID No. 18-118-24-24-0003) in Independence, MN:
 - a. Consideration of granting a variance to allow a lot split of their 19.47 acres in the Agriculture zoning district. The variance would allow for the division of a 4-5 acre portion of this property with access onto Nelson Road; and
 - b. A minor subdivision allowing the split of the subject property into two parcels (Resolution will be brought back to Council for adoption based on Council decision).
10. **PUBLIC HEARING:** RAM General Contracting (Applicant) and Bel Farms, LLC (Owner) request that the City consider the following actions for the property located at 499 Nelson Road (PID No. 31-118-24-24-0001) in Independence, MN:
 - a. **RESOLUTION NO. 17-0731-02** – considering approval of a conditional use permit to build a new private equestrian facility which will exceed the maximum accessory structure size of 5,000 square feet; and
 - b. A bunkhouse for the owner's caretaker of the property.
11. Open/Misc.
12. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 11, 2017 –7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer and McCoy

ABSENT: Councilor Grotting

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas, City Attorney Vose

VISITORS: Linda and Gary Ostberg, Carrie Eisenhacker

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 June 13, 2017 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 17220-17287.
- c. Approval of 2016 Financial Audit and Year End Financials.
- d. Approval of the Large Assembly Permit for Twin Cities Polo Club Annual Polo Classic Event to be Held August 4-6, 2017.
- e. Approval of extension to record minor subdivision for the property located at 6485 Fogelman Road.
- f. Approval of an amendment to the Community Development Block Grant (CDBG) program joint agreement - **RESOLUTION NO. 17-0711-01.**

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

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

Betts added Pioneer Park Discussion.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting

- Maple Plain Fire Department Budget Meeting

Grotting attended the following meetings:

McCoy attended the following meetings:

Betts attended the following meetings:

- Sensible Land Use Committee Conference
- Fire Commission Meeting

Johnson attended the following meetings:

- League of Minnesota Cities Rochester Conference
- National League of Cities Steering Commission Meeting in Ohio
- Three Rivers Park District Meeting
- Sensible Land Use Committee Meeting
- Community Action Partnership Hennepin County Meeting
- Healthy Communities Meeting
- Community Action Partnership Board Meeting
- Regional Council of Mayors Meeting

Horner attended the following meetings:

- Planning Commission Meeting
- Website redesign meetings with various contenders

Kaltsas attended the following meetings:

- MN DOT and Hennepin County Highway 12 funding meeting

Kaltsas stated the median barrier would be continued to Baker Park Road. He said Hwy 12 and County Rd 90 is the second piece followed by Hwy 12 and County Rd 92. Funding has been locked in for 2021 per MN DOT which means construction could begin in 2020.

7. **DIRECTOR GARY KROELLS, WEST HENNEPIN PUBLIC SAFETY - ACTIVITY REPORT FOR THE MONTH OF APRIL, 2017.**

Kroells stated the Delano Sportsmen Club held a dinner to honor the police. He also noted there would be a softball game on Wednesday night from 7-9 and then a 9:00 movie in the park.

Kroells said they had some interesting cases for the month and were slightly above last year's case load.

For a complete report see the City Council packet

8. **PUBLIC HEARING: ORDINANCE AMENDMENT TO SECTION 915- REGULATION OF LAKE SARAH SURFACE USE.**

- ORDINANCE 2017-02:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Kaltsas outlined the new information pertaining to Lake Sarah Ordinance. It was noted that the comments from the last hearing would be incorporated as part of this hearing.

Public Hearing Open

(comment from previous meeting)Walsh stated he is the one responsible for putting up the signage on Lake Sarah in the event of a no-wake. He said it is a lot of work and he is in favor of the 3 days on/ 3 days off model. He said he was happy the Council was instituting this ordinance.

Public Hearing Closed

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

Motion by Spencer, second by McCoy to approve ORDINANCE 2017-02: An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.

9. GARY AND LYNDA OSTBERG (APPLICANTS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY IDENTIFIED BY (PID NO. 33-118-24-14-0003) AND LOCATED ON THE SOUTH SIDE OF CSAH 6 AND WEST OF GAME FARM ROAD N. IN INDEPENDENCE, MN:
- a. **RESOLUTION NO. 17-0711-02** – recommending approval of a conditional use permit, to allow a commercial riding stable, bunkhouse and an accessory building which is greater than 5,000 square feet.

Kaltsas said the applicants have a purchase agreement in place to acquire the property subject to the City's approval of a conditional use permit. The applicants are seeking approval to construct a new home, stable and associated indoor and outdoor riding arenas, paddocks, pastures and future caretaker apartment on the subject property. The proposed accessory structure (barn and riding arena) would exceed 5,000 square feet and therefore, also requires a conditional use permit.

The proposed horse farm would be used as a commercial riding stable. The horse barn would house 12 stalls. The applicant anticipates that they would have between 8-12 horses on the property. 2-4 horses would be their own animals with 8-10 horses boarded on the property. The applicants have noted that their daughter is a trainer and would be providing lessons and riding her horses on the property. The proposed accessory structure is comprised of the horse barn, alley connection and indoor riding arena. The square footage of the proposed accessory building breaks down as follows:

| | |
|---------------------------|------------------|
| Horse Barn - | 4,902 SF |
| Alley Connection - | 308 SF |
| Arena - | 18,000 SF |
| TOTAL SF | 23,210 SF |

Kaltsas said in addition to the indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse within the proposed riding arena to house a property caretaker. The applicant has prepared a proposed site plan which delineates the location of the proposed accessory structure, paddocks, pastures and principle residence. The layout of the buildings and site features takes advantage of the natural topography and maintains separation from the existing wetlands and farmed wetlands. The proposed accessory building would be constructed of pre-finished metal. The City is waiting for the on-site septic report confirming the availability of a primary and secondary on-site septic location. It is anticipated that this information will be provided prior to City Council consideration of the application.

The applicant has had the property evaluated for potential wetlands. It was noted that there are two farmed wetlands located on the farmed portions of the property. There is one located just south of CSAH 6 along the west property line and one located nearly in the center of the property. The applicant has designed the property to fully avoid conflict with the subject wetlands. The applicant has prepared a storm water plan which includes details for the construction of two water quality ponds in the location of both farmed wetlands. The City's water resource consultant has reviewed the plans and is working with the applicant to revise the plans (see review letter attached). Due to the amount of site disturbance on the property, the applicant will need to obtain approval from Pioneer Sarah Creek Watershed Management Commission. PSCWMO has been notified of the project and an application is in the process of being made with the watershed. Staff has reviewed the comments provided and believes that the land use proposed can be accommodated on the subject site. The finalization of the storm water, grading and erosion control plans will not cause for a change to the proposed layout, configuration or operation of the proposed buildings and land improvements. The location of the storm water ponds may need to be revised due to the applicant's desire to potentially convert farmed wetlands into storm water ponds.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The existing property is currently vacant with no existing structures. The property has historically been farmed. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is comprised of approximately 39 acres. Of the 39 acres, approximately 25 acres is useable upland. Applying the City's typical standard, the site would accommodate 38 animals using the gross acreage or 24 animals using the upland acreage. The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit. The 12 horses proposed by the applicant would fit within the allowable number of animal units on the property.

The following notes provide additional detail relating to the commercial riding stable operation:

1. The owners of the 8-10 horses will be visiting the site three to four times per week for 2-3 hours at a time to ride their horses.
2. Deliveries and farriers will be on site periodically once every few weeks.
3. Horse trailers will occasionally be brought on site to pick up or drop off horses going to horse shows, the veterinarian, etc.
4. The manure will be hauled off-site once every few weeks.
5. Standard garbage removal will occur once per week.
6. Landscaping, including new trees, will be provided around the buildings. No trees will be planted within pastures or paddocks.
7. The pastures and larger paddocks will be seeded with a pasture seed mix.
8. The applicant will have a designated parking area for 10 vehicles, including one accessible parking space, located adjacent to the proposed accessory structure and just off of the main access road.

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

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

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable, accessory structure larger than 5,000 square feet and a bunkhouse for a caretaker on the property.

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

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
 - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b) Any new signage shall comply with all applicable standards of the City's ordinance.
 - c) No more than 12 horses shall be boarded on the property.
 - d) The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
 - e) A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.

- f) The hours of operation are: summer 7:00am-10:00pm.
 - g) Horse shows or training clinics with more than 50 attendees will require special approval from the City
 - h) No renting of hack horses.
 - i) No riding on private land unless authorized by owners.
 - j) No parking on public roads.
 - k) Utilize appropriate management practices to control flies and odor.
 - l) The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
 - m) The applicant shall provide adequate parking and turn around for trailers.
 - n) The applicant shall be required to utilize best management practices for dust control. The applicant shall agree to apply dust control measures upon notification from the City that dust control is an issue on the property as determined by the City.
 - o) No artificial lighting shall be permitted to illuminate the outdoor riding arena.
 - p) All proposed lighting located on proposed buildings or anywhere on the site shall comply with applicable City ordinances.
 - q) No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall be required to revise the plans and comply with all comments made in the review letter prepared by the City's water resource consultants, Hakanson Anderson, and dated July 23, 2017.
 4. The applicant shall receive approval from Pioneer Sarah Creek Watershed Management Commission.
 5. The applicant shall pay for all costs associated with the review and recording of the resolution.

Johnson noted the area has always been farmed even though there are wetlands. Betts asked what was farmed and Kaltsas responded soybeans. Johnson asked who owns the property to the North. Ostberg noted it was divided in 1991. Betts said it was pretty thick woods and wetland. Kaltsas said there would be conditions in the CUP. He said the owners anticipate having 8-10 horses and there would be deliveries made to the site occasionally. Kaltsas said there is adequate parking available. He noted there was a Public Hearing and there was one resident that had a concern about this leading to more horses being ridden on Game Farm Road to the Luce Line. He was concerned about the amount of horse traffic and smells, etc. The Planning Commission has put a condition in the CUP that if dust became a problem they applicant would have to implement dust control for the long driveway into the property.

Motion by McCoy, second by Betts to approve RESOLUTION NO. 17-0711-02 – recommending approval of a conditional use permit, to allow a commercial riding stable, bunkhouse and an accessory building which is greater than 5,000 square feet. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.

10. A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ORDINANCES AS FOLLOWS:

- a. **ORDINANCE 2017-03:** An amendment to Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units – Amending/adding language that will allow a basement or mechanical/utility room as a part of an accessory dwelling unit without being counted towards the total square footage.

Kaltsas stated this was an ordinance that needed “cleaning up” and was on the list to look at this year. Johnson thought there may be some issues with finished versus unfinished basements. He said this revision is a good example of how discrepancies can be cleaned up. Betts asked if this applied only to secondary buildings and what about homes already built. Kaltsas said if they are already in existence than they are fine. Johnson asked if the County Assessor would report it differently. He noted they would probably include it as square footage of the house still.

Motion by Betts, second by Spencer to approve ORDINANCE 2017-03 – An amendment to Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units – Amending/adding language that will allow a basement or mechanical/utility room as a part of an accessory dwelling unit without being counted towards the total square footage. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.

11. OPEN/ MISC.

Betts asked how much money was in the Park fund. Kaltsas noted that historically the City has broken even on the Park fund but money has been earmarked to pay back the sewer fund/ community septic project on Lindgren Lane. That number was about 80k and the Park fund currently has an approximate balance of about 40k. Betts asked if there was any more talk about the Orono schools using the field. Kaltsas said he has been talking with Orono football and baseball about using the fields and it is on his radar to check back in with them on that soon. Betts said it would be nice to see the park used and it would be nice if it had a pavilion/ bathrooms and some source of electricity. Kaltsas said if sports teams started using it then it would have more visibility.

12. ADJOURN

Motion by McCoy, second by Betts to adjourn at 8:40 p.m. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

PERMIT # _____



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

| | |
|--|--|
| • 200+ Attendees (Large Assembly) = \$250 | • 50+ Attendees (Small Assembly) = <u>\$50</u> |
| • 100+ Attendees (Medium Assembly) = \$100 | • Non-profit Organizations = \$25 |

(Double fee for application received less than 10 business days prior to event).

Event Location: Dylan Lane, Lake Sarah Neighborhood
Type of event: Block Party Number of people attending: 60+ Date: 9/9/17
☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☐ Other

Event Holder's Name: DEBBIE HANCOCK Address: 6910 Dylan Lane, 55359
Contact Person: DEBBIE Home Phone: 614 406 4604 Cell Phone: same
2nd Contact Person: _____ Home Phone: _____ Cell Phone: _____

Security Plans: Barzadas on street in driveways
Date West Hennepin Public Safety was notified of the event: Initial call June 2017
will send permit to them once completed.

Severe Weather Plans (in the event of): Cancel / Postpone Event

Sound Plans - amplification and sound control: _____
Outdoor Music ☒ Yes ☐ No - Starting Time 700 AM/PM, Ending Time 1000 AM/PM

Food and Concessions Plans: Everyone bringing a dish
Vendor's name, address, and license number (copies of vendor license, insurance and permits must be provided)
N/A

Vendor Work #: _____ Vendor Cell #: _____

Serving Alcohol: Yes: _____ No: X
Selling Alcohol: Yes: _____ No: X (If selling alcohol contact the City for a Permit)

Restroom Provisions: How many? _____ Location: Port-2-Potty

Lighting - Type: Spotlights / Trunkle lights How many? Numerous
Location of lights: On band and over street

\$1,000,000 Certificate of Liability Insurance-provide a copy: _____

Parking Plan: Please provide a site plan showing 1 parking space for each vehicle per 4 guests. If using adjacent property, written permission from property owners must be obtained.

7/10/2017
Date

[Signature]
Signature of applicant

Date

Signature of applicant

Office Use Only

Application Received: 7/13/17 Application Fee: 50⁰⁰ Date Fee Paid: 7/13/17

Date \$1,000,000 certificate of liability insurance received: _____

Signature of City Official Date

Signature of West Hennepin Public Safety Date

City of Independence

Windsong Farm Golf Club – Temporary Gambling Permit Request

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: July 31, 2017

Request:

Chapter 14 of the City Code regulates lawful gambling in the City. The City has the ability to license certain types of gambling which are exempt from the state licensing requirements. The City has received an application for a temporary gambling licensing from Windsong Golf Club in association with a charity golf event being held on August 28, 2017. The event will be held at the golf course and benefits the Open Arms of Minnesota non-profit organization.

The City has criteria for evaluating gambling licenses within the City. The criteria require a sponsoring organization (Windsong GC) to comply with the following: have a permanent facility in the City for at least three years; the event must occur on the sponsoring organizations premises; the sponsoring organization must have a minimum of 20 members; the event cannot occur at the same time as another gambling event and stipulates the types and maximum amounts for certain types of gambling.

The applicant appears to meet the criteria established in Chapter 14 of the Independence City Code relating to gambling licenses.

Recommendation:

Staff is seeking consideration by the City Council for the license application requesting a temporary gambling license. **Resolution No. 17-0731-01** is provided should the City Council wish to approve the application.

Attachments

RESOLUTION NO. 17-0731-01



CITY OF INDEPENDENCE, MINNESOTA

RESOLUTION NO. 17-0731-01

RESOLUTION APPROVING TEMPORARY GAMBLING LICENSE FOR WINDSONG FARM GOLF CLUB, LLC FOR AN EVENT TO BE HELD ON AUGUST 28, 2017 AND LOCATED AT 18 GOLF WALK

WHEREAS, Windsong Farm Golf Club, LLC has submitted an application to the City of Independence requesting City approval of a Minnesota Lawful Gambling LG220 Application for an Exempt Permit located at 18 Golf Walk, Independence, MN 55359; and

WHEREAS, the City has established criteria for evaluating applications for gambling licenses; and

WHEREAS, the applicant has been found to meet the criteria established by the City for a temporary gambling license.

NOW THEREFORE, BE IT RESOLVED, that the City of Independence approve of the Minnesota Lawful Gambling LG220 Application for an Exempt Permit. The City Administrator is directed to attach a copy of this resolution to the application to be submitted to the Gambling Control Board.

This resolution was adopted by the City Council of the City of Independence on this 31st day of July, 2017, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

Attest:

Mark Kaltsas, City Administrator

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Open Arms of Minnesota

Previous Gambling Permit Number: X-04756

Minnesota Tax ID Number, if any: 3143156

Federal Employer ID Number (FEIN), if any: 41-1681317

Mailing Address: 2500 Bloomington Ave S

City: Minneapolis State: MN Zip: 55404 County: Hennepin

Name of Chief Executive Officer (CEO): Leah Hébert Welles

Daytime Phone: 612-767-7344 Email: leah@openarmsmn.org

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☒ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Windsong Farm Golf Club

Physical Address (do not use P.O. box): 18 Golf Walk

City or Township: Independence Zip: 55359 County: Hennepin

Date(s) of activity (for raffles, indicate the date of the drawing): 8/28/2017

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards

☒ Raffle (total value of raffle prizes awarded for the calendar year, including this raffle: \$ 5000)

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

| | |
|---|---|
| <p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px; text-align: center;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div> | <p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p> |
|---|---|

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Date: 6/16/2017

(Signature must be CEO's signature; designee may not sign)

Print Name: Leah Hébert Welles

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

☒ a copy of your proof of nonprofit status, and

☒ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

| | | |
|--|--|--|
| <p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the</p> | <p>application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-</p> | <p>ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p> |
|--|--|--|

This form will be made available in alternative format (i.e. large print, braille) upon request.



OGDEN UT 84201-0038

In reply refer to: 0441977571
Jan. 24, 2011 LTR 4168C EO
41-1681317 000000 00
00027052
BODC: TE

OPEN ARMS OF MINNESOTA INC
2500 BLOOMINGTON AVE
MINNEAPOLIS MN 55404-3920

Employer Identification Number: 41-1681317
Person to Contact: Corrinna Patino
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Jan. 12, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(03) of the Internal Revenue Code in a determination letter issued in September 1991.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Rita A. Leete
Accounts Management II

008736

City of Independence

Request for a Variance from the Side Yard Setback for the Property Located at 1180 County Road 83

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 31, 2017
Applicant: Jason Sievers
Owner: Jason Sievers
Location: 1180 County Road 83

Request:

Jason Sievers (Applicant/Owner) requests that the City consider the following actions for the property located at 1180 County Road 83 (PID No. 25-118-24-32-0001) in Independence, MN:

- a. A variance to allow a reduced side yard setback. The setback reductions would permit the construction of a home and garage addition attached to the existing house.

Property/Site Information:

The subject property is located at 1180 County Road 83. The property is on the east side of County Road 83 and south of the intersection of Timber Trail and County Road 83. There is an existing home and one small detached accessory structure on the subject property.

Property Information: ***1180 County Road 83***

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: *2.37 acres (103,237 square feet)*



Discussion:

UPDATE:

Staff met with the applicant's representative to discuss the issue based on the City Council discussion. The applicant has reviewed the plans and believes that the proposed garage/house addition oriented in a manner similar to the original request is the best solution. The applicant has revised their request and is now seeking a variance of 6 feet so that the proposed garage would be setback 24 feet from the north property line. The original request sought a 12.6-foot variance. Council is being asked to consider the amended variance request. Based on Council direction, staff will prepare a resolution for adoption at a future meeting.

Original Report:

The applicant is seeking approval to construct an addition onto the existing home. The addition includes living space as well as a larger garage. The applicant is proposing to remove a portion of the existing house which includes the existing garage. It was noted by the applicant that the existing garage was connected to the home via an enclosed space at some point and used to be a detached garage. The applicant would like to construct an addition (new garage and living space) onto the portion of the existing

home to remain. The existing home is currently in compliance with all applicable setbacks for this property (the existing home is setback 30 feet from the north property line).

The applicant is asking the City to consider granting a variance from the side yard setback (north property line) to allow expansion of the existing home. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The applicant is proposing to construct the home addition so that it is setback 17.6 feet from the side property line rather than 30 feet as required. The resulting variance to the side yard setback would be 12.4 feet. The required setbacks for properties zoned RR-Rural Residential are as follows:

Front Yard Setback:

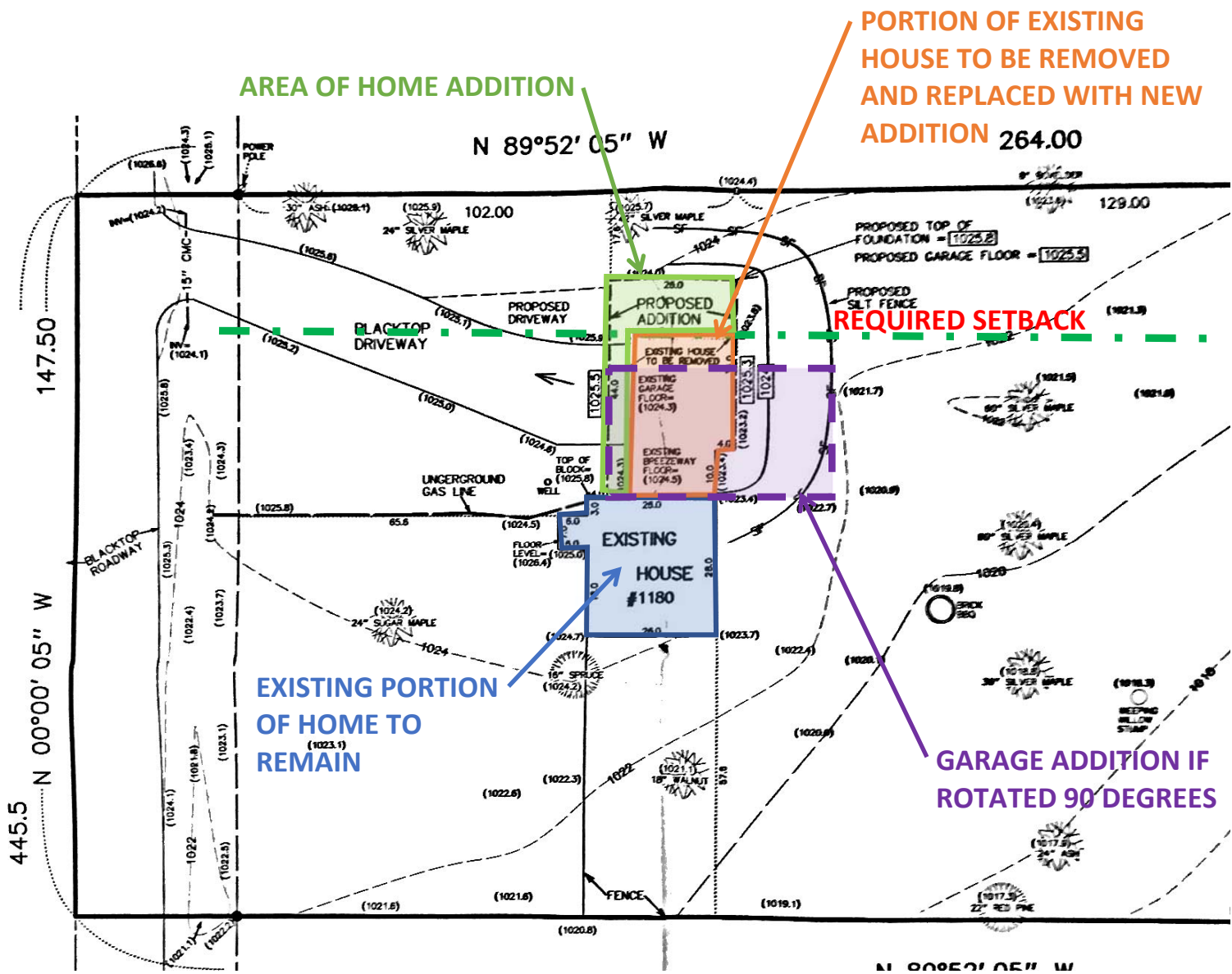
Required: 85 feet from centerline or 51 feet from the ROW
Existing: 64 feet from ROW

Rear Yard Setback:

Required: 40 feet
Existing: 475 feet

Side Yard Setback:

Required: 30 feet
Existing: 30 feet
Proposed: 17.6 feet (variance of 12.4 feet)



There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*

(b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;

(c) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District.
- b. The City would need to find that the plight of the property owner is due to circumstances unique to the property that are not created by the landowner.
- c. The character of the surrounding area is residential. There are several properties in the vicinity that do not meet all applicable building setbacks. The proposed expansion for a single-family home is in keeping with the City's comprehensive plan.

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

1. The required detached accessory structure setback from the side yard is 15 feet. The applicant could locate a detached accessory structure on this property and meet applicable setbacks.
2. The property directly north of this property has several detached accessory buildings which do not meet applicable setbacks. The owner of the property directly north did provide a note to the City stating that they found the requested variance to be acceptable.
3. The applicant could rotate the proposed addition 90 degrees and meet all applicable setbacks.
4. There are many properties in the City of Independence that have similar conditions to that of the subject property. The City would need to find that the property has unique conditions that can be noted as the basis for granting the variance.
5. Several properties directly west of the subject property appear to have reduced front yard setbacks.

6. The proposed home/garage addition is a two-story addition which will be taller than the portion of the existing structure that is being removed.

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

Planning Commission Discussion:

Commissioners reviewed the requested variance and asked questions of staff and the applicant. Commissioners reviewed the proposed setback and asked for clarification relating to the portion of the home that was going to remain versus the portion of the home that was going to be removed. Commissioners confirmed that the existing home meets applicable setbacks. Commissioners reviewed the criteria for granting a variance. Planning Commissioners asked for clarification relating to the criteria for granting a variance and whether or not all criteria needed to be considered. Commissioners discussed that the City has many similarly sized parcels with existing homes. Commissioners discussed the characteristics of the subject parcel and noted that there was a substantial amount of area that could accommodate a home/garage expansion. There was an initial motion to approve the variance request as presented. That motion did not receive a second and did not proceed. There was then a motion to deny the variance as requested. That motion did not initially receive a second until there was additional discussion. Commissioners ultimately recommended denial of the variance to the City Council with the following findings:

1. *Commissioners could not make the finding that the plight of the property owner is due to circumstances unique to the property not created by the landowner. Commissioners did not find unique circumstances or characteristics of the property that warranted a variance. Commissioners noted that this property is similar to many others in the City and that granting a variance without unique characteristics would establish a precedent for allowing reduced setbacks.*

Public Comments:

The City received a letter from the neighboring property owner located at 1212 County Road 83 supporting the requested variance.

Recommendation:

City Council is being asked to provide direction and resolve to approve or deny the requested variance. Based on the determination made by Council, a corresponding resolution would be prepared and brought back to the City Council for adoption. The City has extended the review period for this application based on the need to bring back a resolution.

Attachments:

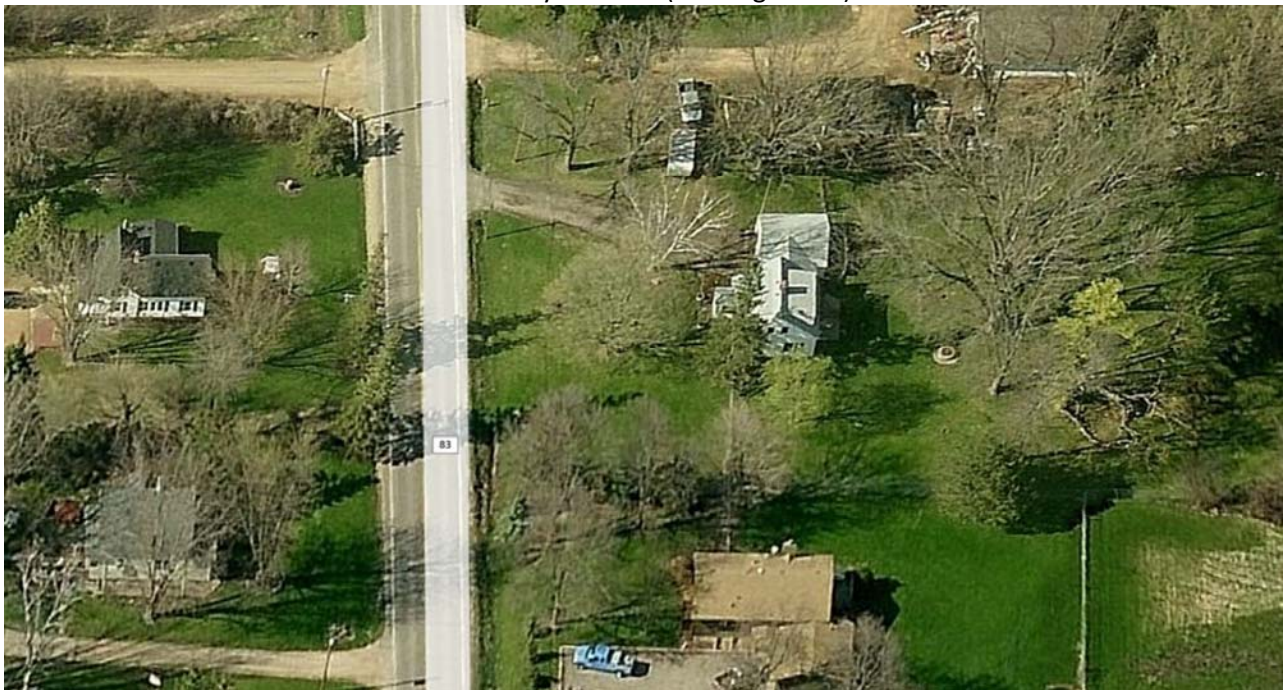
1. Application
2. House Elevations
3. Letter from Adjacent Property Owner
4. Letter from Builder

- 5. Revised Site Plan
- 6. Pictures

1180 County Road 83 (Looking East)



1180 County Road 83 (Looking North)





4109 North Shore Drive, Orono, MN 55364 | www.everlastenterprises.com | Phone 952.472.7287 | Fax 952.472.5870

Jim Cleary
Everlast Enterprises Inc.
4109 North Shore Dr.
Orono, MN 55364

May 22, 2017

TO WHOM IT MAY CONCERN;

Regarding the garage addition for the Jason Sievers residence: the specific purpose for the garage is to address indoor parking for Jason's pickup trucks. A minimum depth of 23-24' is required. Most pickups are 20' long, and with space required behind and in front of, a 24' garage is necessary. Turning the garage and accessing from the side is viable, but only with the proper width for use.

The entryway between the house and garage functions as a stairwell to access the basement. There is also a mechanical chase area, because of the placement of the existing plumbing waste pipes to access the new future living area. It also acts as a buffer area between the existing home and the new future living space above. It ameliorates the roof height differences between the existing house and the new structure. Therefore it cannot be eliminated. Eliminating the entryway makes access to the basement, main level and upper level impossible.

A hardship is created because of the placement of the house. In our experience, variances are granted for side yard encroachment due to existing conditions.

Jim Cleary
President
Everlast Enterprises
612-868-0748

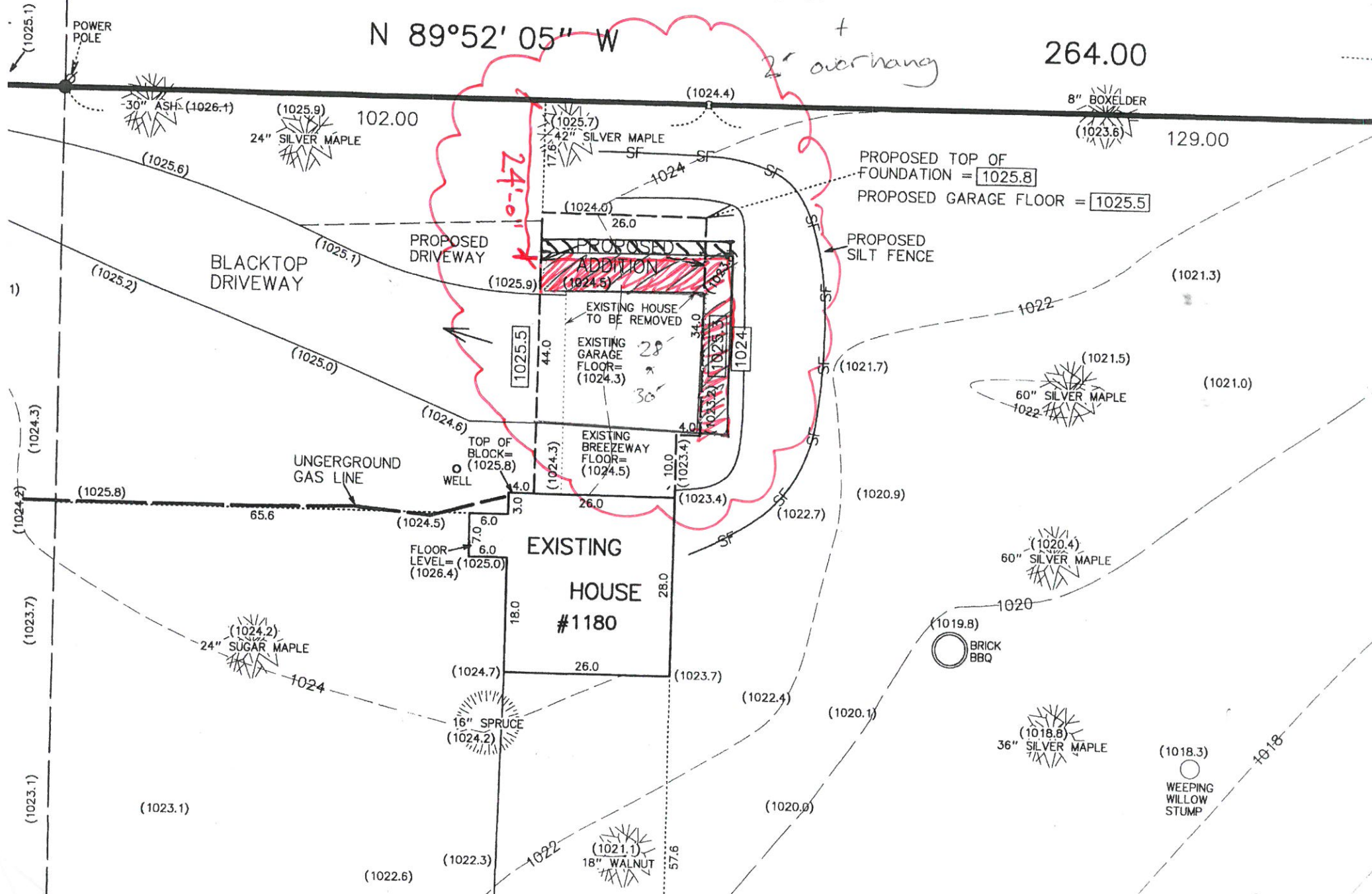
OF
-24

6' addition North
+
4' addition East

N 89°52' 05" W

2' overhang

264.00



City of Independence

Request for a Variance and Minor Subdivision to Permit a Lot Line Rearrangement for the Property Located at 2828 County Line Road

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 31, 2017
Applicant/Owner: Richard and Kari Stromer
Location: 2828 County Line Road

Request:

Richard and Kari Stromer (Applicants/Owners) request that the City consider the following actions for the property located at 2828 County Line Road, Independence, MN (PID No. 18-118-24-24-0003):

- a. A variance to allow the subdivision of property in the AG-Agriculture zoning district.
- b. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.

Property/Site Information:

The subject property is located south of Hwy. 12, west of Nelson Road and East of County Line Road. There is an existing home and accessory buildings located on the property. The home is accessed via Maria Rd. There is a creek that bisects a portion of the property. The property has upland pasture as well as a stand of mature trees. The property has the following site characteristics:

Property Information: 2828 County Line Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: (BEFORE) 19.47 acres

Acreage: (AFTER) 15.15 acres – West Parcel

4.32 acres – East Parcel (Proposed Tract A)



Discussion:

The applicants approached the City about the possibility of subdividing their property into two lots. The property is zoned Agriculture. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The City would have to consider granting a variance from the zoning ordinance to allow the subdivision of this property. The overall property does not meet the minimum 40-acre requirement to realize a rural view lot subdivision.

The property has an existing home and accessory structures that are accessed via Maria Rd. to the west. The applicant has noted in their application that the existing creek and tree line divides the property and makes access of the eastern portion difficult. Additionally, the property has frontage on Nelson Road to the east. The applicant would like the City to consider granting a variance to allow the subdivision of property in the Agriculture zoning district that does not meet the minimum 40-acre lot size. The applicant has provided a survey, wetland delineation and septic design for the proposed Tract A. The proposed new parcel would be a total of 4.32 acres with 2.76 acres of useable upland. The newly subdivided property would be accessed via Nelson

Road. Based on the information provided and a site visit, the proposed lot would appear to accommodate the development of a single-family home meeting all requisite requirements. The proposed property would have the following detail:

| | |
|--------------------------------------|-----------------|
| Min. Lot Size Required to Subdivide: | 40 Acres |
| Existing Lot Size: | 19.47 Acres |
| Min. Lot Frontage Required: | 250 Lineal Feet |
| Lot Frontage Proposed: | 440 Lineal Feet |
| Min. Upland Acreage Required: | 2.5 Acres |
| Upland Acreage Proposed: | 2.76 Acres |

The remainder property with the existing home and accessory structures would not be negatively impacted as a result of the proposed subdivision. The proposed property line for the new parcel would not create any non-conformities or reduced setbacks relating to the remainder property, the existing home or accessory buildings.

The City has standards for granting a variance which need to be considered prior to making a recommendation relating to the application. The standards established by the City require the applicant to demonstrate that the requested variance does not create a situation that is not in keeping with the character of the surrounding area. In addition, the applicant must demonstrate that the requested variance is unique to the subject property. The standards for granting a variance are as follows:

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, “practical difficulties” means:

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

(b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;

(c) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the standards for granting a variance:

- a. The applicants are proposing to use the existing and proposed property as residential which is consistent with the AG-Agriculture Zoning District.
- b. The properties created by the subdivision are similar in nature and character to the surrounding properties. There are existing properties located along Nelson Road that range between 2.5 and 40 acres plus.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The majority of existing properties that are less than 40 acres along Nelson Road, were subdivided based on a previous ordinance and comprehensive plan for the City. The City's current comprehensive plan guides this area for long term agriculture. The City will need to determine if the proposed subdivision is in keeping with the intent of the City's comprehensive plan.
- d. The requested variance to allow the subdivision of the property must be found to be unique to this property. The City reviewed aerial photographs and survey information to determine if the condition of having a creek subdivide the property with two points of access (Maria Road on the west and Nelson Road on the east) is unique to this property. Due to the large area of the City and the number of properties, it is difficult to determine if this situation is wholly unique to this property. The City has many unique properties as well as many situations that could be presented as unique to a given property. The City has recently considered and granted a variance to allow the subdivision of an Agricultural property, less than 40 acres, that was bisected by an existing road. In that instance, the City was able to more definitively identify the same condition and found that there were a handful (less than 5) of properties that had the same circumstances and conditions of a road bisecting the property. The City has a large number of properties that are less than 40 acres, zoned Agriculture and have unique conditions. The City will need to determine if the unique characteristics of this property are distinctive and discernable from other conditions on similar properties.

The City will need to determine if the requested variance to allow the subdivision of the property meets the requirements for granting a variance. The proposed subdivision, if approved, would create two properties that meet all other applicable criteria of the City's zoning ordinance.

The existing house on the remainder property has an existing on-site septic system that will remain in use with the existing home. Upon the sale of the parcel, the City will require an inspection of the system. Proposed Tract A will need to accommodate the requisite primary and secondary on-site septic system locations. The proposed subdivision does not currently provide for the requisite drainage and utility easements along all property lines. These easements would need to be provided to the City should the application be approved.

The proposed Tract A would be required to pay the City's Park Dedication fee. For this property, the park dedication fee amount is \$3,500.00. This fee will need to be paid prior to recording the subdivision.

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

4.32 acres = \$3,500

Planning Commission Discussion:

Planning Commissioners discussed the proposed variance to allow a subdivision. Commissioners noted that they would need to determine that there are unique characteristics of the property that would warrant the variance to be granted. Commissioners discussed that there is a creek that separates the proposed parcel from the remainder of the property and that it would have access onto a City street.

Commissioners discussed whether or not the condition was created by the landowner and if the property was useable to the landowner in the current condition. Commissioners asked staff for historical information relating to any similar variances granted by the City and also if there were properties that would have similar characteristics. Staff noted the few instances where a variance had been granted and also noted that there are too many variables to determine if this condition would appear on other properties within the City. Planning Commissioners had varying viewpoints relating to the request and whether the condition was unique to this property. Several Commissioners believed that the creek separation and access on a City road were unique characteristics of the property and several Commissioners stated that they did not believe that these conditions were solely unique and that the variance would potentially open up too many similar situations. Commissioners ultimately could not approve a motion to either approve or deny the requested variance and minor subdivision.

Recommendation:

The Planning Commission did not make a recommendation for the requested variance and minor

subdivision. City Council is being asked to provide direction and resolve to approve or deny the requested variance. Based on the determination made by Council, a corresponding resolution would be prepared and brought back to the City Council for adoption. The City has extended the review period for this application based on the need to bring back a resolution.

Attachments:

- Application/Narrative
- Survey

MAY 30 2017

City of Independence

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

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

*Please check all that apply

Request: _____

A variance to allow for
a lot split on the
property listed @ address
below.

Site Address or Property Identification Number(s):

2028 County Line Rd SE Delano MN 55328
P.I.D. 18 118 24 24 0003

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

Office Use Only

1,250.
Application Amount

750.
Escrow Paid

Date Accepted by Planner

City Planner

5/30/2017
Date

2567
Application Check #

2567
Escrow Check #

Accepted By

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

Applicant Information:

Name: Richard & Kar Stromer
Address: 2828 County Line Rd SE
City, State, Zip: Delano, Mn 55329
Phone: ^{KARI} (612) 710-6167 ^(RICK) (952) 221-1313
Email: stromerk1@gmail.com
Signature: Kar Stromer

Owner Information (if different than applicant)

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

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

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

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2014 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are shown at the bottom of this form. By signing this form, the applicant recognizes that he/she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

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

Applicant Signature: Kar Stromer
Date: 5/25/17

Owner Signature (if different): _____
Date: _____

VARIANCE PROPOSAL

Steps to Follow...

Written Statements...

....3. Written statements providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below:

a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates

Rick & Kari Stromer
2828 County Line Rd SE
Delano, Mn 55328

Rick (952) 221-1313
Kari (612) 710-6167

Wetland Delineator:
Jeremy Donabauer
PO Box 43
Arlington, Mn 55407
Phone: (320) 291-4022

Surveyor:
Schoborg Land Surveying
8997 County Rd 13 SE
Delano, MN 55328
Phone: (763) 972-3221

Septic/Soils Engineer:
Greg Halling
Halling Engineering, Inc.
3727 E 255th Street Webster, MN 55088-9514
Phone: 952-440-1680

b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), current legal description(s), and existing use of land;

2828 County Line Rd SE
Delano, Mn 55328

Zoning: Agricultural

Parcel size (acres): 19.47 Square Feet: 847,977

Property identification #: 18 118 24 24 0003

Current legal description:

The West 20 rods of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the South 1 rod of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 118, Range 24, Hennepin County, Minnesota.

The South $\frac{1}{3}$ of the East 60 rods of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 118, Range 24.

Existing use of land: Residential (1 house, 2 pole barns), Agricultural (approx. 8 acres pasture mix baled to keep land in use, prevent overgrowth)

c. State the provision(s) of the Independence City Code for which you seek a variance. (For example, subsections 530.03, 530.07, 530.

Independence City Code 500.03

Subd. 36. "Subdivision, rural view lot" means the division of a parcel of land in the Agriculture zoning district into one or more lots or parcels primarily for residential use. The resulting residential lots shall be referred to as "rural view lots." (Added, Ord. No. 2005-01)

d. A specific written description of the proposal and how it varies from the applicable provisions of Independence Code.

Independence Zoning Code 530.03 (Rev. 2011)

Current zoning states that only a parcel of 40 acres or more is allowed to subdivide a minimum of 2.5 buildable acres. We have 19.47 acres. The variance we are requesting would allow for the division of a 4-5 acre portion of the property at 2828 County Line Rd SE. The parcel portion applicable to the variance is on Nelson Rd and inaccessible to us off County Line Rd unless we drive over to Nelson Rd. A better use of the land would be for accessible residential use.

e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.

We have talked with the city planner about the process of a variance request and were met with willingness to help in anyway possible within the city planners' abilities. An initial meeting with Mark Kaltsas was set up to go over our variance proposal. Variance paperwork was reviewed and we were informed of next steps to submit an application.

- Describe how the literal interpretation of the provisions of the zoning code would cause undue hardship, deprive you of rights commonly enjoyed by other properties in the same district under the terms of this zoning code and leave you with no reasonable use of the land. The hardship must not have been created by you, the applicant.

Dan & Denise Esler, our neighbors to the south, were able to subdivide their property to build a house off of Maria Rd in 1991. An existing house was already located on Nelson Rd. They also had less than 40 acres (10.09 acres) before they subdivided their property. They divided their portion of 5.37 acres off of 10.09 acres and sold 4.79 acres. With current land layout we are unable to access our property off of Nelson Rd due to a stream and tree line that separates the property. A right commonly shared by most residents is convenient access to all areas of their property to insure best use of the land.

- Explain why the conditions causing the hardship are unique to the property and are not shared by neighboring properties in the same zone. Also explain why exceptional or extraordinary circumstances apply to the property, that do not apply generally to other properties in the same zone, and result from lot size or shape, topography, or other circumstances over which you or the owners of the property, since enactment of the applicable zoning restriction, have no control.

A stream and a tree line divide the property, making it inaccessible to us unless we drive around to Nelson Rd. If we were to drive our tractor/lawn mower over to Nelson Rd for basic upkeep for that portion of the parcel, it would require driving 1.7 mi on Hwy 12 (MN deadliest hwy). Another option is to drive south on County Line Rd to Nelson Rd, which is a 3.4 mile drive. Neither of these options allows convenient access to our property.

- Address how the variance would be in keeping with the spirit and intent of this zoning code, would be consistent with the comprehensive plan, and would not essentially alter the character of the neighborhood, or adversely affect the environmental quality of the area.

The surrounding parcels are currently residential, as this would be too. Ariel view would show plots to the East to be smaller. A parcel just south of the (parcel requesting variance) would be similar in size and shape. Parcels further north and south are larger. Another residence in a spacious neighborhood would not have a negative impact on environmental quality. The new resident, as well as existing residents, would be required to stay within the environmental standards, character and comprehensive plan of the neighborhood. The variance would allow for the building of a single-family dwelling on a parcel with access to natural gas and electricity lines.

As stated in the zoning code:

- 1] {530.05 Subd. 2. Permitted uses.} The following uses are permitted in the rural residential district: (a) **single family dwellings**; (b) commercial agriculture; (c) public recreation;
- 2] {530.07. Physical standards. Subdivision 1.} All construction in the rural residential district must meet the following physical standards: (Added, Ord. 2010-01)

(a) **Minimum lot area a 2.50 acres buildable land. (Added, Ord. 2010-01)}**

SEE ATTACHED LAND SURVEY

- 3] {530.11 Subd. 4(a) (Rev. 2012)}

... (c) **Storm Water Management.** Due to the sensitive nature of the natural resources in Independence, the applicant shall place an emphasis on meeting all applicable storm water management rules and regulations pertaining to the proposed planned development. Incorporation of best management practices and innovative solutions to storm water management will be encouraged.

* Leaving the stream and tree line as is, would be the in the best interest for ideal storm water management. However, the current stream and tree line do not allow for convenient property access to parcel on Nelson Rd. Therefore, selling the parcel for a single family dwelling would be the best use

of the land, rather than filling the stream in to create convenient access to the land.

4] {Independence Zoning Code 530.07 Subd. 4(a)(3) (Rev. 2010)}

Buildable acreage must not be separated by streams, wetlands, slopes in excess of 10% or other physical impediments;

* This would make the parcel on Nelson Rd usable for buildable acreage. Currently it can only be used for agriculture purposes due to natural impediments (ie. stream, tree line). If we were to keep the current property as is, with no subdividing, it would be a poor fit for use as buildable acres.

• Please explain why the variance would not allow any use that is not permitted under the zoning code for a property in the zone your land is located.

The variance would allow for a sale of a parcel on Nelson Rd for the use of a single-family dwelling/ residence. This is similar to the use for the parcels in the area. Any new resident would also be required to remain in the confines of the current zoning code once the property was individually established apart from our property.

• Provide justification that the variance request is not based exclusively upon a desire to increase the value or income potential of the parcel of land.

The parcel is currently being used for farming. A variance allowing building of a single-family dwelling, would be of better use. Hennepin County defines the soil type, on the parcel located on Nelson Rd, to be L24A (Glencoe Clay Loam). This is not considered prime farmland due to soil classification being #2 farm type. Hennepin County states that #2 farm type is only prime if well drained. Looking at the soil maps on Hennepin County's website, the parcel on Nelson Rd is described as "Very poorly drained."

SEE SOILS INSERT

• Please describe the cause(s) of this hardship (who or what created the current nonconformity).

The current 19.47 acre parcel of land is divided by a tree line and a stream making it inaccessible unless we drive around to Nelson Rd. This was created by nature with the tree growth and need for natural water run off for the land of surrounding properties.

• Justify that the granting of the requested variance **will not**: 1) adversely affect the health or safety of persons residing or working in the neighborhood; 2) alter the essential character of the neighborhood; 3) impair an adequate supply of light and air to adjacent properties; 4) be injurious to property or improvements in the neighborhood; 5) increase the congestion on public streets; 6) endanger public safety; 7) or substantially diminish or impair property values within the neighborhood.

1) If the variance were granted, it will not affect the health or safety of persons residing or working in the neighborhood because it will match the surrounding properties.

2) The essential character of the neighborhood is residential homes, which would be the intended use of this new parcel.

3) The parcel has existing trees on three sides, and Nelson Rd on the fourth. Thus, creating no new change in light supply or affect to the airflow to neighboring properties.

4) The variance would allow for residential use similar the surrounding properties, which wouldn't be

injurious to future improvements to properties within the neighborhood.

5) Adding one additional residence to Nelson Rd would not increase the traffic flow to the point of causing problems because the residence would be for a single-family dwelling.

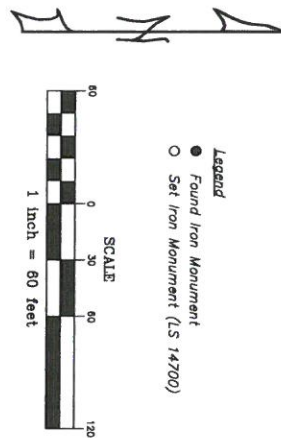
6) The new parcel would not be different than surrounding properties, thus creating no new dangers to public safety.

7) Property values in the area would not negatively change due to the variance being passed. The parcel would be for a new single-family dwelling unit.



Certificate of Survey

Prepared for:
Kari Stromer

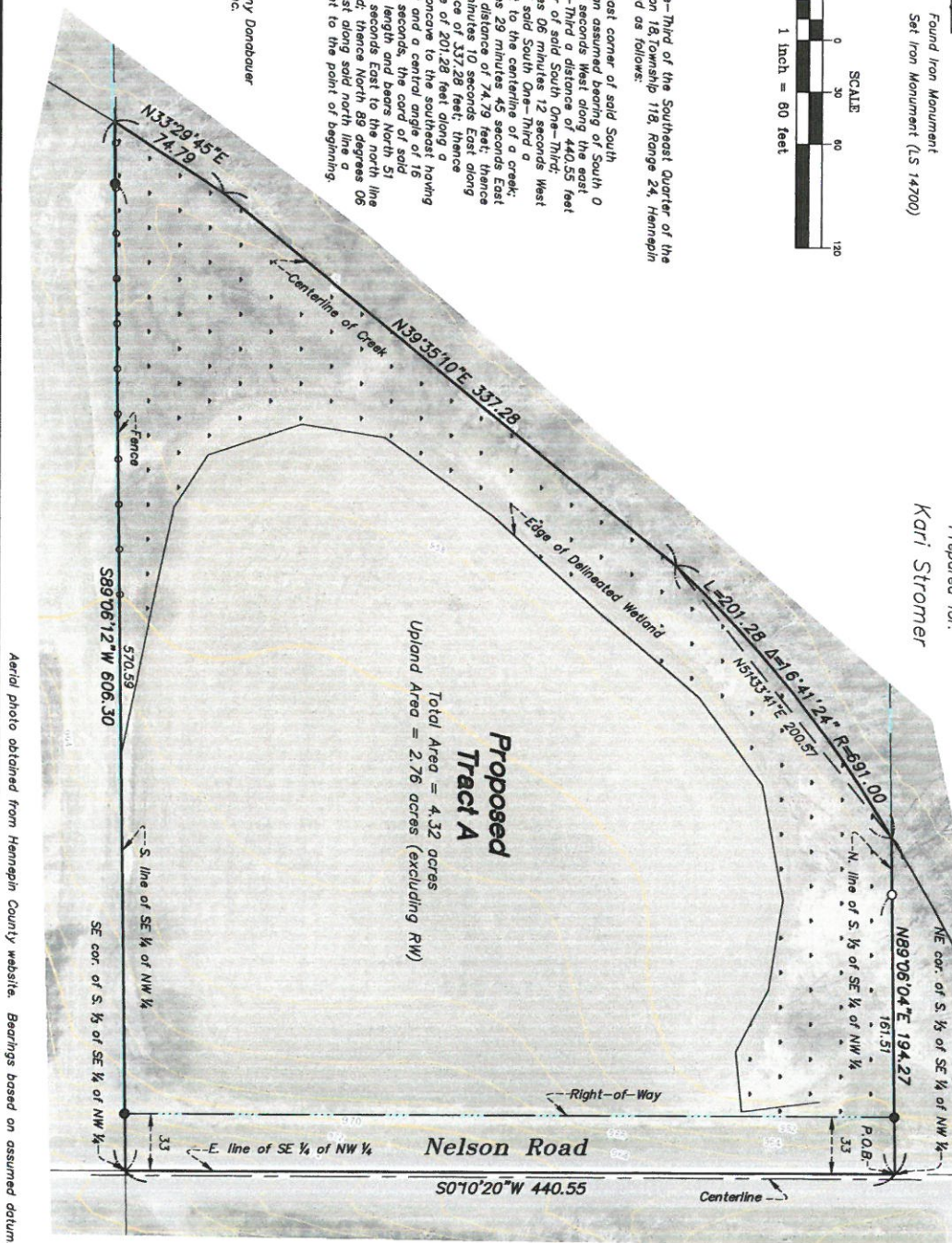


- Legend**
- Found Iron Monument
 - Set Iron Monument (IS 14700)

Proposed Tract A
That part of the South One-Third of the Southeast Quarter of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the northeast corner of said South One-Third, thence on an assumed bearing of South 0 degrees 14 minutes 20 seconds West along the east line of said South One-Third a distance of 440.55 feet to the southeast corner of said South One-Third, thence South 89 degrees 06 minutes 12 seconds West along the south line of said South One-Third a distance of 606.30 feet to the centerline of a creek, thence North 33 degrees 29 minutes 45 seconds East along said centerline a distance of 74.79 feet; thence North 39 degrees 35 minutes 10 seconds East along said centerline a distance of 337.28 feet; thence northeasterly a distance of 201.28 feet along a non-tangential curve concave to the southeast having a radius of 691.00 feet and a central angle of 16 degrees 41 minutes 24 seconds, the cord of said curve is 200.57 feet in length and bears North 51 degrees 33 minutes 41 seconds East to the north line of said South One-Third, thence North 88 degrees 06 minutes 04 seconds East along said north line a distance of 194.27 feet to the point of beginning.

Note:
Wetland delineated by Jeremy Donabauer of A.G. Wetland Services, Inc.



Aerial photo obtained from Hennepin County website. Bearings based on assumed datum.

**SCHOBORG
LAND SERVICES
INC.**

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

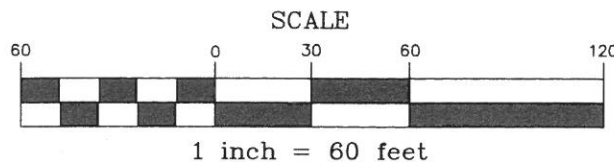
Job Number: 8416
Book/Page: LL
Survey Date: 4/21/17
Drawing Name: stromer.dwg
Drawn by: DMS
Revisions:

Certificate of Survey

Prepared for:
Kari Stromer

Legend

- Found Iron Monument
- Set Iron Monument (LS 14700)



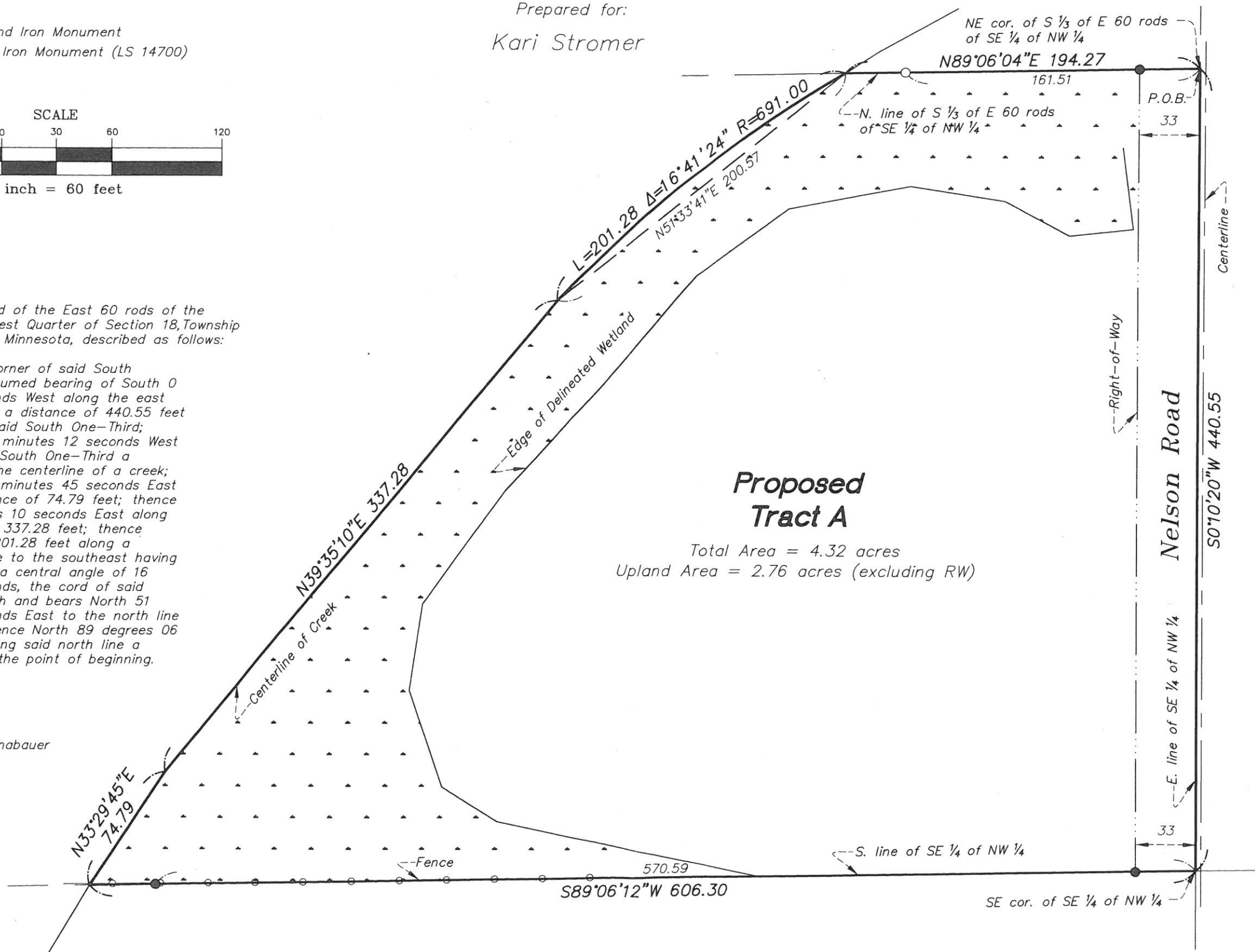
Proposed Tract A

That part of the South One-Third of the East 60 rods of the Southeast Quarter of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the northeast corner of said South One-Third; thence on an assumed bearing of South 0 degrees 10 minutes 20 seconds West along the east line of said South One-Third a distance of 440.55 feet to the southeast corner of said South One-Third; thence South 89 degrees 06 minutes 12 seconds West along the south line of said South One-Third a distance of 606.30 feet to the centerline of a creek; thence North 33 degrees 29 minutes 45 seconds East along said centerline a distance of 74.79 feet; thence North 39 degrees 35 minutes 10 seconds East along said centerline a distance of 337.28 feet; thence northeasterly a distance of 201.28 feet along a non-tangential curve concave to the southeast having a radius of 691.00 feet and a central angle of 16 degrees 41 minutes 24 seconds, the cord of said curve is 200.57 feet in length and bears North 51 degrees 33 minutes 41 seconds East to the north line of said South One-Third; thence North 89 degrees 06 minutes 04 seconds East along said north line a distance of 194.27 feet to the point of beginning.

Note:

Wetland delineated by Jeremy Donabauer of A.G. Wetland Services, Inc.



Bearings based on assumed datum.

Job Number: 8416

Book/Page: LL

Survey Date: 4/21/17

Drawing Name: stromer.dwg

Drawn by: DMS

Revisions: 5-04-17 (description)

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.

Paul B. Schoborg
Paul B. Schoborg

Date: MAY 4, 2017 Registration No. 14700

SCHOBORG
LAND SERVICES
INC.

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

City of Independence

Request for a Conditional Use Permit to Allow an Accessory Structure Larger than 5,000 SF and Bunkhouse on the Property located at 499 Nelson Road

| | |
|------------------------|----------------------------|
| <i>To:</i> | City Council |
| <i>From:</i> | Mark Kaltsas, City Planner |
| <i>Meeting Date:</i> | July 31, 2017 |
| <i>Applicant:</i> | Ram General Contracting |
| <i>Property Owner:</i> | Bell Farms, LLC |
| <i>Location:</i> | 499 Nelson Road |

Request:

Ram General Contracting (Applicant) and Bell Farms, LLC (Owner) request that the City consider the following action for the property located at 499 Nelson Road (PID No. 31-118-24-24-0001) in Independence, MN:

- a. A conditional use permit to allow an accessory structure that exceeds 5,000 SF with bunkhouse for the property caretaker.

Property/Site Information:

The property is located on the west side of Nelson Road and north of CSAH 6. The property has an existing home and several smaller barns and accessory structures. There are several large pasture areas with some existing tree coverage. The property has the following characteristics:

Property Information: 499 Nelson Road
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: *17.44 acres (including ROW)*



Discussion:

The property was recently acquired by a new owner and they are seeking a conditional use permit to allow an accessory building larger than 5,000 SF on the subject property. The applicants are proposing to develop the property into a private horse farm. The proposed development of the property would include a private stall barn, walker building and indoor riding arena. There is an existing home and several detached accessory buildings located on the property. The applicant is proposing to demolish one of the existing accessory buildings.

All accessory structures greater than 5,000 square feet require a conditional use permit. The proposed stall barn, walker building and indoor riding arena are approximately 30,000 square feet in size and would house eight (8) stables. In addition to the barn and indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse on top of a new storage garage to house a property caretaker. The applicant has provided the City with a site survey, site plan, interior floor plan and isometric elevation of the proposed buildings. The proposed development of this property into a horse farm is a permitted use in the Agriculture zoning district.

The proposed site and buildings have the following characteristics:

Site Area: 17.44 Acres

Required Setbacks:

Front Yard: 85 feet from centerline
Side Yard: 30 feet principle structure
15 feet accessory structure
Rear Yard: 40 feet
Structures: 150 from nearest residential structure
Housing
Livestock

Proposed Setbacks:

Front Yard: 95 feet (riding arena from centerline of Nelson Road)
Side Yard: 150 feet (riding arena to south property line)
Structures: ~286 from nearest residential structure (property across Nelson Road to East)
Housing
Livestock

The existing home and detached accessory structures meet all applicable building setbacks.

The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 17 acres. All 17 acres is useable upland acreage. Applying the City's standard, the site would accommodate 16 animals. The applicant would be permitted to have up to 16 horses on the subject property. The proposed stall barn has eight (8) stalls and the applicant has noted that they intend to not have more than eight (8) horses on the property.

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

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

6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The owner of this property recently sold a similar facility located on County Road 92. The owner has noted that this farm will be for their private use only and no commercial boarding or training of horses would occur on this property. The conditional use permit would allow an accessory structure larger than 5,000 SF as well as the bunkhouse for the property caretaker. The proposed bunkhouse would be located on top of the new garage near the existing principal residence on the property. The remaining use of the property as a private horse farm is permitted in the Agriculture zoning district. The City is being asked to determine whether or not the proposed accessory structure larger than 5,000 SF would meet the criteria for granting a conditional use permit.

The applicant is proposing to mitigate the impact of the larger structure by screening the proposed arena and walker building from Nelson Road using a combination of berming and landscaping. The applicant has provided the City with an updated landscape plan which identifies the location, type and size of the proposed landscaping. The landscaping is proposed to be planted on top of a new earthen berm which would range from three to six feet in height. The proposed landscaping is comprised of a mixture of 34 deciduous and 27 coniferous trees for a total of 61 trees planted along Nelson Road. This would be in addition to preservation of several mature deciduous tree. It should be noted that the minimum size for deciduous trees is 2.5 caliper inches and the minimum size for coniferous trees is 6' in height. The landscape screening should provide relief to the views of the proposed accessory structure from the surrounding properties. The applicant has prepared some additional isometric plans to further illustrate the impact of the mature landscaping.

This "stretch" of Nelson Road is comprised of generally smaller residential properties to the north and east of the subject site. The property to the west and south is comprised of larger more typical agricultural parcels. The City will need to determine if the proposed accessory structure larger than 5,000SF meets the criteria for granting a conditional use permit. The criteria generally require that the use of the property is consistent with the City's comprehensive plan, is not detrimental to the reasonable use and enjoyment of the surrounding properties and will not cause any adverse nuisances.

Additional Notes/Considerations:

The proposed riding arena has a maximum height of 30 feet to the peak of the roof with 16 foot sidewalls. The maximum height for buildings in the City is 35 feet; however, this limitation does not apply to farm buildings.

The City discussed potential nuisances such as odor, flies and dust control. The applicant noted that the only user of the facility will be the applicant. There will be very little traffic associated with the facility as a

result. The applicant had brought a sample of the organic compost created from the manure on her existing property. The applicant is proposing to construct a similar compost building to handle manure generated on the property. The applicant utilizes a mechanical system for converting the manure into useable compost. The process utilized by the applicant will reduce flies and odors associated with the manure. The compost is then used by the applicant.

The City discussed lighting with the applicant in more detail. The only lighting proposed by the applicant will be security lighting over several doors. The proposed lighting will be full cut-off type lighting. The City is working with the applicant to obtain the cut sheets and detailed plan for the proposed lighting. All building lighting will need to comply with the City's lighting standards. The outdoor riding areas will not be artificially illuminated. The City typically reviews building and site lighting during the building permit review process.

The applicant has prepared a grading, drainage and storm water plan for the proposed site improvements. The plan includes measures for storm water treatment (storm water pond). Existing drainage generally runs from east to west and south to north on this property. The applicant is proposing to install a water quality pond along the west edge of this property. The City is in the process of reviewing the grading, drainage and storm water plan. Any comments resulting from the plan review will need to be addressed by the applicant and will be subject to the approval of the City Council. The City's approval of this project will also be subject to the Pioneer Sarah Creek Watershed Management Commissions approval of the proposed site improvements.

The following conditions should be considered:

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 applicant shall be required to construct the proposed berm and plant all landscaping in accordance with the approved landscape plan.
3. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
4. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
5. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
6. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
7. No commercial use of the horse farm shall be permitted.

8. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

The City will ultimately need to consider whether or not the proposed detached accessory building larger than 5,000 square feet meets the conditions for granting a conditional use permit. The applicant is proposing mitigation measures to reduce potential impacts relating to the larger building on the surrounding properties.

Neighbor Comments:

The City has received a written comment letter from an adjacent property owner. The letter identified concerns relating to the mass of the proposed building in relation to the views from their adjacent property (see attached letter). There were no comments made during the public hearing.

Planning Commission Discussion:

Planning Commissioner's reviewed the requested CUP and asked questions of staff and the applicant. Commissioners asked if the applicant would be living on the property. The applicant noted that at this time they would not be living on the property, but would have caretakers living on the property. Commissioners noted that the proposed use of the property for a private horse farm is permitted in the Ag-Agriculture zoning district. Commissioners ultimately recommended approval of the request for a conditional use permit to permit the larger accessory structure and bunkhouse for a caretaker on the property.

Recommendation:

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

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the conditional use permit is subject to completion of the following items:
 - a. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
 - b. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
 - c. The applicant shall provide the City with information and details pertaining to any and all building

and site lighting. All lighting will be required to comply with the City's applicable lighting standards.

3. The conditional use permit shall have 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. All landscaping and berming shall be installed and maintained in accordance with the approved landscape plan.
 - c. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
 - d. No commercial use of the horse farm shall be permitted.
 - e. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
 - f. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Application
2. Site Survey
3. Proposed Site Plan
4. Site Plan Isometric
5. Grading Plans
6. Proposed Bunkhouse Plans
7. Proposed Landscape Plan
8. Site Illustrations
9. Letter from Adjacent Property Owner

Attachments

499 Nelson Road (Looking west)



499 Nelson Road (Looking east)





RESOLUTION NO. 17-0731-01

A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT AS REQUESTED BY BELL FARMS, LLC FOR THE PROPERTY LOCATED AT 499 NELSON 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, Bell Farms, LLC (the “Owner”) submitted a request for a Conditional Use Permit to allow an accessory structure larger than 5,000 SF and bunkhouse on the property located at 499 Nelson Road (PID No. 31-118-24-24-0001) (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 Permit meets 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 May 11, 2015 to review the application for a Conditional Use Permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has review 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 Bell

Farms, LLC for a Conditional Use Permit per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the conditional use permit is subject to completion of the following items:
 - a. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
 - b. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
 - c. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
3. The conditional use permit shall have 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. All landscaping and berming shall be installed and maintained in accordance with the approved landscape plan.
 - c. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
 - d. No commercial use of the horse farm shall be permitted.
 - e. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
 - f. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

This resolution was adopted by the City Council of the City of Independence on this 31st day of July, 2017, by a vote of ____ ayes and ____ nays.

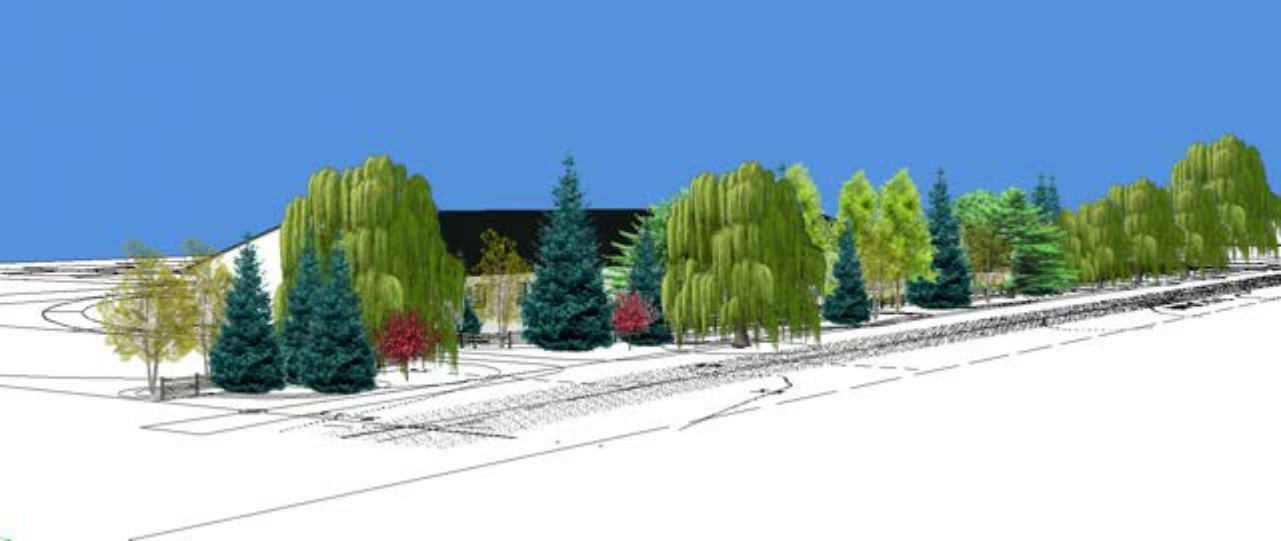
Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)

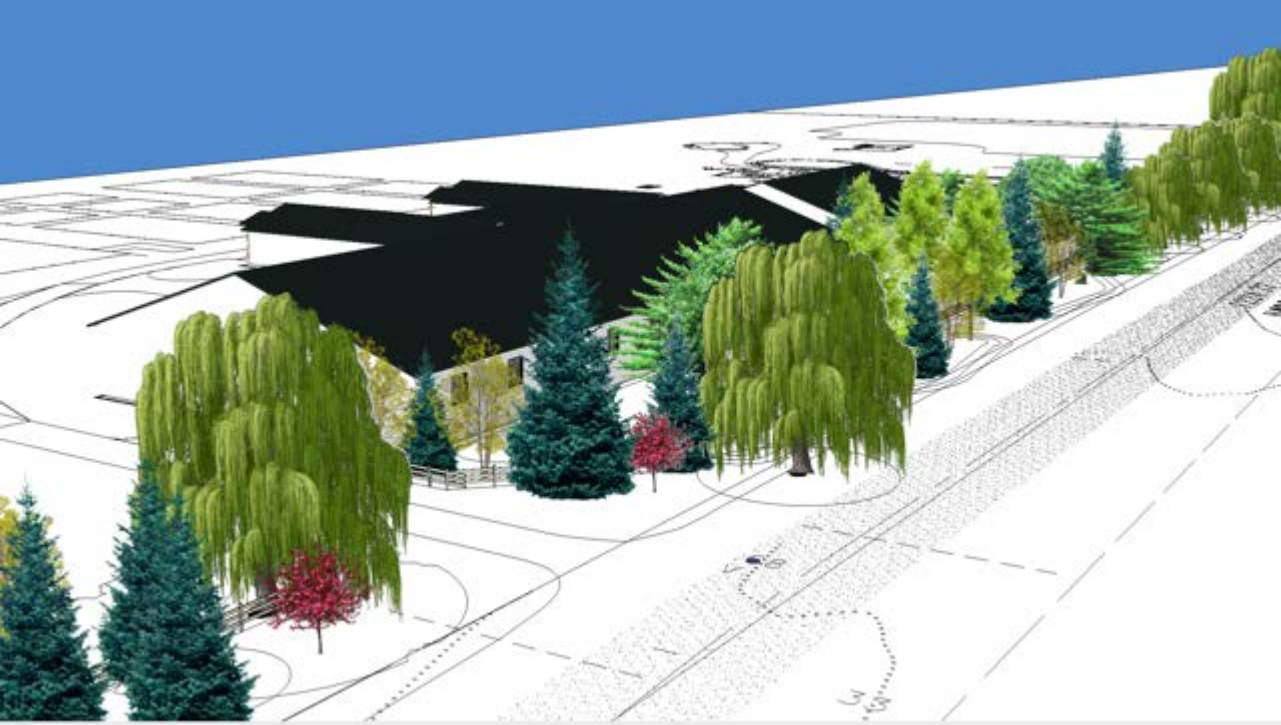






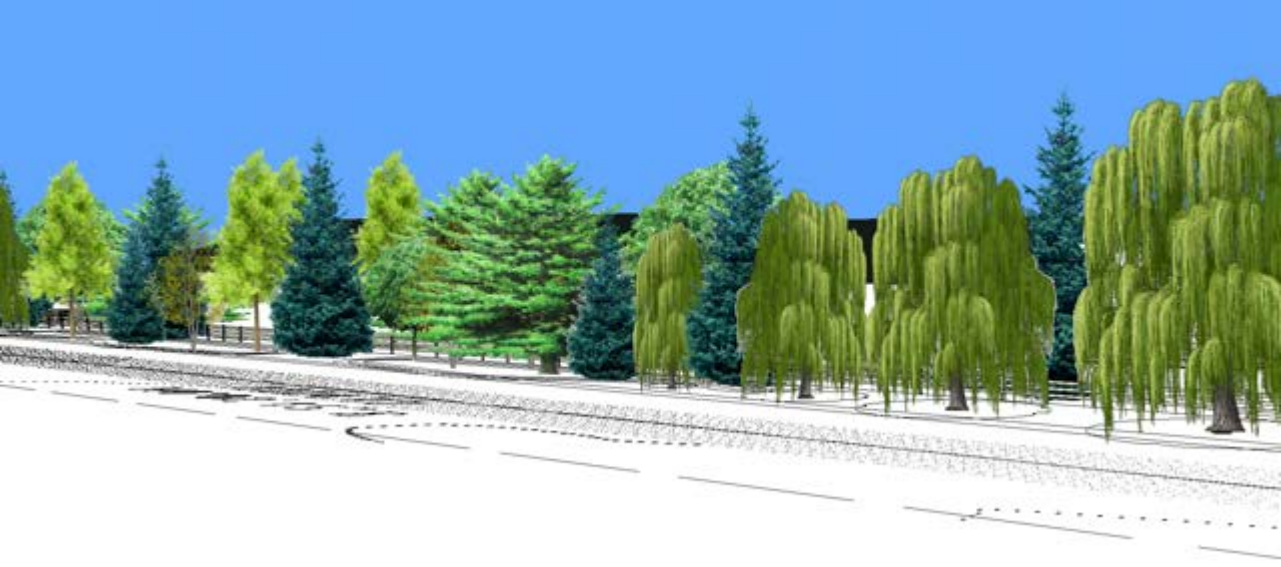


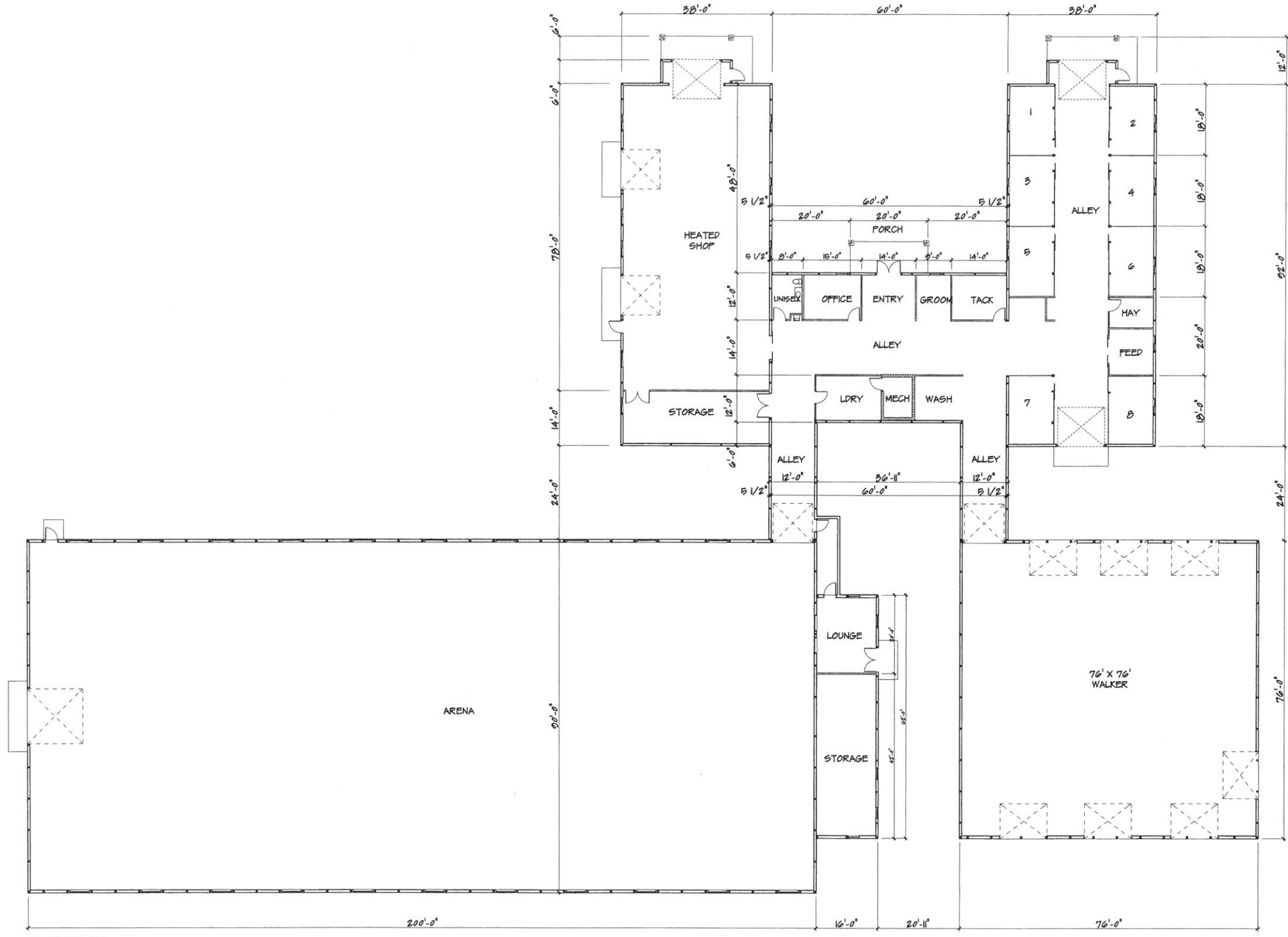












FLOOR PLAN
1 - 3/1/17

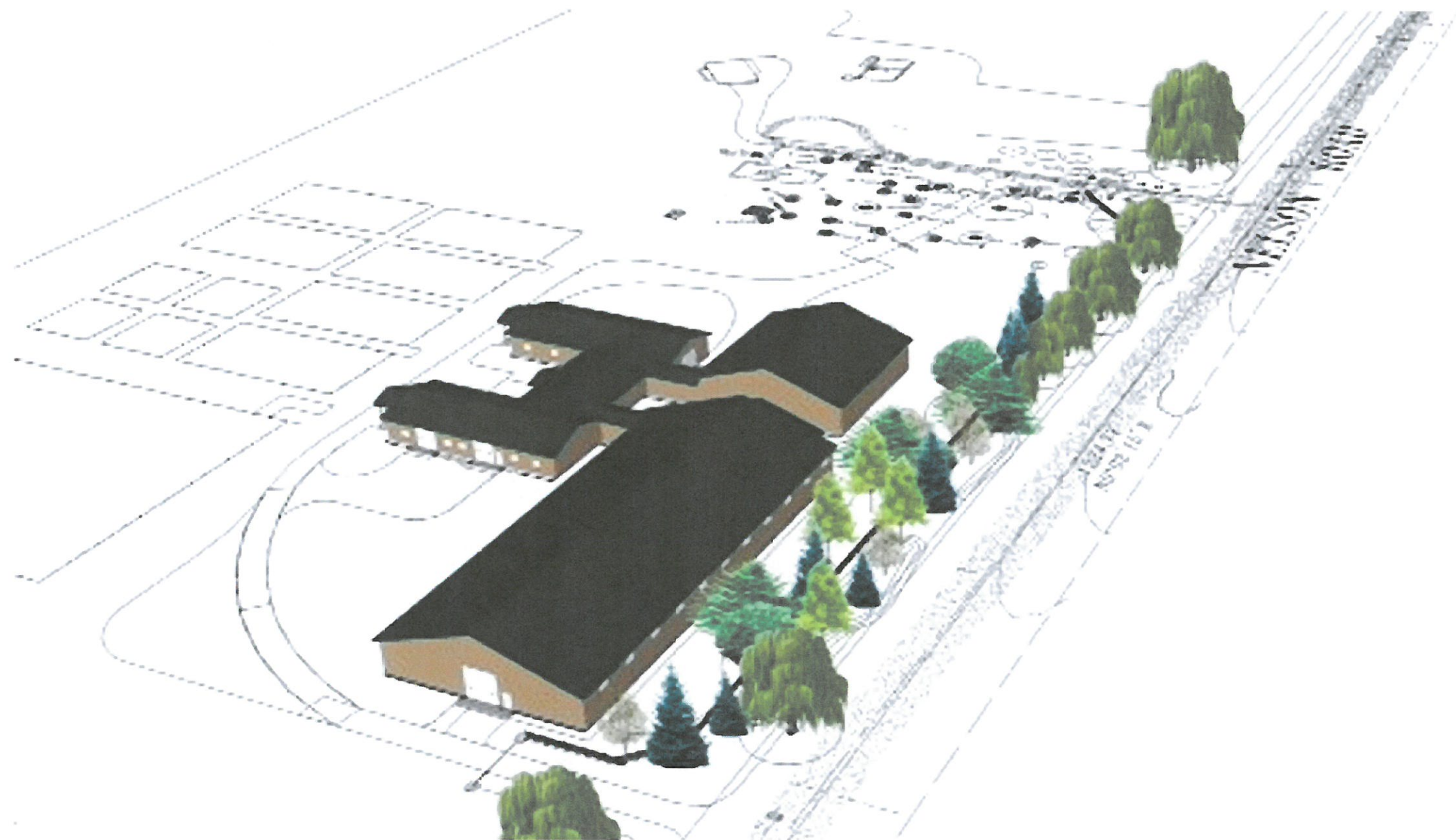
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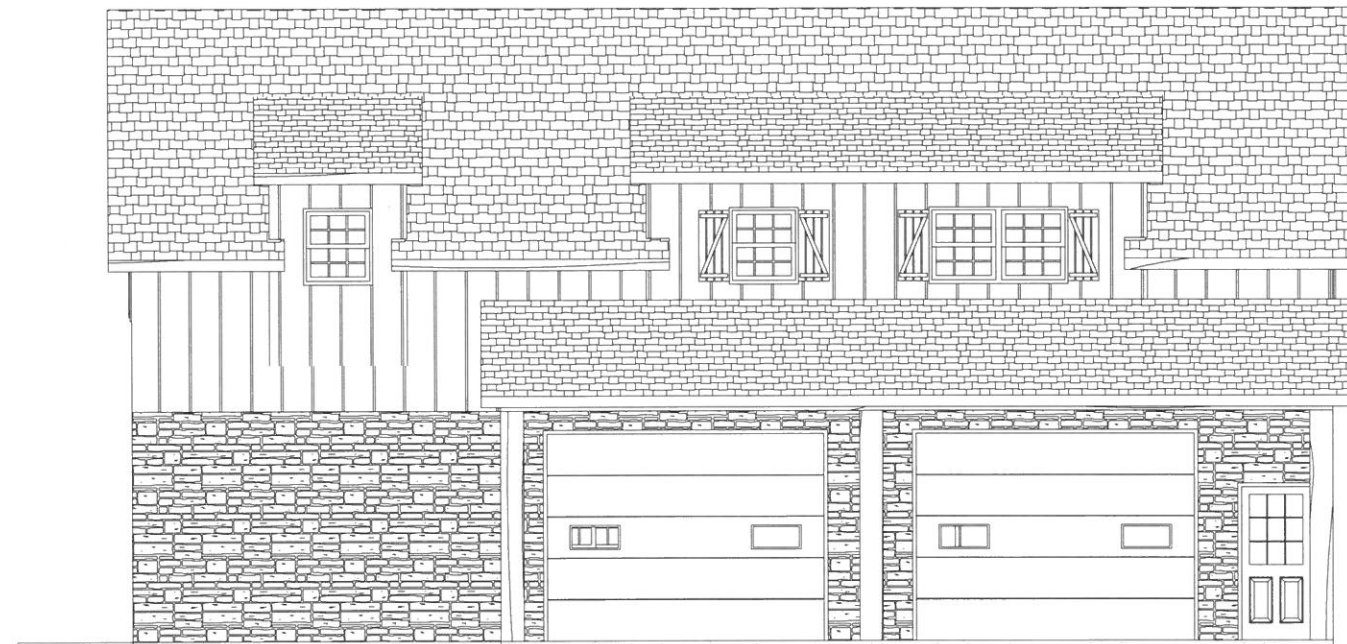
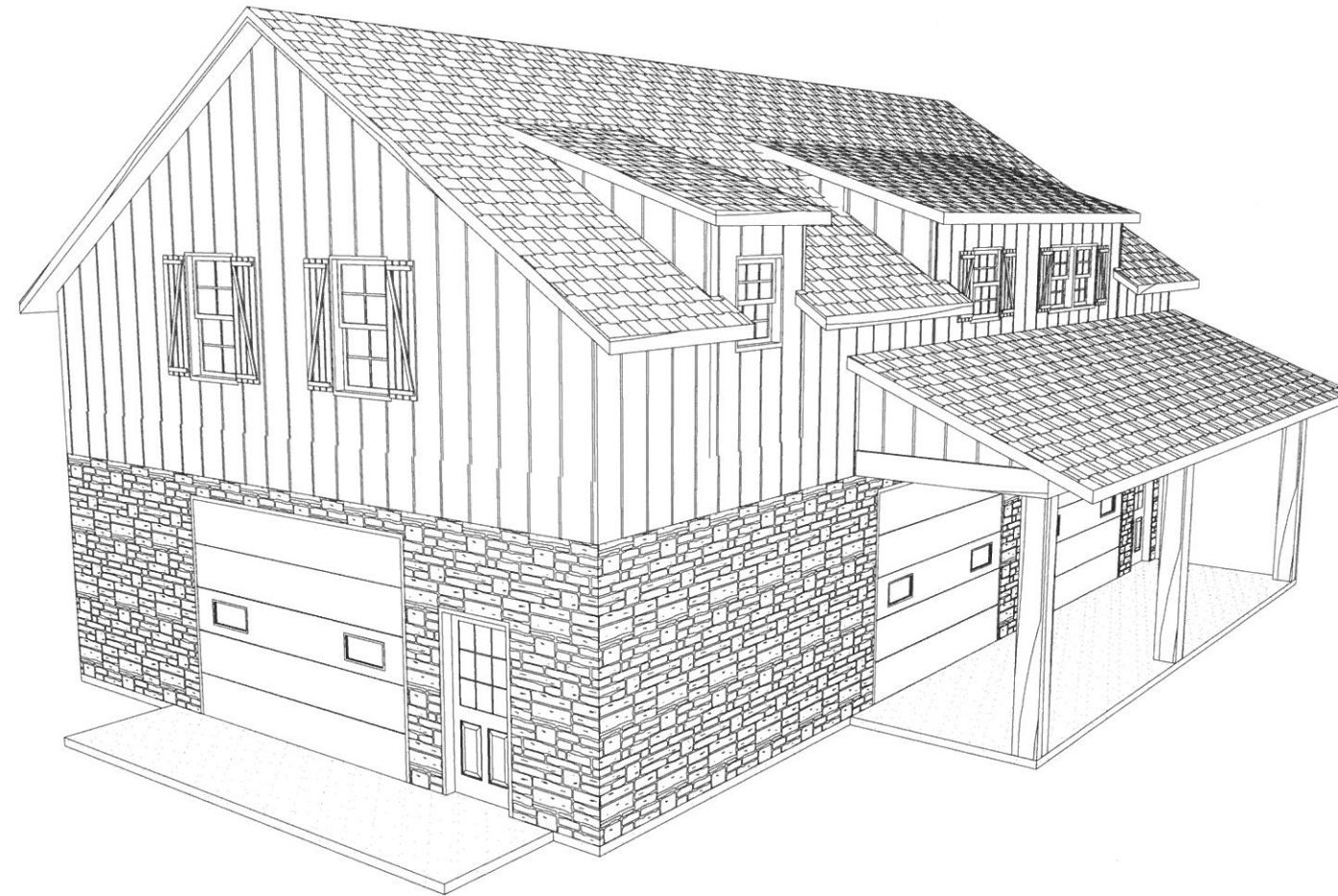


SITE PLAN

1" = 80'-0"

DATE: JUNE 12, 2017





FRONT ELEVATION

1/8" = 1'-0"



LEFT ELEVATION

1/8" = 1'-0"

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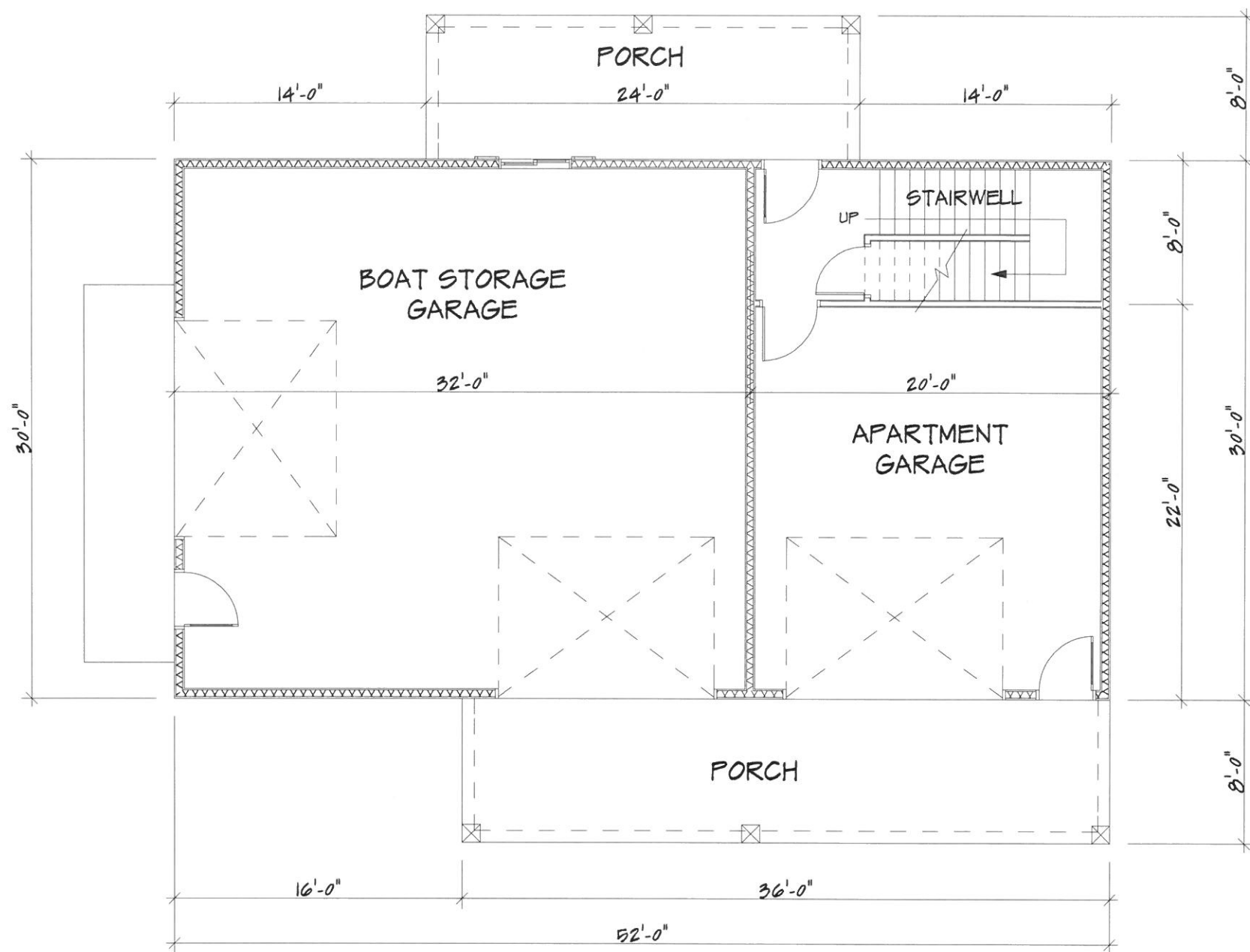
7/13/2017 9:09 AM

DRAWN BY: R.S.
DATE: 7/13/2017
SHEET 1 OF 4

PROJECT NAME: BEL FARMS TWO
PROJECT NUMBER: INDEPENDENCE, MN
BUILDING DESCRIPTION: 30' X 52'
DESIGN NUMBER: BOAT STORAGE / APT

592 Industrial Drive
P.O. Box 660
Winnet, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
www.rambuildings.com
Contractor License Number 20171976





MAIN LEVEL FLOOR PLAN

1/8" = 1'-0"

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7/13/2017 9:00 AM

RAM
 CONSTRUCTION
 SERVICES
General Contracting, Inc.

592 Industrial Drive
 P.O. Box 660
 Winsted, Minnesota 55395

320-485-2844 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number 20171976

PROJECT NAME: BEL FARMS TWO

PROJECT NUMBER: INDEPENDENCE, MN

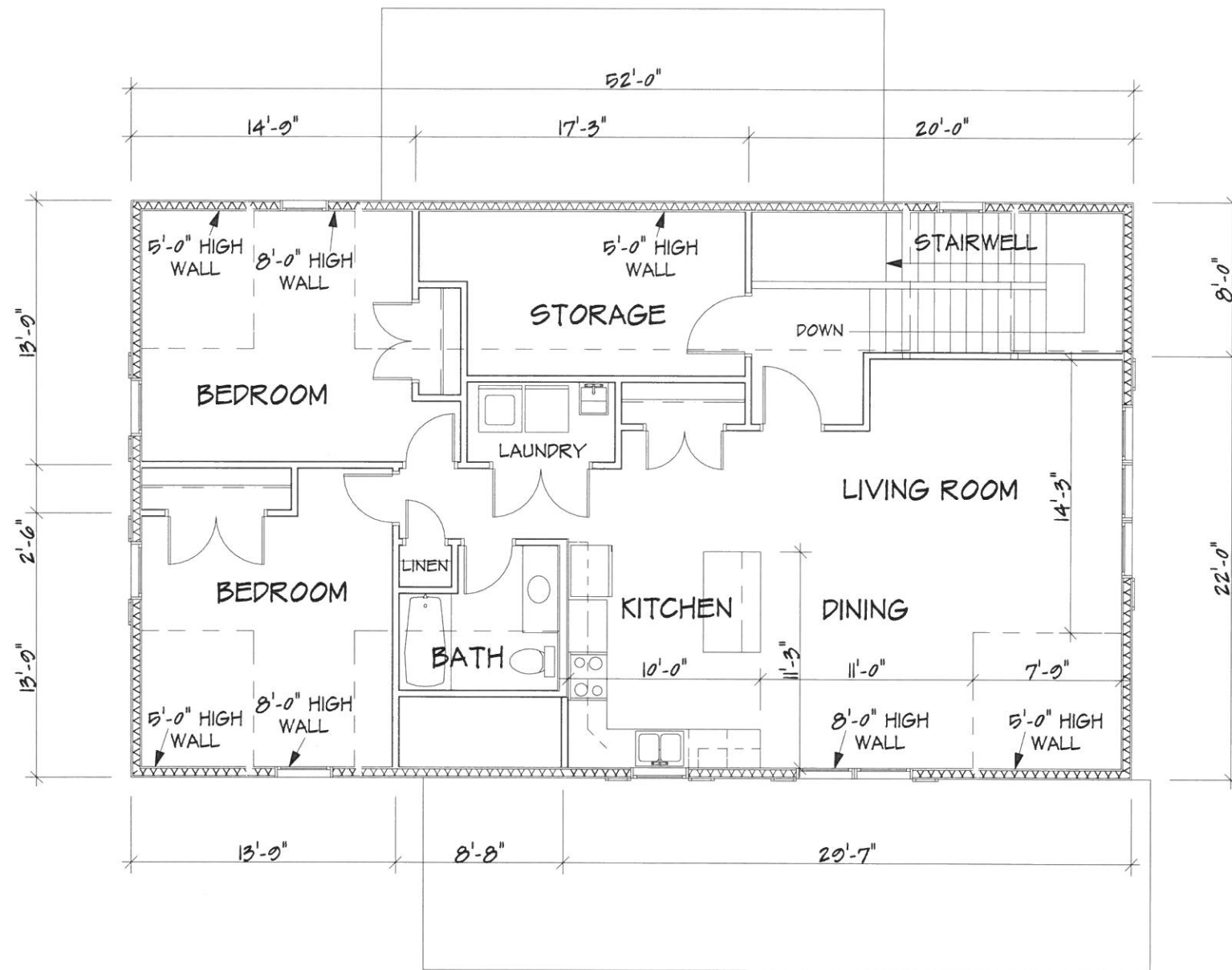
BUILDING DESCRIPTION: 30' X 52'

DESIGN NUMBER: BOAT STORAGE / APT

DRAWN BY: R.S.

DATE: 7/13/2017

SHEET 2 OF 4



UPPER LEVEL FLOOR PLAN

1/8" = 1'-0"

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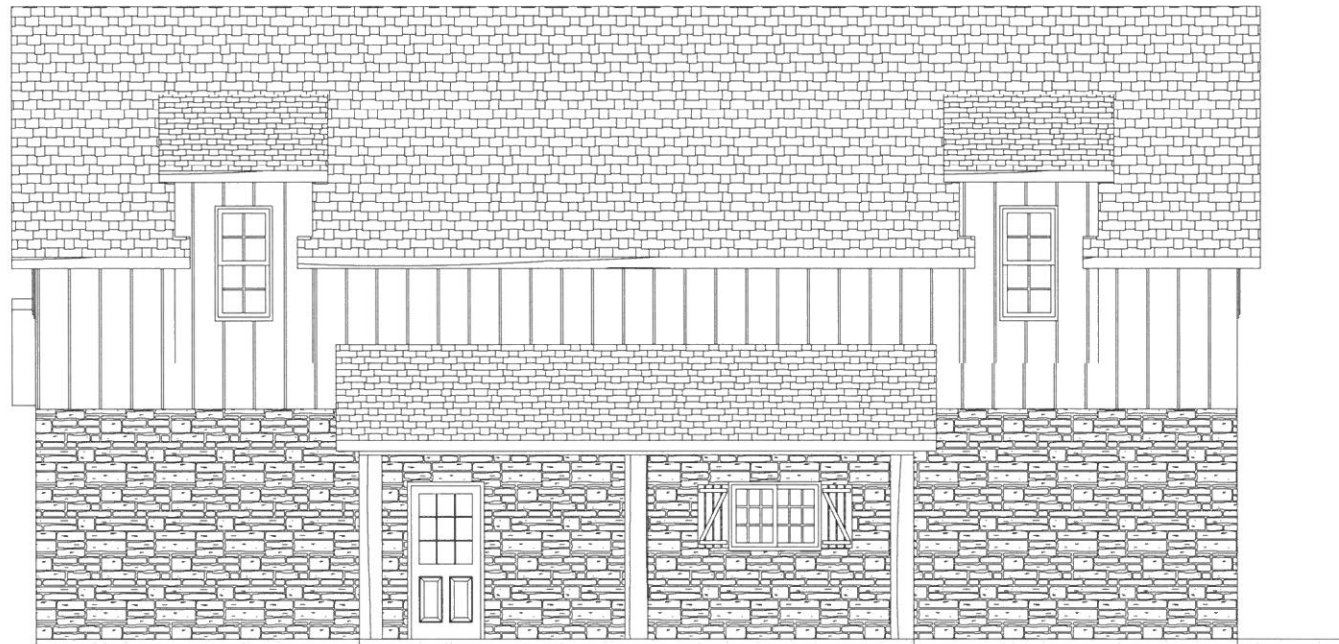
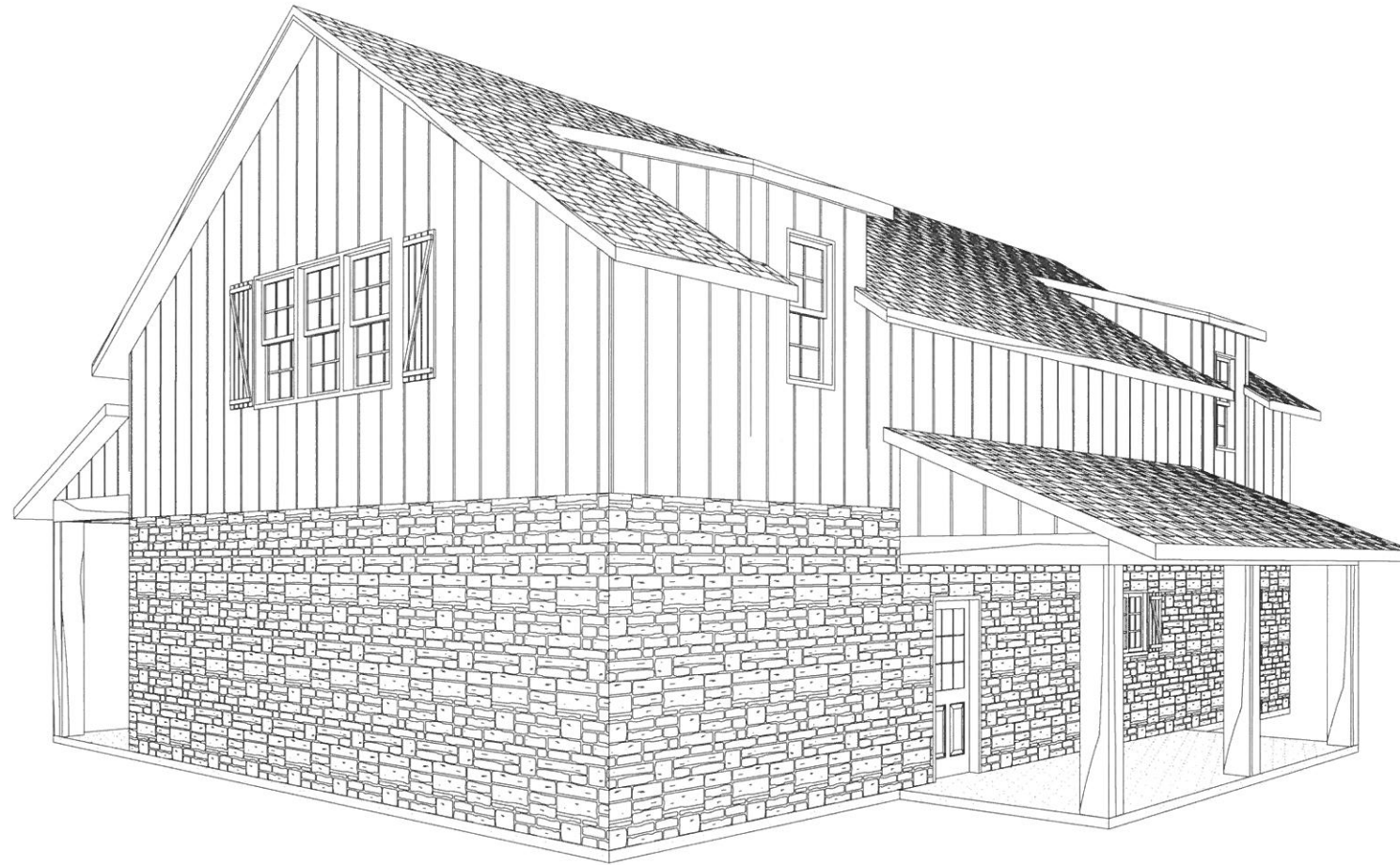
7/13/2017 9:00 AM

592 Industrial Drive
P.O. Box 660
Winnet, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
www.rambuildings.com
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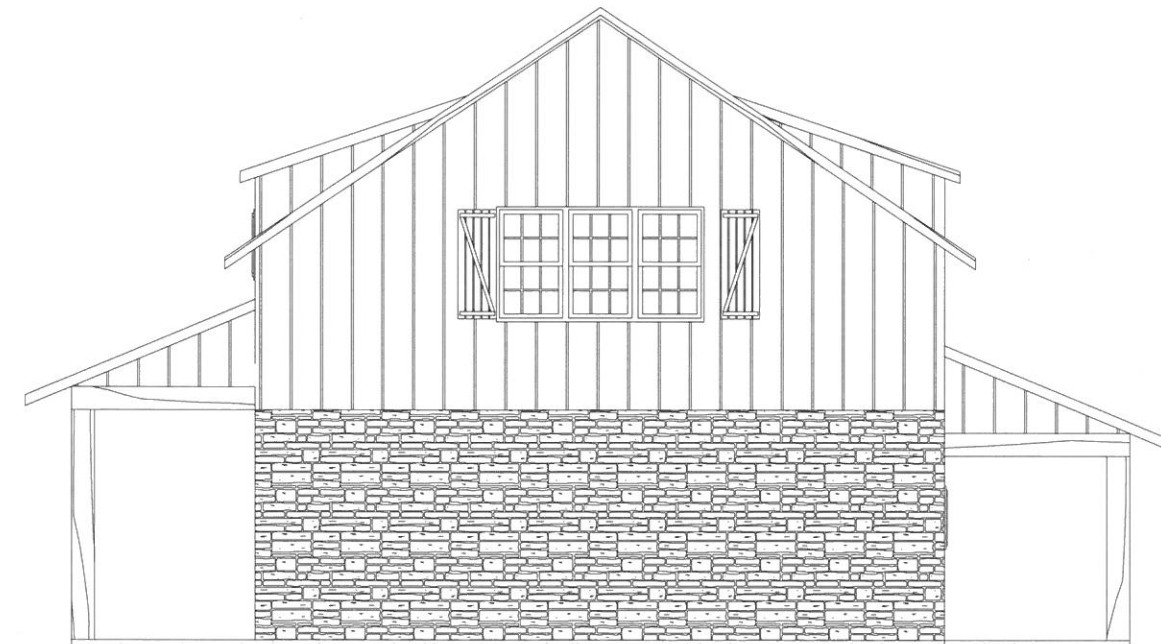
PROJECT NAME: BEL FARMS TWO
INDEPENDENCE, MN
PROJECT NUMBER:
BUILDING DESCRIPTION: 30' X 52'
DESIGN NUMBER: BOAT STORAGE / APT

DRAWN BY: R.S.
DATE: 7/13/2017
SHEET 3 OF 4



REAR ELEVATION

1/8" = 1'-0"



RIGHT ELEVATION

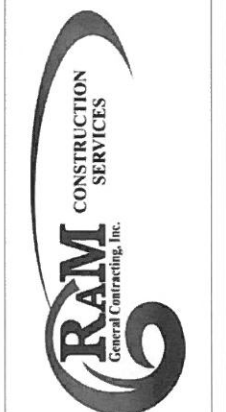
1/8" = 1'-0"

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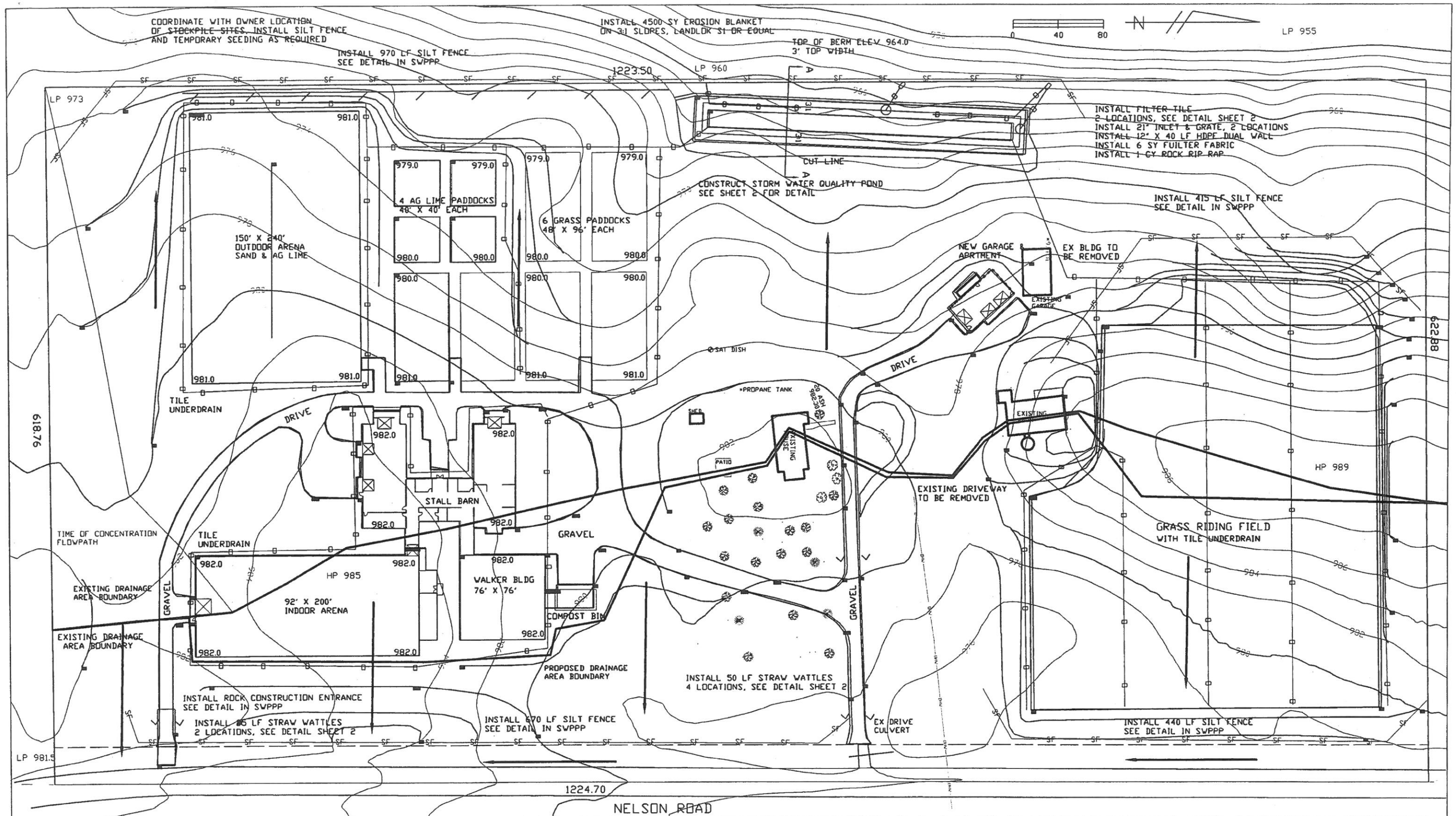
DRAWN BY: R.S.
DATE: 7/13/2017
SHEET 4 OF 4

PROJECT NAME: BEL FARMS TWO
PROJECT NUMBER: INDEPENDENCE, MN
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592 Industrial Drive
P.O. Box 660
Winnet, Minnesota 55395
320-485-2844 800-710-4726
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SITE ADDRESS: 499 NELSON RD, INDEPENDENCE, MN 55359

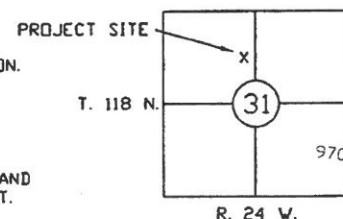


BEFORE START OF CONSTRUCTION, THE OWNERS OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR IS RESPONSIBLE FOR GIVING THIS NOTICE BY CALLING "GOPHER STATE ONE CALL" AT 1-800-252-1166 AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

THE OWNER IS RESPONSIBLE FOR OBTAINING LAND RIGHTS AND LOCAL, STATE AND FEDERAL PERMITS OR PERMISSION NECESSARY TO PERFORM AND MAINTAIN THE PRACTICE.

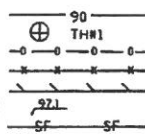
THE APPLICABLE MNDOT CONSTRUCTION & MATERIAL SPECIFICATIONS AND STANDARD CONSTRUCTION DETAILS ARE TO BE USED ON THIS PROJECT.

LOCATION MAP



LEGEND

CONTOUR ELEVATION
SOIL BORING
PROPOSED TILE
EXISTING FENCE
DIVERSION
EXISTING/PROPOSED GRADE
SILT FENCE



TBM:

HENNEPIN COUNTY CONTROL
POINT "GOLF"
ELEVATION 960.10 (NAV08B)

SHEET INDEX:
SITE PLAN
PROFILES & SECTIONS

FINISHED CONTOUR PLAN

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Michael M. Mayer
MICHAEL M. MAYER, DATE: 6/30/17
REG. NO. 15043

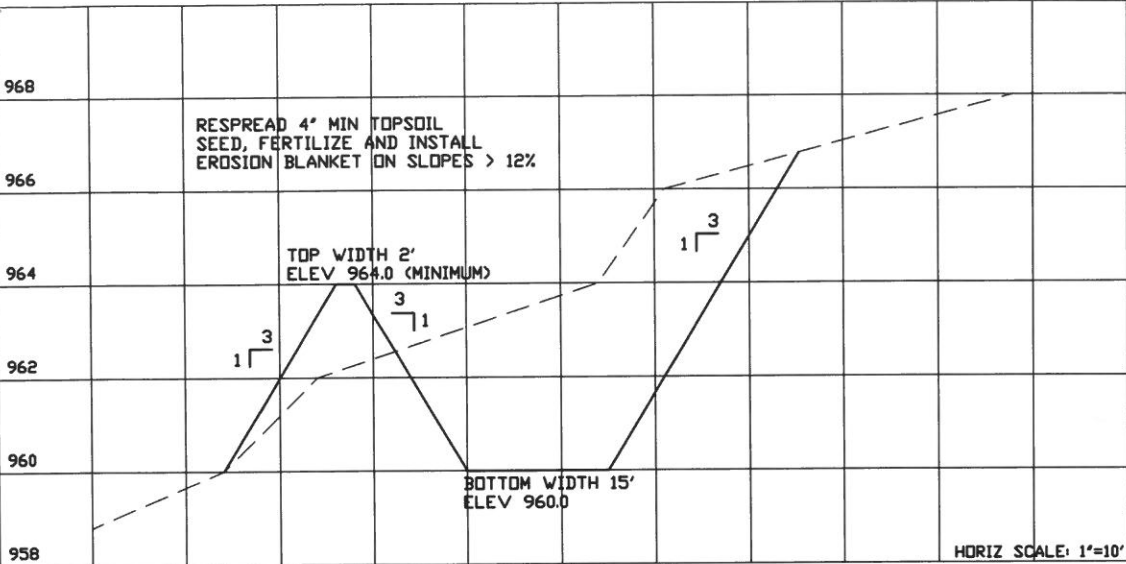
SURVEY:
DRAWN:
DESIGN: MM
6/2017
DRAWN: MM
6/2017
CHECKED: MM
6/2017
REVISED: MM
6/30/2017

PLAN PREPARED BY:
MICHAEL M. MAYER, PE
830 26TH AVENUE NORTH
ST CLOUD, MINNESOTA 56303
320-656-9073

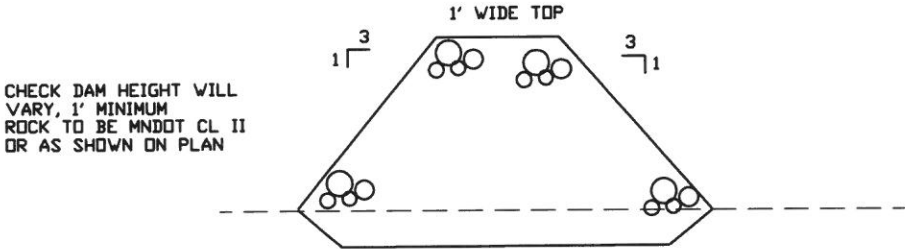
BEL FARM

SITE PLAN

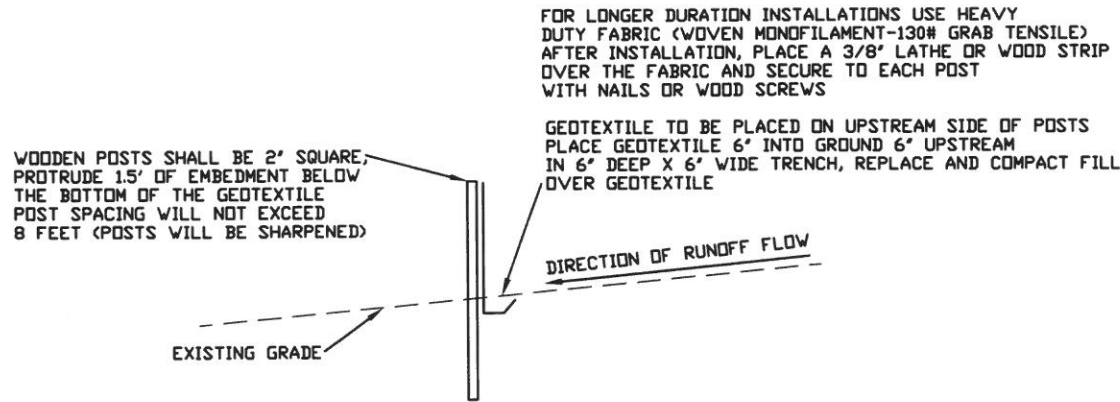
SECTION 31 T. 118 N. R. 24 W. HENNEPIN CO.
DRAWING FILE: BLEFARM.DWG PLAN SHEET 1 OF 2



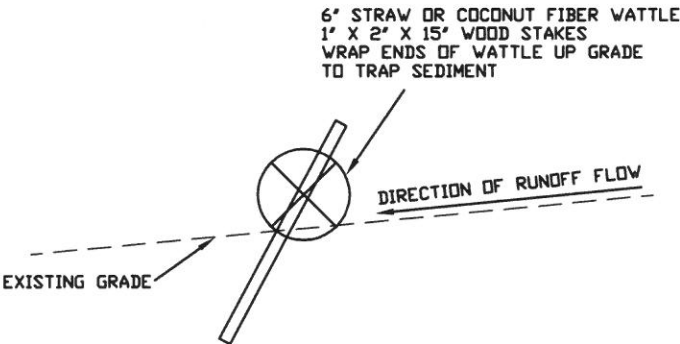
STORM & WATER QUALITY POND SECTION A-A



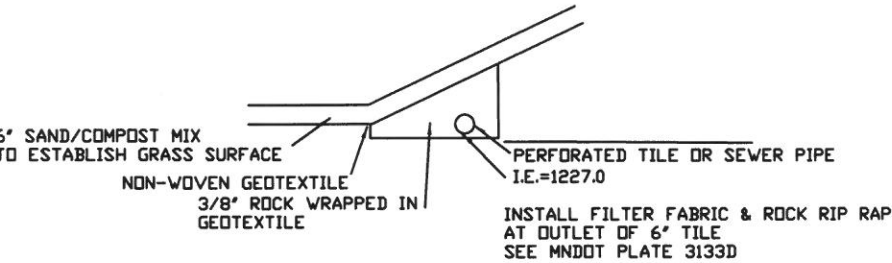
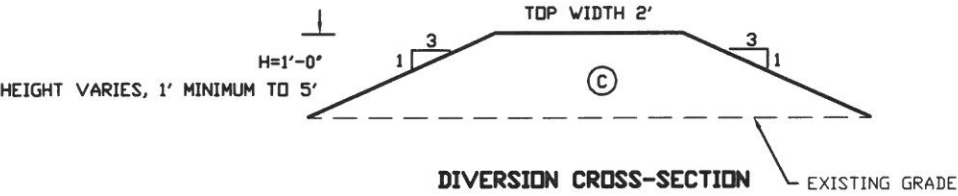
ROCK CHECK DAM SECTION



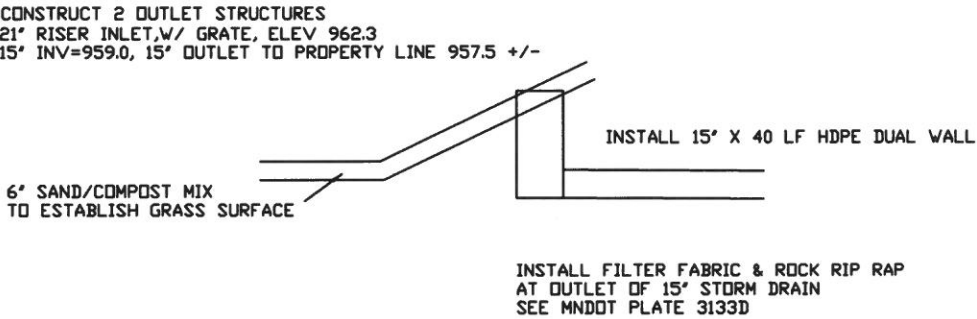
TYPICAL SILT FENCE X-SECTION



TYPICAL STRAW WATTLE X-SECTION



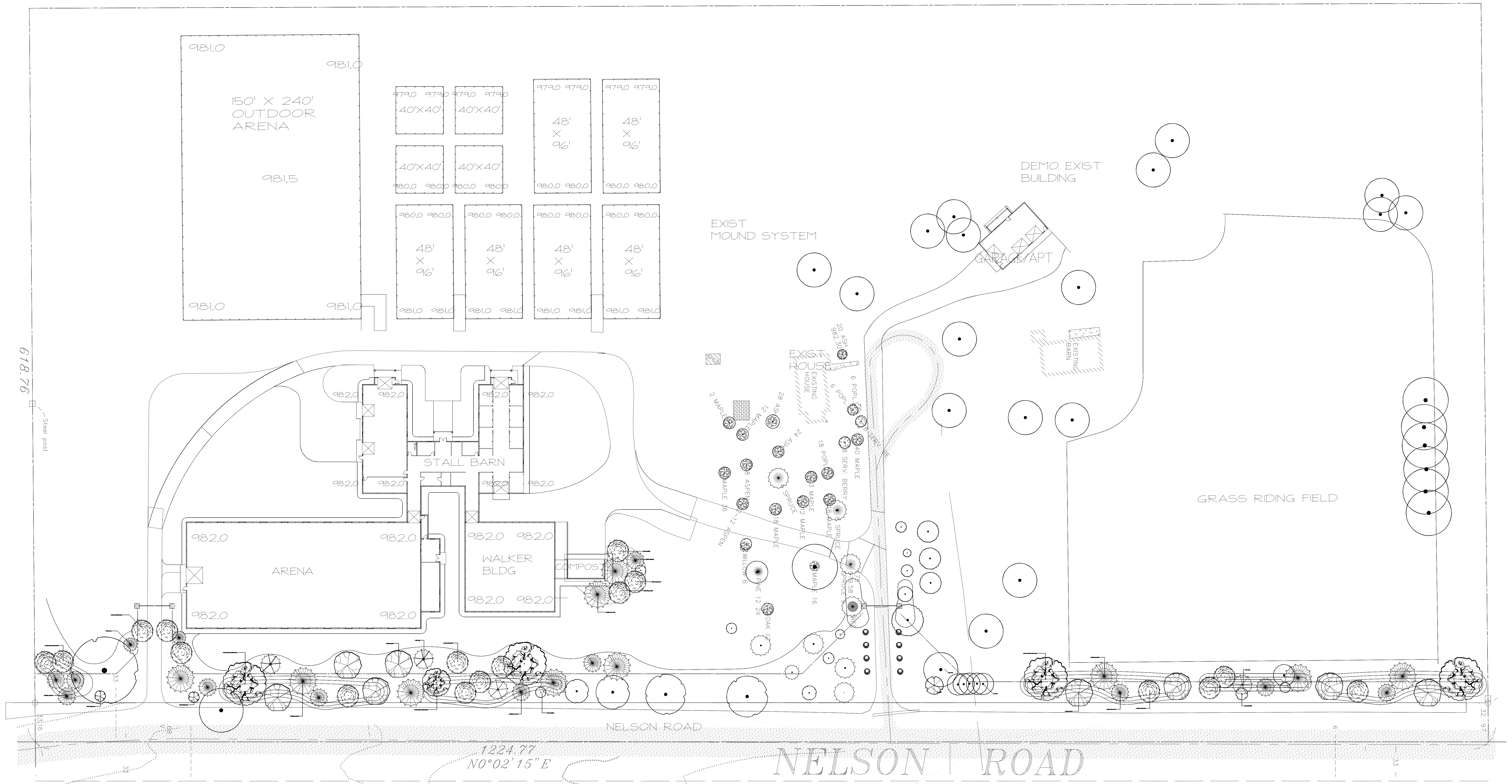
WATER QUALITY FILTER OUTLET



STORM WATER POND OUTLET

CONSTRUCTION NOTES:
WATER QUALITY BASIN ALONG WEST PROPERTY LINE REQUIRES 12500 CF OF VOLUME.
BOTTOM DIMENSION AT ELEV 960 IS 15'X270', TOP DIMENSION AT ELEV 964 IS 39'X294'

| | | | | | |
|--|--|------------------------|--|-------------------|--|
| 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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. | | SURVEY: | | BEL FARMS | |
| DRAWN: | | DESIGN: MM | | SECTIONS | |
| REVIEW DRAWING 6/26/2017 | | DRAWN: MM | | | |
| MICHAEL M. MAYER DATE: | | CHECKED: MM | | | |
| REG. NO. 15043 | | REVISION: MM | | | |
| | | DRAWING FILE: BELFARM2 | | PLAN SHEET 2 OF 2 | |



July 26, 2017

499 NELSON RD

Plants

| Quantity | Common Name | Botanical Name | Size |
|----------|-----------------|----------------|----------|
| 12 | Deciduous Tree | | #15 gal |
| 3 | Deciduous Tree | | 2" Cal |
| 2 | Deciduous Tree | | 2" Cal |
| 2 | Coniferous Tree | | 6' B&B |
| 8 | Deciduous Tree | | 2.5" Cal |
| 2 | Deciduous Tree | | 2.5" Cal |
| 6 | Deciduous Tree | | 2" Cal |
| 1 | Deciduous Tree | | #10 gal |
| 4 | Coniferous Tree | | 12' B&B |
| 5 | Coniferous Tree | | 6' B&B |
| 4 | Coniferous Tree | | 12' B&B |
| 11 | Coniferous Tree | | 8' B&B |
| 1 | Coniferous Tree | | 6' B&B |

Total Deciduous Trees = 34

Total Coniferous Trees = 27