



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY, NOVEMBER 15, 2016

6:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. September 20, 2016 Planning Commission Meeting
 - b. October 18, 2016 Planning Commission Meeting
4. **PUBLIC HEARING:** Mike Kuka (Applicant/Owner) requests that the City consider the following actions for the properties located at 4405 County Road 92 N, Independence, MN (PID No.s 04-118-24-24-0002 and 04-118-24-31-0001):
 - a. A minor subdivision to permit a lot line rearrangement which would shift the property line to encapsulate the existing accessory structure on the adjacent property.
 - b. A conditional use permit to allow a commercial riding stable on the subject property. The stable will host rodeo and other similar horse related events within the existing agriculture accessory structure on the property.
5. **PUBLIC HEARING:** Corey Oeffling (Applicant/Owner) requests that the City consider the following actions for the property located at 5215 Sunset Lane (PID No. 01-118-24-31-0002) in Independence, MN:
 - a. A variance to allow a reduced front yard setback. The setback reduction would permit the construction of a new attached garage and front porch.
6. Discussion on Planning Commission Appointments and Terms
7. Open/Misc.
8. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY SEPTEMBER 20, 2016 – 6:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Olson at 6:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Olson, Gardner, Palmquist and Thompson
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: Chair Phillips
VISITORS: Jan Gardner, Jay and Becca Fogelson, Jim and Lynda Franklin, Donna Hendley, Dave Truax, Brad Spencer

3. APPROVAL OF MINUTES:

- a. August 16, 2016 Planning Commission Meeting

Motion by Gardner to approve the minutes of the August 16, 2016 Planning Commission Meeting, second by Thompson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips. Abstain: Palmquist. Motion approved.

4. **PUBLIC HEARING (Tabled at June 21 Meeting):** Jay Fogelson (Applicant/Owner) requests that the City consider the following action for the property located at 4618 South Lake Sarah Drive, Independence, MN (PID No. 02-118-24-21-0005):

- a. A variance to allow a reduced side yard setback on both sides of the property, which would permit a home and garage addition.

Kaltsas said the applicant has requested tabling the request until the September 20th meeting of the Planning Commission. In May of this year the applicant initially requested a 1'-2" setback on the east property line to allow for home and garage expansion. Commissioners reviewed the request and did not find that it met the criteria for granting a variance. Commissioners recommended that the applicant consider an alternative layout that increased the side yard setback. Commissioners were concerned that the minimum setback would not allow for access to the rear (lakeside) of the property as well as maintenance of the structure itself. In June, the applicant brought back a revised plan with a proposed setback of five (5) feet from the east property line. Commissioners reviewed the request and again found that the 5 feet was not adequate to accommodate access and maintenance of the property and structure. Commissioners were going to recommend denial of the requested variance. The applicant asked to have the item tabled again to review the plans and increase the east setback.

The applicant has once again revised their request and is now seeking consideration of an eight (8) foot setback along the east property line and a one (1) foot variance on the west property line. The applicant is proposing to set the house addition back along the east side to allow walking access to the rear of the property. In addition, the applicant has noted that they are still proposing a garage door to be located on the rear of the garage to provide additional access to the lakeside of the property. Shifting the proposed

house/garage addition to the west has now created a situation where the applicant is requesting a one (1) foot variance on the west side of the property.

Gardner asked if the City had heard anything from the neighbors. Kaltsas said the neighbors had not contacted the City since the revision. The original deck expansion was fine with the neighbors. Palmquist asked if the 3'3" setback would have fire rating issues. Kaltsas said it would have to meet code. Kaltsas said the garage will be two stories but not taller than the main house. Palmquist asked if the variance was granted what restraints that would put on the property to the west. Kaltsas noted the setback could put some restraints on the property.

Public Hearing Open

Fogelson said the revision shows an 18' setback instead of 5'. He said the expansion would allow a hallway to be put in and then add a back room. He said the homeowner to the east's main concern was privacy.

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

Public Hearing Closed

Motion by Thompson to approve the variance for 4618 South Lake Sarah Drive, second by Palmquist. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: Phillips. Abstain: None. Motion approved.

5. **PUBLIC HEARING:** Jim and Lynda Franklin (Applicants/Owners) request that the City consider the following action for the property located at 6615 Franklin Hills Road, Independence, MN (PID No. 15-118-24-12-0011):

- a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.

Kaltsas said several years ago, the City adopted an ordinance permitting accessory dwelling units as a conditional use in both Rural Residential and Agriculture zoning districts. The intent of the ordinance was to allow "mother-in-law" type units to be located within the principle structure or a detached accessory building. The applicant is seeking a conditional use permit to allow a detached accessory dwelling unit to be constructed on the property. The detached accessory structure would be a standalone structure located on the property. The proposed accessory structure would be used a true "mother in law" unit allowing the homesteaded owners of the property a secondary living quarters for their use on the property.

The subject property has an existing principle home and several small accessory buildings on the property. The proposed accessory dwelling unit is comprised of one bedroom, a bathroom, a kitchen, dining and family room area. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

Kaltsas said the overall property is heavily wooded which will essentially mitigate potential visual impacts of the proposed accessory structure. The applicant is proposing to locate the structure in an existing opening in the wooded portion of the property (see below). The proposed location would meet all applicable setbacks. The proposed building would be 89 feet from the closest property line to the north. The required setback is 15 feet. The subject property is part of a larger overall development which has been incrementally developed by the owner of this property. The surrounding properties to the east and

north are comprised of 3-6 acre lots. The property to the west and south are comprised of larger parcels similar in nature to the subject property. The applicant has submitted a floor plan and building elevation further detailing and depicting the proposed accessory structure. The proposed accessory structure is a single floor building. The accessory dwelling unit will need to meet all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits.

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

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

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

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

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

- The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
- The applicant will need to apply for and obtain a valid holding tank permit from the City or provide the City with appropriate documentation and application for a primary on-site septic system to be constructed on the subject property.

- The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

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

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be issued subject to the following items being completed:
 - a. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - b. The applicant will need to apply for and obtain a valid holding tank permit from the City or provide the City with appropriate documentation and application for a primary on-site septic system to be constructed on the subject property.
 - c. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
3. Prior to the City Council placing the Conditional Use Permit into effect, the applicant shall provide the City with the following items:
 - A. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Palmquist asked why it is a Conditional Use versus a Permitted Use. Kaltsas said Conditional Use is unique to each situation. Kaltsas said this is a second structure for family members only. Kaltsas said the Conditional Use allows it to be reviewed annually and it may be revoked for non-compliance, for example, if it was being used as a rental house. Gardner asked questions around if there would be a basement and how that would change things. He thought that was a grey area in the current ordinance. Kaltsas confirmed with Franklin that this structure would be built on slab.

Public Hearing Open

No comments.

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

Public Hearing Closed

Motion by Palmquist to approve the CUP request for 6615 Franklin Hills Road, second by Gardner. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: Phillips. Abstain: None. Motion approved.

6. **PUBLIC HEARING:** Donna Hendley (Applicant/Owner) requests that the City consider the following actions for the property located at 4150 Lake Sarah Drive South, Independence, MN (PID No. 02-118-24-43-0003):

- a. Final Plat for a five-lot subdivision of the subject property.

Kaltsas said this property was recently subdivided in 2014 in order to separate two existing homes that had historically occupied this property (One of the homes was used as a caretaker's house - home located near the stables in the northwest corner of the property and accessed off of Lake Sarah Drive South and the other as the principal home of the owner - located in the middle of the property with access off of County Road 11). The previous subdivision was permitted under the provisions of the rural view subdivision ordinance. At the time of that subdivision, the City required the applicant to submit a ghost plat of the remaining property in order to ensure that the surrounding property could be subdivided in the future. The owner is now interested in rezoning the property to Rural Residential which would allow the subdivision of four new lots in addition to the existing lot. Following consideration for rezoning, the applicant is requesting that the City consider the proposed preliminary plat.

The proposed subdivision would create four new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The 4 new lots would be similar in size and configuration to the recently subdivided 5 acre lot (4850 County Road 11) with access to County Road 11. The applicant is proposing to maintain a larger, approximately 32 acre parcel, with the existing home and barns in order to continue to accommodate the use of the barn for horses. There are approximately 30 stalls in the existing barn. Based on the City's animal unit provisions, this property would need to be at least 31 acres to accommodate the existing barn. It is possible that the use of the barn would not be desired in the future. If the use of the barn were limited, the property could potentially yield several additional lots.

Access to Lots 1, 2 and 3 would be from Lake Sarah Drive South. All of the proposed lots along Lake Sarah Drive South meet the minimum frontage requirements. Lots 4 and 5 would be accessed off of County Road 11 and be required to share a driveway access and access easement. The proposed private access easement could serve both lots and would not trigger the need for a common driveway.

The proposed subdivision was reviewed by Hennepin County. The County recommended that the access to serve Lots 4 and 5 be located across from the existing church access driveway on the south side of County Road 11.

The applicant previously reserved an additional 17 feet of right of way along County Road 11. The 17 feet will allow for the future expansion of County Road 11.

City sewer runs along County Road 11 and Lake Sarah Drive South. This property was previously included in the metropolitan urban service area and can be connected to the City's sewer system. All lots within the proposed subdivision are proposed to be connected to the City's sewer. The City will charge all applicable sewer connection fees along with the initial assessment amount for all lots in the proposed development. Lots 4 and 5 located along CSAH 11 will connect to the City's sewer via a direct connection

into the force main located on the north side of the road. Lots 1, 2 and 3 will be required to connect to a new public sewer line installed along the east side of Lake Sarah Drive South.

All existing and proposed lots have provided the requisite 10 foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not trigger the City's stormwater management requirements because there will not be an increase in new impervious surface.

Kaltsas said the proposed subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. The proposed plan is in keeping with the previously submitted ghost plat that was reviewed by the City. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

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

Planning Commissioners discussed the request in January of this year and recommended approval of the proposed five lot subdivision. The applicant then asked that the City table the five lot request and considered selling the property to a developer who was interested in a seven lot subdivision. The Planning Commission reviewed the seven lot request and recommended approval. Since that time the owner has decided not to sell the property and is now seeking preliminary plat approval of the five lot subdivision that was previously recommended for approval by the Planning Commission. Commissioners only concern relating to the proposed subdivision was the "island" property created by subdividing the property. Commissioners ultimately recommended approval of the preliminary plat to the City Council.

The Planning Commission recommended approval of the requested Rezoning and Preliminary Plat. Final Plat will need to be considered following submittal of and satisfaction of all requirements contained in the findings and conditions. Approval of the rezoning and preliminary plat shall include the following findings and conditions:

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Preliminary Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.
 - d. The Applicant shall enter into a development agreement with the City for this development.

- e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
 - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
- 3. All lots approved as a part of this subdivision shall be required to connect to the City's sanitary sewer system. The cost for the connections will be further defined in the development agreement for this subdivision.
 - 4. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 - 5. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.
 - 6. The Applicant shall submit the final plat and associated documents to the City within one year of approval of the Preliminary Plat.

Thompson asked about the size of the lot with the driveway on County Road 11. Kaltsas said it was 3 acres and was a viable lot with frontage on County Road 11. Gardner asked if it would have its own PID. Kaltsas said no.

Public Hearing Open

No comments.

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

Public Hearing Closed

Thompson said there was little change with the plan from the preliminary and he felt comfortable with it. Gardner asked about the sewer line. Kaltsas noted the City would have the necessary easements and would not have to go into the wetlands.

Motion by Palmquist to approve the final plat for 4150 Lake Sarah Drive South, second by Gardner. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: Phillips. Abstain: None. Motion approved.

7. PUBLIC HEARING: A proposed text amendment to Chapter 5, Sections 506 of the City of Independence Ordinances as follows:

- a. An amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.

Kaltsas said FEMA has provided updated maps and with that are requiring cities to update their ordinances to reference the updates maps. He noted the DNR has added language as well.

Public Hearing Open

Spencer asked if there were any changes from the 100-year flood level. Kaltsas said he would send the links to Spencer to verify the information for Lake Sarah, Lake Independence and Lake Robina.

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

Public Hearing Closed

Motion by Gardner to approve the amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016, second by Thompson. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: Phillips. Abstain: None. Motion approved.

7. Open/Misc.

8. Adjourn.

Motion by Palmquist, second by Thompson to adjourn the meeting at 8:30 p.m. Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: Phillips. Abstain: None. Motion approved.

Respectfully Submitted,

Trish Bemmels
Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY OCTOBER 18, 2016 – 6:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Olson at 6:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Olson, and Gardner. Councilmember Brad Spencer sat in
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: Chair Phillips, Palmquist and Thompson
VISITORS: Jan Gardner, George & Linda Becker, Jeanie Fries, Sally & Jerry Simpson, Marsh & JoAnn Halberg, David Stickney, Brett Esterberg, Brian Benson, Andreas Jordahl Rhude, Nathan Betts, Lynda Franklin, Brad Spencer

3. APPROVAL OF MINUTES:

- a. September 20, 2016 Planning Commission Meeting. It was decided these would be approved at the next meeting when a quorum of the Commissioners would be present.

4. **PUBLIC HEARING:** George and Linda Becker (Applicants/Owners) request that the City consider the following actions for the property located at 4635 Lake Sarah Road, Independence, MN (PID No. 03-118-24-22-0002):

- 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.

The applicant brought this concept to the City in August seeking preliminary feedback relating to whether or not a variance to allow the subdivision of the property based on the physical boundary of Lake Sarah Road would be considered. Planning Commissioners provided feedback to the applicant that the requested variance and subdivision appeared to meet the requirements for granting a variance and allowing a subdivision.

The original farmstead is somewhat unique in that the property is bisected by Lake Sarah Road. A portion (approximately 16 acres) of the property is located on the east side of Lake Sarah Road with the remainder of the property (approximately 16 acres) located on the west side of Lake Sarah Road. 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 parcel is located just outside (west) of the area guided for rural residential development.

Staff reviewed other parcels in the City to try to determine if there were any that would have a similar situation. The only other parcel discovered with a similar condition (where the property is bisected by a right of way) is the parcel directly north of the subject parcel. This parcel is owned by Three Rivers Park District.

Should the parcel be subdivided, the newly created and existing remaining parcel would not be completely out of character with the surrounding parcels. The parcel to the east side of Lake Sarah Road backs up to the City's park on the east side and to the Three Rivers Park District parcel on the north side. The parcel to the south is approximately 10 acres in size and has an existing home. On the west side of Lake Sarah Road the properties range in size from more than 40 acres to less than 5 acres.

At the time this report was prepared, the City had received preliminary comments from Three Rivers Park District regarding the proposed subdivision. The Park District was supportive of the subdivision and is interested in possibly seeking a similar action for their property to the north. The Park District also noted that they have a regional trail "search" corridor along County Road 11 and Lake Sarah Road which would extend north towards Lake Sarah and then into Lake Rebecca Park. The City of Independence did not include the search corridor in the Comprehensive Plan because the City did not have the ability to fully study and vet the possible corridor (see map below and larger map attached). The Park District asked if the City would retain a future trail easement as a part of the required subdivision. Historically, the City has retained additional County/City right of way where known improvements were proposed. In this case, it should be noted that the City did not support the trail search corridor in the 2030 Comprehensive Plan. There has also not been an approved alignment for a trail along Lake Sarah Road. Staff is asking direction from the Planning Commission regarding this issue.

Spencer wondered if it would be hard to grant the easement without knowing exactly where. We don't have a future trail noted on our 2030 Comp. Plan. Gardner asked if it was a 10' utility easement, and Kaltsas replied no. 66' road would accommodate a corridor. We grant them directly for a trail.

Public Hearing Open

No comments.

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

Public Hearing Closed

Gardner questioned if it was rural residential, and Kaltsas said no, that it's guided agricultural, zoned agricultural. Gardner stated there are 2 lots and they're unique.

Motion by Gardner to approve the variance to allow the subdivision of property and a minor subdivision to allow the subdivision of the parcel into two lots. Second by Olson. Ayes: Gardner, Olson, and Spencer. Nays: None. Absent: Phillips, Palmquist and Thompson. Abstain: None. Motion approved.

5. **PUBLIC HEARING:** Lisa Dayton (Applicant/Owner) requests that the City consider the following actions for the property located at 8415 Hitsman Lane (PID No. 17-118-24-31-0004):

- a. A minor subdivision to permit the creation of a rural view lot.

The applicant is proposing to subdivide the property in order to create a rural view lot. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 58.92 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same

ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed – North Parcel – 10.00 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – North Parcel – 300 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:5 (300:1500)

The existing property is accessed via a 33 foot wide parcel that connects to Hitsman Lane. It appears that this parcel was historically established as a cart way. As proposed both lots do not meet the minimum public right of way frontage requirements of the City's ordinance. The City can grant a waiver to the frontage requirements if the criteria established in the City's ordinance are met.

Kaltsas stated the extension of a public street is not physically feasible as determined by the city. If the city determines that there is a need for extension, this provision wouldn't apply, and the right-of-way for a public street shall be provided by dedication in the plat. If the city determines that a public road extension would adversely impact natural amenities, including wetlands or mature trees, or if there's no feasible present or future means of extending right-of-way from other directions. The extensive wetlands do impact this, but not to say a road couldn't be constructed in the future if the zoning changed. We'd maintain the 33' right of way, and would secure an additional 33' which would give City ability to construct full road. Also lot frontage to lot depth ratio needs to be considered. The depth should be no greater than 4 times the width of the lot. Parcel A is 300 LF and 1500 LF depth which is over-it's 1:5. They could widen this lot but would leave an unsquared line. There's a lot of wetland, and the city prefers more squared off lots. This would require a shared driveway agreement stipulating maintenance, which would be part of the overall subdivision approval. The remaining 48 acres would not be able to be subdivided in the future and required to pay the park dedication.

Regarding public comments, one resident came in and asked about property to the west regarding restrictions. Most of the western piece is wetland so no way they could develop or subdivide that.

The city received primary and alternate septic location report. Current site can have primary and alternate sites which the city would require that the existing home provide an alternate site since it's not in compliance.

Gardner asked how far the easement extends. Spencer questioned the irregularly shaped lots, and since so much wetland why not keep it 4:1?

Public Hearing Open

Marsh Hallberg at 2752 Copeland Rd, which is directly west of Dayton's property. He mentioned they have 108 windows so concerned about building near their property. They are supportive of this but would like to see the wetlands protected too. Kaltsas said 300' could be cut off which would maintain the 10 acres which resident would want to have no restriction threshold. Spencer wondered how this would affect the septic sites, but Kaltsas didn't think it would be a problem since there was enough upland.

Motion by Gardner to close the public hearing, second by Spencer.

Public Hearing Closed

Olson said they could either cut off piece or alter the 4:1 ratio. Gardner suggested approving this as designed, Kaltsas stated the city would require an alternate septic location for the primary residence since it is failing.

Motion by Gardner to approve the minor subdivision to permit the creation of a rural view lot, second by Olson. Ayes: Gardner, Olson, Spencer. Nays: none. Absent: Phillips, Palmquist, Thompson. Abstain: none. Motion approved.

6. **PUBLIC HEARING:** B. Benson Group (Applicant) and Joyce Larson (Owner) request that the City consider the following actions for the property located at 1160 County Road 19 N, Independence, MN (PID No. 25-118-24-42-0001):

- a. Rezoning from Ag-Agriculture to RR-Rural Residential.
- b. Preliminary Plat for a four (4) lot subdivision.
- c. Final Plat for a four (4) lot subdivision.

The property is located on the east side of County Road 19 N. and just south of Willow Street. There is an existing home and several accessory structures located on the property. The house is accessed via a gravel driveway off of County Road 19 N. The property is a combination of rolling hills, tillable acreage and wetlands. The property has the following characteristics:

Property Information: 1160 County Road 19 N.

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *19.83 acres*

The Planning Commission reviewed the same request for this subdivision in September of 2015. The Commission held a public hearing and ultimately recommended approval of the proposed subdivision. Following the Planning Commission review, the applicant ran into issues with the watershed district review of the property. The final wetland delineation identified an additional wetland on the property and caused the road to need to shift to the south. Following discussions with the watershed district last fall and earlier this year, the applicant decided to withdraw their application. The applicant has now worked through the watershed issues and has made a new application seeking Rezoning, Preliminary and Final Plat approval for a four (4) lot subdivision to be known as Settlers Prairie Subdivision. The proposed subdivision would split the existing 20 acre parcel into four lots. There is an existing home located on the west edge of the property just off of County Road 19 N. The existing home would remain in the after condition and be located on one of the four lots.

The property is currently zoned Ag – Agriculture and is guided by the City's Comprehensive Plan as a RR- Rural Residential property.

Rezoning this property is consistent with the City's 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the south and west. There are three subdivisions that surround this property which are similar in nature to that which is proposed.

- (a) *Minimum lot area* ^a 2.50 acres buildable land
- (b) *Maximum lot area* 10 acres
- (c) *Minimum lot frontage on an improved public road or street:*
- | <u>Lot area</u> | <u>Minimum frontage</u> |
|--------------------|-------------------------|
| 2.50 – 3.49 acres | ^b 200 feet |
| 3.50 – 4.99 acres | ^b 250 feet |
| 5.00 – 10.00 acres | ^b 300 feet |
- (e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.

A more detailed breakdown of the proposed individual lots is as follows:

Block 1	Area	Upland Acreage	Frontage	Lot Frontage to Lot Depth
Lot 1	3.56 acres	2.51 acres	575/456 LF	1:1
Lot 2	5.43 acres	2.91 acres	473 LF	1:1
Lot 3	3.48 acres	3.48 acres	122 LF	1:1
Lot 4	5.08 acres	3.26 acres	990 LF	2:1

Kaltsas stated Lot 1 is the current, existing home. The applicant is proposing to provide access into the property by developing a new public cul-de-sac off of County Road 19 into the middle of the subject property. The road is proposed to meet all applicable City standards for road and right of way width. The new road would follow the north property line into the site. The driveway which provides access to the existing home would be relocated such that it connects to the new cul-de-sac and no longer connects to County Road 19 N. There are several existing accessory buildings that would be removed as a result of the proposed new road and associated right of way. The configuration of the proposed lots and potential building sites appears to take into account the location of the existing wetlands, primary and secondary septic locations and existing topography.

The City sent the proposed subdivision to Hennepin County for their review of the proposed road access onto County Road 19 N. Hennepin County found the proposed road access location to be acceptable; however, required that the existing driveway servicing the home be relocated to connect to the new road.

The applicant has provided plans. The applicant is proposing to construct a storm water conveyance system to accommodate the runoff resulting from the construction of the public street. The conveyance system includes a two bay filtration basin system to be located within a drainage and utility easement across Lot 2. In addition, the applicant is proposing to install a small filtration basin on Lot 3 to aid in the runoff from the proposed lot. This was one of the concerns raised at the public hearing last year. He had concerns regarding Lot 3 drainage, so applicant has provided a small basin. Minnehaha is in the process of reviewing this, and the City's approval is dependent on Minnehaha's approval. The City's water resource

consultant had a few minor revision but they are not prohibitive to the review and approval.

The City has completed a review of the proposed grading plan. The applicant shall provide revised plans based on the comments provided by the City's engineer. There did not appear to be any comments that would prohibit the development of the property or cause for the design to be substantially changed. The individual lots will be required to apply for and be granted individual grading permits at the time of building permit application. At that time the City will review the individual lot grading.

Kaltsas then mentioned the applicable park dedication fee is \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5. The applicant would need to be in a development agreement with the City that would cover maintenance of the storm water system, construction of public improvements, home owner's association, and would stipulate payments of park dedication fees.

The City has received several questions and comments from adjacent property owners, and the City went out to meet with one. Adjacent property owners had questions relating to the stormwater runoff from the proposed subdivision. Neighboring property owners wanted to ensure that the stormwater runoff would not cause an increase or change to the water on their respective properties. This has been reviewed, and are confident the stormwater conveyance system will limit amount of stormwater.

At the Planning level, we can lump a preliminary and final plat together, but they would be approved of separately for the Council.

Public Hearing Open

Jeannie Fries at 1062 County Road 19 spoke, and mentioned she has no problem with this. She referred to the map about a pond she has on her lot but it runs off in the wrong direction. She hasn't been able to ride her horses this year because it's too wet. No water runs in the ditch. She talked to the watershed about her pond. She asked that we don't let this happen again-she suggested that we don't create something that's not functional. Now it's a lot wetter than usual.

Brett Esterberg, 4970 McCallister Dr. He said he appreciates what's been done with the storm ditch.

Public Hearing Closed

Motion by Gardner to approve the rezoning from Ag-Agriculture to RR-Rural Residential, second by Olson. Ayes: Gardner, Olson, and Spencer. Nays: None. Absent: Phillips, Palmquist, Thompson Abstain: None. Motion approved.

Motion by Garnder to approve the proposal as written, second by Olson. Ayes: Gardner, Olson, and Spencer. Nays: None. Absent: Phillips, Palmquist and Thompson. Abstain: None. Motion approved.

Olson wondered the recourse is if something like the pond doesn't work. Kaltsas mentioned it could be a design issue. In terms of utilizing the pasture they'd need to identify the location of the wetland today and either tile or swale it. Kaltsas said he'd have to look at it.

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

Respectfully Submitted,

Beth Horner
Recording Secretary

DRAFT

City of Independence

Request for a Minor Subdivision and Conditional Use Permit to Allow a Commercial Riding Stable on the Property Located at 4405 County Road 92 N.

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: November 15, 2016
Applicant: Mike Kuka
Owner: Mike Kuka
Location: 4405 County Road 92 N

Request:

Mike Kuka (Applicant/Owner) requests that the City consider the following actions for the properties located at 4405 County Road 92 N, Independence, MN (PID No.s 04-118-24-24-0002 and 04-118-24-31-0001):

- a. A minor subdivision to permit a lot line rearrangement which would shift the property line to encapsulate the existing accessory structure on the adjacent property.
- b. A conditional use permit to allow a commercial riding stable on the subject property. The stable will host horse related events within the existing agriculture accessory structure on the property.

Property/Site Information:

The property is located on the west side of CSA H 92 and north of CSAH 11. The property is comprised of rolling topography, ponds, wetlands and pasture. The applicant has two properties under the same ownership. The property has the following characteristics:

Property Information 4405 County Road 92 N

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

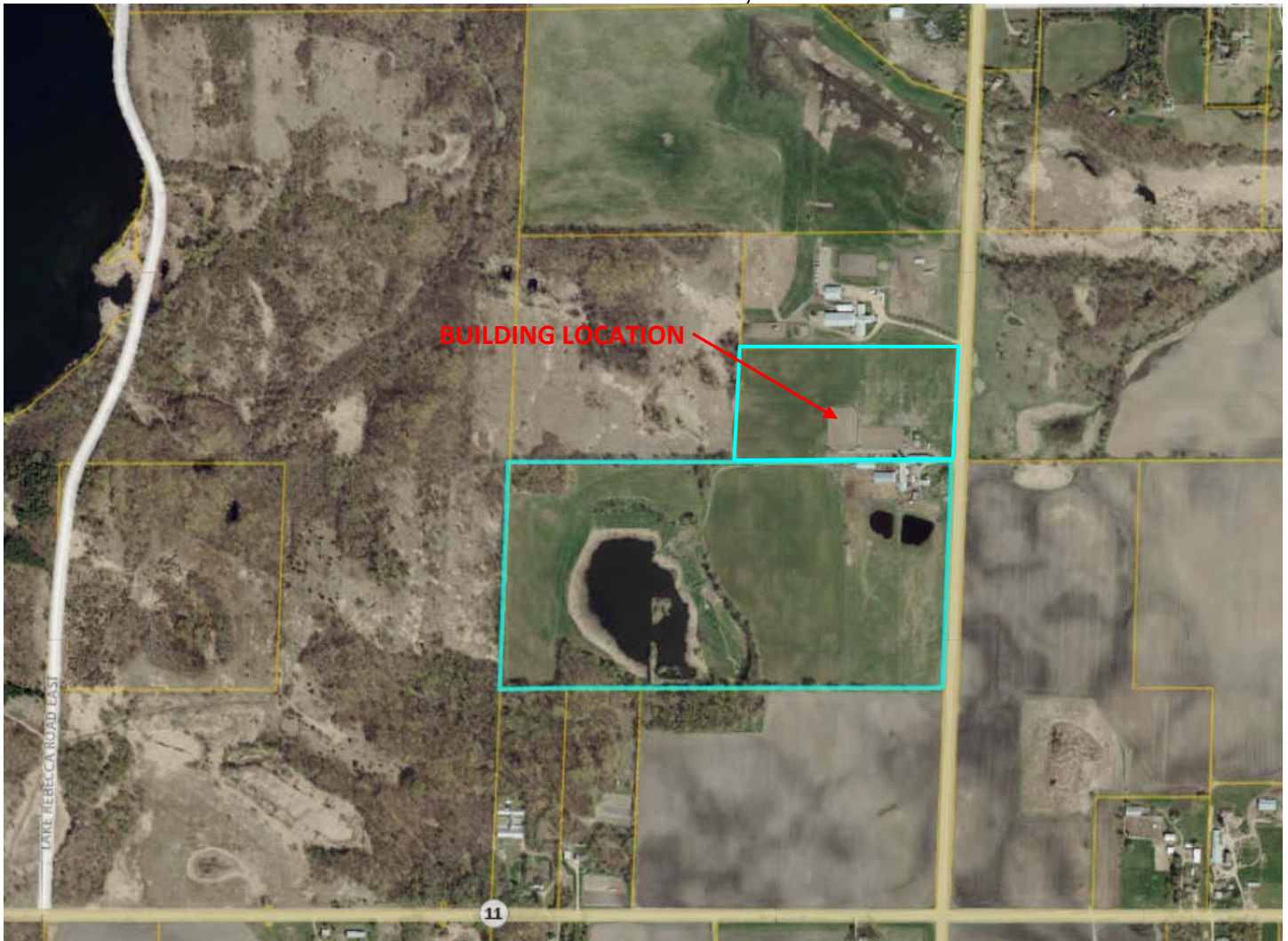
Acreage: PID No. 04-118-24-24-0001 – 77.8 acres (BEFORE)

PID No. 04-118-24-24-0001 – 80.07 acres (AFTER)

PID No. 04-118-24-24-0002 – 19.33 acres (BEFORE)

PID No. 04-118-24-24-0002 – 17.06 acres (AFTER)

Aerial View of 4405 County Road 92 N



Previous Planning Commission Discussion/Recommendation:

Planning Commissioners held a public hearing and discussed the requested CUP at their regularly scheduled meeting on June 9, 2015. Commissioners asked the petitioner for clarification relating to the order of events and construction of the facility. Commissioners discussed and noted that this property had a geographic advantage which would potentially mitigate impacts of the facility on the surrounding properties. Commissioners sought clarification from staff pertaining to items that would need to be completed prior to use of the facility as a commercial riding stable. It was noted that the following items would need to be completed prior to use of the facility and issuance of the conditional use permit:

1. Apply for and obtain a building permit to complete the requisite improvements of the facility.
 - a. The applicant will need to provide the City with an architectural plan detailing the proposed number and location of permanent bathroom facilities, exit doors and various other building code requirements.

- b. Installation of the permanent bathroom facilities will require the on-site septic system to be installed.
 - c. The City could consider granting the CUP for a maximum of 49 people.
- 2. Install all site improvements as shown on the proposed site plan. Improvements that will need to be installed prior to use of the facility include:
 - a. Gravel access drive aisle from CSAH 92 N. to the building.
 - b. Gravel fire ring road and turn around capable of accommodating 75,000 lbs and necessary fire apparatus.
 - c. Parking lot and entrance lighting. Applicant will need to submit detailed lighting information and photometric plan and receive approval).
 - d. Berming and associated landscaping.
 - e. Storm water pond and improvements in accordance with approved plans and specifications.
 - f. Establishment of turf ground cover in the proposed parking areas.
 - g. Installation of handicapped accessible signage in locations indicated on plans and in accordance with applicable standards.
 - h. Procurement of a manure management permit from the MPCA.

Discussion:

The applicant is seeking a conditional use permit to allow a commercial riding stable and minor subdivision to allow a lot line rearrangement so that the accessory building is located on the property with the principle structure. In 2013, the applicant constructed a large riding arena and stable on the subject property without the requisite building and conditional use permits. The City was subsequently informed that the applicant was using the facility as a commercial riding stable. The City notified the applicant in spring of 2014 that use of the facility as a commercial riding stable was a conditional use in the AG-Agriculture zoning district. Following several meetings with the applicant, an application was submitted in the fall of 2014.

The applicant is seeking permission to utilize the accessory structure as a commercial riding stable. The applicant initially asked the City to allow a commercial riding stable and equestrian related events facility with potentially more occupants than the facility was designed to accommodate. The City informed the applicant that the type of construction and materials used in the building limited the ultimate occupancy of the facility to no more than 49 people. The primary deficiency was the fabric roof that was installed on the building. The applicant spent some time trying to have the roof manufacturer, fire department and building

official grant an exception to the building code relating to the roof material and allow additional occupancy of the facility. The applicant has stated that they intend to replace the roof material with a fire rated material in the future. Until the roof is replaced, the occupancy for this structure will only allow up to 49 occupants to be within the structure at any one time.

The minor subdivision to allow the lot line rearrangement is necessary so that the accessory structure will be located on the same lot as the principle structure. The applicant is proposing to meet the minimum setbacks of 15 feet around the entire accessory building perimeter. The lot line rearrangement will bring the accessory building into compliance with the City's zoning regulations.

The applicant is seeking a conditional use permit to allow a commercial riding stable on the subject property. A commercial riding stable is further defined in the City's ordinance as follows:

Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use.

The commercial riding stable will include the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility. The applicant is requesting the following approvals from the City:

1. The applicant is requesting permission to board 25 horses on 80 acres. The City allows one (1) animal unit for the first 2 acres and one (1) additional animal unit for each additional acre. The property would clearly allow for 25 horses.
2. The applicant is requesting permission to operate the commercial riding stable between the hours of 7:00 am- 10:00 pm on a daily basis. The maximum number of occupants would be 49 people or less on a daily basis.

Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of a conditional use permit request it must find that it meets the criteria established within the zoning ordinance. 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 purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*

5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed conditional use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to operation of the proposed facility. The City will need to determine if the proposed CUP meets the requirements for granting a conditional use permit. In order to aid in the decision, the City has completed a detailed review of the proposed use and corresponding site related measures.

The City completed a detailed site plan review of the proposed stable and its associated site improvements. The review identifies issues that should be considered when determining if the proposed conditional use permit meets the criteria for approval. The following issues should be noted:

Fire/Building

1. The Fire Department has reviewed the plans and requested a fire service road around the building. All gravel areas that will provide fire access to the building will need to be constructed to support the International Fire Code's fire apparatus weight load of 75,000 lbs. In addition, a paved/gravel path and turnaround shall be provided to service the building so that no portion of the building is further than 150 feet from the fire access road (maximum spacing between the ends of the road cannot exceed 300 lineal feet).
 - a. The applicant has submitted plans that show the location and construction type for the requisite service road. The fire department has reviewed and approved the proposed plan.
2. The City will need to make a determination relating to the number of bathrooms required based on the classification of the building.
 - a. The applicant has submitted an architect's plan which indicates the proposed number, type and details for bathrooms in the building. The plans will need to be reviewed by the City's building official as a part of the building permit review.
3. The applicant is required to provide accessible parking spaces based on the number of overall spaces proposed on the site.

- a. The applicant has identified the location and requisite signage for the accessible parking spaces on the plans.

Sanitary Sewer

4. The requirement for permanent bathrooms will require connection to an onsite septic system or holding tanks. The plans indicate the location of a primary and secondary mound system for the requisite bathrooms. Staff has reviewed the proposed primary and secondary locations and believes that the site can accommodate the requisite system. Please provide the City with additional information which verifies (from a licensed designer) that the proposed location can accommodate a primary and secondary septic system location.

Planning

5. It is typical that parking for a stable/event center would provide 1 space for every 3 occupants of the facility. Based on the maximum occupancy of this facility (150 persons), the following parking is required:

Parking Required

User Parking: $150 \text{ occupants} / 3 = 50 \text{ parking spaces required}$

Employee Parking: $10 \text{ workers} = 10 \text{ parking spaces required}$

Parking Provided

60 parking spaces provided

- a. The applicant is proposing to provide 60 parking spaces which can accommodate a vehicle plus trailer on the subject site (50 feet long by 12 feet wide). In addition, the applicant has identified an overflow parking area which can be utilized during the special events. The spaces would be comprised of a turf surface and accessed via the gravel access road. The number of spaces is adequate if parking is regulated/managed and organized during a high occupancy event. If vehicles are not managed, parking could become a potential issue. It is recommended that for the 18 special events proposed, the applicant be required to provide a designated parking management system. In addition, utilization of a turf parking surface can accommodate the intended use of the turf is maintained by the applicant. It is recommended that the City require the applicant to maintain the turf parking area so that there are not large areas that do not have turf coverage. Should this item be recommended for approval, the City can further develop a more detailed turf management/establishment requirement.
6. A site and parking lot lighting plan shall be submitted with the revised submittal. Lighting shall be in compliance with Section 535 of the City's Zoning Ordinance. Parking areas, pathways and walkways will be required to be lighted. The plan now indicates the location of parking lot lighting which appears to allow for some lighting on the property. The number of lights may need to be increased once a photometric plan is provided to the City. Please provide the City with additional detail relating to the proposed lighting (i.e. fixture cut sheets, pole details). A photometric plan is

required to be submitted which extends beyond the property lines so that the City can verify the proposed lighting meets all applicable requirements (see Zoning Ordinance – Section 535).

7. A landscaping plan has been provided by the applicant. The plan identifies screening and buffering on County Road 92 along the proposed parking area. Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. All commercial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation.
 - a. The applicant has prepared a plan which meets the buffering and screening requirements.
8. The structure has a public address/amplified sound system in the building. Staff noted that due to the type of building construction (fabric roof), sound is not contained within the facility. The location of the building does help to mitigate potential issues relating to sound; however, the applicant will be required to comply with all applicable standards for sound on this property. The City has the following provisions relating to noise:

2010.11. Purpose. Subdivision 1. The purpose of this subsection is to prevent loud, unpleasant, raucous, or prolonged noise recognizing that the abatement of such noise is necessary to protect the mental and physical health of the citizens, as well as the safety, well being and peaceful repose of the citizens. (Added, Ord. 85, 1979)

Subd. 2. Noise abatement. No person shall create, participate in, congregate because of, or be part of any gathering of persons from which loud, unpleasant, raucous, or prolonged noise emanates in such a manner so as to disturb the peace of persons residing in the area from which such noise emanates. (Added, Ord. 85, 1979)

Subd. 3. Declaration of a noisy gathering. Upon a finding that such noise disturbs the peace of persons as set forth herein, any peace officer may order the noise to be abated by ordering all persons present, except the owners or bonafide tenants of the dwelling or real estate, to immediately disperse and leave the premises. Any person failing to disperse as so directed by a peace officer or any owner or tenant obstructing a peace officer's order to disperse shall be in violation of this section. (Added, Ord. 85, 1979)

Subd. 4. Penalties. Any person who violates any provision of this section, upon conviction therefor, may be punished by a fine not to exceed \$500.00 or by imprisonment for not to exceed 90 days, or both. (Added, Ord. 85, 1979)

9. The applicant is proposing to manage the manure generated from the facility on site. The applicant will need to obtain and operated the facility in compliance with a manure management permit from the MPCA. A copy of the MPCA permit and its conditions will become a part of the conditional use permit.

10. The building was constructed on a lot that does not have a principle structure. Accessory structures are not permitted on a property without a principle structure. The City has provided the applicant with three solutions that would resolve the issue.
- a. Request a lot line rearrangement which would allow for the accessory structure to be located on the lot with the principle structure. A lot line rearrangement requires an additional application and hearing by the City.
 - b. Combine the two properties into one property by removing the property line between the two lots.
 - c. Construct a principle structure on the subject property. The applicant would be required to verify that the site can accommodate a primary and secondary on-site septic system for a principle structure.

The applicant has stated that they will construct a principle structure on the property or rearrange the lot line so that the accessory structure can be located on the site with the existing principle structure. The applicant has requested that the City allow up to three (3) years for the construction of a principle structure or lot line rearrangement. It is difficult and somewhat complicated for the City to obtain the necessary assurances/security to allow for a future date of compliance once the use is permitted. It is recommended that should the City consider approval of the requested CUP, it be subject to the applicant bringing the accessory structure into compliance by having it associated with a principal structure.

Storm Water Management

11. The applicant has complied with all storm water provisions relating to the proposed facility and associated site improvements. A storm water pond and conveyance system has already been installed on the property.
12. The applicant has received approval from the Pioneer-Sarah Watershed Management Organization (see attached approval letter).

Access

13. Access to this site is from County Road 92. The County has reviewed the driveway access into this site based on the proposed use. Hennepin County has approved the access based on the intended use of the property and the commercial riding stable. No additional information or improvements relating to the driveway access is required
14. The plans indicate that a gravel driveway will be constructed into the site from CSAH 92. The proposed width of the access driveway is 26' wide. As a point of reference, the proposed access drive width is the same as the City's public street standard.

The proposed conditional use permit to allow a commercial riding stable is generally consistent with the Agricultural nature of the property and surrounding land uses. The applicant believes that resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed commercial riding facility due to the existing and historic use of the property. The Planning Commission will need to determine if the requested conditional use permit meets all of the aforementioned conditions and restrictions.

Neighbor Comments:

The City has received one verbal concern from a neighboring property owner relating to the proposed venue and the associated noise that it currently generates.

Recommendation:

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

- a. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
- b. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
- c. Approval of the minor subdivision to allow a lot combination shall be subject to the following conditions:
 1. The applicant shall record the minor subdivision with the County within six (6) months of the City's approval and prior to the conditional use permit becoming effective.
- d. Approval of the conditional use permit shall be subject to the following conditions:
 2. The applicant shall obtain a building permit and subsequent occupancy permit from the City. In order to obtain a building permit, the applicant shall provide the City with the requisite details and information indicating how they will comply with all requirements, including but not limited to; bathrooms, accessibility, egress doors and septic system (if applicable). An occupancy permit will require that all requirements and work associated with meeting the requirements be completed.
 3. The applicant shall install all site improvements shown on the approved site plans, prepared by Wenck Associates, Inc, and dated January 25, 2015.
 4. The applicant shall install all landscaping in accordance with the approved site plans.

5. The applicant shall submit a photometric plan and associated light fixture and pole cut sheets to the City. The photometric plan will need to meet all applicable criteria, provide adequate levels of lighting for safety and be reviewed and approved by the City and West Hennepin Public Safety.
6. Any new signage shall comply with all applicable standards of the City's ordinance.
7. No more than 25 horses shall be boarded on the property.
8. The applicant must obtain and comply with a manure management permit from the MPCA. A copy of the valid MPCA permit with conditions shall be attached to and become a part of the conditional use permit.
9. The maximum number of occupants permitted to be on the premises at any given time shall be limited to 49 people. The general and daily hours of operation shall be 7:00 am - 10:00 pm.
10. The applicant shall comply with all applicable standards pertaining to sound limitations.
11. The applicant shall provide parking management, to be approved by the City, for the special events that occur on the property.
12. No renting of hack horses shall be permitted.
13. No parking on public roads shall be permitted.
14. Diligent effort must be made to maintain turf grass in pasture and parking areas. An approved standard, as determined by the City, shall be complied with at all times.
15. The applicant shall keep and maintain all feed and bedding are to be stores inside a closed building.
16. The applicant shall utilize appropriate management practices to control flies and odor.
17. The applicant shall provide an approved form of dust control on the entrance drive from CSAH 92 to the building.

Attachments:

1. Property Pictures
2. Site Plan
3. Stormwater Management Plans
4. Landscape Plan

Attachment #1

(Looking West)



(Looking South)



CERTIFICATE
OF
SURVEY

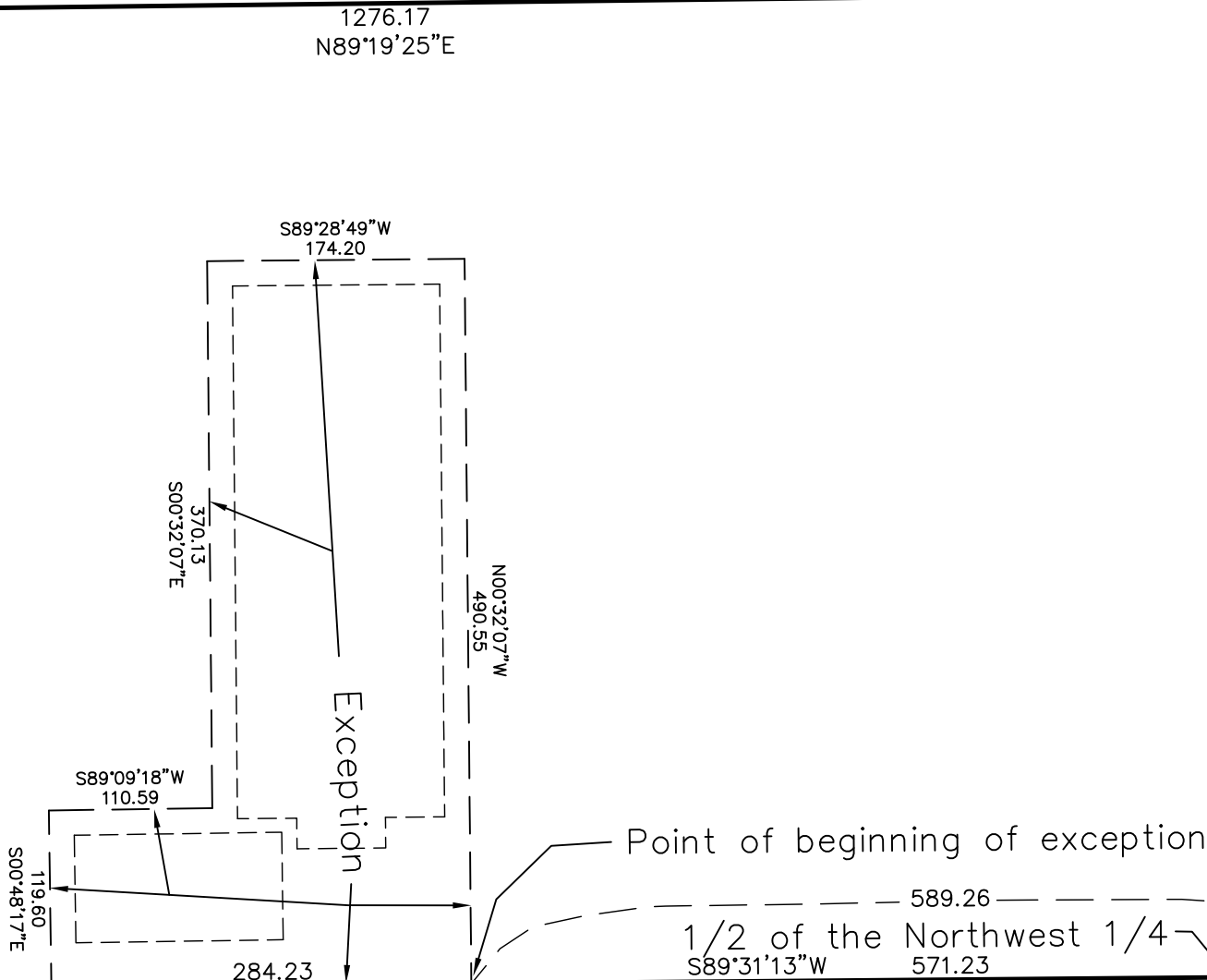
DESCRIPTION

The South ½ of the Southeast ¼ of the Northwest ¼ of Section 04, Township 118, Range 24, except road, Hennepin County, Minnesota.

ALSO, except that part described as follows: Commencing at the center of said Section 04; thence S89°31'13" W, along the South line of the South 1/2 of the Southeast ¼ of the Northwest ¼, a distance of 589.26 feet to the point of beginning; thence N00°32'07"W a distance of 490.55 feet; thence S89°28'49"W a distance of 174.20 feet; thence S00°32'07"E a distance of 370.13 feet; thence S89°09'18"W a distance of 110.59 feet; thence S00°48'17"E a distance of 119.60 feet to said South line; thence N 89°31'13"E, along said South line, a distance of 284.23 feet to the point of beginning.

West line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4

North line of the South 1/2 of the Southeast 1/4 of the Northwest 1/4



East line of the South 1/2 of the Northwest 1/4

Center of Section 04

North line of the North 1/2 of the Southwest 1/4

DESCRIPTION

The North ½ of the Southwest ¼ of Section 04, Township 118, Range 24, except road, Hennepin County, Minnesota.

ALSO, that part of the South ½ of the Southeast ¼ of the Northwest ¼ of said Section 04, described as follows: Commencing at the center of said Section 04; thence S89°31'13" W, along the South line of the South 1/2 of the Southeast ¼ of the Northwest ¼, a distance of 604.26 feet to the point of beginning; thence N00°32'07"W a distance of 475.54 feet; thence S89°28'49"W a distance of 144.20 feet; thence S00°32'07"E a distance of 370.05 feet; thence S89°09'18"W a distance of 110.52 feet; thence S00°48'17"E a distance of 104.69 feet to said South line; thence N 89°31'13"E, along said South line, a distance of 254.23 feet to the point of beginning.

West line of the North 1/2 of the Southwest 1/4

County Road No. 92 North

East line of the North 1/2 of the Southwest 1/4



Scale: 1" = 120'

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.
Date 22 September 2015 Rev 06 October 2016
Ray H. Brandt Reg. No. 8140

BRANDT ENGINEERING & SURVEYING, LLC.
1713 Southcross Drive West, Ste A
Burnsville, MN 55306
(952) 435-1966

Boundary Survey	
for	
Mike Kuka	
K98-01-15	SHEET 1 OF 1 SHEETS

Plot Date & Time: 27 October 2014 11:16 AM
\\s199\0001\REF\V-SPO1.dwg

PARKING CALCULATIONS:
- TYPICAL EVENT ATTENDANCE = 125 PEOPLE
- $125/3 = 42$ REQUIRED PARKING SPACES
- MAXIMUM OF 3 EMPLOYEES WORKING EVENTS
- TOTAL PARKING SPACES REQUIRED = $42 + 3 = 45$
- HANDICAP PARKING SPACES REQUIRED = 3
(INCL. 1-VAN ACCESSIBLE, BASED ON MN ACCESSIBILITY REQUIREMENTS)
- TYPICAL VEHICLE FOR EVENT REQUIRES 12' X 50' SPACES (600 SF/SPACE). 60 SPACES IDENTIFIED (INCLUDING DRIVE LANES) > 45. PARKING AREA IS SUFFICIENT.



SIGN TO BE PLACED AT THE FRONT OF EACH HANDICAP PARKING SPACE

2-8" PVC SDR 26 PIPES AT FIRE WHERE FIRE LANE CROSSES SWALE.

PONDING AREA

10' VEGETATED BUFFER STRIP (LOW GROW-NO MOW)

OVERFLOW PASTURE PARKING AREA

26' WIDE FIRE LANE (13" AGGREGATE BASE, CLASS 5)

GRASS PASTURE PARKING AREA (62,000 SF/60 STALLS)

BERM

BERM

EXISTING YARD LIGHT FIXTURE TO BE REPLACED WITH HIGH-PRESSURE SODIUM FIXTURE

ANTICIPATED FUTURE PRINCIPAL STRUCTURE LOCATION W/ SEPTIC LOCATIONS IDENTIFIED

HOUSE

POLE MOUNTED FLOOD LIGHT, TYP.

3-HANDICAP ACCESSIBLE PARKING SPACES, INCLUDING 1-VAN ACCESSIBLE SIGNS TO BE INSTALLED

2-PERMANENT PORTABLE SANITARY DEVICES

STALL BARN

EMPLOYEE DESIGNATED PARKING SPACES

PRIMARY FUTURE MOUND SEWER SYSTEM LOCATION

SECONDARY FUTURE MOUND SEWER SYSTEM LOCATION

APPROXIMATE PROPERTY BOUNDARIES BASED ON AVAILABLE HENNINGEN COUNTY GIS DATA

Note:
Existing topographic information provided is based on LIDAR and dimensions provided by the Owner. Existing elevations and grades shall be field verified prior to any work taking place.

#	DESCRIPTION	XXX	XXX	XX/XX/XX
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

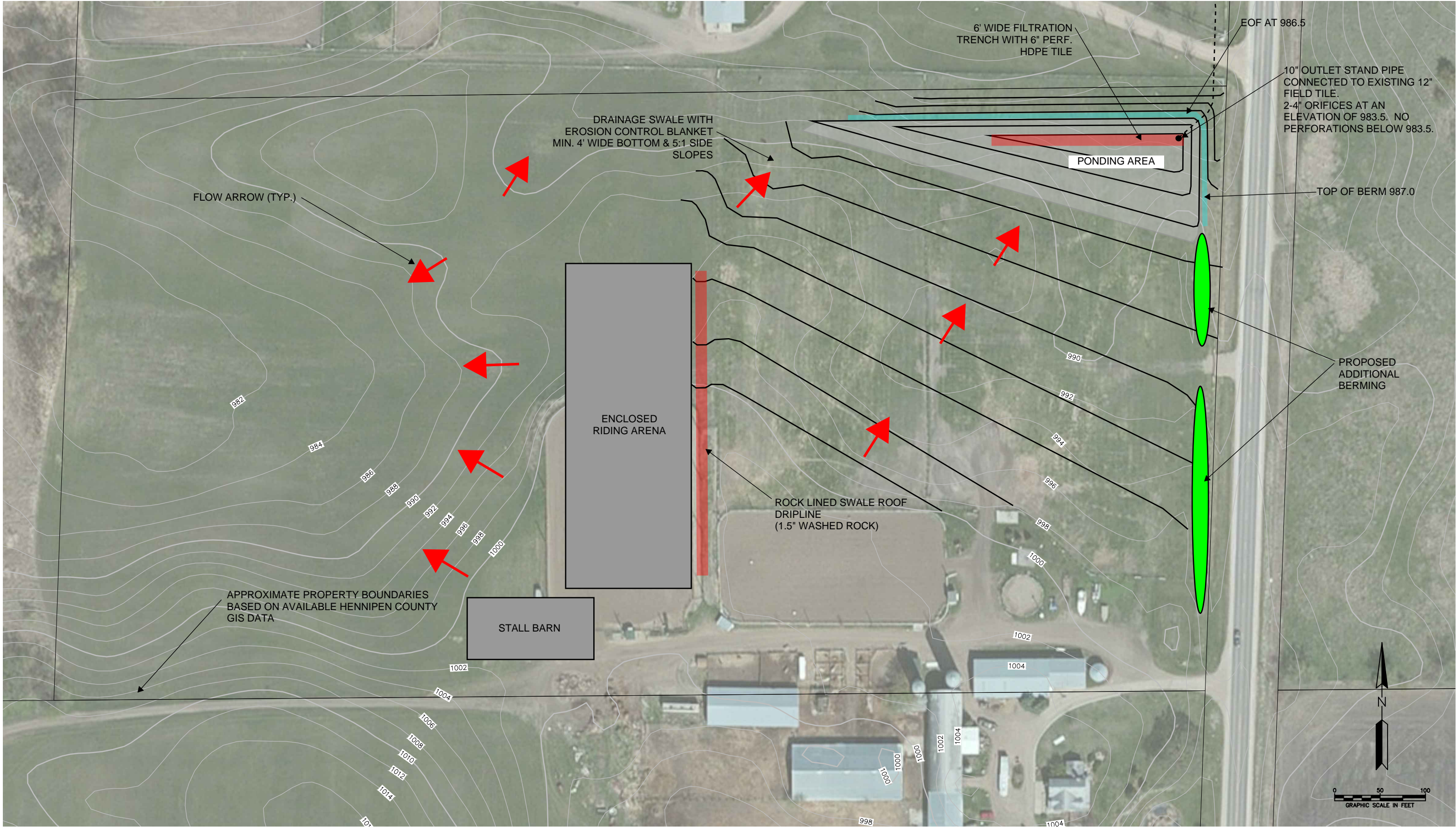
SEAL
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME JARED T. WARD
SIGNATURE
DATE 01/25/2015 REG. NO. 48677

PRIME CONSULTANT

Wenck Associates, Inc.
Consulting Engineers
Web Site: www.wenck.com

PROJECT TITLE
KUKA SITE IMPROVEMENTS

SHEET TITLE			
SITE PLAN			
DWN BY	CHK'D	APP'D	DWG DATE
JTW	JTW	JTW	JAN 2015
PROJECT NO.	SHEET NO.	SCALE	
5199-001	FIG. 1	AS NOTED	
		REV NO.	



Note:
Existing topographic information provided is based on LIDAR and dimensions provided by the Owner. Existing elevations and grades shall be field verified prior to any work taking place.

#	DESCRIPTION	XXX	XXX	XX/XX/XX
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

SEAL


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME JARED T. WARD

SIGNATURE [Signature]

DATE 01/25/2015 REG. NO. 48677

PRIME CONSULTANT

 **Wenck**
© Wenck Associates, Inc.
Consulting Engineers
Web Site: www.wenck.com

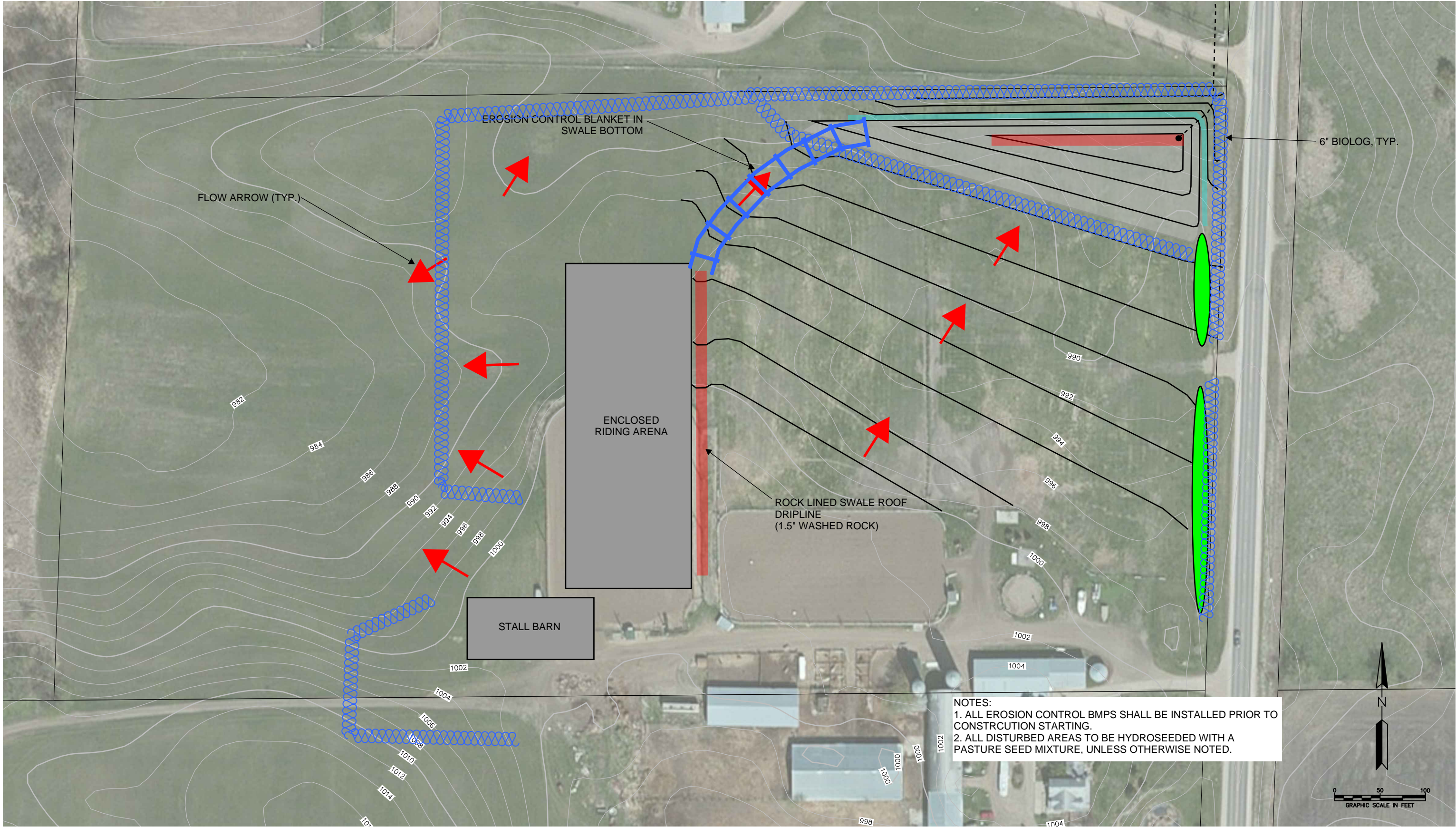
PROJECT TITLE

KUKA SITE IMPROVEMENTS

SHEET TITLE

SITE GRADING & DRAINAGE PLAN

DWN BY	CHK'D	APP'D	DWG DATE
JTW	JTW	JTW	JAN. 2015
PROJECT NO.	SHEET NO.	SCALE	REV NO.
5199-001	FIG. 2	AS NOTED	



Note:
Existing topographic information provided is based on LIDAR and dimensions provided by the Owner. Existing elevations and grades shall be field verified prior to any work taking place.

#	DESCRIPTION	XXX	XXX	XX/XX/XX
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

SEAL


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME JARED T. WARD

SIGNATURE *[Signature]*

DATE 01/25/2015 REG. NO. 48677

PRIME CONSULTANT

**Wenck**
Wenck Associates, Inc.
Consulting Engineers
Web Site: www.wenck.com

PROJECT TITLE

KUKA SITE IMPROVEMENTS

SHEET TITLE				
EROSION CONTROL PLAN				
DWN BY	CHK'D	APP'D	DWG DATE	JAN. 2015
JTW	JTW	JTW	SCALE	AS NOTED
PROJECT NO.		SHEET NO.		REV NO.
5199-001		FIG. 3		

PARKING CALCULATIONS:
 - TYPICAL EVENT ATTENDANCE = 125 PEOPLE
 - 125/3 = 42 REQUIRED PARKING SPACES
 - MAXIMUM OF 3 EMPLOYEES WORKING EVENTS
 - TOTAL PARKING SPACES REQUIRED = 42 + 3 = 45
 - HANDICAP PARKING SPACES REQUIRED = 3
 (INCL. 1-VAN ACCESSIBLE, BASED ON MN ACCESSIBILITY REQUIREMENTS)
 - TYPICAL VEHICLE FOR EVENT REQUIRES 12' X 50' SPACES (600 SF/SPACE). 60 SPACES IDENTIFIED (INCLUDING DRIVE LANES) > 45. PARKING AREA IS SUFFICIENT.



SIGN TO BE PLACED AT THE FRONT OF EACH HANDICAP PARKING SPACE

Plant Key:

- 2- 6" - ABM- Autumn Blaze Maple (existing)
(acer x freeman 'Jeffersred')
- 2- 3" - ABM- Autumn Blaze Maple (new)
(acer x freeman 'Jeffersred')
- 26- 8'+-SPC- Spruce- Black Hill, Colorado
(picea glauca densata) - (picea pungens blue, green)
- 17- #3- DOG- Dogwood varieties
(cornus sericea, cornus alba)

Note:
 Existing topographic information provided is based on LIDAR and dimensions provided by the Owner. Existing elevations and grades shall be field verified prior to any work taking place.

REV	DESCRIPTION	OWN	APP	REV DATE

SEAL
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 PRINT NAME: JAMES T. WENCK
 SIGNATURE: [Signature]
 DATE: 01/25/2015 REG. NO.: 48677

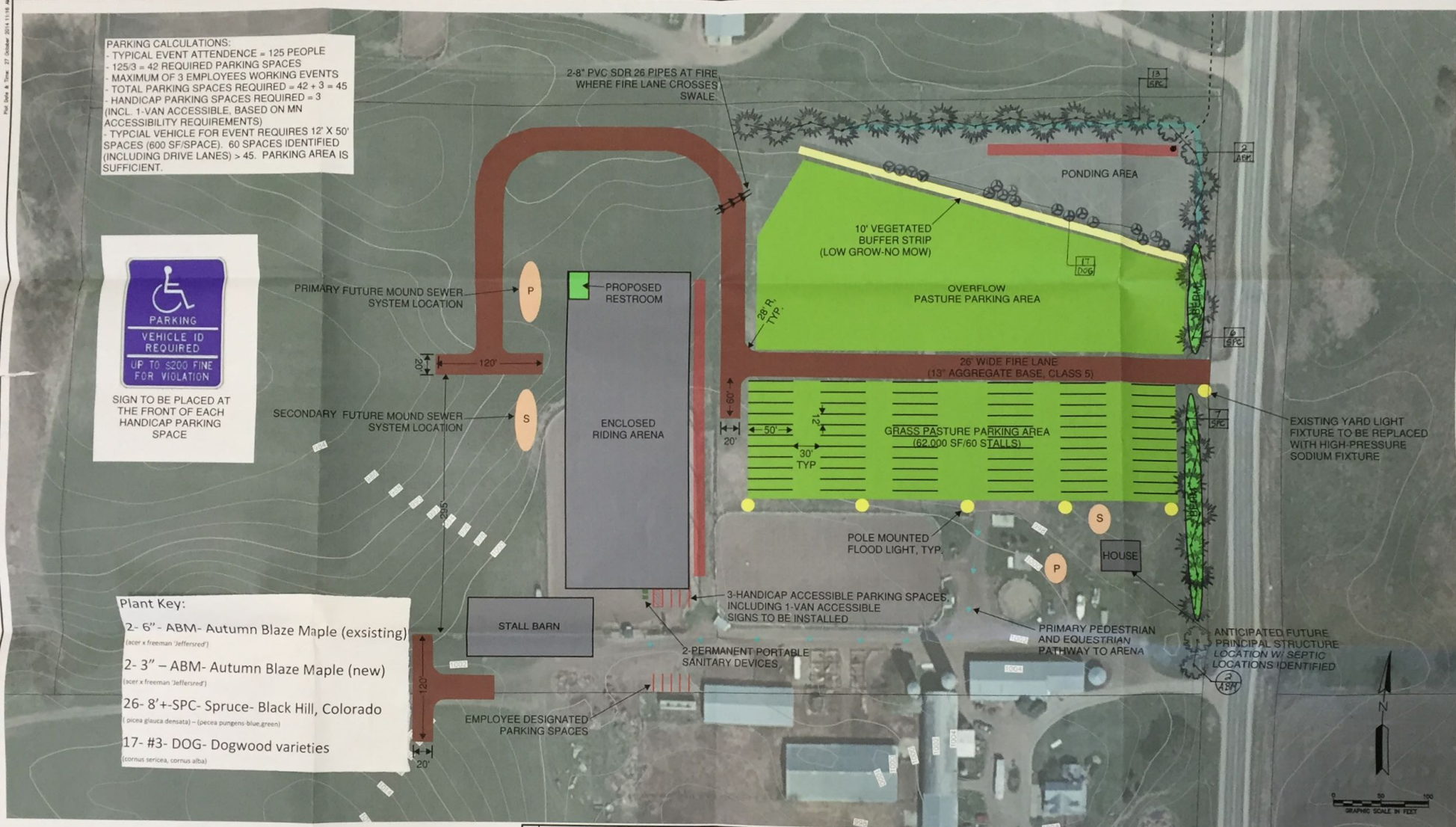
PRIME CONSULTANT

Wenck Associates, Inc.
 Consulting Engineers
 Web Site: www.wenck.com

PROJECT TITLE
 KUKA SITE IMPROVEMENTS

RECEIVED
 2-27-2015
 Bruce

SHEET TITLE			
SITE PLAN			
DWN BY	CHK'D	APP'D	DWG DATE
JTW	JTW	JTW	JAN 2015
PROJECT NO.	SHEET NO.	SCALE	AS NOTED
5199-001			
FIG. 1			



City of Independence

Request for a Variance to Allow a Reduced Front Yard Setback for the Property Located at 5215 Sunset Lane

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	November 15, 2016
<i>Applicant:</i>	Corey Oeffling
<i>Owner:</i>	Corey Oeffling
<i>Location:</i>	5215 Sunset Lane

Request:

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

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

Property/Site Information:

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

Property Information: ***5215 Sunset Lane***
Zoning: *Rural Residential (Shoreland Overlay)*
Comprehensive Plan: *Rural Residential*
Acreage: 2.87 acres
Impervious Surface Maximum: 25%

5215 Sunset Lane (blue outline)



Discussion:

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

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

Front Yard Required:	85 feet from centerline of road.
Front Yard Proposed:	45 feet from centerline of road
Variance:	40 feet

Side Yard Required:	30 feet (existing home is located 21 feet from property line)
Side Yard Proposed:	16 feet
Variance:	14 feet

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

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

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

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Rural Residential District. The property is wooded and positioned in a way that would reduce the impact of the proposed garage addition. The neighborhood surrounding this property has a wide array of property types with varying setbacks from the front and side yard setbacks. The applicants have attempted to locate the building in a manner that they feel would reduce or mitigate impacts to the surrounding properties.
- b. The character of the surrounding area is residential. The applicant is proposing to update the existing home with a new front porch. The applicant is also trying to construct a new garage that is at the same level as the main living area of the home. Currently the only access to the home from the garage is through the basement.
- c. The proposed variance would allow the expansion of a residential structure which is in keeping with the City's comprehensive plan.

- d. The existing home is located approximately 21 feet from the side property line and would be considered a non-conforming structure. The applicant could construct a detached garage that would be permitted to be located within 15 feet of the side property line.
- e. The elevation of the house and overall lot makes it difficult to locate a garage to the east of the existing home without significant changes being made to the grade. The applicant believes that the impact from those changes would be more significant to the surrounding properties than the plan which is proposed.
- f. The applicant is proposing to construct a new front porch on the existing home. The front porch would encroach into the required setback approximately 10 feet. The City could grant a variance for the porch separately if the proposed garage is not recommended for approval.
- g. Should the City consider granting approval of the requested variances, a certified survey should be provided by the applicant to verify the property lines and exact setbacks.

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

Neighbor Comments:

The applicant has spoken with the surrounding property owners and stated that he generally received support of the requested variance. The City has not received any written comments regarding the proposed variance.

Recommendation:

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

- 1. The proposed Variance meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
- 2. The requested variances will allow the construction of the proposed garage, mud room and porch in accordance with the approved plans only. The variances shall be as follows:
 - a. Front Yard: 40 feet
 - b. Side Yard: 14 feet
- 3. The Applicant shall pay for all costs associated with the City's review of the requested variance.
- 4. Any future improvements or expansion of the structure will need to be in compliance with all applicable standards relating to the Rural Residential zoning districts.

Attachments:

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

Attachment #1

5215 Sunset Lane (looking south)



5215 Sunset Lane (topography)





RECEIVED
10-14-16

City of Independence

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

- ☐ Appeal
- ☐ Comprehensive Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use Permit
 - ☐ Residential
 - ☐ Commercial/Light Industrial
 - ☐ Telecommunications
 - ☐ Agriculture
 - ☐ Home Occupation
 - ☐ Non-Conforming Use
 - ☐ Guest/Bunk House
 - ☐ Institutional
 - ☐ CUP Amendment

☐ Extension Request

☐ Final Plat

☐ Interim Use Permit

☐ Lot Consolidation

- ☐ Minor Subdivision (Survey)
- ☐ Lot Subdivision
 - ☐ Lot Combination
 - ☐ Lot Line Rearrangement

☐ Moving Buildings

☐ Preliminary Plat

☐ Rezoning

☐ Site Plan Review (Commercial)

☐ Vacation

- ☒ Variance
- ☐ Subdivision Regulations
 - ☐ Zoning
 - ☐ Road Frontage

☐ Zoning Text Amendment

**Please check all that apply*

Request: Variance for new
front steps and
Adding new garage
on the existing house
west side

Site Address or Property Identification Number(s):

5215 Sunset Lane Loretto
MN 55357

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

500
Application Amount

1,000
Escrow Paid

Date Accepted by Planner

City Planner

10/14/16
Date

2069
Application Check #

2068
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: Corey Oeffling

Address: 5215 Sunset Lane

City, State, Zip: Loretto MN 55357

Phone: 651-248-2707

Email: _____

Signature: Corey Oeffling

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:

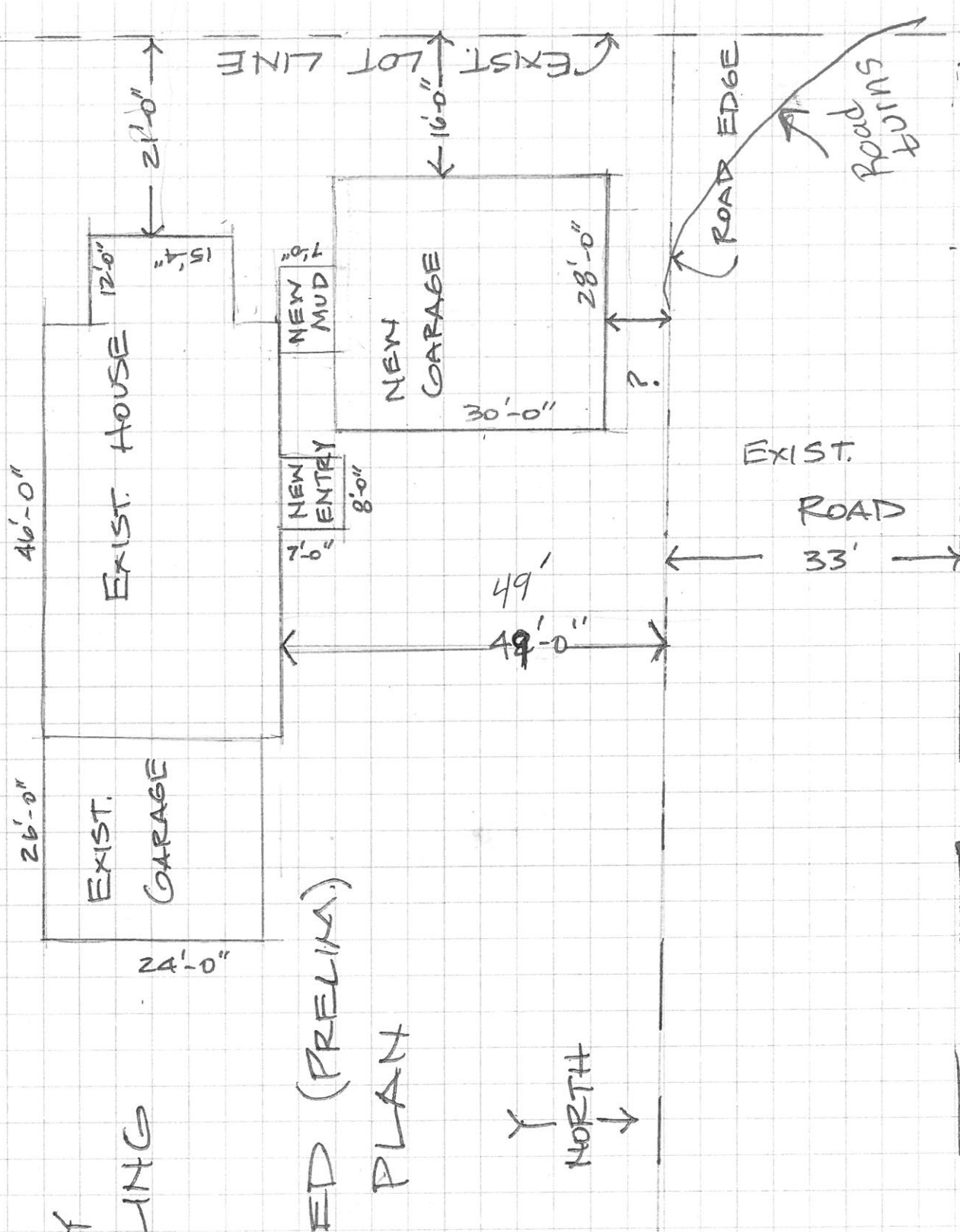
Applicant Signature: Corey Oeffling
Date: 10-14-16

Owner Signature (if different): _____
Date: _____

COREY
OFFLING

PROPOSED (PRELIM.)

SITE PLAN



Planning Commissioners - Office Terms

(3 Years)

Name	Expiration Year
Carl Phillips (Chair)	2017
Steve Thompson	2017
Robert Gardner	2018
Tom Palmquist	2016
Craig Olson	2016