



CITY COUNCIL MEETING AGENDA
TUESDAY JUNE 4, 2024

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 May 21, 2024, Regular City Council Meeting.
 - b. Approval of Accounts Payable (Batch #1; Checks Numbered 22856-22867, Batch #2, Checks Numbered 22868-22880).
 - c. Agriculture Preserve Application for the following property:
 - i. PID No.s 35-118-24-34-0002, 35-118-24-44-0002, 35-118-24-43-0001, 35-118-24-34-0001, 27-118-24-14-0007, 35-118-24-23-0001, 35-118-24-32-0001 and 35-118-24-31-0001.
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. Minnesota House of Representatives (District 37A): Representative Kristin Robbins – Legislative Update.
 8. Presentation of the 2023 Financial Audit.
 - a. 2023 Financial Audit
 - b. 2023 Audit Presentation
 9. Mosiah Willis (Applicant) and Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:
 - a. **RESOLUTION No. 24-0604-01:** Considering approval of a variance to allow the existing detached accessory structure to be used as an accessory dwelling unit which

will exceeds the maximum size of an accessory dwelling unit permitted; and

- b. A conditional use permit to allow an accessory dwelling unit to be located in the existing detached accessory structure.

10. Nathan Mendiola (Applicant) and Pam and Andy Krominga (Owners) are requesting the following action for the property located at 3585 William Way (PID No. 11-118-24-42-0004) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-02:** Considering approval of a conditional use permit to allow an accessory dwelling unit to be located within the proposed new home.

11. Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-03:** Considering approval of a conditional use permit to allow a dog kennel on the subject property.

12. Jon and Patricia Malecek (Applicant/Owner) are requesting the following action for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-04:** Considering approval of a rural view lot subdivision to divide a 7.37-acre parcel from the subject property.

13. Open/Misc.

- a. Consider City Council Meeting Change – Cancel July 2, 2024, due to July 4th Holiday

14. Adjourn.



CITY COUNCIL MEETING AGENDA
TUESDAY MAY 21, 2024

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

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

2. Pledge of Allegiance

Mayor Johnson led the group in the Pledge of Allegiance.

3. Roll Call

Present: Mayor Johnson, Councilors Spencer, Betts, McCoy, Grotting

Absent: None

Staff: City Administrator Kaltsas, Administrative Services Director Simon, WHPS

Director of Public Safety Kroells

Visitors: Bryan Van Beusekom

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 May 7, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 22823-22842 and Batch #2, Checks Numbered 22843-22855).
- c. Large Assembly Permit:
 - i. Polo Classic – August 4, 2024

Motion by McCoy, seconded by Grotting to approve the Consent Agenda. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None.

MOTION DECLARED CARRIED. 5-0

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

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

Betts

None

Spencer

Lake Minnetonka Cable Commission

MP Fire Dept Meeting

Met with appointed watershed Joe Baker

Grotting

none

McCoy

none

Johnson

Lewis Cemetery Annual Meeting

NorthWest League

Asked to serve on the 4H building at state fair grounds committee to remodel building

Regional Council of Mayors Meeting

Maple Plain Fire Meeting

Orono School Board

Orono Healthy Youth

History society at Wayzata

Haven Homes Chapel

Simon

Clerk training year two

Kaltsas

Phone call with Joshua Hoogland – Hennepin County board voted to take all assessment fees and bring them back internal to Hennepin County and provide assessment services for no fee. Our 2025 assessment will not have a fee. That is \$81k in fees we will save.

Johnson – the swamp under Minnehaha water district, the water has been very high. Talked with a neighbors and talked about beavers again. Lots of damage done. Found a beaver where it was blocked.

Money for Hwy 55 Corridor Coalition got approved! Transportation bill was included. 10 bills put together at the tail end. The \$2m for enviro study was approved and we can move ahead on 4 lanes from Hamel to Loretto.

Kaltsas – we have had calls but issued quite a few permits for ROW for Midco fiber. Complaints on not restoring it, disrupting right of way. Shawn meets with them weekly to look at conditions and restoration. Third party vendors. People now have access to fiber internet. Ingerson, Game Farm were included as well. 110 doesn't have it all the way down.

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the April 2024 Activity Report.

For last 3 years Minnetonka and Plymouth Police Dept. have done K9 trainings. Track trainings. Angry resident on Polo Club Road. They had permission to do it. They have been talking to neighbors, but one house sold and they didn't know. They are not in uniform, regular street wear. K9s are on a leash. Instructor comes from Canada. Changing the locations for the dogs help get familiar with different locations.

April 2024 Activity Report

1407 complaints

- 192 Independence
- 111 Maple Plain

April 21st a large amount of theft from vehicles at churches (4 churches Independence, some in Greenfield) during service hours.

One victim from greenfield was contacted by a bank that they thought it was fraudulent check. Bank didn't call police. Victim called police. Bank said a search warrant was needed in order to get video, etc of suspect. Was denied a photo line up from employee that noticed the fraud to protect the employee. Things are changing.

See full police report

May 15 - 3 officers stood guard Law Enforcement Memorial Day at the capital over the memorial.

May 17 forensics class at Orono

Police commissioners are aware WHPS was awarded a grant for Intensive Comprehensive Police Officer Education an opportunity for anyone with a 2- or 4-year degree that is in a different profession but has always wanted to be a police officer. They can't leave a job with income to go to school to get the degree to be a police officer. This grant allows hiring, paid schooling and paid medical benefits. 50 grants were given in the state of MN and WHPS received one. So far 4 applications. Applications open until June 14th.

That decision is up to WHPS who is granted the job.

8. Open/Misc.

At the last meeting Bryan Van Beusekom was here talking about the cartway road. Bryan and Shawn have met.

Kaltsas – Shawn and I have talked about it. We will go ahead with initial \$2500 for reshaping ditches, asking for a formal bid for the contractor. Clean ditches, salvaging lost aggregate, slope other side, install culvert.

Bryan – met with Shawn on Friday and guy that will do the work. They looked at the road. Some areas are very flat, soil erodes. Shave a little on the side to get the water to run off and no standing water.

Johnson – Brad had heard that they are going to rebuild city rd 50 and we can maybe get some of their materials. We will move ahead on fixing the road.

Kaltsas – we will reach back out to you after a bit.

9. Adjourn.

Motion by Betts, seconded by Grotting to Adjourn meeting at 7:05pm. Ayes: Johnson, Spencer, Grotting, Betts and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Respectfully Submitted,
Carrie Solien/Recording Secretary



**City of Independence
Hennepin County, Minnesota**

Communications Letter

December 31, 2023

**City of Independence
Table of Contents**

Report on Matters Identified as a Result of the Audit of the Basic Financial Statements	1
Other Deficiency	3
Required Communication	4
Financial Analysis	8
Emerging Issues	14

City of Independence

2023 Financial Summary and Audit

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: June 4, 2024

Summary:

The City Council is annually presented with the audit findings and receives quarterly financial reports detailing the current financial status of the City. The reports are typically presented for information to the Council. The city's Auditor, BerganKDV has prepared the 2023 Year End Financial Audit. There are a few key points that are further detailed in the audit report that I would like to highlight.

- The city received an unmodified opinion for the state of the city's financials. This is the highest and best opinion that can be obtained.
- The annual finding noted in the report is as follows:
 - Every year it is noted that the city does not have enough staff to wholly satisfy auditing standards relating to segregation of financial duties. This is an issue that is raised with any organization that has limited staff. In order to address this issue, the city has implemented a series of oversight policies and procedures in addition to utilizing consulting financial services. These policies and procedures along with the significant separation created by utilizing an entire financial firm, should more than satisfy this issue.
- The city's year-ending actuals versus budget again shows a significant increase in revenues (\$504,440) primarily due to the higher number of permits issued in 2023. The city's expenditures reflect an increase (\$203,985) primary related to capital expenditures and the Townline Road project as noted. The city also changed the way that it recorded escrow payments and made several adjustments to reflect the accounting change. The increase in expenditures was offset by the additional revenue realized in 2023.

Attachments:

1. 2023 Communications Letter
2. 2023 Audit Report (Financial Statements)

City of Independence

Andrew Grice, CPA



The Audit

Independent Auditor's Report

- ◆ Management is responsible for the financial statements
- ◆ Auditor is responsible to express an opinion on the financial statements
- ◆ Unmodified Opinion - best opinion an auditor is able to offer
- ◆ Provides assurance that the financial statements are fairly presented in all material respects
- ◆ *Government Auditing Standards* - no compliance findings reported;
no material weakness or significant deficiency in internal control reported
- ◆ Minnesota Legal Compliance Audit - no compliance findings reported

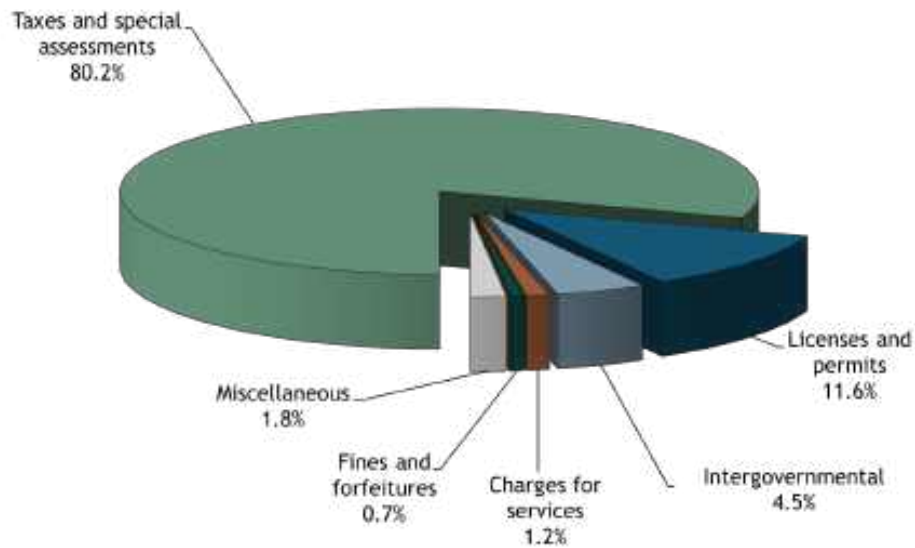
Financial Communications

General Fund - Revenues

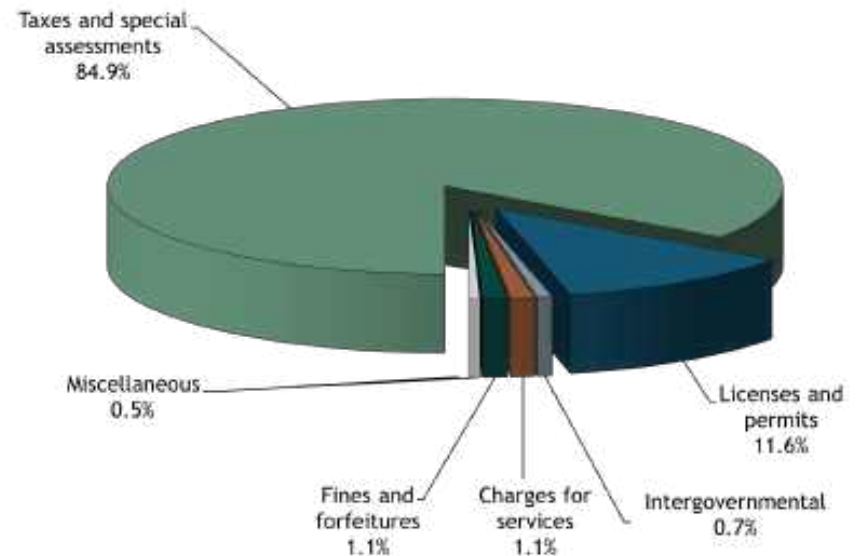
	2019	2020	2021	2022	2023
Taxes and special assessments	\$ 2,612,827	\$ 2,751,748	\$ 3,022,621	\$ 3,108,482	\$ 3,391,110
Licenses and permits	240,990	273,858	247,346	425,366	490,911
Intergovernmental	44,345	26,185	151,613	26,118	192,090
Charges for services	36,219	26,584	47,151	41,455	48,730
Fines and forfeitures	45,292	35,323	35,451	42,090	29,185
Investment income	8,810	4,769	2,846	-	-
Miscellaneous	71,177	5,728	179,003	18,924	76,594
Total Revenues	\$ 3,059,660	\$ 3,124,195	\$ 3,686,031	\$ 3,662,435	\$ 4,228,620

General Fund Revenues

2023 General Fund Revenues



2022 General Fund Revenues

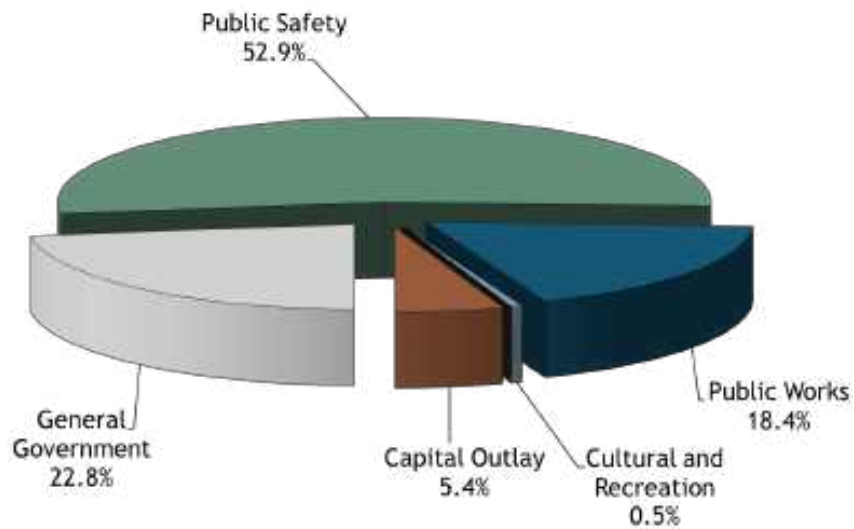


General Fund – Budget to Actual Results

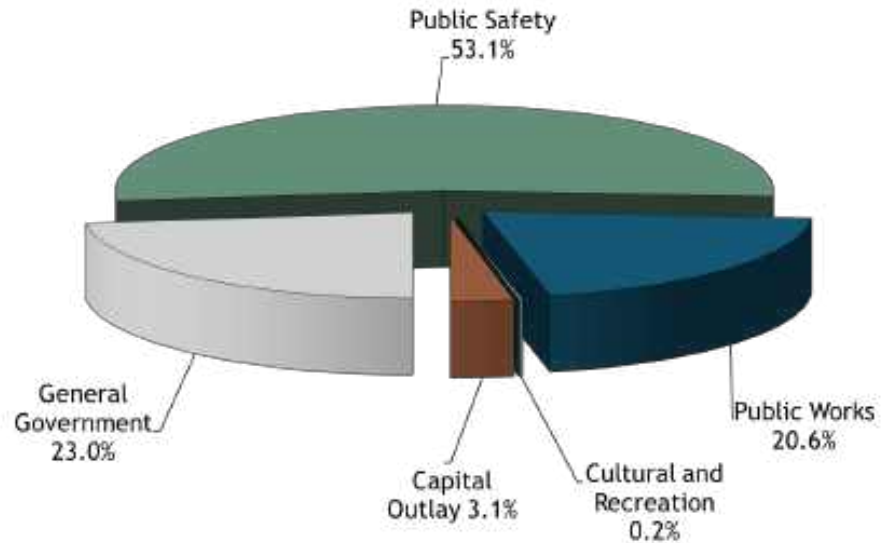
	Budgeted Amounts Final	Actual Amounts	Variance With Final Budget - Over (Under)
Revenues			
Property taxes and assessments	\$ 3,313,823	\$ 3,391,110	\$ 77,287
Licenses and permits	205,923	490,911	284,988
Intergovernmental	117,700	192,090	74,390
Charges for services	43,208	48,730	5,522
Fines and forfeitures	35,127	29,185	(5,942)
Miscellaneous	8,399	76,594	68,195
Total Revenues	3,724,180	4,228,620	504,440
Expenditures			
General government	762,701	881,794	119,093
Public safety	2,042,533	2,045,961	3,428
Public works	763,566	710,205	(53,361)
Cultural and recreation	22,416	20,897	(1,519)
Capital outlay	70,609	206,953	136,344
Total Expenditures	3,661,825	3,865,810	203,985
Other Financing Sources (Uses)			
Transfers in	37,500	423,373	385,873
Transfers out	(99,855)	(621,127)	(521,272)
Total Other Financing Sources (Uses)	(62,355)	(197,754)	(135,399)
Net Change in Fund Balance	\$ -	\$ 165,056	\$ 165,056

General Fund - Expenditures

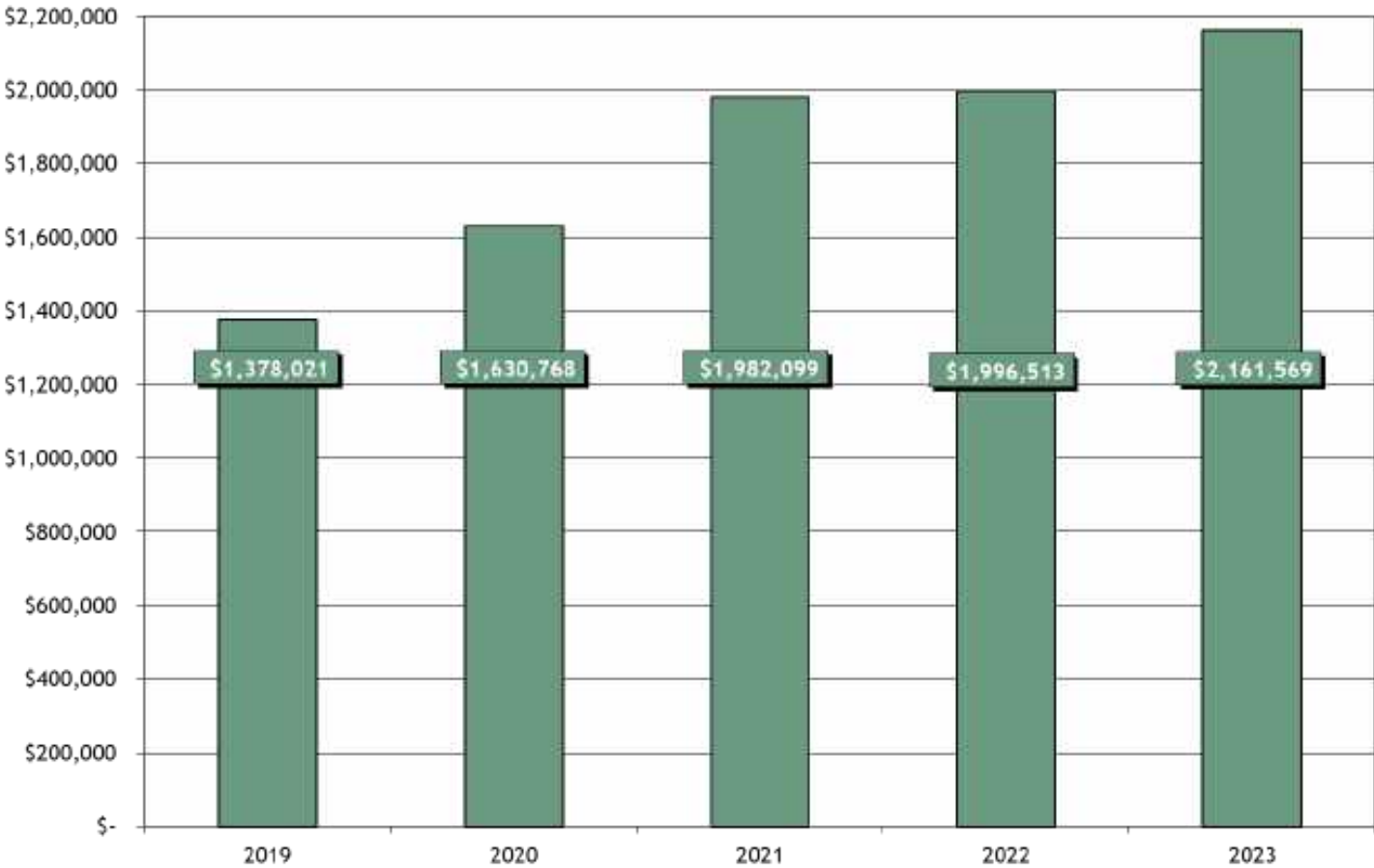
2023 General Fund Expenditures



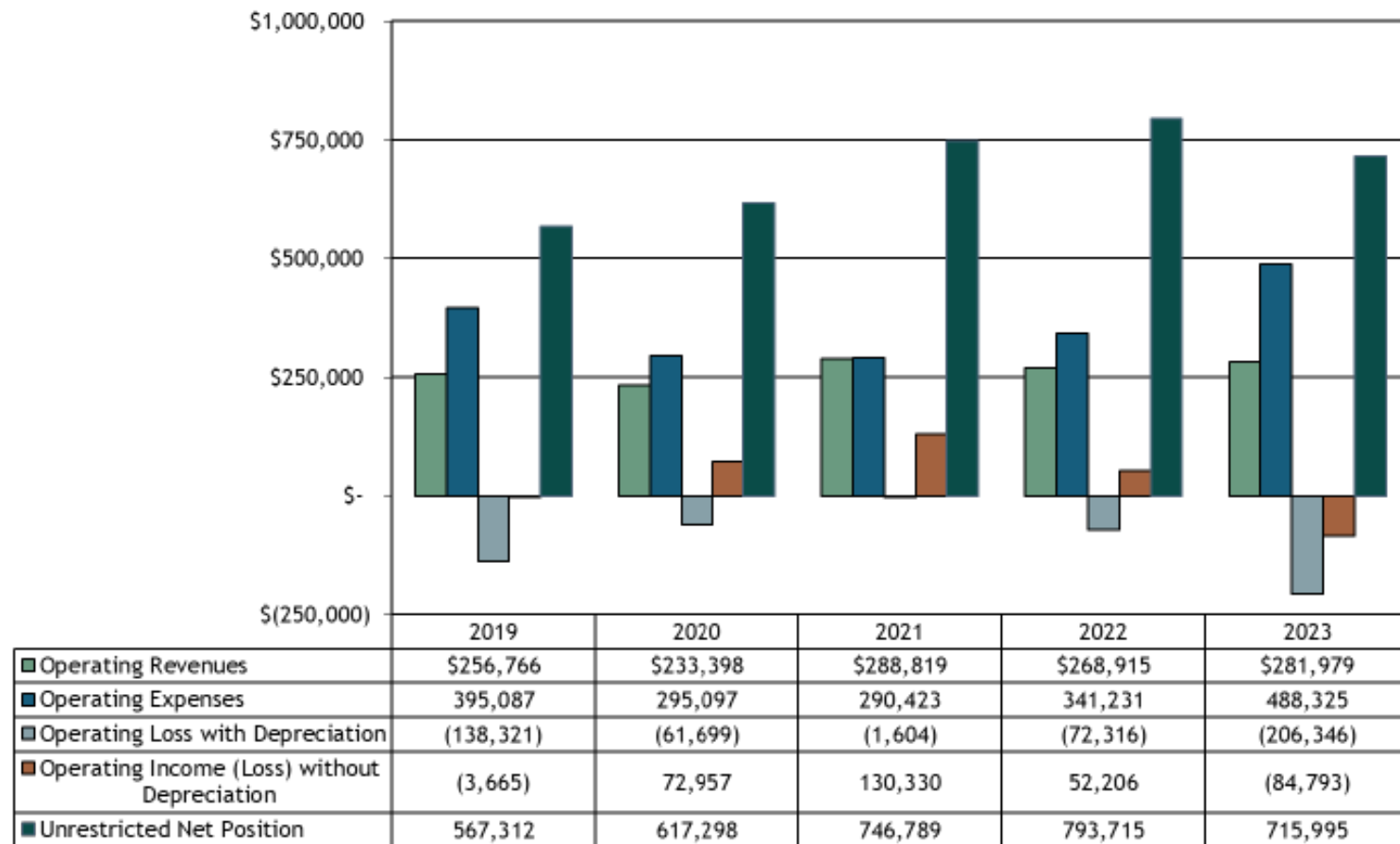
2022 General Fund Expenditures



General Fund – Fund Balance



Sewer Utility Fund



Auditor



Andrew Grice

AUDIT SHAREHOLDER

952-563-6862

ANDY.GRICE@CREATIVEPLANNING.COM

Thank You



This commentary is provided for general information purposes only, should not be construed as investment, tax or legal advice, and does not constitute an attorney/client relationship. Past performance of any market results is no assurance of future performance. The information contained herein has been obtained from sources deemed reliable but is not guaranteed.

■City of Independence

***Request for a Conditional Use Permit and Variance to Allow an
Accessory Dwelling Unit to be Located Within the Existing Accessory Structure
on the Property Located at 2485 Independence Road***

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: June 4, 2024
Applicant: Mosiah Willis
Owner: Jared Haley
Location: 2485 Independence Road

Request:

Mosiah Willis (Applicant) and Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:

- a. A variance to allow the existing detached accessory structure to be used as an accessory dwelling unit which will exceeds the maximum size of an accessory dwelling unit permitted; and
- b. A conditional use permit to allow an accessory dwelling unit to be located in the existing detached accessory structure.

Property/Site Information:

The property is located on the west side of Independence Road and north of Pagenkopf Road. The property is mostly wooded with some wetlands to the east and west. The property has an existing home and two detached accessory buildings.

Property Information: **2485 Independence Road**

Zoning: *RR-Rural Residential*

Comprehensive Plan: *RR-Rural Residential*

Acreage: *15 acres*

2485 Independence Road - Aerial



Discussion:

The applicant is seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the most westerly existing detached accessory structure on the property. The upper floor (the

structure has a finished upper level and garage and storage on the lower level) of the existing detached accessory structure had previously been converted into finished space without obtaining the requisite permits for its conversion. The applicant approached the city about the possibility of using the upper floor of the structure for the purpose of housing an adult family member on the subject property. The city discussed the conversion of the existing space and reviewed the requirements relating to ADU's with the applicant. It was noted that the existing square footage of the upper floor exceeds the allowable square footage for an accessory dwelling unit based on the square footage of the existing principal structure on the property.

The applicant proposed to only finish a portion of the upper floor of the existing structure and leave a portion as unfinished space (finish 877 SF of the total 1,232 SF). The remaining space was proposed to be used for "storage". The city reviewed the application at the April 16, 2024, Planning Commission Meeting and discussed the requested ADU. Commissioners noted that the unfinished space would be difficult for the city to administer and created a generally unusable area within the structure. Commissioners recommended that in this instance, a variance to allow an ADU that exceeded the allowable SF may be a more reasonable solution.

Accessory dwelling units are a conditional use within the RR-Rural Residential zoning district. 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 and also the criteria for granting a variance. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

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

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

The applicant is proposing to use the accessory dwelling unit located within the existing detached accessory structure.

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

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The existing structure is a two-story structure with a storage space on the first (lower) level.

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

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

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

The proposed accessory structure is existing and appears to be generally similar to the principal home on the property.

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

The principal structure has ~2,658 square feet of above ground space not including the basement (1,727 SF main floor, 958 SF upper floor). 33% of 2,658 square feet equals 877 square feet. The existing detached accessory structure is 44 x 28 feet (outside dimensions) or 1,232 SF. The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor and would be 1,232 SF. Staff has reviewed the plans and notes that the proposed SF exceeds the permitted 877 SF; however, the applicant is seeking a variance to allow the additional square footage.

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

There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 1,232 SF (28 x 44) and therefore would comply with applicable standards.

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

The existing structure has permanent provisions for cooking; living and sanitation (see attached depiction).

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

The existing structure has one bedroom within the accessory dwelling unit.

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

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

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

The applicant would need to confirm septic compliance for the existing structure.

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

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

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

The proposed accessory structure will meet all applicable building codes and may be required to obtain requisite after-the-fact permits.

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

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

The location of the existing accessory building and its proximity to the surrounding properties helps to mitigate potential impacts of allowing a portion of the structure to be used as an accessory dwelling unit. The surrounding properties have limited visibility and or site lines to the existing property due to the large wetland surrounding the property and Lake Independence to the east. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

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.

The applicant is seeking a variance in addition to the CUP. 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 allowable uses within the RR-Rural Residential Zoning District.
- b. The applicant is applying for a CUP to allow and accessory dwelling unit within the existing detached accessory building. The proposed ADU would meet all other applicable requirements of the CUP criteria. The existing building was legally constructed on the property and could be used for living space without a kitchen and bedrooms.
- c. The character of the surrounding area is residential. The detached accessory building is existing and generally consistent with other properties in the area that also have detached accessory

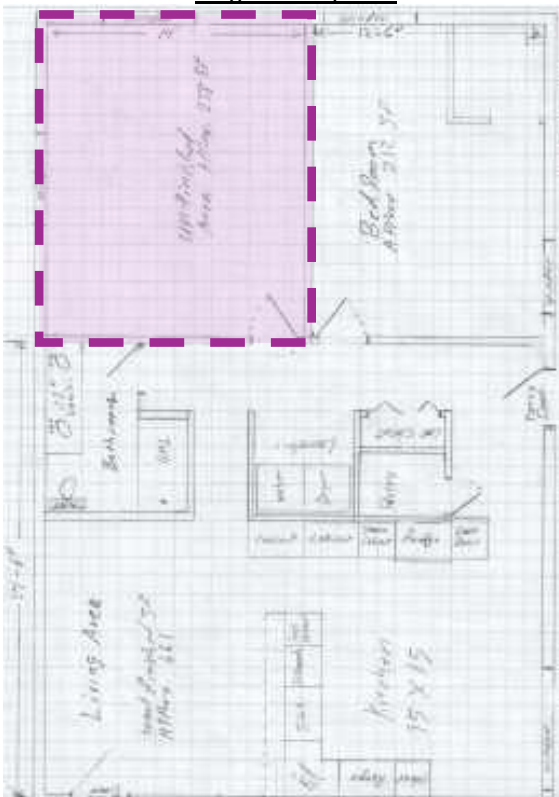
structures. There are no proposed changes to the exterior dimensions or character of the existing building.

Consideration for the proposed conditional use permit and associated variance should weigh the impact of having an accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate most potential impacts resulting from the use of the existing detached structure as an 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 and variance.

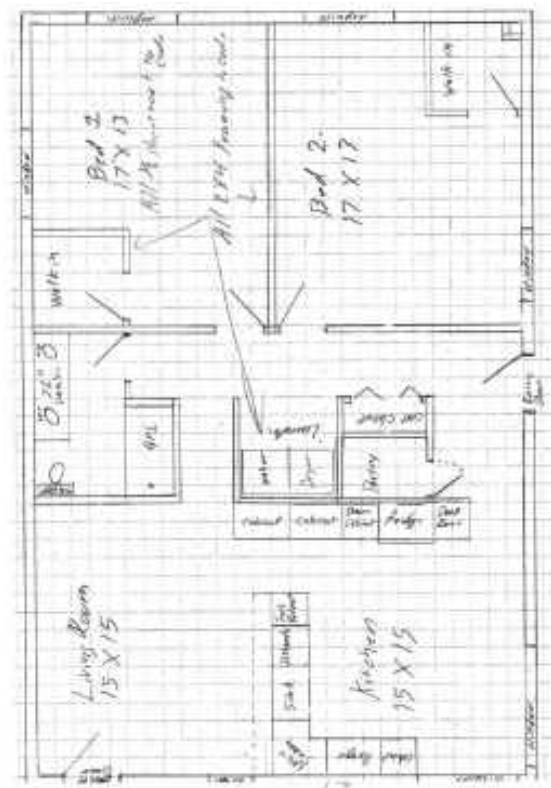
The city should consider the following issues as noted:

- The applicant is proposing to locate an ADU within the existing detached accessory structure. The size of the detached accessory structure is larger than the allowable square footage for an ADU on this property. The applicant could meet the allowable ADU square footage by limiting the “finished space” within the ADU. The remaining space does not have a secondary access and could easily be converted into additional ADU space and or blurs the line between the proposed storage and finished ADU.

Original Proposal



Alternative Proposal w/ Variance



- Should the city consider an approval recommendation, the following conditions should be included:

- The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City, and all new improvements.
- The proposed ADU space and corresponding detached 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.

Planning Commission Discussion:

Planning Commissioners reviewed the request and asked questions of staff. Commissioners noted that the requested variance and CUP appeared to meet all applicable requirements of the city and was a reasonable request. Commissioners noted that the applicant should be required to meet conditions included and recommended approval to the City Council.

Neighbor Comments:

The City has not received any comments.

Recommendation:

The Planning Commission recommended approval to the City Council for the requested CUP and Variance with the following findings and conditions:

1. The proposed Conditional Use Permit and Variance meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, and Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow an ADU to be located within the existing detached accessory structure on the property.
 - b. The location of the existing detached accessory structure aids in mitigating many of the potential impacts resulting from the use of the existing detached accessory structure as an ADU.
 - c. The character of the surrounding area is rural residential/agriculture. The proposed use of the existing accessory structure as an ADU would be in keeping and consistent with the surrounding uses found in this portion of the city.
3. The variance will permit the proposed ADU to be constructed in accordance with the approved plans attached hereto as **Exhibit A**. The maximum square footage of the ADU shall be 1,232 SF which represents a 355 SF variance. Any modification, alterations or expansion of the existing structure and

corresponding ADU will require additional review and approval in the form of a conditional use permit amendment.

4. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
5. 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 already made to the dwelling unit that were not previously approved by the City and all new improvements.
 - b. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit and variance.

Attachments:

1. Application
2. Interior and Exterior Pictures
3. Site Survey
4. Proposed Accessory Dwelling Unit Floor Plan

SITE PICTURES







RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 24-0604-01

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT A D
VARIANCE TO ALLOW AN ACCESSORY DWELLING UNIT WITHIN THE
EXISTING ACCESSORY STRUCTURE ON THE PROPERTY LOCATED AT 2485
INDEPENDENCE 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 2020 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 Mosiah Willis (Applicant) and Jared Haley (Owner) is requesting a conditional use permit to allow an accessory dwelling unit on the property located at 2485 Independence Road (PID No. 13-118-24-33-0001) in the City of Independence, MN:

WHEREAS, the Property is zoned RR Rural Residential (“RR”); and

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

WHEREAS, Section 530.01, Subd. 4 of the City Code provides that an “accessory dwelling unit” is a conditional use in the RR-Rural Residential zoning district; and

WHEREAS the requested accessory dwelling unit, with the conditions imposed by this Conditional Use Permit, meets all requirements, standards and specifications of the City of Independence zoning ordinance for RR property; and

WHEREAS the Planning Commission held a public hearing on May 21, 2024, to review the application for a Conditional Use Permit and Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and

has now concluded that the application, with the conditions noted below, is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Jared Haley to grant a Conditional Use Permit and Variance for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Conditional Use Permit and Variance meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, and Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow an ADU to be located within the existing detached accessory structure on the property.
 - b. The location of the existing detached accessory structure aids in mitigating many of the potential impacts resulting from the use of the existing detached accessory structure as an ADU.
 - c. The character of the surrounding area is rural residential/agriculture. The proposed use of the existing accessory structure as an ADU would be in keeping and consistent with the surrounding uses found in this portion of the city.
3. The variance will permit the proposed ADU to be constructed in accordance with the approved plans attached hereto as **Exhibit B**. The maximum square footage of the ADU shall be 1,232 SF which represents a 355 SF variance. Any modification, alterations or expansion of the existing structure and corresponding ADU will require additional review and approval in the form of a conditional use permit amendment.
4. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
5. 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 already made to the dwelling unit that were not previously approved by the City and all new improvements.

- b. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit and variance.

This resolution was adopted by the city council of the City of Independence on this 4th day of June 2024, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

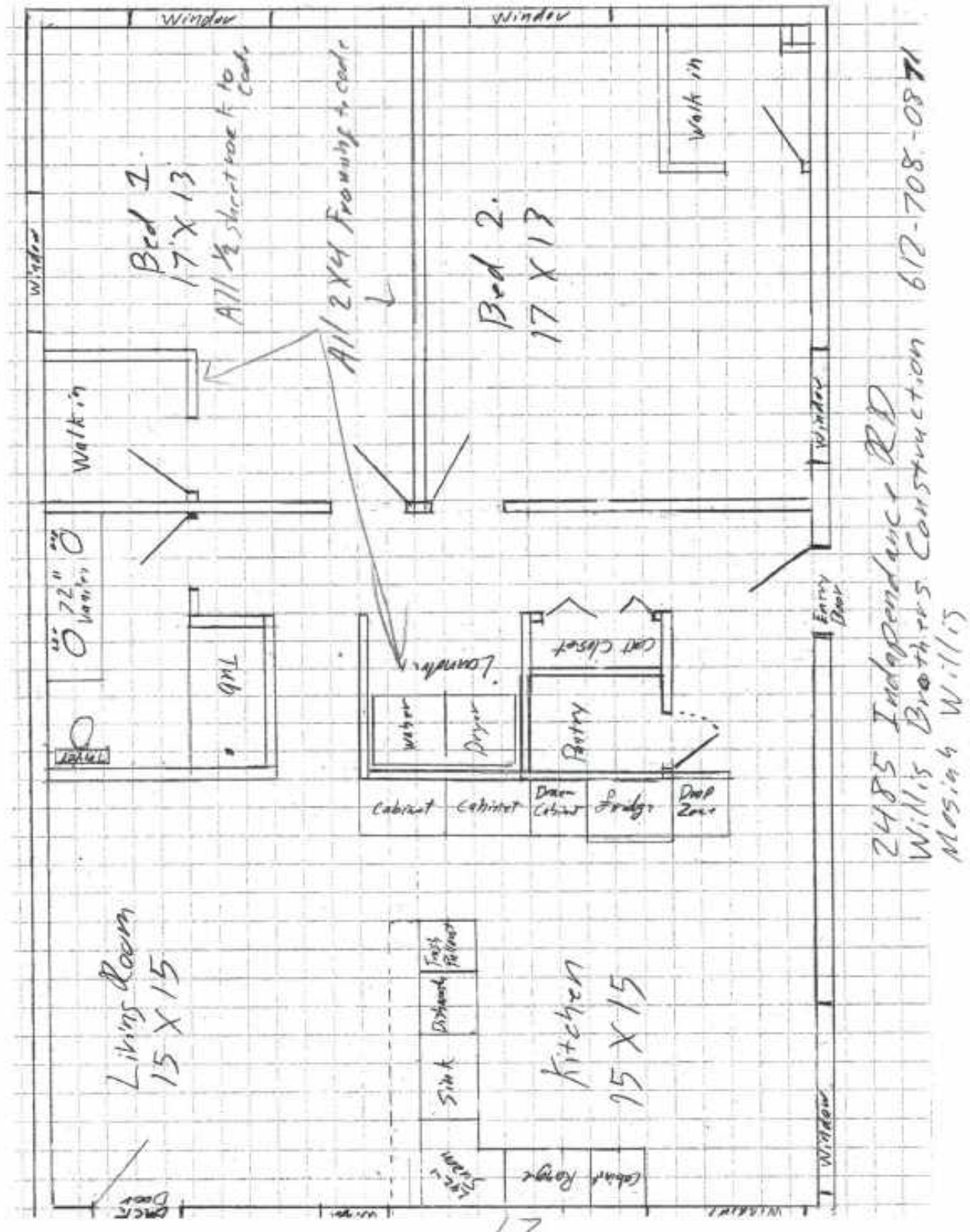
Mark Kaltsas, City Administrator

Exhibit A
(Legal Description)

All that part of Government Lot 2, Section 13, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at a point on the South line of said Government Lot 2, a distance of 935.00 feet East of the Southwest corner thereof; thence North and parallel to the West line of said Government Lot 2, a distance of 734.07 feet; thence deflecting right at an angle of 53 degrees 47 minutes, a distance of 622.00 feet, more or less, to the Westerly shoreline of Lake Independence; thence Southeasterly along said shoreline to the South line of said Government Lot 2; thence West along the South line of said Government Lot 2, a distance of 875.00 feet, more or less, to the point of beginning, except road.

Exhibit B
(Approved Plan)





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 01-31-2024

Applicant Information

Name: Mosiah Willis

Address: 2485 Independence RD
Independence , Minnesota 55359

Primary Phone: 6127080871

Email: Willisbrothersconstruction@gmail.com

Owner Information

Name: Jared Haley

Address: 2485 Independence RD
Independence ,
Minnesota 55359

Primary Phone: 7634391410

Email: jaredh@c-axis.com

Property Address:

PID:

Planning Application Type: Accessory Building Review

Description:

Supporting Documents: Construction Plans

Signature:

■City of Independence

***Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit
to be Located Within the Proposed Principal Structure
on the Property Located at 3585 William Way***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 4, 2024
<i>Applicant:</i>	Nathan Mendiola
<i>Owner:</i>	Pam and Andy Krominga
<i>Location:</i>	3585 William Way

Request:

Nathan Mendiola (Applicant) and Pam and Andy Krominga (Owners) are requesting the following action for the property located at 3585 William Way (PID No. 11-118-24-42-0004) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory dwelling unit to be located within the proposed new home.

Property/Site Information:

The property is located within the new Koch Farm Sanctuary Development on the west side of Independence Road and north of Pagenkopf Road.

Property Information: **3585 William Way**
Zoning: *RR-Rural Residential*
Comprehensive Plan: *RR-Rural Residential*
Acreage: 2.17 acres



Discussion:

The applicant is proposing to construct a new home within the Koch Farm Sanctuary Development. As a part of the new home construction, the applicant is seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the proposed principal structure. The proposed ADU would be for a family member of the owners. The city discussed the request and noted that the attached ADU is possible but would require a conditional use permit. The applicant is proposing to construct a 726 SF ADU on the first floor of the proposed home. The ADU would be located behind the garage and would connect internally to the principal home via an internal doorway.

Accessory dwelling units are a conditional use within the RR-Rural Residential zoning district. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

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

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

The proposed ADU is attached to/within the principal structure.

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

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The new home is a two-story structure and the proposed ADU meets applicable size requirements.

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

The proposed accessory dwelling unit would be separated from the single-family home by a wall and doors.

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

The proposed ADU is attached to/within the principal structure and fully compatible.

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

The principal structure has ~4,455 square feet of above ground space not including the basement and proposed ADU. 33% of 4,455 square feet equals 1,470 square feet. The

applicant is proposing that the accessory dwelling unit would be 726 SF which is less than the maximum permitted and therefore meets applicable requirements.

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

The proposed ADU is attached to/within the principal structure.

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

The proposed ADU has permanent provisions for cooking; living and sanitation (see attached depiction).

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

The proposed ADU has one bedroom within the accessory dwelling unit.

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

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

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

The applicant has confirmed septic compliance for the proposed home and ADU.

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

The proposed ADU is attached to/within the principal structure.

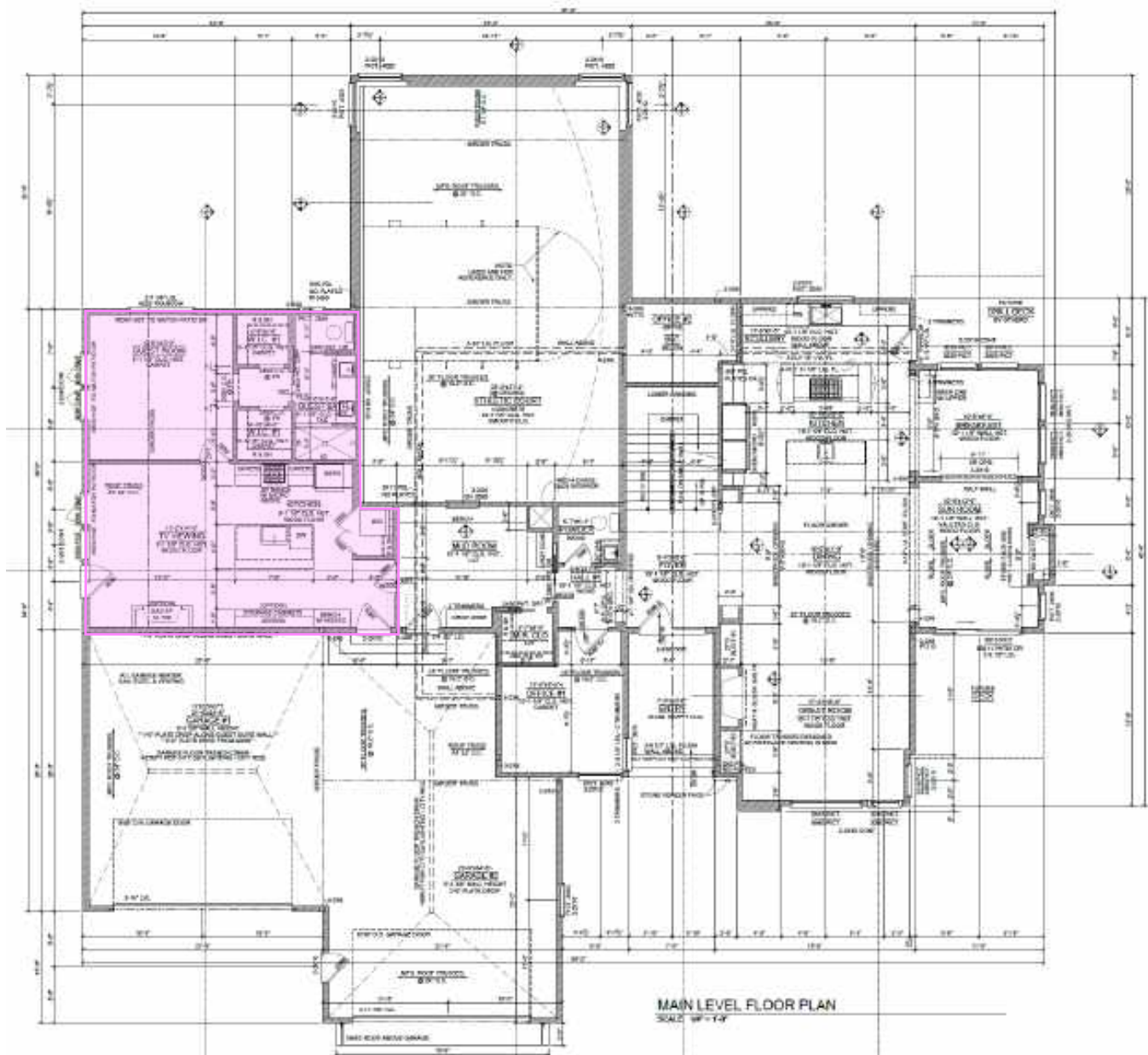
- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes.

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

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

The applicant is proposing to integrate the ADU into the proposed new home so that it is wholly contained within the structure within no external distinction or identifiable components. The resulting architecture, appearance from surrounding properties and general use would be consistent with a residential property.



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 and associated variance should weigh the impact of having an accessory dwelling unit located within the proposed principal home. The location of the proposed accessory dwelling unit within the structure and its full integration with architecture, interior and exterior layout appear to mitigate potential impacts resulting from the proposed ADU. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

- Should the city consider an approval recommendation, the following conditions should be included:
 - The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements.
 - The proposed ADU cannot be expanded or enlarged without the review and approval of the City. Any expansion of the ADU will require an amendment to the conditional use permit following all applicable procedures.

Planning Commission Discussion:

Planning Commissioners reviewed the request and asked questions of staff. Commissioners noted that the requested CUP appeared to meet all applicable requirements of the city and was a reasonable request. Commissioners noted that the applicant should be required to meet all conditions included and recommended approval to the City Council.

Neighbor Comments:

The City has not received any comments.

Recommendation:

The Planning Commission recommended approval to the City Council for the requested CUP with the following findings and conditions:

1. The proposed Conditional Use Permit 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.
 - b. The proposed ADU shall be constructed in accordance with the approved plans shown on attached **Exhibit A**. The ADU cannot be expanded or enlarged without the review and approval of the City. Any expansion of the ADU will require an amendment to the conditional use permit following all applicable procedures.
3. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments: RESOLUTION No. 24-0604-02

Application

Site Plan

Building Plans



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 24-0604-02

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
TO ALLOW AN ACCESSORY DWELLING UNIT
WITHIN THE PROPOSED PRINCIPAL STRUCTURE
ON THE PROPERTY LOCATED AT 3585 WILLIAM WAY**

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 2020 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 Nathan Mendiola (Applicant) and Pam and Andy Krominga (Owners) is requesting a conditional use permit to allow an accessory dwelling unit on the property located at 3585 William Way (PID No. 11-118-24-42-0004) in the City of Independence, MN:

WHEREAS, the Property is zoned RR Rural Residential (“RR”); and

WHEREAS, the Property is legally described as

Lot 1, Block 7 KOCH FARM SANCTUARY; and

WHEREAS, Section 530.01, Subd. 4 of the City Code provides that an “accessory dwelling unit” is a conditional use in the RR-Rural Residential zoning district; and

WHEREAS the requested accessory dwelling unit, with the conditions imposed by this Conditional Use Permit, meets all requirements, standards and specifications of the City of Independence zoning ordinance for RR property; and

WHEREAS the Planning Commission held a public hearing on May 21, 2024, to review the application for a Conditional Use Permit, following mailed and published noticed as required by law; and

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Pam and Andy Krominga to grant a Conditional Use Permit for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Conditional Use Permit 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.
 - b. The proposed ADU shall be constructed in accordance with the approved plans shown on attached **Exhibit A**. The ADU cannot be expanded or enlarged without the review and approval of the City. Any expansion of the ADU will require an amendment to the conditional use permit following all applicable procedures.
3. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

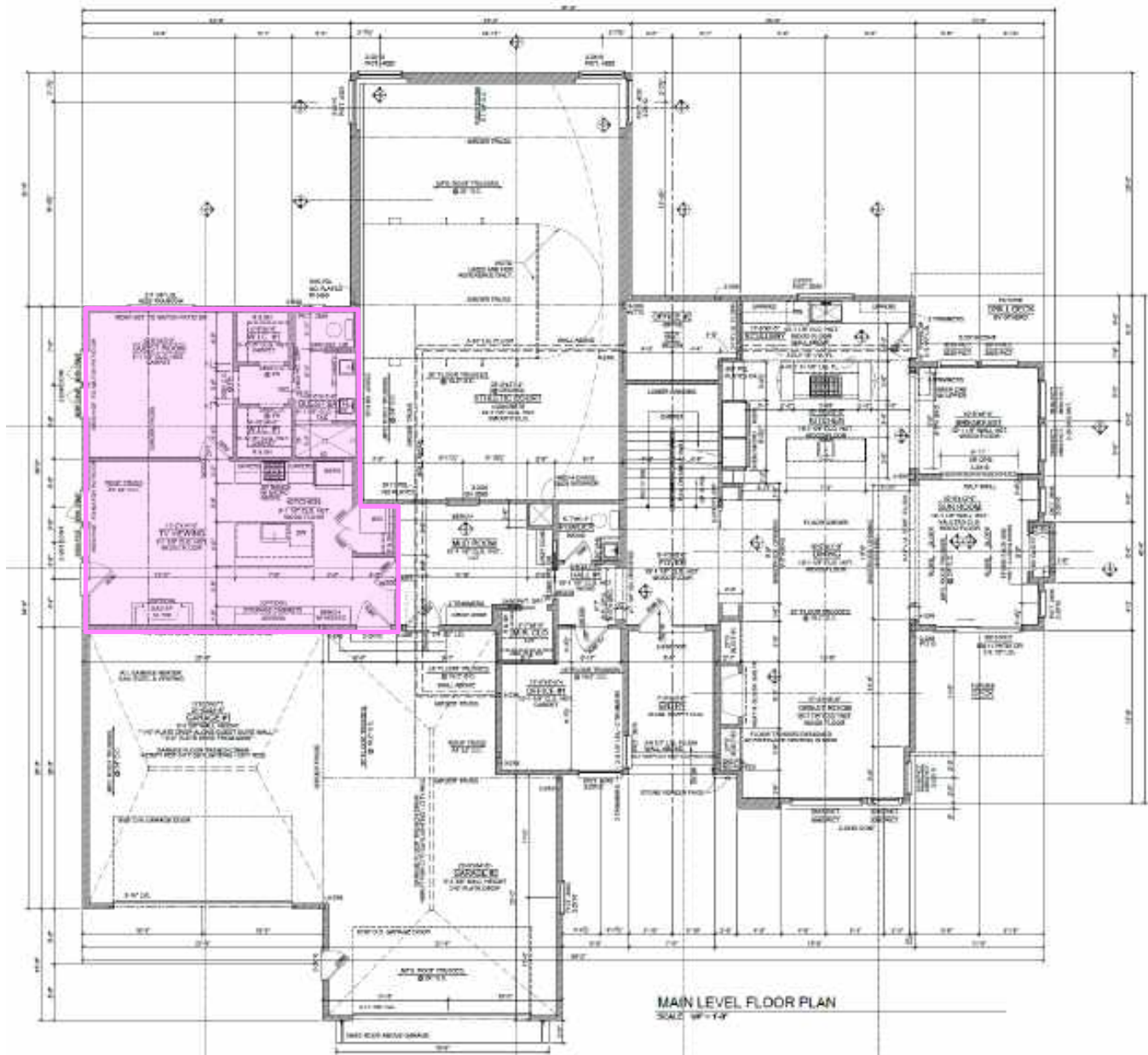
This resolution was adopted by the city council of the City of Independence on this 4th day of June 2024, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

Exhibit A
(Approved Plan)





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 03-21-2024

Applicant Information

Name: Nathan Mendiola

Address: 1000 Boone Ave N. Suite 400
Golden Valley, Minnesota
55427

Primary Phone: 9522328003

Email: nmendiola@gonyeahomes.com

Owner Information

Name: Pam & Andy Krominga

Address: 1000 Boone Ave N. Suite 400
Golden Valley, Minnesota
55427

Primary Phone: 9522328003

Email: nmendiola@gonyeahomes.com

Property Address:

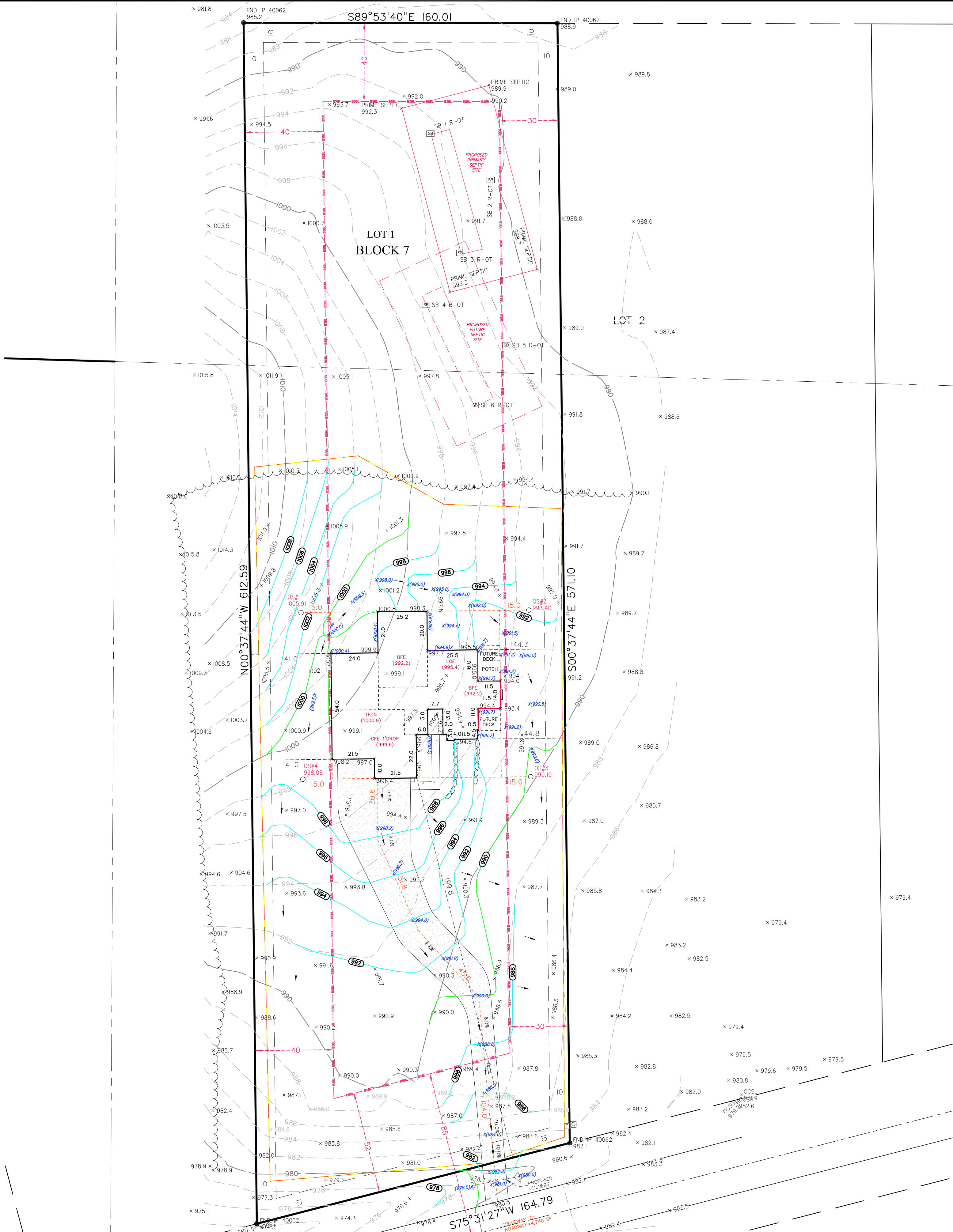
PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Proposed Conditions), Preliminary/Final Plan

Signature:



DESCRIPTION OF PROPERTY SURVEYED

Lot 1, Block 7, KOCH FARM SANCTUARY, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

Site Address: 3585 William Way, Independence, Minnesota, 55328

- 1) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
- 2) **Parcel Area Information:** Gross Area: 94,693 s.f. ~ 2.17 acres
*We do not affirmatively insure the quantity of acreage set forth in the description

- 3) **Principal Structure Setbacks -** Street(s): 85 feet From Center Line of the Road
Side: 30 feet
Rear: 40 feet

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

- 4) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.
- 5) Grading must maintain a minimum 2% slope gradient to accommodate positive drainage.
- 6) All set offset irons are measured to hundredths of a foot and can be used as benchmarks for construction.
- 7) The proposed driveway shown is conceptual only and does not purport to show exactly how the driveway shall be built.
- 8) Proposed grades shown adjacent to building foundation refers to top of black dirt.
- 9) Verify sanitary service invert prior to any concrete work.

Proposed Elevations

Proposed Garage Floor Elevation = 999.6 (1'DROP)
Proposed Top of Foundation Elevation = 1000.9
Proposed Basement Floor Elevation = 992.2

Hardcover

Lot Area = 94,693 S.F.
House Area = 4,522 S.F.
Driveway Area = 4,498 S.F.
Stoop Area = 100 S.F.
Front Walk Area = 156 S.F.
Porch Area = 118 S.F.
Future Deck Area = 90 S.F.
Future Deck Area = 130 S.F.
Total Area = 9,614 S.F.
Coverage = 10.2%

Offset Irons
(elevations are to the top of pipe)
OS #1= 1005.91 OS #2= 993.40
OS #4= 998.08 OS #3= 990.19

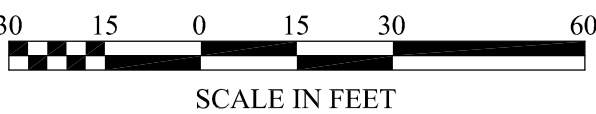
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 5th day of March, 2024.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@satbre.com
Minnesota License No. 26147



Bearings are based on the Hennepin County
Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

● CAST IRON MONUMENT	⊕ PIEZOMETER	WOE WALKOUT ELEVATION
○ IRON PIPE MONUMENT SET	⌵ POWER POLE	FFE FIRST FLOOR ELEVATION
● IRON PIPE MONUMENT FOUND	⌵ GUY WIRE	GFE GARAGE FLOOR ELEVATION
✕ DRILL HOLE FOUND	⌵ ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
✕ CHISELED "X" MONUMENT SET	⌵ LIFT STATION	LOE LOWEST OPENING ELEV.
✕ CHISELED "X" MONUMENT FOUND	⌵ SANITARY MANHOLE	CONCRETE
✕ REBAR MONUMENT FOUND	⌵ SANITARY CLEANOUT	BITUMINOUS
✕ PK NAIL MONUMENT SET	⌵ STORM MANHOLE	BUILDING SETBACK LINE
▲ PK NAIL MONUMENT FOUND	⌵ CATCH BASIN	Cable TV
○ PK NAIL W/ ALUMINUM DISC	⌵ FLARED END SECTION	CONCRETE CURB
△ SURVEY CONTROL POINT	⌵ TREE DECIDUOUS	CONTOUR EXISTING
⌵ A/C UNIT	⌵ TREE CONIFEROUS	CONTOUR PROPOSED
⌵ CABLE TV PEDESTAL	⌵ TREE CONIFEROUS REMOVED	GUARD RAIL
⌵ ELECTRIC TRANSFORMER	⌵ TREE DECIDUOUS REMOVED	DT DRAIN TILE
⌵ ELECTRIC MANHOLE	⌵ TELEPHONE MANHOLE	ELECTRIC UNDERGROUND
⌵ ELECTRIC METER	⌵ TELEPHONE PEDESTAL	FENCE
⌵ ELECTRIC OUTLET	⌵ UTILITY MANHOLE	FO FIBER OPTIC UNDERGROUND
⌵ FIBER OPTIC MANHOLE	⌵ UTILITY PEDESTAL	GAS GAS UNDERGROUND
⌵ FIRE DEPT. HOOK UP	⌵ UTILITY VAULT	OHU OVERHEAD UTILITY
⌵ FLAG POLE	⌵ WATER MAIN	TREE LINE
⌵ FUEL PUMP	⌵ WATER SPIGOT	SANITARY SEWER
⌵ FUEL TANK	⌵ WELL	STORM SEWER
⌵ PROPANE TANK	⌵ MONITORING WELL	TELEPHONE UNDERGROUND
⌵ GAS METER	⌵ CURB STOP	RETAINING WALL
⌵ GAS VALVE	⌵ GATE VALVE	UTILITY UNDERGROUND
⌵ GAS MANHOLE	⌵ HYDRANT	WATERMAIN
⌵ IRRIGATION VALVE	⌵ RAILROAD VALVE	TRAFFIC SIGNAL
⌵ POST INDICATOR VALVE	⌵ RAILROAD SWITCH	RAILROAD TRACKS
⌵ SIGN	⌵ SIGN	RAILROAD SIGNAL
⌵ SOIL BORING	⌵ SOIL BORING	RAILROAD SWITCH
		SATELLITE DISH
		WETLAND BUFFER SIGN

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FIELD CREW	NO.	BY	DATE	REVISION	
				NO.	DATE
DR	1	BRV	03/14/24		
DRAWN					
BRV					
CHECKED					
DLS					
DATE					

HOUSE STAKED 03/14/24

03/04/24

CERTIFICATE OF SURVEY

PREPARED FOR:

GONYEA HOMES

SATHRE-BERGQUIST, INC.

14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

ENGINEERS SURVEYORS PLANNERS

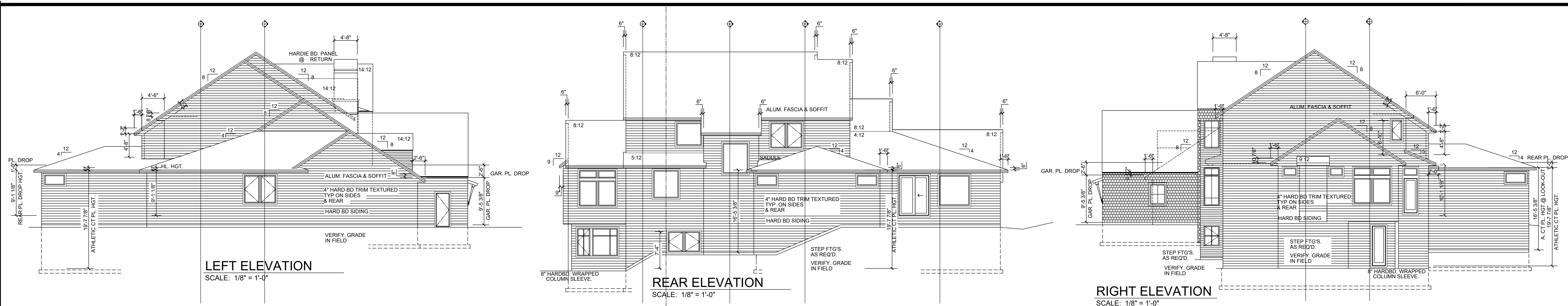
TWP.118 - RGE.24 - SEC.11

Project City: Independence

Hennepin County

FILE NO.: 31202-988

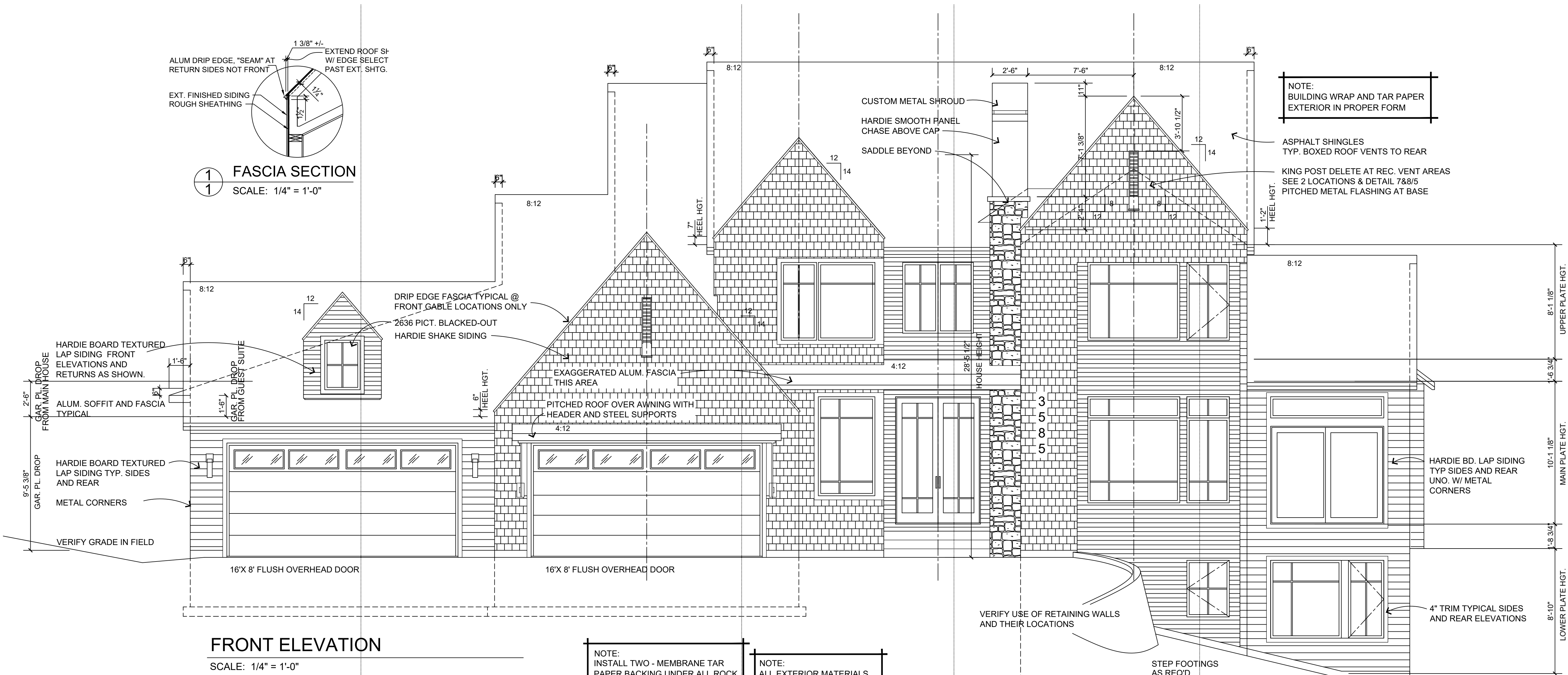
Sheet 1 of 1



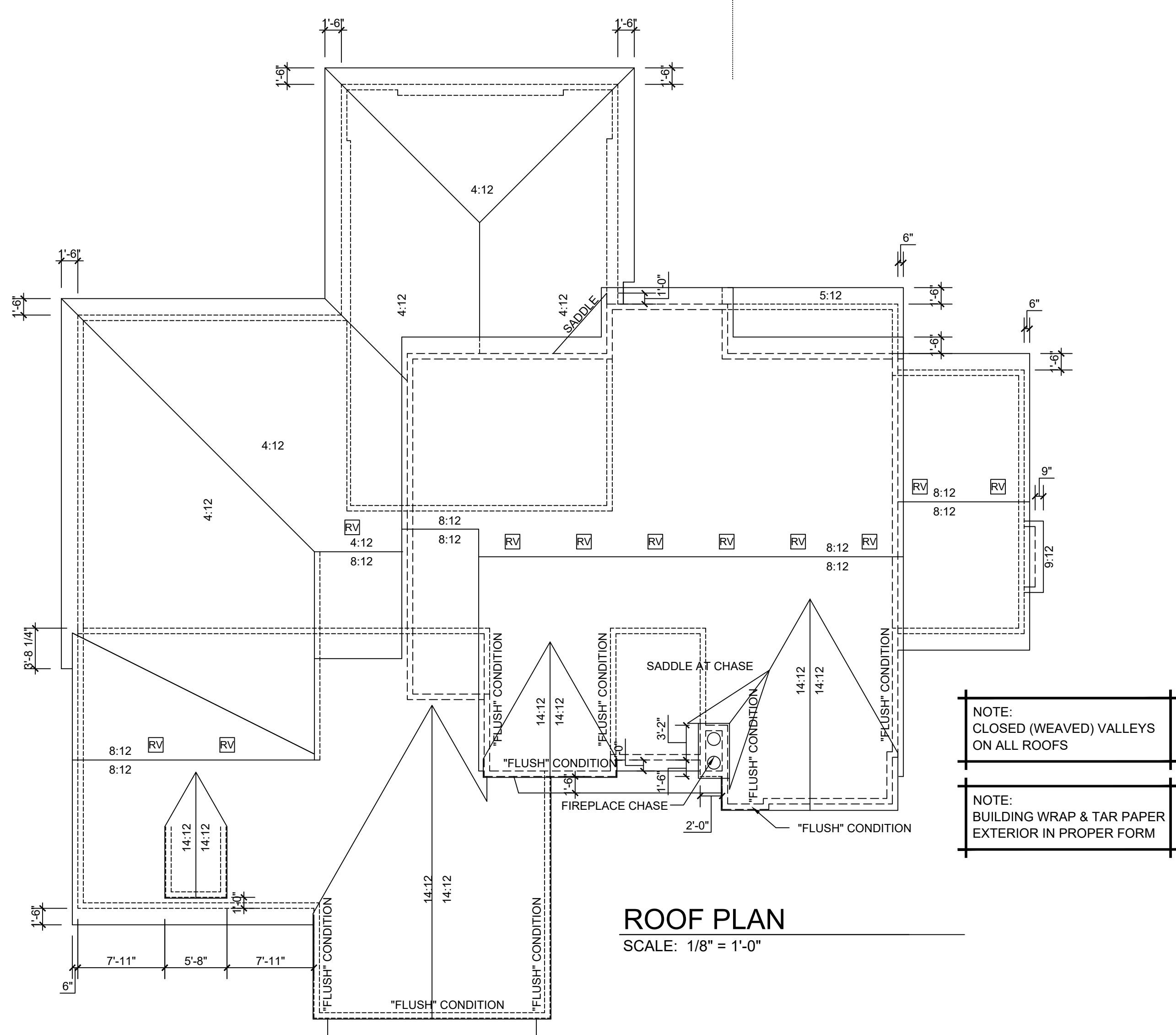
LEFT ELEVATION
SCALE: 1/8" = 1'-0"

REAR ELEVATION
SCALE: 1/8" = 1'-0"

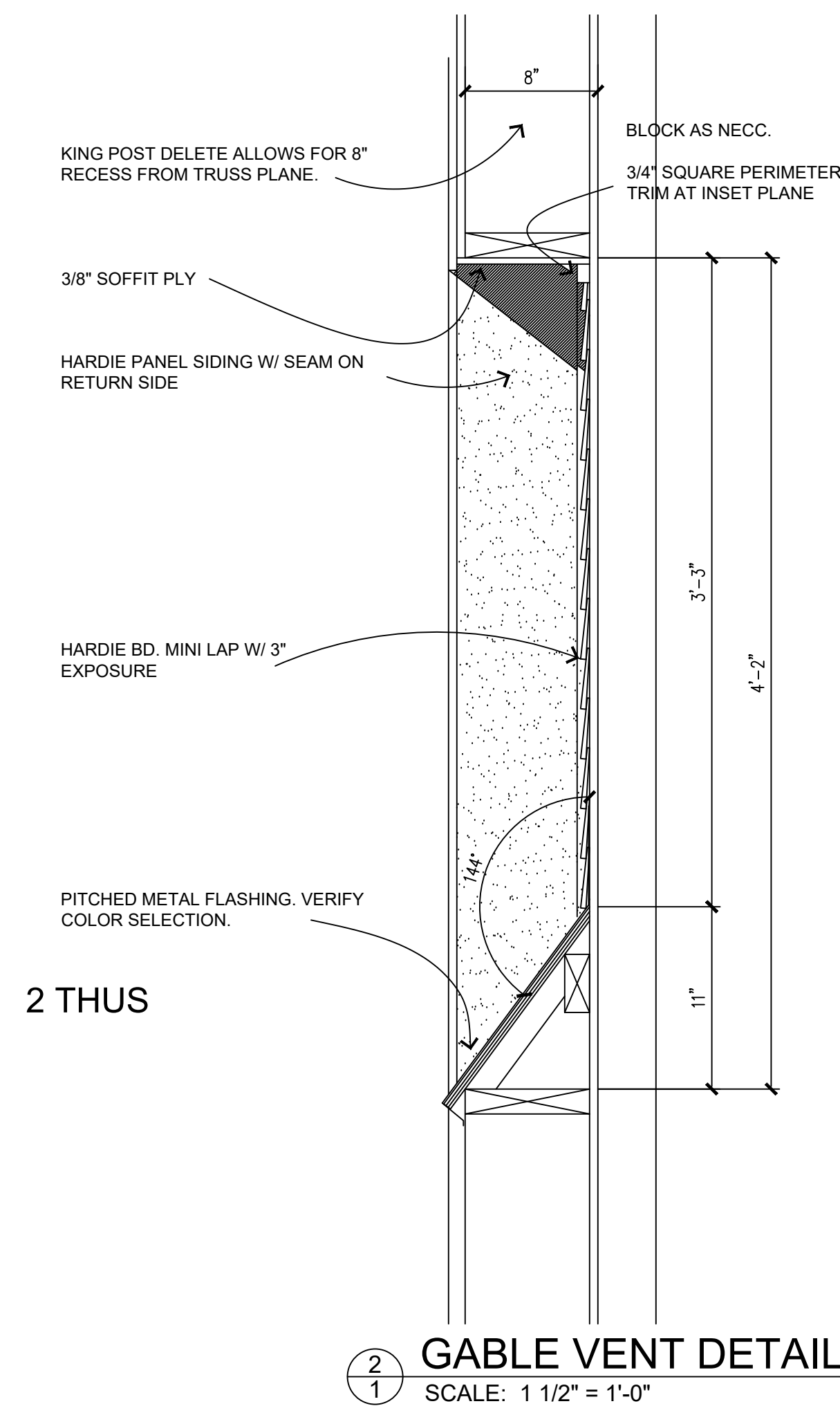
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



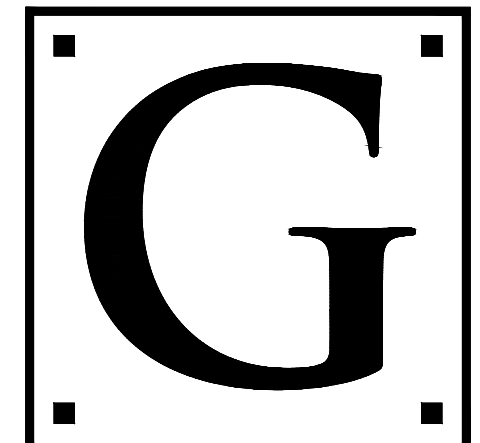
ROOF PLAN
SCALE: 1/8" = 1'-0"



GABLE VENT DETAIL
SCALE: 1 1/2" = 1'-0"

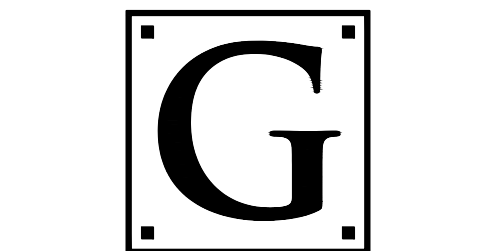
CUSTOM

© 2024 GONYEA COMPANIES



GONYEA
COMPANIES

1000 BOONE AVENUE N.
SUITE 400
GOLDEN VALLEY, MN 55427
OFFICE: 763-432-4500
FAX: 763-432-4501
BUILDER LICENSE #2459



GONYEA
CUSTOM HOMES

REVISION RECORD

1	9-06-23
2	9-15-23
3	9-18-23 Bid Plan
4	9-20-23 Bid Plan
5	9-21-23 Bid Plan
6	9-28-23
7	10-02-23
8	10-25-23
9	11-01-23
10	11-10-23
11	11-13-23
12	11-16-23
13	1-11-24
14	1-16-24
15	1-31-24
16	2-12-24 FINAL STR.
17	3-15-24 PERMIT

KROMINGA RESIDENCE
LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

PROJECT

FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933

TOTAL 6686

PROJECT NO.

GH1468

SHEET

1 OF 8

GONYEA
• COMPANIES •

1000 BOONE AVENUE N.
SUITE 400
GOLDEN VALLEY, MN 55427
OFFICE: 763-432-4500
FAX: 763-432-4501
BUILDER LICENSE #2459



GONYEA
CUSTOM HOMES

REVISION RECORD

1	9-06-23
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3	9-18-23 Bid Plan
4	9-20-23 Bid Plan
5	9-21-23 Bid Plan
6	9-28-23
7	10-02-23
8	10-25-23
9	11-01-23
0	11-10-23
1	11-13-23
2	11-16-23
3	1-11-24
4	1-16-24
5	1-31-24
6	2-12-24 FINAL STR.
7	3-15-24 PERMIT

KROMINGA RESIDENCE

LOT 1 - BLOCK 7 - Koch Farm Sanctuary

3585 William Way

Independence, MN 55328

PROJECT

FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933

TOTAL	6686
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PROJECT NO.

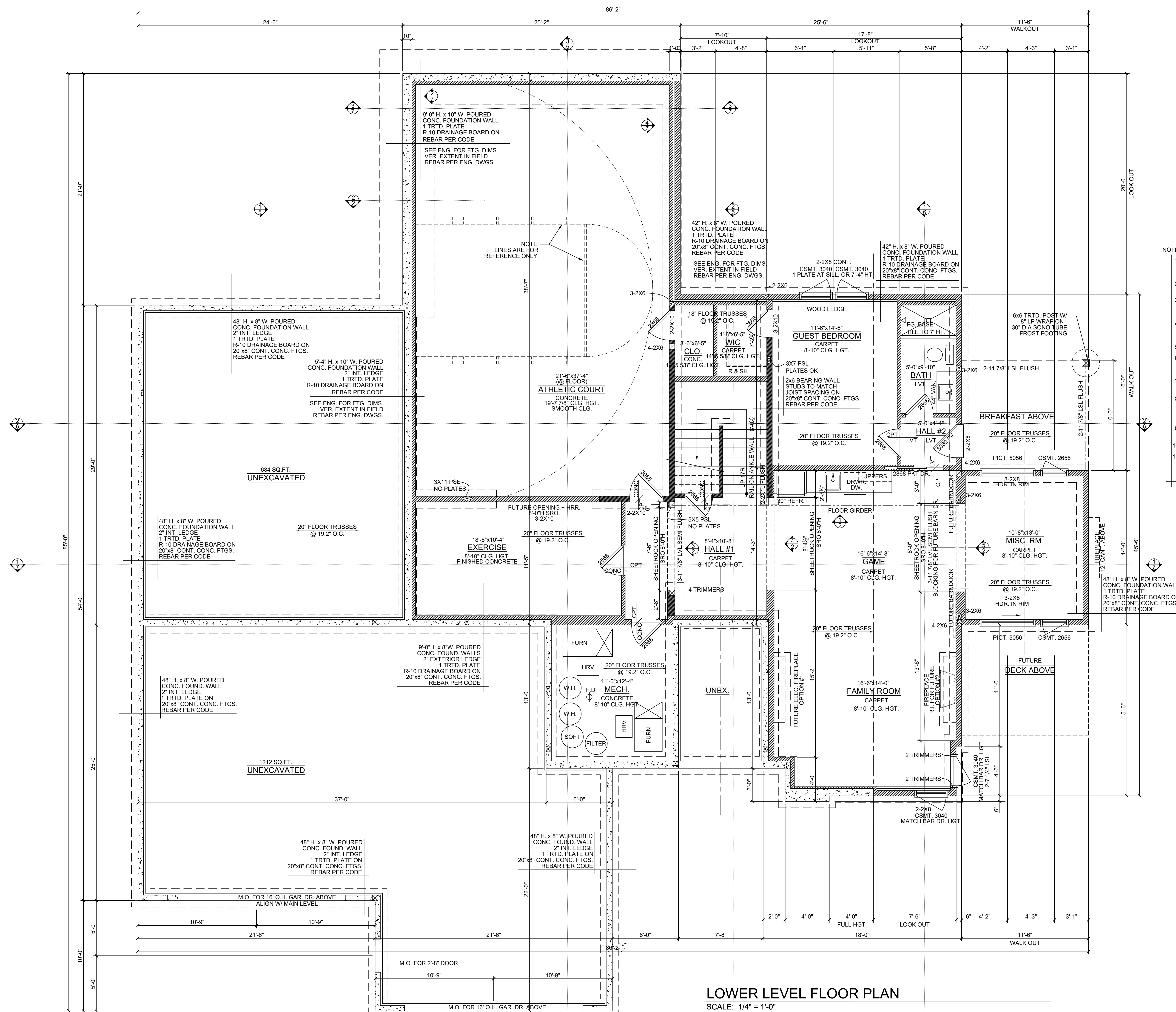
GH1468

SHEET

2 OF 8

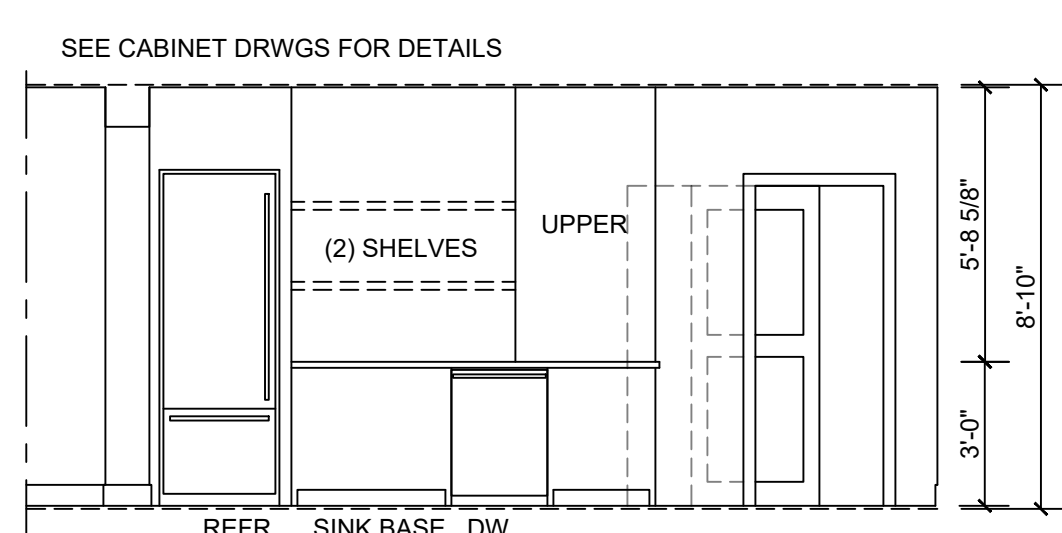
CUSTOM

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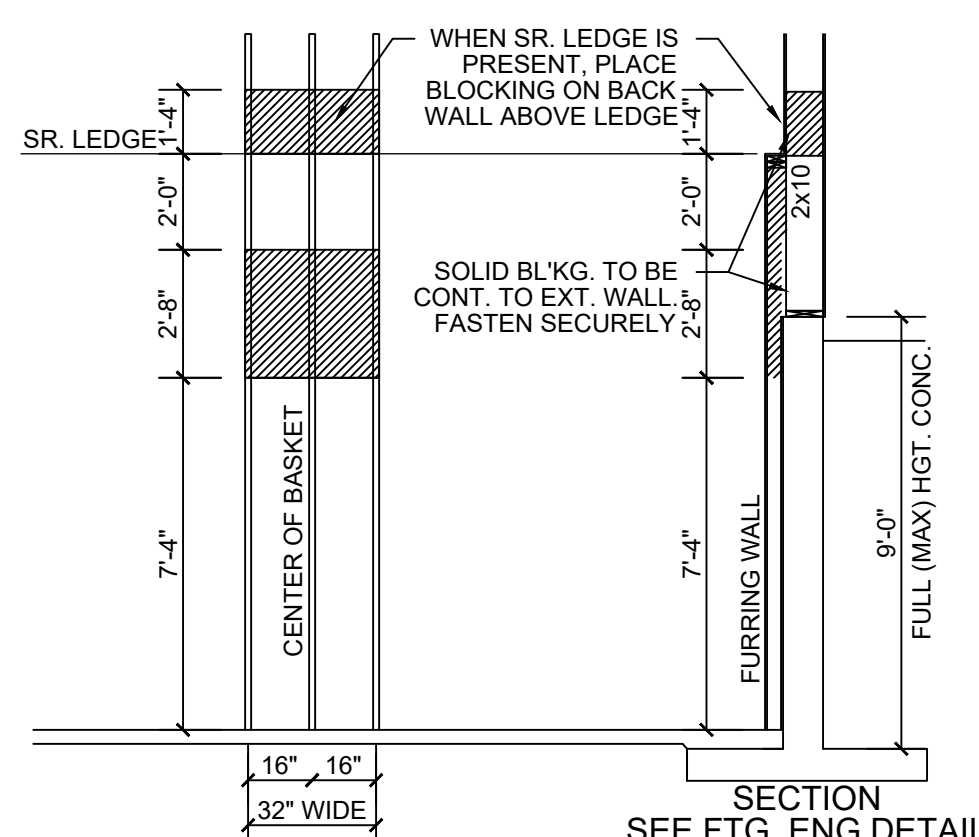
LOWER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



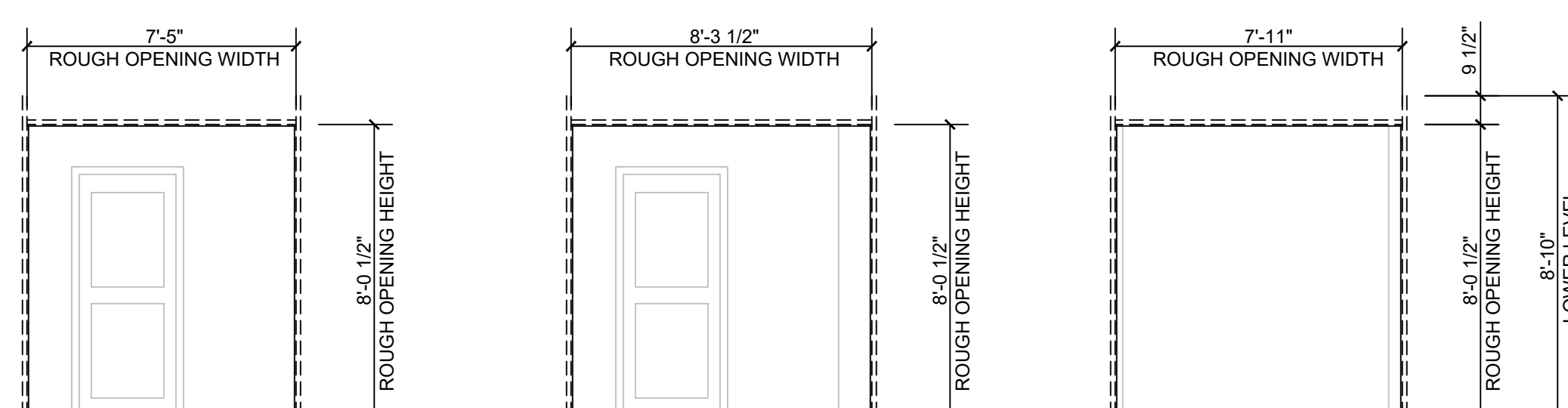
① L.L. BAR ELEVATION

2 SCALE: 1/4" = 1'-0"



② BASKETBALL HOOP REINF.

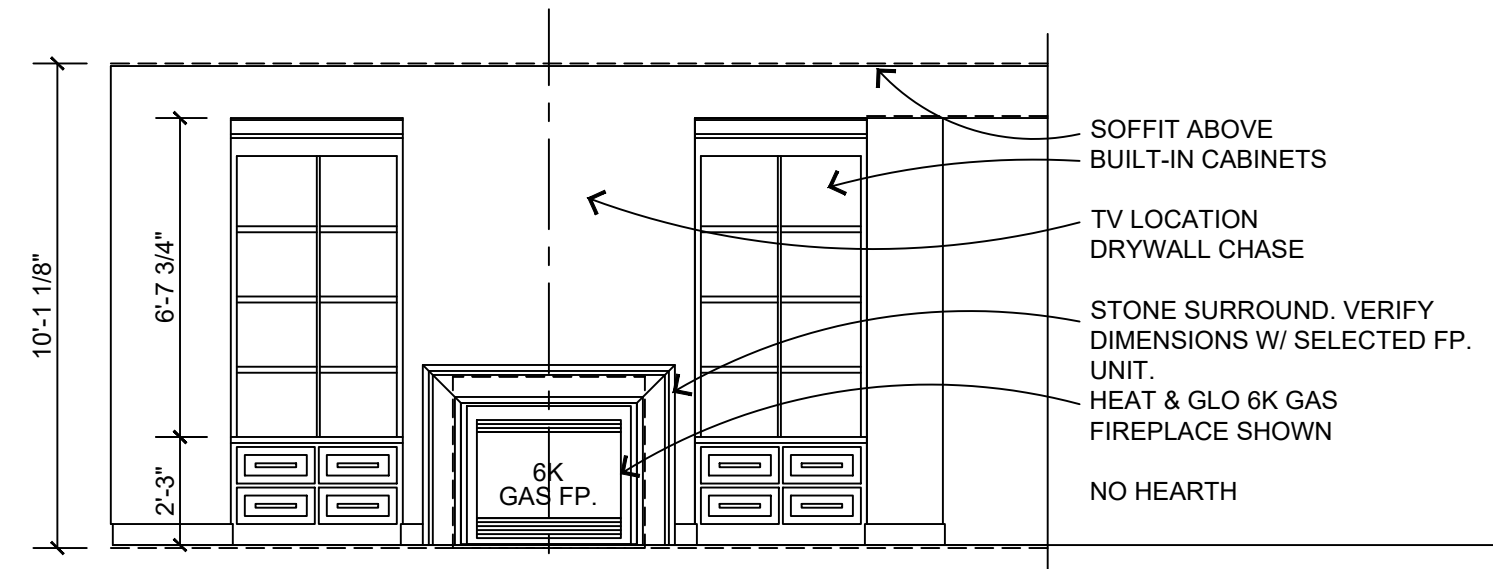
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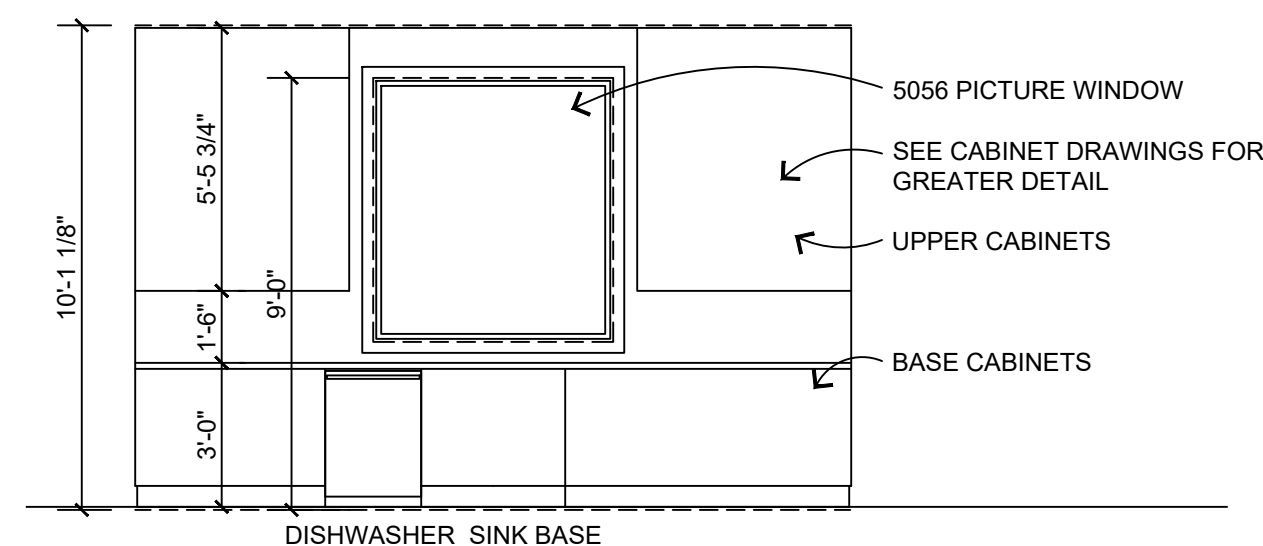
③ L.L. S.R.O. FRAMING

2 SCALE: 1/4" = 1'-0"

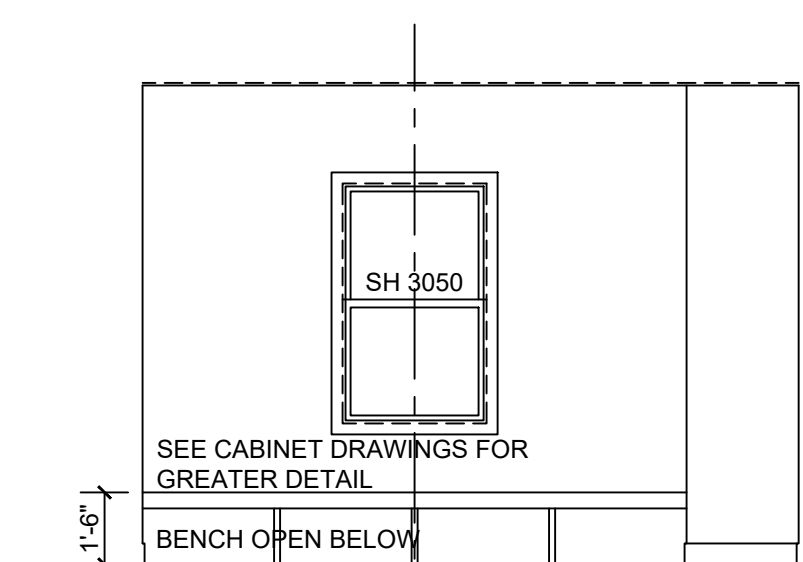
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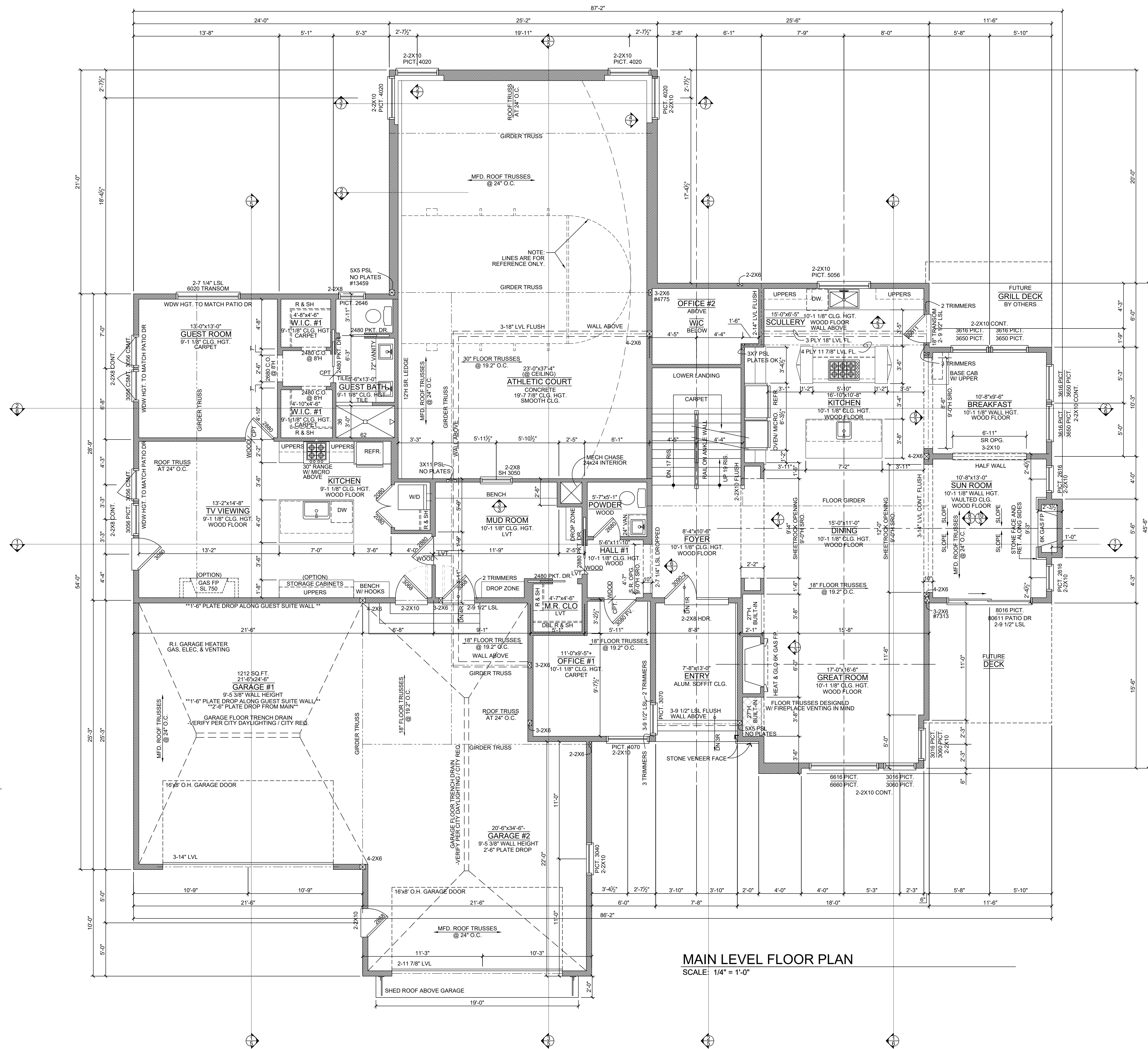
1 GREAT ROOM FIREPLACE ELEVATION
SCALE: 1/4" = 1'-0"



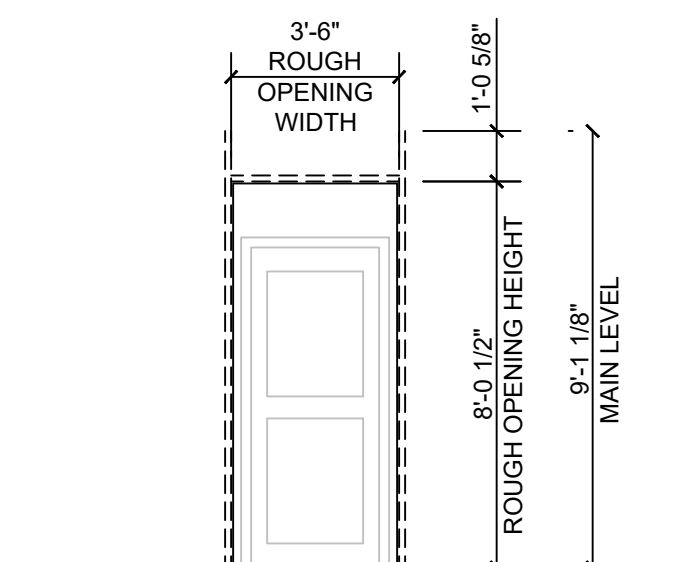
2 SCULLERY ELEVATION
SCALE: 1/4" = 1'-0"



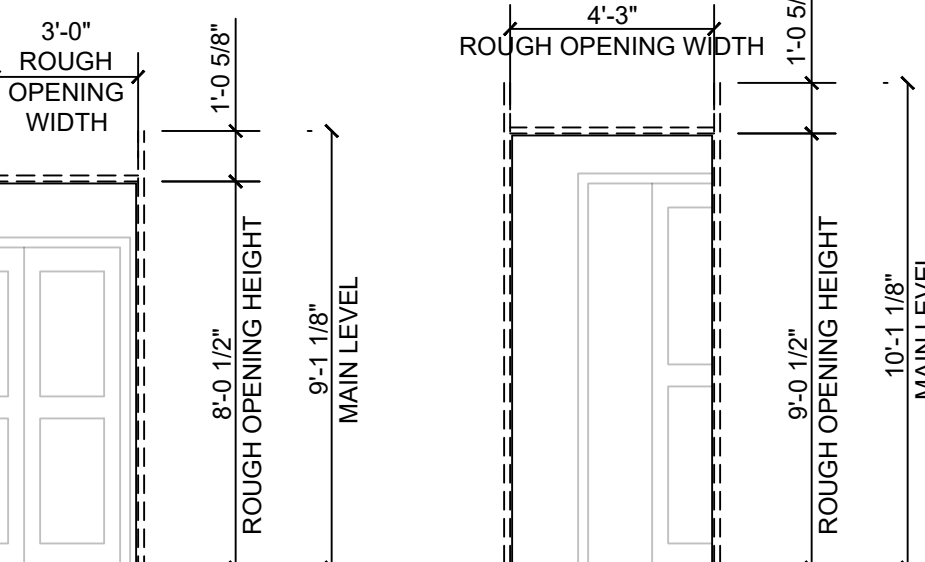
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SCALE: 1/4" = 1'-0"



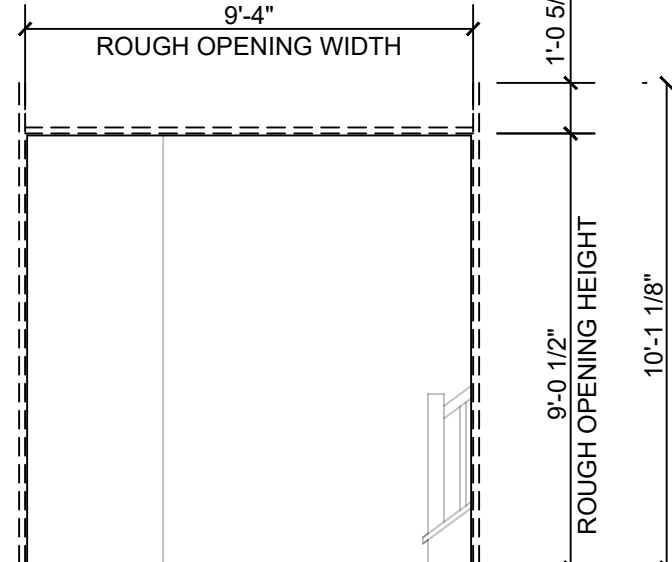
MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



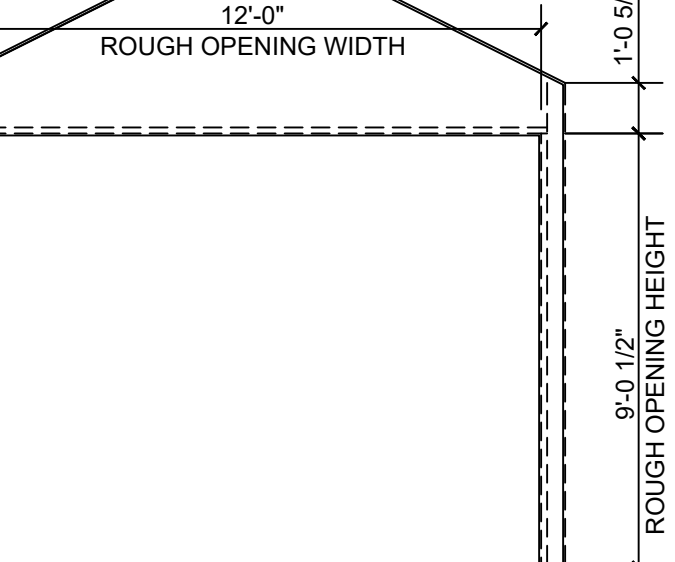
4 M.L. S.R.O. FRAMING
SCALE: 1/4" = 1'-0"



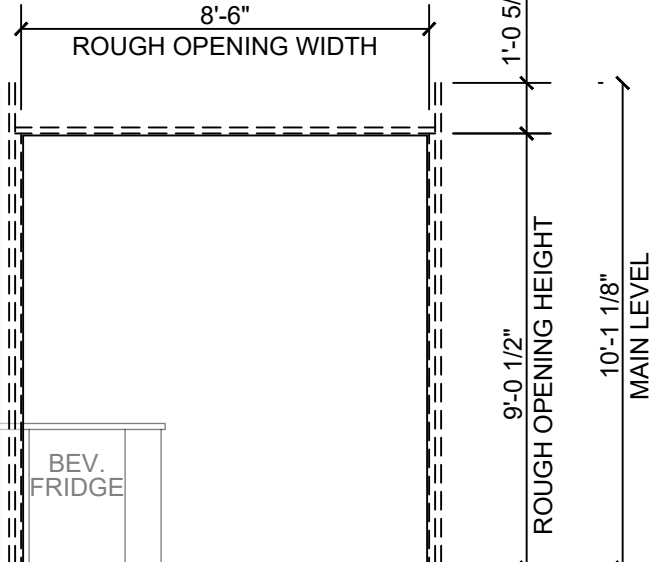
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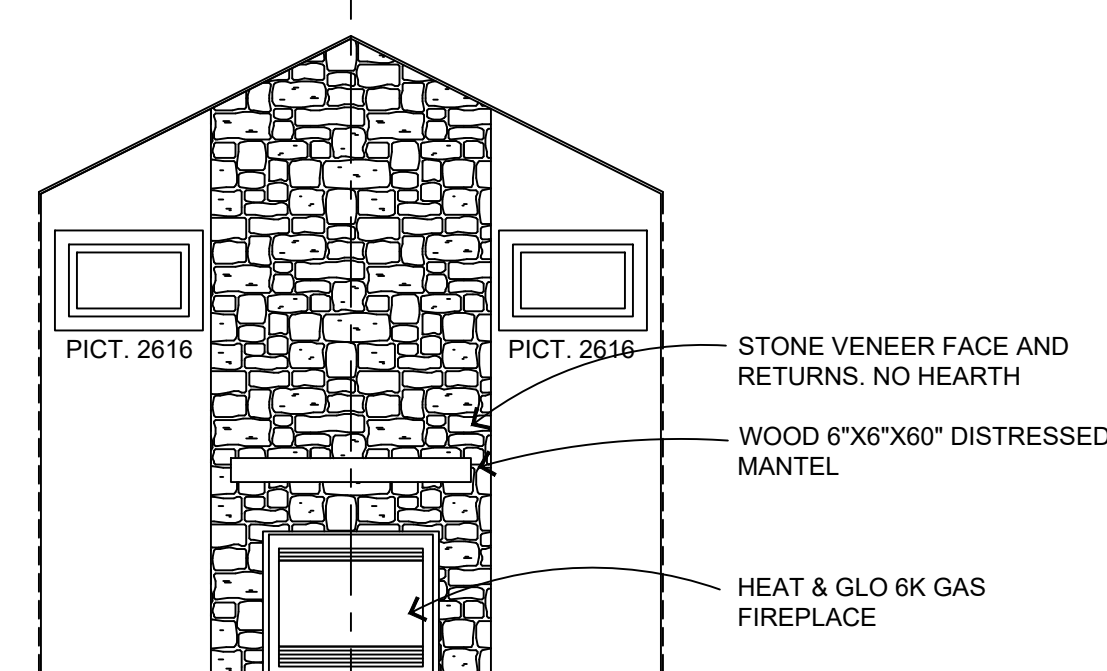
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7



8



10 SUN ROOM ELEVATION
SCALE: 1/4" = 1'-0"

- NOTES:
- 1) ALL INTERIOR & EXTERIOR HEADERS TO BE 2X10 UNLESS OTHERWISE NOTED
 - 2) STAIR TREAD CUT SHOWN @ 10" - 7 3/4" MAX RISE
 - 3) ALL EXTERIOR DIMENSIONS TO OUTSIDE OF SHEATHING
 - 4) MAIN WDW'S HGT VARIES / TRANS ABV UPPER WDW'S @ 6'-10" & AS NOTED ELSEWHERE
 - 5) GARAGE WALL 2x6
 - 6) TRUSS & FLOOR JOIST MANUFACTURER TO VERIFY SIZE & SPACING OF JSTS. & TRUSSES
 - 7) 1/4" 1/2" RETURNS ON ALL DOORS UNLESS OTHERWISE NOTED
 - 8) ROOM DIMENSIONS FOR FINISHED ROOMS ARE APPROXIMATE & USED FOR GENERAL PLANNING. EXACT ROOM DIMENSION WILL VARY.
 - 9) O.S.B. ENTIRE EXTERIOR OF HOUSE
 - 10) KNOCKDOWN PAINTED CLOS.
 - 11) HEADER TRIMMER REGRINDS UP TO 4-11" SPAN + 1 TRIMMER 3-2" SPAN OR LARGER + 2 TRIMMERS UNLESS NOTED OTHERWISE

CUSTOM



REVISION RECORD	
1	9-06-23
2	9-15-23
3	9-18-23 Bid Plan
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12	11-16-23
13	1-11-24
14	1-16-24
15	1-31-24
16	2-12-24 FINAL STR.
17	3-15-24 PERMIT

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KROMINGA RESIDENCE
LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

PROJECT	
FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933
TOTAL	6686
PROJECT NO.	GH1468
SHEET	3 OF 8

CUSTOM

G
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1000 BOONE AVENUE N.
SUITE 400
GOLDEN VALLEY, MN 55427
OFFICE: 763-432-4500
FAX: 763-432-4501
BUILDER LICENSE #2459

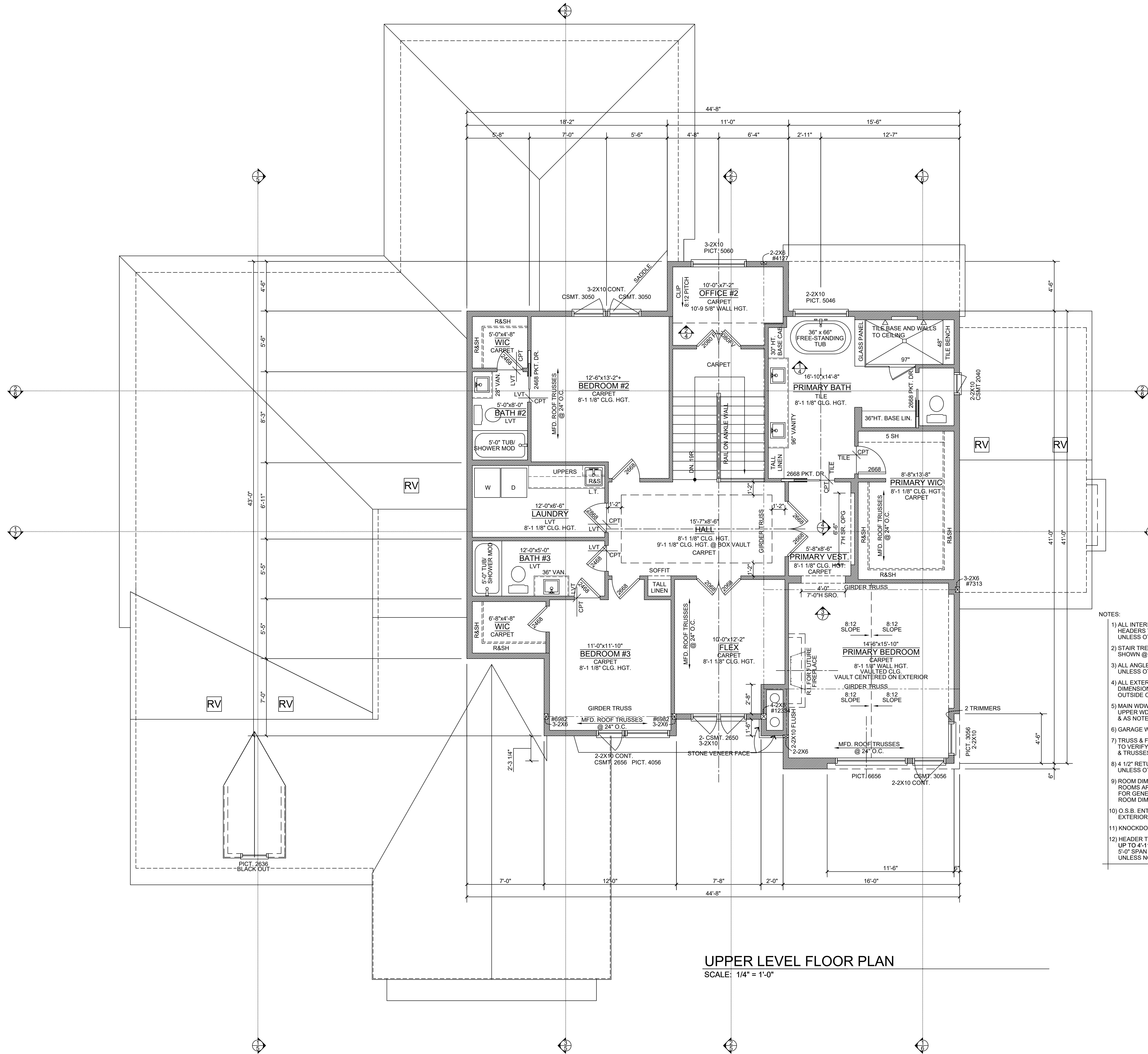
G
GONYEA
• CUSTOM HOMES •

REVISION RECORD	
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KROMINGA RESIDENCE
LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

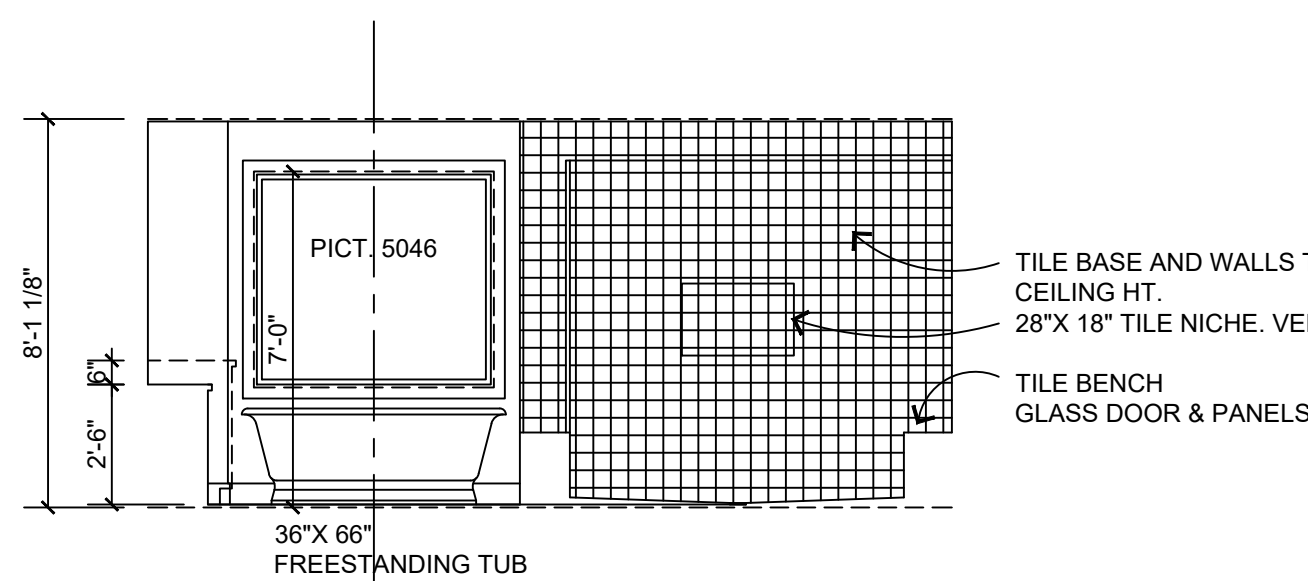
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PROJECT	
FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933
TOTAL	
6686	
PROJECT NO.	
GH1468	
SHEET	
4 OF 8	

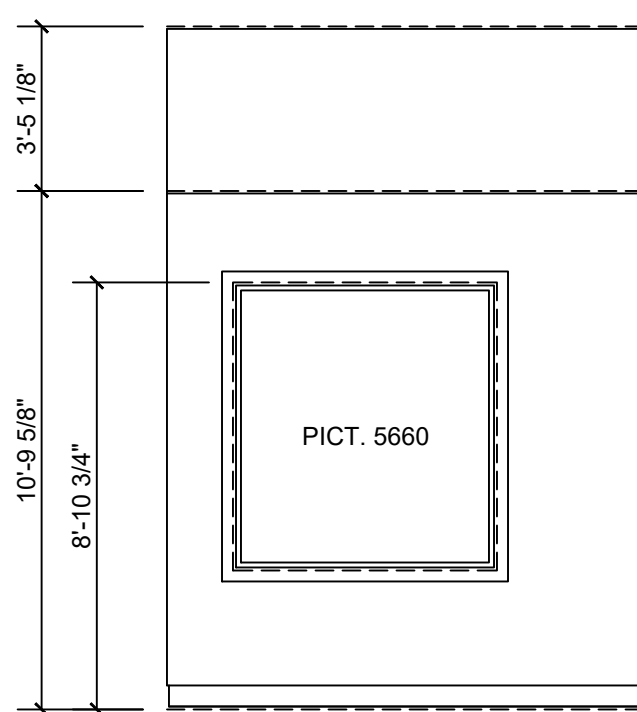


- NOTES:
- 1) ALL INTERIOR & EXTERIOR HEADERS TO BE 2-2X10 UNLESS OTHERWISE NOTED
 - 2) STAIR TREAD CUT SHOWN @ 10" - 7/32" MAX RISE
 - 3) ALL ANGLED WALLS AT 45° UNLESS OTHERWISE NOTED
 - 4) ALL EXTERIOR DIMENSIONS TO OUTSIDE OF SHEATHING
 - 5) MAIN WDWS. HGT VARIES / TRANS ABV UPPER WDWS @ 6'-10" & AS NOTED ELSEWHERE
 - 6) GARAGE WALL 2x6
 - 7) TRUSS & FLOOR JOIST MANUFACTURER TO VERIFY SIZE & SPACING OF JOISTS & TRUSSES
 - 8) 4 1/2" RETURNS ON ALL DOORS UNLESS OTHERWISE NOTED
 - 9) ROOM DIMENSIONS FOR FINISHED ROOMS ARE APPROXIMATE & USED FOR GENERAL PLANNING. EXACT ROOM DIMENSION WILL VARY.
 - 10) O.S.B. ENTIRE EXTERIOR OF HOUSE
 - 11) KNOCKDOWN PAINTED CLGS.
 - 12) HEADER TRIMMER RECMNTS: UP TO 4'-11" SPAN = 1 TRIMMER 5'-0" SPAN OR LARGER = 2 TRIMMERS UNLESS NOTED OTHERWISE

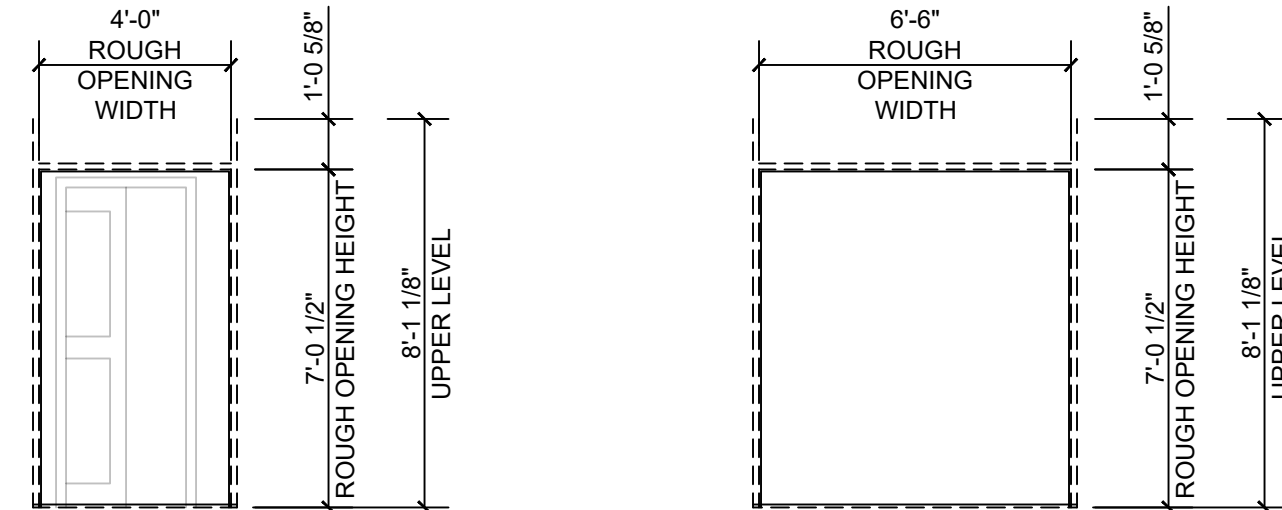
UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



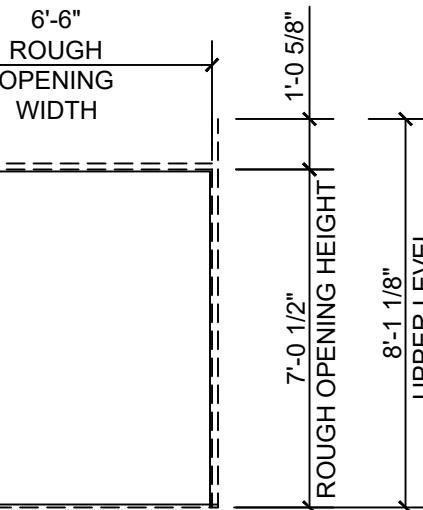
1 PRIMARY BATH ELEVATION
SCALE: 1/4" = 1'-0"



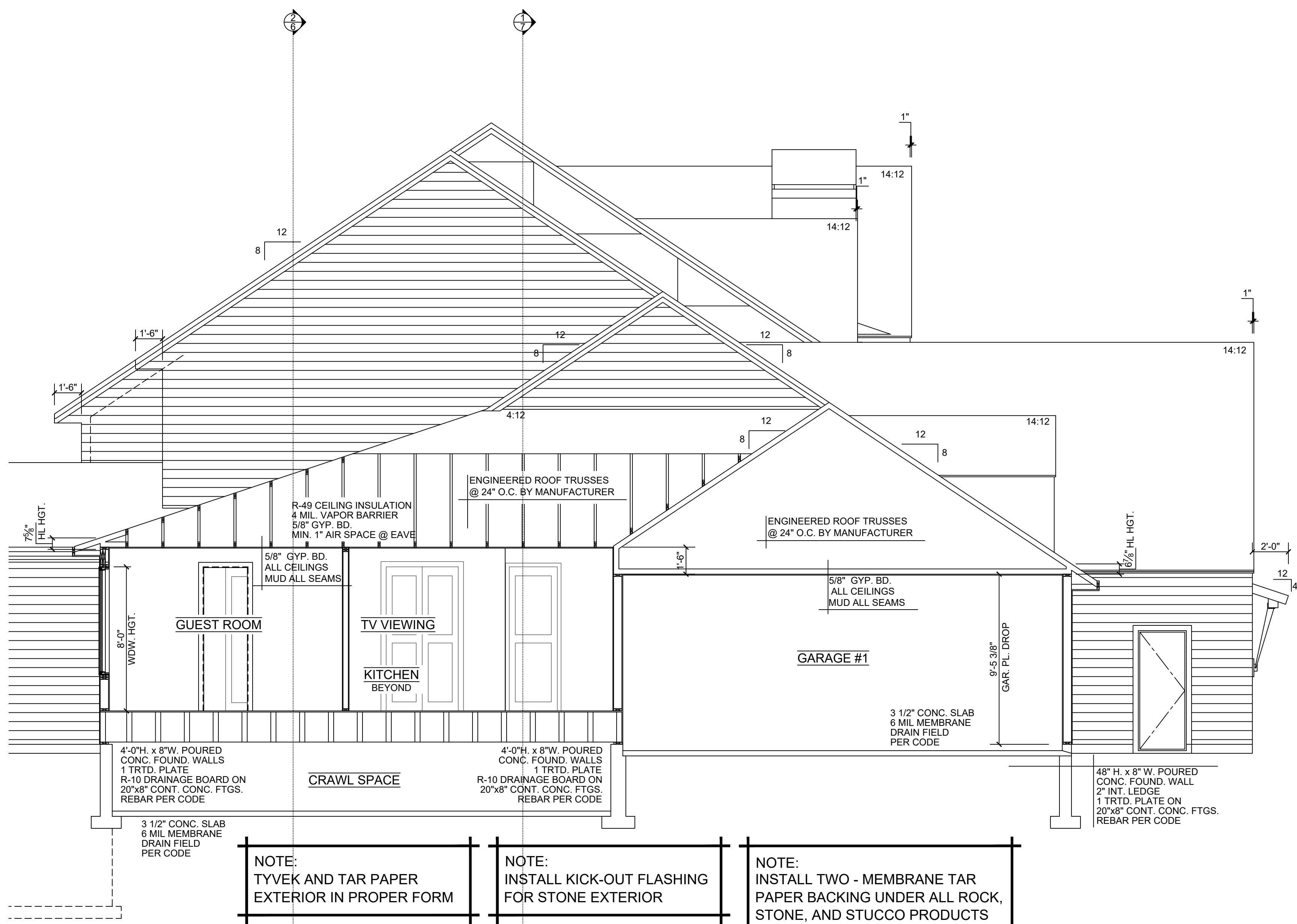
2 OFFICE ELEV.
SCALE: 1/4" = 1'-0"



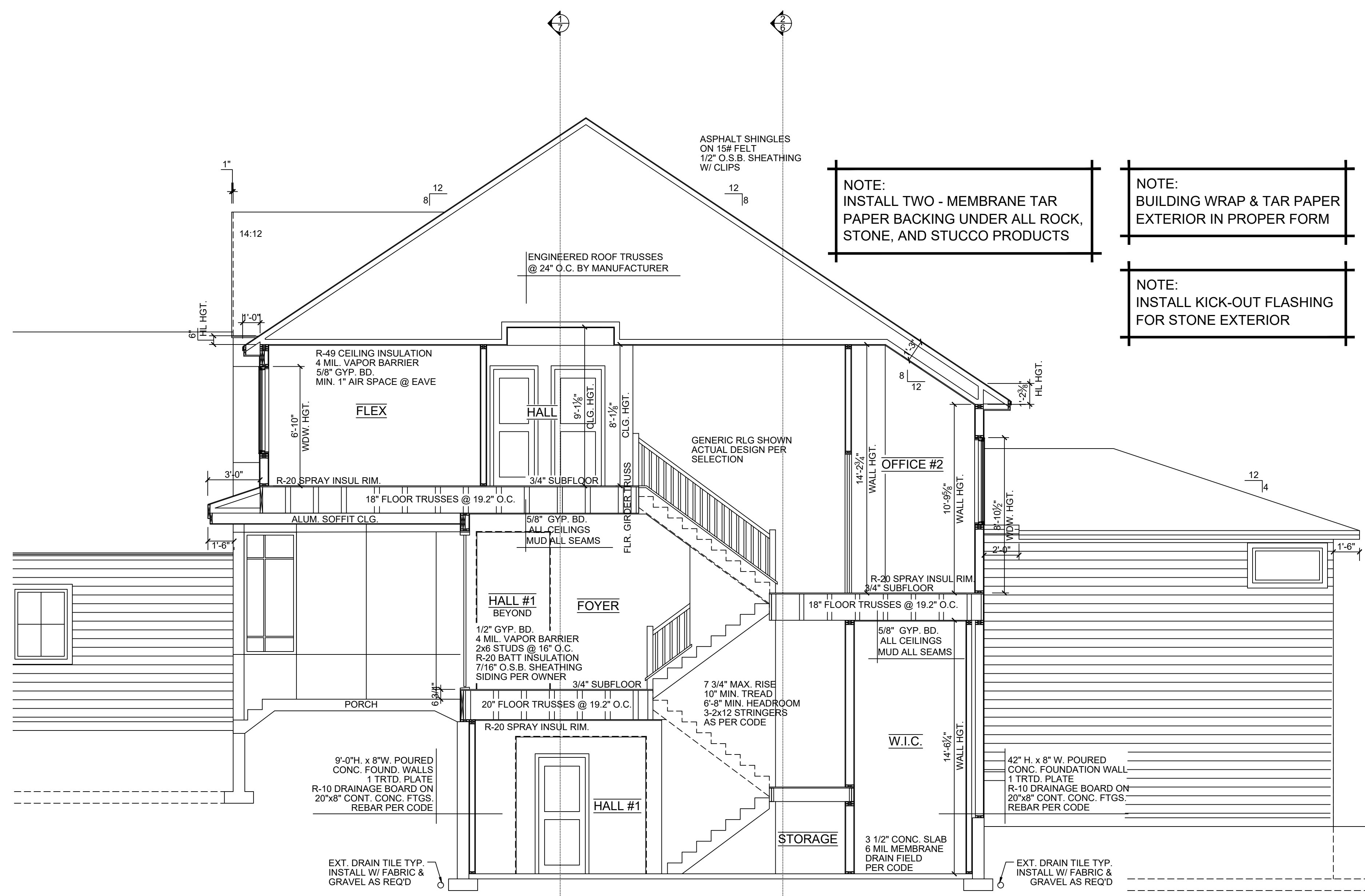
3 U.L. S.R.O. FRAMING
SCALE: 1/4" = 1'-0"



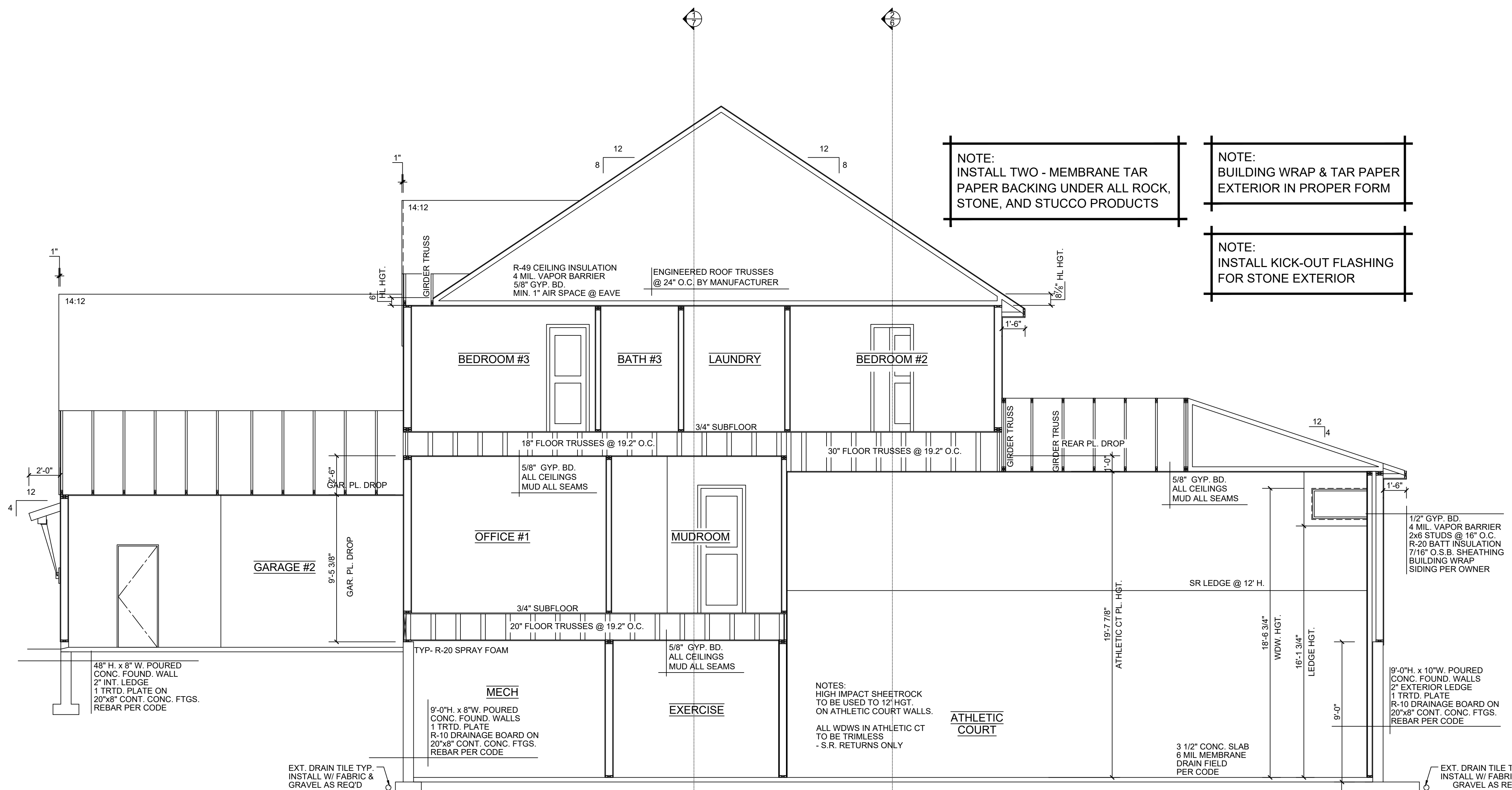
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1 BUILDING SECTION
SCALE: 1/4" = 1'-0"



2 BUILDING SECTION
SCALE: 1/4" = 1'-0"



3 BUILDING SECTION
SCALE: 1/4" = 1'-0"

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FAX: 763-432-4501
BUILDER LICENSE #2459



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REVISION RECORD

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15	1-31-24
16	2-12-24 FINAL STR.
17	3-15-24 PERMIT

KROMINGA RESIDENCE

LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

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PROJECT

FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933

TOTAL 6686

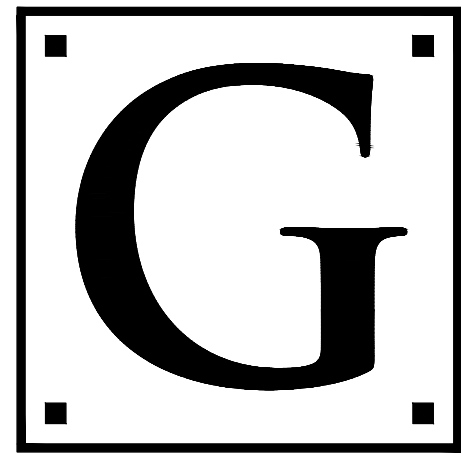
PROJECT NO.

GH1468

SHEET

5 OF 8

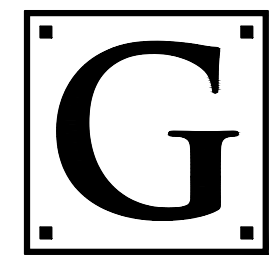
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SUITE 400
GOLDEN VALLEY, MN 55427
OFFICE: 763-432-4500
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BUILDER LICENSE #2459



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14	1-16-24
15	1-31-24
16	2-12-24 FINAL STR.
17	3-15-24 PERMIT

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KROMINGA RESIDENCE

LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

PROJECT

FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933

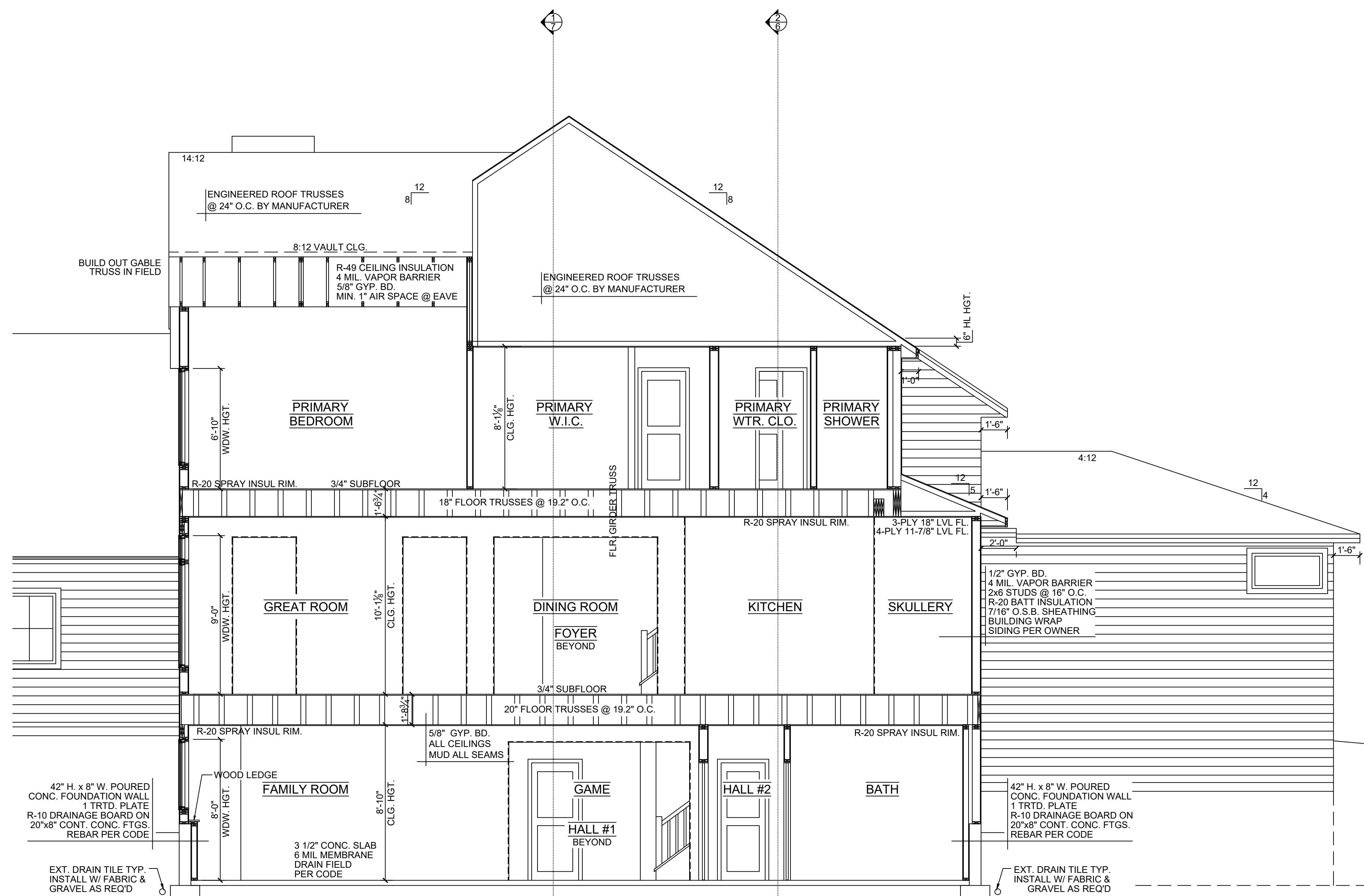
TOTAL 6686

PROJECT NO.

GH1468

SHEET

6 OF 8

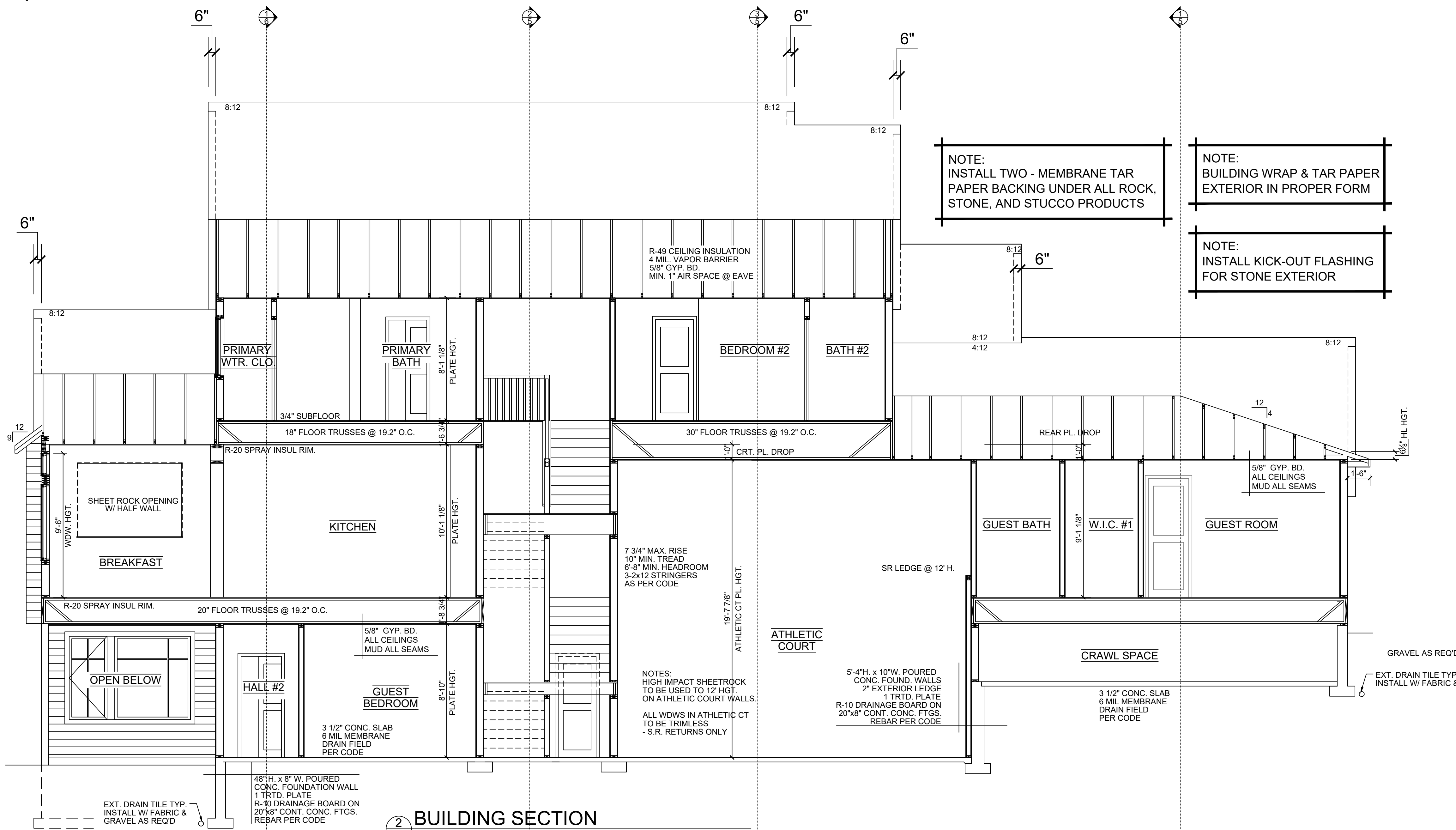


1 BUILDING SECTION
SCALE: 1/4" = 1'-0"

NOTE:
INSTALL TWO - MEMBRANE TAR
PAPER BACKING UNDER ALL ROCK,
STONE, AND STUCCO PRODUCTS

NOTE:
BUILDING WRAP & TAR PAPER
EXTERIOR IN PROPER FORM

NOTE:
INSTALL KICK-OUT FLASHING
FOR STONE EXTERIOR



2 BUILDING SECTION
SCALE: 1/4" = 1'-0"

NOTE:
INSTALL TWO - MEMBRANE TAR
PAPER BACKING UNDER ALL ROCK,
STONE, AND STUCCO PRODUCTS

NOTE:
BUILDING WRAP & TAR PAPER
EXTERIOR IN PROPER FORM

NOTE:
INSTALL KICK-OUT FLASHING
FOR STONE EXTERIOR

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6	2-12-24 FINAL ST
7	3-15-24 PERMIT

KROMINGA RESIDENCE

LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

PROJECT

FOUNDATION	166
FINISHED SQUARE FEET	
BASEMENT	150
FIRST	249
SECOND	174
ATHLETIC CT	93

TOTAL	<u>6686</u>
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PROJECT NO.

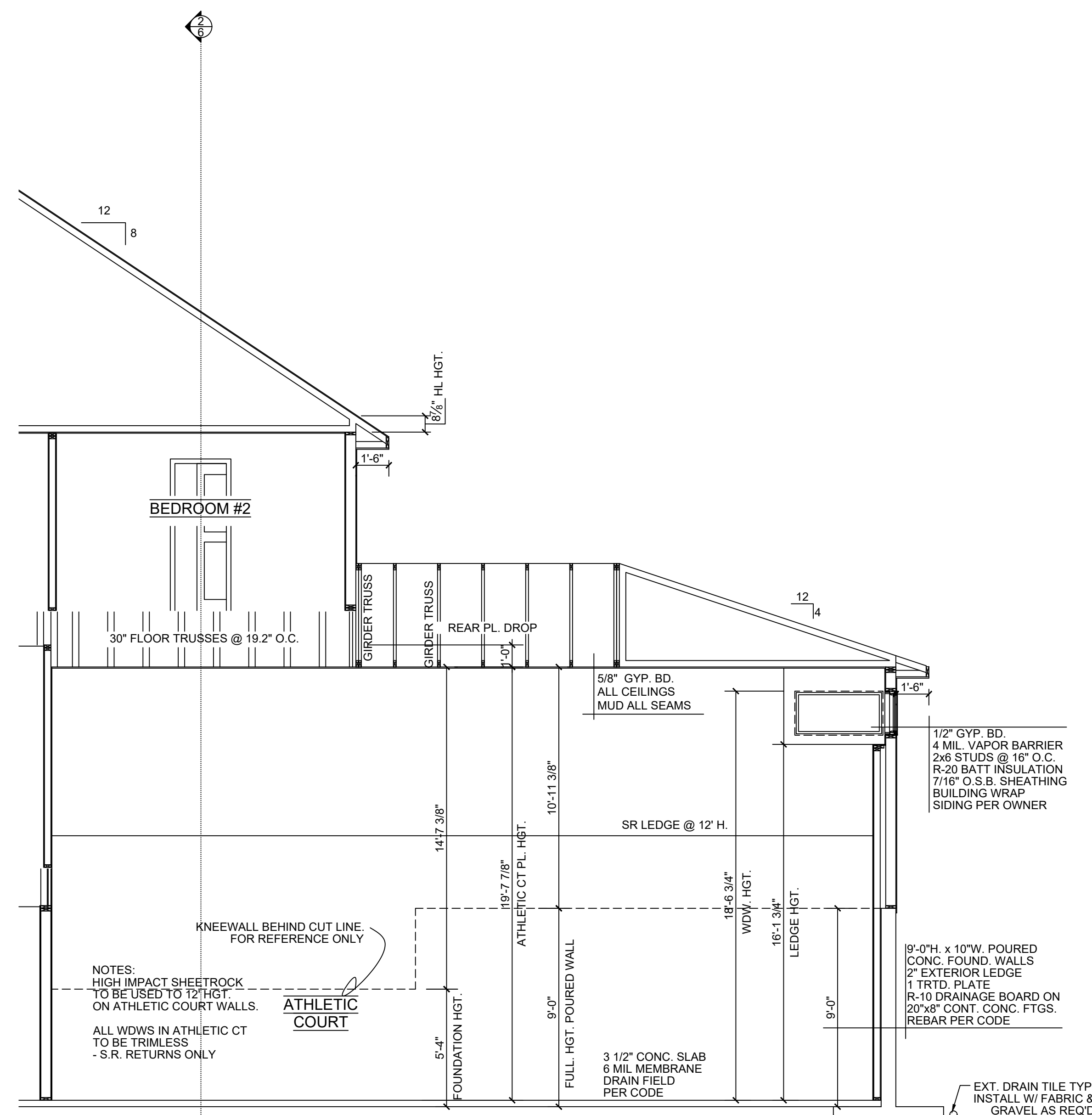
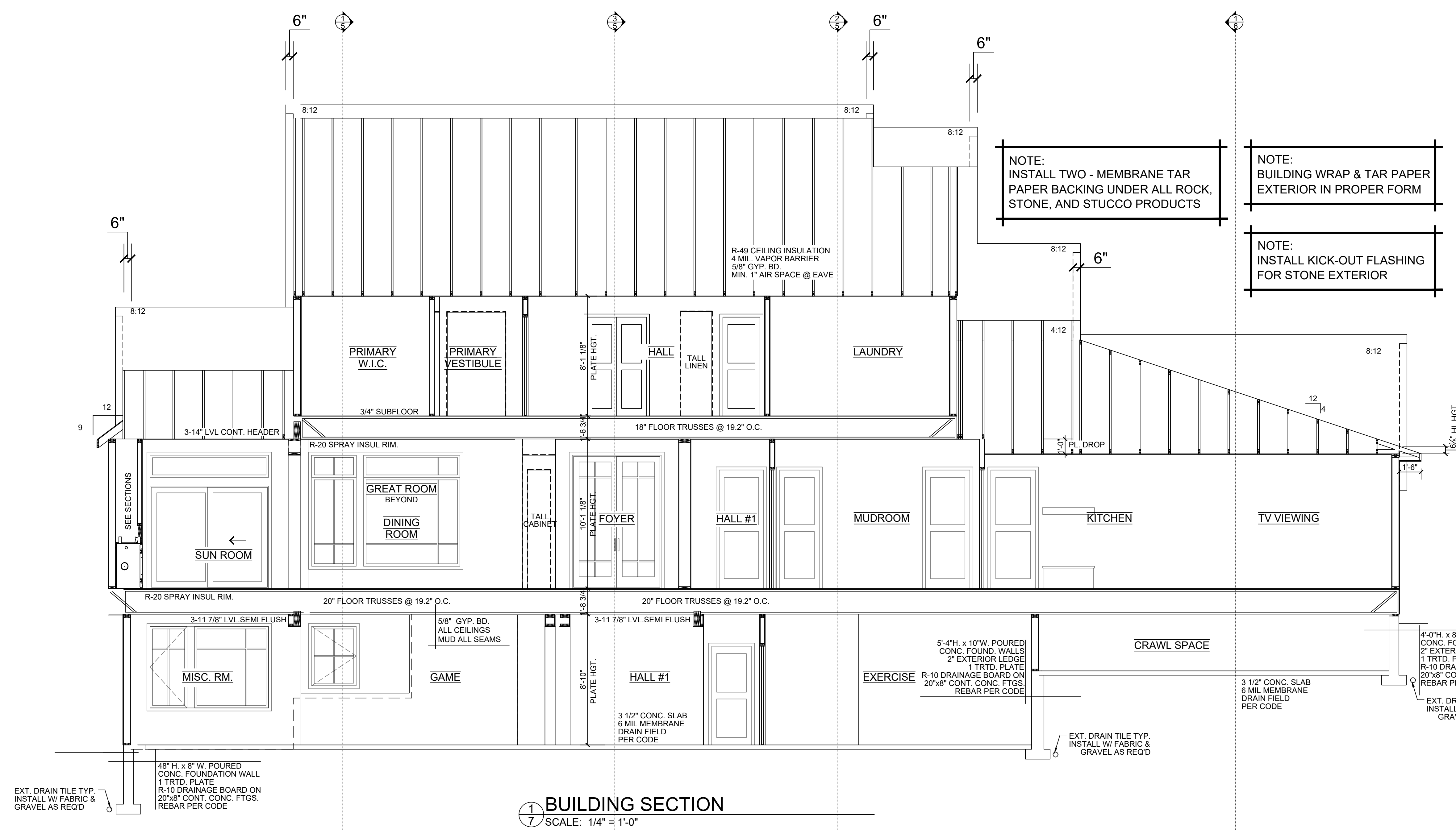
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SHEET

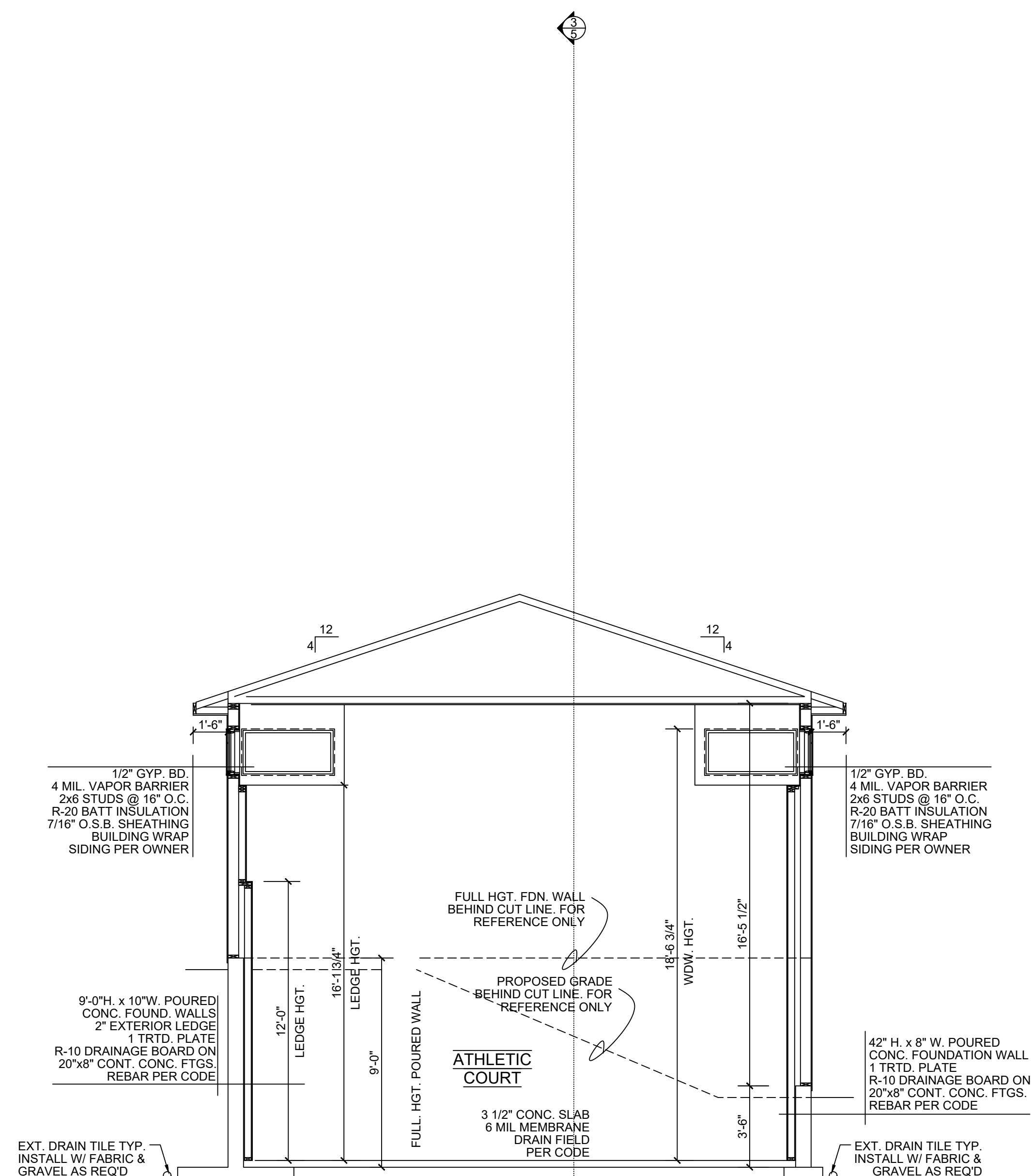
7 OF 8

CUSTOM

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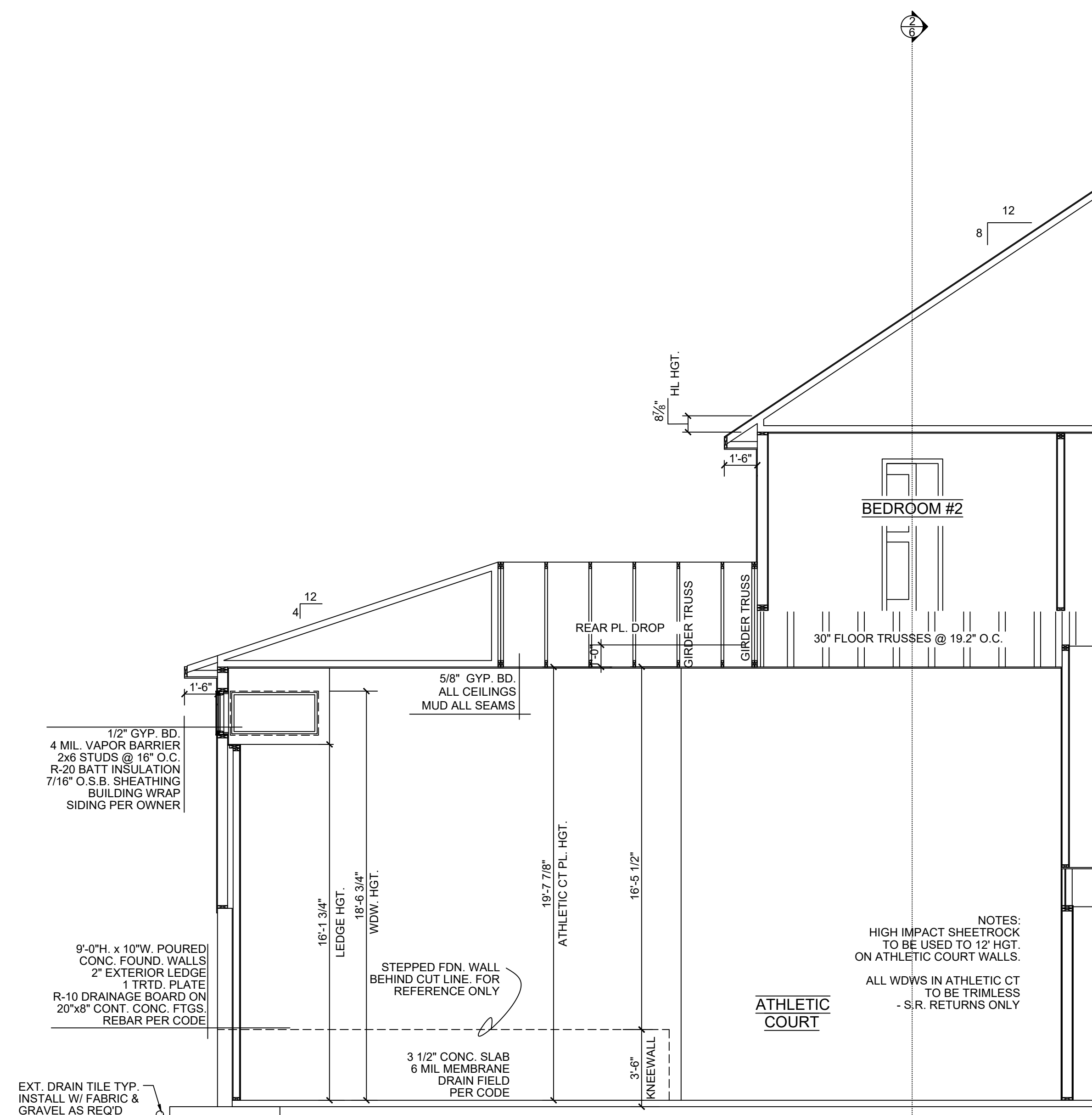
2 ATHLETIC COURT DETAIL
7 SCALE: 1/4" = 1'-0"



3
7

ATHLETIC COURT DETAIL

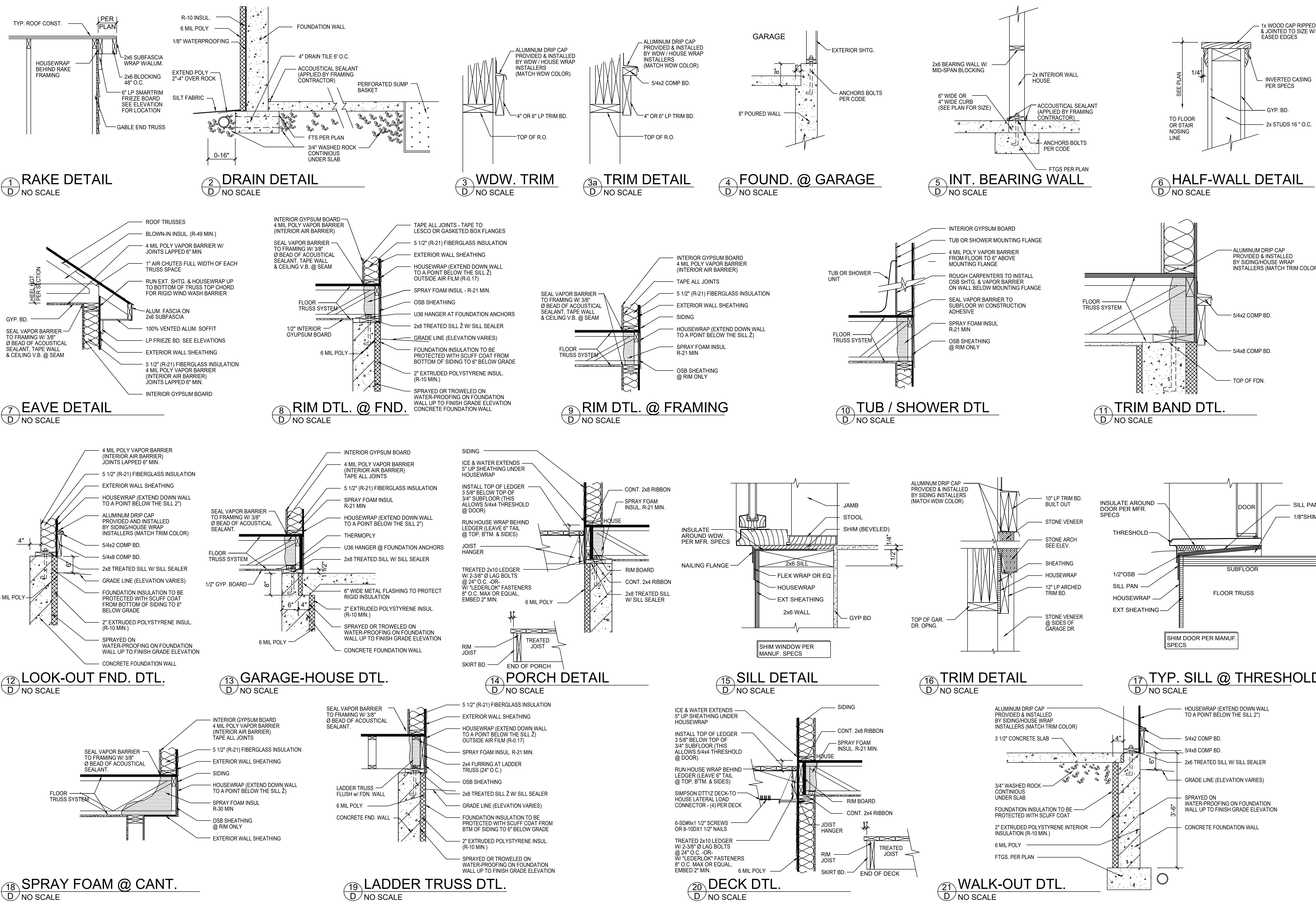
SCALE: 1/4" = 1'-0"



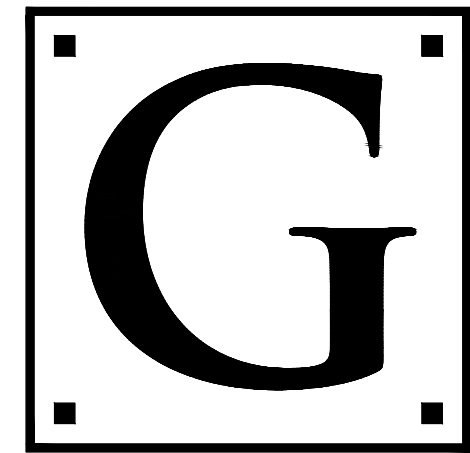
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ATHLETIC COURT DETAIL

SCALE: 1/4" = 1'-0"

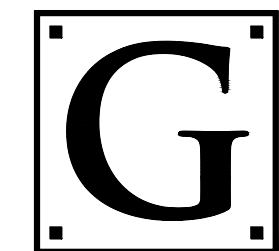


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BUILDER LICENSE #2459



GONYEA
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REVISION RECORD

NO.	DESCRIPTION
1	9-06-23
2	9-15-23
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13	1-11-24
14	1-16-24
15	1-31-24
16	2-12-24 FINAL STR.
17	3-15-24 PERMIT

KROMINGA RESIDENCE

LOT 1 - BLOCK 7 - Koch Farm Sanctuary
3585 William Way
Independence, MN 55328

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PROJECT

FOUNDATION	1668
FINISHED SQUARE FEET	
BASEMENT	1505
FIRST	2499
SECOND	1749
ATHLETIC CT	933

TOTAL 6686

PROJECT NO.

GH1468

SHEET

8 OF 8

■City of Independence

***Request for an Interim Use Permit to Allow a Kennel on the
Property located at 2510 County Road 92***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 4, 2024
<i>Applicant:</i>	Karen Ann Malinak
<i>Owner:</i>	Karen Ann Malinak
<i>Location:</i>	2510 County Road 92

Request:

Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. An interim use permit to allow a dog kennel on the subject property.

Property/Site Information:

The property is located south of Highway 12 and on the west side of County Road 92 near Cardinal Way. The property has pasture, woodlands and a substantial wetland along the east property line. The property has the following characteristics:

Property Information: **2510 County Road 92**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *23.06 acres*



Discussion:

The applicant was initially seeking a Conditional Use Permit to allow a dog kennel on the subject property. The city recommended that the applicant consider an interim use permit in lieu of a conditional use permit for a variety of reasons including the city's ability to ensure that the use is done in accordance with applicable conditions.

A kennel is defined as follows:

"Kennel." Any structure or premises on which four or more dogs over six months of age are kept.

The applicants recently purchased and moved into the subject home. The applicant would like to board up to 10 dogs within the existing principal home located on the property. The applicant would keep the dogs

inside of the home and allow them to go outside within the existing fenced area located to the east of the house. The dogs would primarily stay within the walk out basement inside the home.

The applicant has stated that customers would drop off or pick up dogs during regular “business hours” 8:00 AM – 6:00 PM. Typical clients would be dropping off dogs for an extended period and the applicant is not intending this to be a “day care” type facility. The applicant would be the primary care provider for the dogs and there would be no other employees of the kennel.

The criteria for granting a conditional use permit and interim use permit are the same and 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 issued conditional use permits for similar kennels. Kennels often have issues relating to noise due to dogs barking. The owner has run a kennel in another city previously and acknowledged noise as an issue that she would actively manage. The owner has proposed to add wooden panels to the fencing located along the front (west facing) façade of the house to block visibility to anyone coming to the house or driving by as a way to mitigate barking.

As the proposed use relates to the criteria for granting an IUP, the following items should be noted:

- The number of dogs permitted on the property shall be limited to 10.

- Sanitary waste created by the operation of the proposed facility shall not create any offensive odors and be handled in a manner that complies with all applicable city, state and federal regulations.
- The applicant is not proposing to use any portion of the existing detached accessory building for the kennel. The use of the detached accessory structure for any part of the kennel operations should be prohibited.
- The dogs will be permitted within the principal structure and fenced area noted on the attached exhibit. Dogs to be kenneled will not be permitted outside of the designated areas.
- The additional uses proposed should not create an increase (beyond that of the existing horse farm) in noise or offensive odors, fumes dust, or vibrations for the surrounding properties.
- Given the limitation on the number of dogs to be kenneled, traffic associated with the operation and use should be minimal.
- Hours of operation, specifically, the hours that the dogs can be outside would not be initially restricted.
- The interim use permit will expire upon the conveyance of the property or the sale or cessation of the kennel, whichever occurs first.

The Planning Commission will need to review the request and determine that all criteria for granting a conditional use permit have been satisfied by the applicant. Based on the discussion and public hearing it may be necessary to consider additional conditions if recommended for approval.

Planning Commission Discussion:

Commissioners discussed the request and asked questions of staff and the applicant. Commissioners noted that they believed an IUP was the best option for this type of use given the potential variability in management of the kennel. It was also discussed that the proposed kennel would be operated and located wholly within the principal home. As a result, the requested kennel would not be able to be expanded. The city has not received any written comments regarding the proposed conditional use permit. The applicants have discussed the proposed CUP with some of the surrounding property owners. The planning commission recommended approval of the requested CUP to the City Council with findings and conditions noted.

Neighbor Comments:

The City has not received any written comments regarding the proposed conditional use permit. The applicants have discussed the proposed CUP with some of the surrounding property owners.

Recommendation:

The Planning Commission recommended approval to the City Council for the requested Interim Use Permit with the following findings and conditions:

1. The proposed Interim Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The number of dogs permitted on the property at any time shall be limited to a maximum of ten (10), including all dogs owned by the applicant.
3. Sanitary waste created by the operation of the proposed facility shall not create any offensive odors and be handled in a manner that complies with all applicable city, state and federal regulations.
4. The applicant is not proposing to use any portion of the existing detached accessory building for the kennel. The use of the detached accessory structure for any part of the kennel operations should be prohibited.
5. The dogs will be permitted within the principal structure and fenced area only as noted on the attached exhibit. Dogs to be kenneled will not permitted outside of the designated areas.
6. The proposed kennel should not create an increase (beyond that of the existing horse farm) in noise or offensive odors, fumes dust, or vibrations for the surrounding properties.
7. Given the limitation on the number of dogs to be kenneled, traffic associated with the operation and use should be minimal.
8. Hours of operation, specifically, the hours that the dogs can be outside would not be initially restricted. Should the city determine that the hours need to be restricted, the applicant will agree to comply with restricted hours as determined by the city.
9. There shall be no employees other than property owner and family staffing this kennel at any time on the property.
10. The proposed kennel is permitted as shown on the approved site plan. Any expansions, additions or other changes to the proposed site plan will require an amendment to the Interim Use Permit.

Attachments:

1. RESOLUTION NO. 24-0604-03
2. Property Pictures
3. Application
4. Applicant Correspondence
5. Site Plan

Attachment #1

2510 County Road 92 (Looking west)



2510 County Road 92 (Looking north)



Attachment #2

Site Plan





RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 24-0604-03

**A RESOLUTION GRANTING APPROVAL OF AN INTERIM USE PERMIT TO
ALLOW A KENNEL TO BE LOCATED WITHIN THE PRINCIPAL HOME
LOCATED AT 2510 COUNTY ROAD 92**

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, Karen Ann Malinak (“Applicant/Owner”) is requesting an Interim Use Permit to allow a kennel to be operated within the principal home on the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) (the “Property”); and

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

WHEREAS, the approved site plan is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS the requested Interim Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for AG-Agriculture property; and

WHEREAS the Planning Commission held a public hearing on May 21, 2024 to review the application for an Interim Use Permit, following mailed and published noticed as required by law; and

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

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 Karen Ann Malinak for an Interim Use Permit per the City's subdivision and zoning regulations with the following conditions:

1. The proposed Interim Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The number of dogs permitted on the property at any time shall be limited to a maximum of ten (10), including all dogs owned by the applicant.
3. Sanitary waste created by the operation of the proposed facility shall not create any offensive odors and be handled in a manner that complies with all applicable city, state and federal regulations.
4. The applicant is not proposing to use any portion of the existing detached accessory building for the kennel. The use of the detached accessory structure for any part of the kennel operations should be prohibited.
5. The dogs will be permitted within the principal structure and fenced area only as noted on the attached exhibit. Dogs to be kenneled will not be permitted outside of the designated areas shown on the approved site plan attached hereto as **Exhibit B**.
6. The proposed kennel should not create an increase (beyond that of the existing horse farm) in noise or offensive odors, fumes dust, or vibrations for the surrounding properties.
7. Given the limitation on the number of dogs to be kenneled, traffic associated with the operation and use should be minimal.
8. Hours of operation, specifically, the hours that the dogs can be outside would not be initially restricted. Should the city determine that the hours need to be restricted, the applicant will agree to comply with restricted hours as determined by the city.
9. There shall be no employees other than property owner and family staffing this kennel at any time on the property.
10. The proposed kennel is permitted as shown on the approved site plan. Any expansions, additions or other changes to the proposed site plan, attached hereto as **Exhibit B**, will require an amendment to the Interim Use Permit.
11. The City Council may revoke the interim use permit if the applicant violates any of the conditions set forth in the conditional use permit.

This resolution was adopted by the City Council of the City of Independence on this 6th day of June 2024, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

PROPERTY DESCRIPTION:

The Southwest Quarter of the Southwest Quarter of Section 16, Township 118, Range 24, Hennepin County, Minnesota, except the West 460.00 feet of the South 474.00 feet thereof, as measured along the West and South lines thereof.

EXCEPT:

All that part of the following described tract:

The Southwest Quarter of the Southwest Quarter, except the West 460.00 feet of the South 474.00 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 118 North, Range 24 West of the 5th Principal Meridian, according to the United States Government Survey thereof, and situate in Hennepin County, Minnesota, which lies westerly, northwesterly and northerly of a line parallel with and distant 80.00 feet easterly, southeasterly and southerly of the following described Line 1.

Line 1 is described as commencing at the southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 16; thence easterly along the south line of said Southwest Quarter of the Southwest Quarter on an assumed bearing of North 89 degrees 42 minutes 28 seconds East a distance of 1.58 feet to the point of beginning of Line 1 to be described; thence North 00 degrees 03 minutes 23 seconds West a distance of 505.89 feet; thence northerly and northeasterly a distance of 1025.89 feet along a tangential curve, concave to the southeast having a radius of 675.00 feet and a central angle of 87 degrees 04 minutes 47 seconds; thence North 87 degrees 01 minute 24 seconds East tangent to said curve a distance of 479.13 feet; thence northeasterly a distance of 561.75 feet along a tangential curve, concave to the northwest having a radius of 660.00 feet and a central angle of 48 degrees 46 minutes 01 second and said Line 1 there terminating.

EXHIBIT B

(Approved Site Plan)

Site Plan





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 04-11-2024

Applicant Information

Name: Karen Ann Malinak
Address: 2510 County Rd 92
Mn, Minnesota 55373
Primary Phone: 7632426427
Secondary Phone: 763-587-1600
Email: Karen@raphafarmsmn.com

Owner Information

Name: Karen Ann Malinak
Address: 2510 County Rd 92
Mn, Minnesota 55373
Primary Phone: 7632426427
Secondary Phone: 763-587-1600
Email: Karen@raphafarmsmn.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

We are new to Independence, we purchased a 25 acre property to have as little impact on as few neighbors as possible for our business.

We boarded Dogs in Greenfield, Minnesota, and we heard all the time that neighbors did not know we boarded Dogs because they never heard anything.

We would like to board 10 dogs IN OUR HOME (it's common that people think we keep them outside or in our barn) where we control the barking.

We are currently adding wood fence panels two are existing dog fencing to keep dogs from seeing cars in the driveway when they are outside, to help reduce barking.

Monday, October 16, 2023

To whom it may concern:

We are writing this on behalf of our neighbors, Karen and Dave Malinak, who are applying for a conditional use permit to board dogs at their new home in Independence. We are in full support of them receiving this permit.

We have lived in our home for the past 23 years, the front of our property butts up to the back of Karen and Dave's property. Karen had let us know several years ago that she had a dog boarding business, yet we would have never known this because we never hear a barking dog coming from her direction. They have been wonderful neighbors and great stewards of the community.

Thank you for your consideration in granting them a permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve and Liz Kolar". The signature is fluid and cursive, with the first name "Steve" being more prominent and stylized.

Steve and Liz Kolar
8150 Cedar Street
Greenfield, MN. 55373

To Whom it may concern: Oct. 14, 2023

When Karen + Dave moved to 7930 Cedar St. in Greenfield, I knew they would be kind, respectful neighbors because that's the aura they gave off. I didn't realize that they boarded dogs until a few years later because I never heard any barking. Since then I personally know a few customers that absolutely love the care + safety that they give each dog. It is going to be a great loss for our neighborhood when they move but wherever they move to the area will be enriched by what they provide for boarding + also their respect for everyone they come in contact with.

Jill + Loren Pittman
8145 Cedar St.
Greenfield, Mn. 55373

October 12, 2023

To whom it may concern,

Karen and Dave Tautges have been my neighbors for 4 years and acquaintances of mine for many years. They are a hardworking couple with a strong love of animals. They board dogs occasionally, which has not had any noise impact in our neighborhood. As their neighbor, I have not had any issues with their dog boarding, quite the opposite as they have been helpful to us. They have repeatedly cared for my two dogs, ages 4 and 3. My dogs always come home happy and well cared for. I would not hesitate to recommend them as dog boarders.

Sincerely,

Kerry Toso Carlson
7963 Cedar Street
Rockford, MN 55373

City of Independence

Request for a Minor Subdivision to Permit a Rural View Lot on the Property located at 1215 Copeland Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 4, 2024
<i>Applicants:</i>	John and Patricia Malecek
<i>Owners:</i>	John and Patricia Malecek
<i>Location:</i>	1215 Copeland Road

Request:

Jon and Patricia Malecek (Applicant/Owner) is requesting the following action for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN.

- a. A rural view lot subdivision to divide a 7.37-acre parcel from the subject property.

Property/Site Information:

The subject property is bounded on two sides by public roads (Copeland on the east and Nelson on the west). It is located north of CSAH 6. There is an existing home several detached accessory structures on the property. The property is primarily agriculture with some tree coverage and Pioneer Creek bisects the property from north to south. The property has the following site characteristics:

Property Information: 1215 Copeland Road

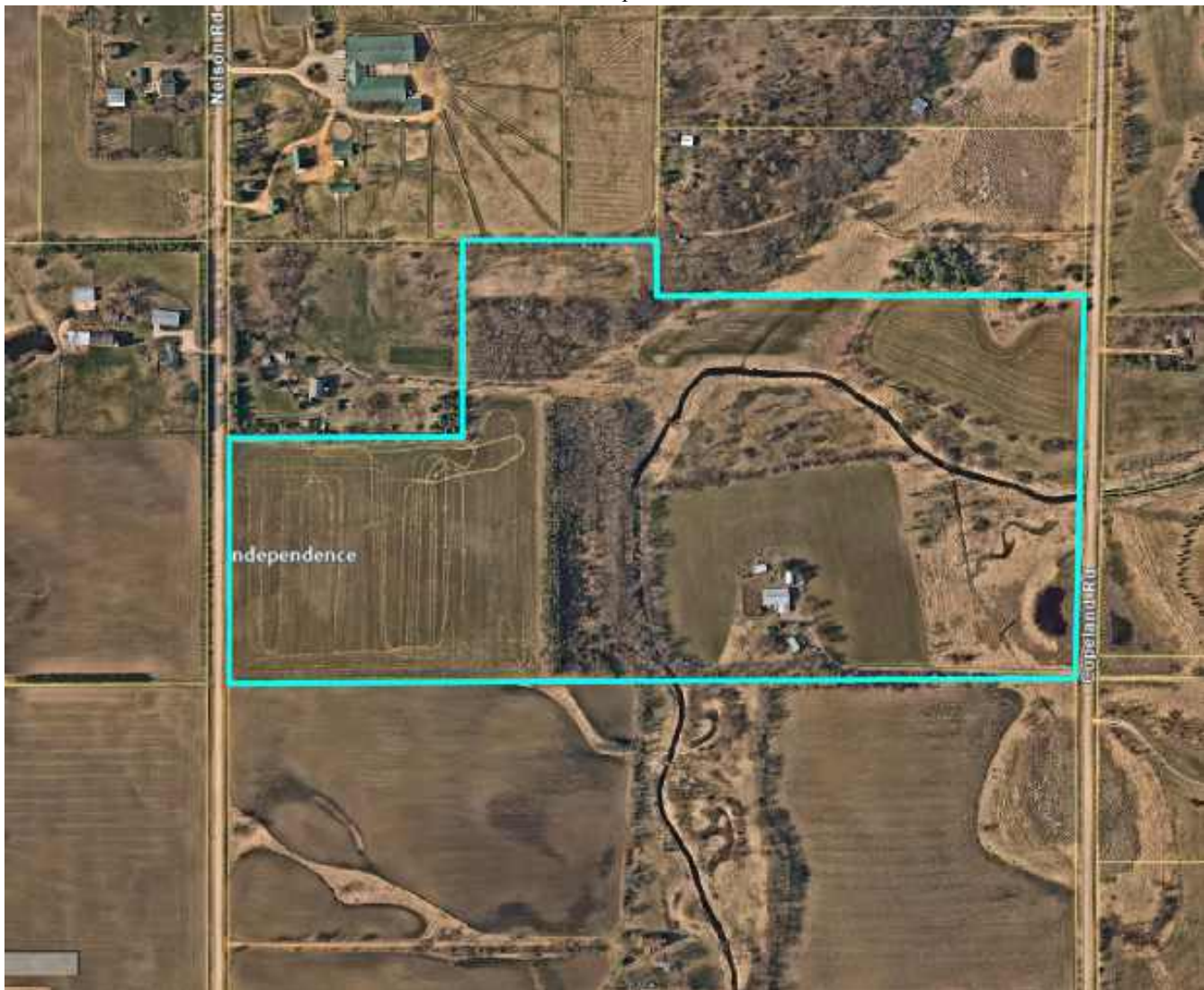
Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage (Before): 64.82 acres

Acreage (After): Tract A - 7.37 acres

Parcel B – 57.45 acres



Discussion:

The applicant approached the city about the possibility of subdividing the property and 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 64.82 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 – Tract A – 7.37 acres

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

Minimum lot frontage proposed – Parcel A – 438 LF

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

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:2 (438:735)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have 7.37 acres of useable upland and 438 LF of frontage on Nelson Road. The proposed lot depth to lot frontage ratio for the rural view lot would be ~1:2.

The proposed newly created property would be “in line” with the property to the north and located primarily along Nelson Road. The proposed Tract A would accommodate a new building pad given its overall size, topography and proposed dimensions. Any development on the property would need to meet all applicable setbacks. The City received an on-site septic report verifying that the proposed rural view lot can accommodate a primary and secondary on-site septic system. Access to the property would be from Nelson Road. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.’s 1 and 2) for the proposed parcel.

The remaining 57.45 acres would continue to be a conforming lot of record. The existing home and detached accessory structures meet all applicable setbacks in the after condition. It should be noted that there are no remaining rural view lot eligibilities associated with Tract B in the after condition.

The newly created Tract A will be required to pay the City’s requisite Park Dedication fee. For this property the requirement is \$5,277.50. This fee will need to be paid prior to recording the subdivision.

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

Summary:

The proposed subdivision appears to meet all of the applicable standards of the City’s zoning and subdivision ordinance. The lot being created will fit into the surrounding area and have minimal impacts on the surrounding properties.

Planning Commission Discussion:

Planning Commissioners asked questions of staff and the petitioner. Commissioners noted that all applicable requirements have been satisfied by the applicant. Commissioners found that the proposed lot is consistent with other lots in the surrounding area and recommended approval to the City Council with the noted findings and conditions.

Neighbor Comments:

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

Recommendation:

The Planning Commission recommended approval to the City Council for the requested Minor Subdivision with the following findings and conditions:

1. The proposed minor subdivision for a rural view lot meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay the park dedication fees in the amount of \$5,277.50, for the newly created Tract A, prior to the applicant receiving final approval to record the subdivision by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
6. The remaining Remnant Tract will have no remaining rural view lot eligibilities.

Attachments:

1. RESOLUTION No. 24-0604-04
2. Property Pictures
3. Proposed Subdivision Survey
4. Proposed Subdivision Exhibit



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 24-0604-04

**A RESOLUTION APPROVING A MINOR SUBDIVISION
TO ALLOW A RURAL VIEW LOT SUBDIVISION FOR THE PROPERTY
LOCATED AT 1215 COPELAND 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 2020 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Jon and Patricia Malecek (the “Applicant/Owner”) has submitted a request for a minor subdivision for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN; and

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

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for Agriculture Property; and

WHEREAS the City held a public hearing on May 21, 2024, to review the application for a minor subdivision, following mailed and published noticed as required by law; and

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

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 Jon

and Patricia Malecek for a minor subdivision to allow a rural view lot subdivision per the City's subdivision and zoning regulations with the following conditions:

1. The proposed minor subdivision for a rural view lot meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay the park dedication fees in the amount of \$5,277.50, for the newly created Tract A, prior to the applicant receiving final approval to record the subdivision by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
6. The remaining Remnant Tract will have no remaining rural view lot eligibilities.

This resolution was adopted by the City Council of the City of Independence on this 4th day of June 2024, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description of Property)

Existing Description PID 3011824140002 (Doc. No. T05728763)

South $\frac{1}{2}$ of the Northeast Quarter of Section 30, Township 118, Range 24, except the West 735.45 feet of the North 592.29 feet thereof; and except the North 168.23 feet of the Southeast Quarter of said Northeast Quarter.

Proposed Tract A Description

That part of the West 735.45 feet of the South Half of the Northeast Quarter, Section 30, Township 118, Range 24, Hennepin County, Minnesota, lying south of the North 592.29 feet thereof and lying north of the South 300.00 feet thereof.

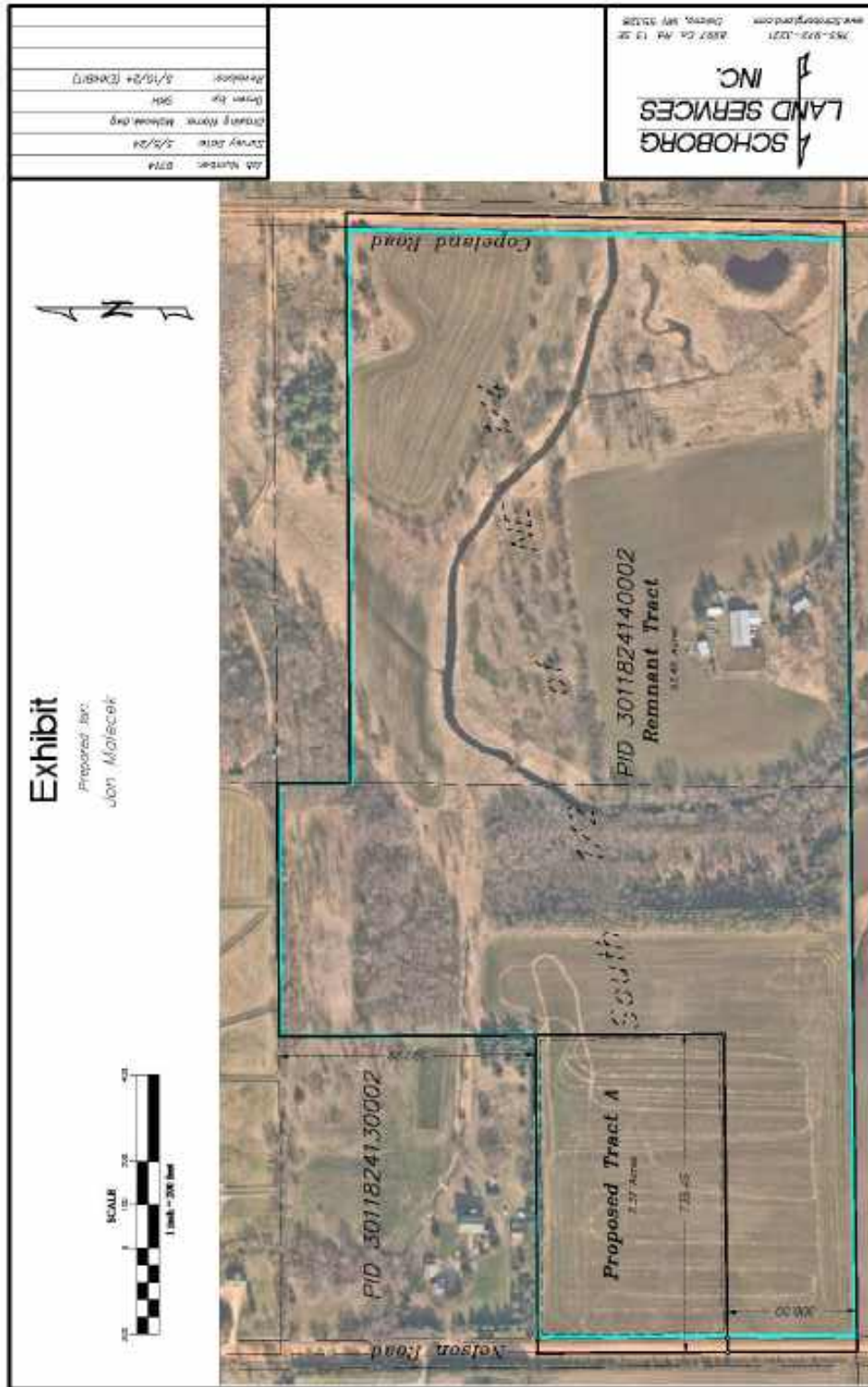
Subject to township road right of way.

Remnant Boundary Description

The South Half of the Northeast Quarter of Section 30, Township 118, Range 24, Hennepin County, Minnesota; except that part of the West 735.45 feet thereof lying north of the South 300.00 feet thereof; and except the North 168.23 feet of the Southeast Quarter of said Northeast Quarter.

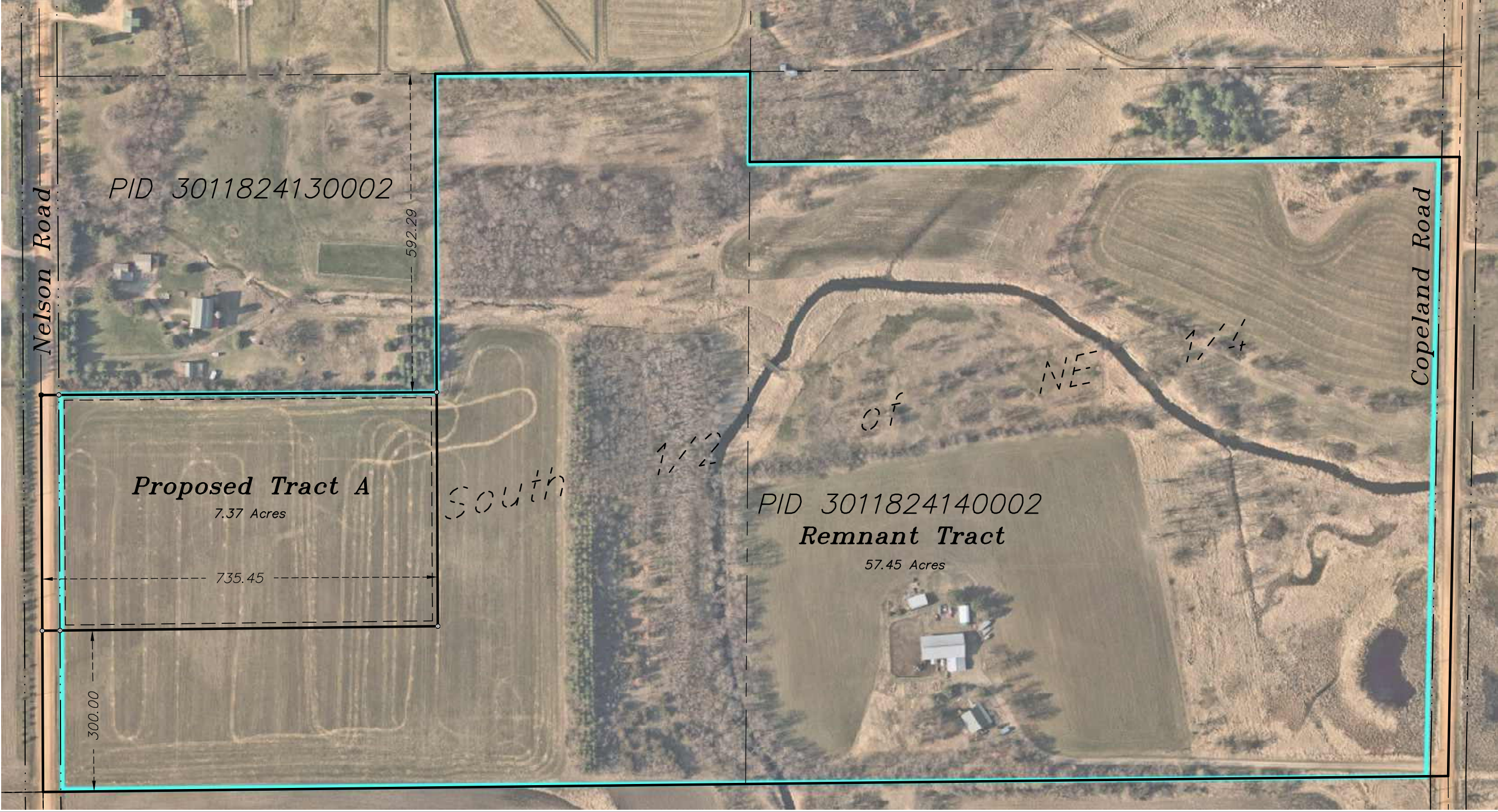
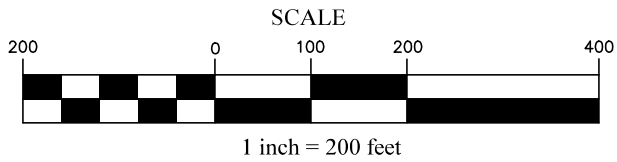
Subject to township road right of way.

EXHIBIT B (Subdivision Exhibit)



Exhibit

Prepared for:
Jon Malecek



Job Number:	9714
Survey Date:	3/5/24
Drawing Name:	Malecek.dwg
Drawn by:	SKH
Revisions:	5/15/24 (EXHIBIT)

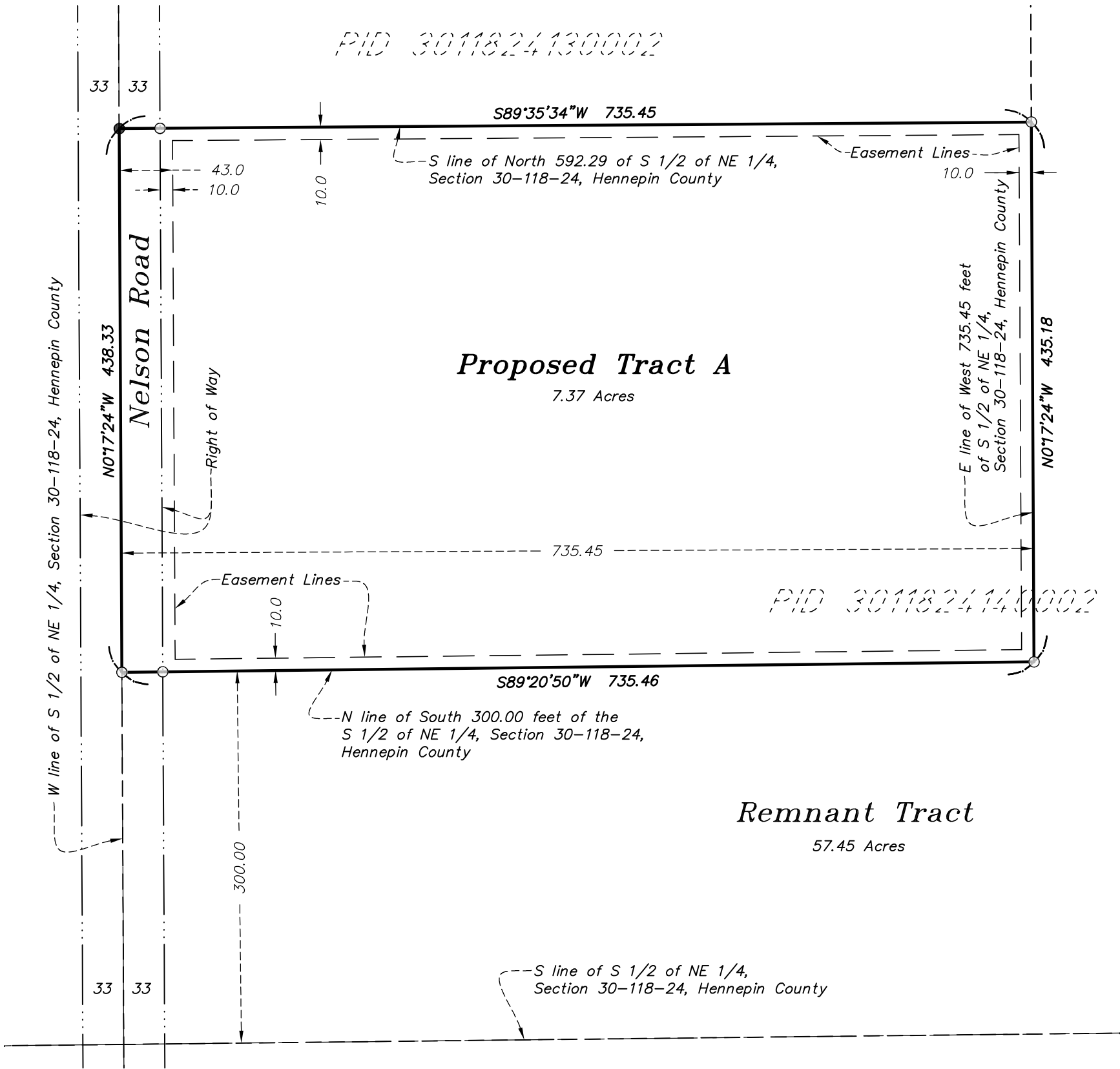
**SCHOBORG
LAND SERVICES
INC.**

763-972-3221
www.SchoborgLand.com

8997 Co. Rd. 13 SE
Delano, MN 55328

Certificate of Survey

Prepared for:
Jon Malecek



Existing Description PID 3011824140002 (Doc. No. T05728763)
South 1/2 of the Northeast Quarter of Section 30, Township 118, Range 24, except the West 735.45 feet of the North 592.29 feet thereof; and except the North 168.23 feet of the Southeast Quarter of said Northeast Quarter.

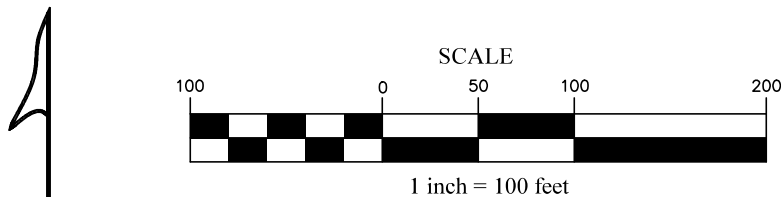
Proposed Tract A Description
That part of the West 735.45 feet of the South Half of the Northeast Quarter, Section 30, Township 118, Range 24, Hennepin County, Minnesota, lying south of the North 592.29 feet thereof and lying north of the South 300.00 feet thereof.

Subject to a Drainage and Utility Easement over, under, and across the northerly 10 feet thereof, the easterly 10 feet thereof, the southerly 10 feet thereof and the easterly 10 feet of the westerly 43 feet thereof.

Subject to township road right of way.

Remnant Boundary Description
The South Half of the Northeast Quarter of Section 30, Township 118, Range 24, Hennepin County, Minnesota; except that part of the West 735.45 feet thereof lying north of the South 330.00 feet thereof; and except the North 168.23 feet of the Southeast Quarter of said Northeast Quarter.

Subject to township road right of way.



- Legend
- Found Iron Monument
 - Set Iron Monument (LS 48328)

Bearings based on Wright County Coordinate System

Job Number:	9714
Survey Date:	3/5/24
Drawing Name:	Malecek.dwg
Drawn by:	SKH
Revisions:	

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

Kelly L. Brouwer
Kelly L. Brouwer

Date: May 15, 2024 Registration No. 48328

SCHOBORG LAND SERVICES INC.

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