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PLANNING COMMISSION MEETING AGENDA  
REGULAR MEETING  
TUESDAY, OCTOBER 18, 2016

**6:30 PM Regular Meeting**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. September 20, 2016 Planning Commission Meeting
4. **PUBLIC HEARING:** George and Linda Becker (Applicants/Owners) request that the City consider the following actions for the property located at 4635 Lake Sarah Road, Independence, MN (PID No. 03-118-24-22-0002):
  - a. A variance to allow the subdivision of property in the AG-Agriculture zoning district.
  - b. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.
5. **PUBLIC HEARING:** Lisa Dayton (Applicant/Owner) requests that the City consider the following actions for the property located at 8415 Hitsman Lane (PID No. 17-118-24-31-0004) in Independence, MN:
  - a. A minor subdivision to permit the creation of a rural view lot.
6. **PUBLIC HEARING:** B. Benson Group (Applicant) and Joyce Larson (Owner) request that the City consider the following actions for the property located at 1160 County Road 19 N, Independence, MN (PID No. 25-118-24-42-0001):
  - a. Rezoning from Ag-Agriculture to RR-Rural Residential.
  - b. Preliminary Plat for a four (4) lot subdivision.
  - c. Final Plat for a four (4) lot subdivision.
7. Open/Misc.
8. Adjourn.

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

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF MINUTES:

- a. August 16, 2016 Planning Commission Meeting

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

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

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

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

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

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

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

#### Public Hearing Open

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

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

#### Public Hearing Closed

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### Public Hearing Open

No comments.

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

#### Public Hearing Closed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Public Hearing Open

No comments.

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

#### Public Hearing Closed

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

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

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

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

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

Public Hearing Open

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

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

Public Hearing Closed

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

7. Open/Misc.

8. Adjourn.

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

Respectfully Submitted,

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Trish Bemmels  
Recording Secretary

## City of Independence

### *Request for a Variance and Minor Subdivision for the Property Located at 4635 Lake Sarah Road*

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* October 18, 2016  
*Applicant/Owner:* George and Linda Becker  
*Location:* 4635 Lake Sarah Road

#### ***Request:***

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

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

#### ***Property/Site Information:***

The subject property is located north of CSAH 11 and on the west and east sides of Lake Sarah Road. There is an existing home and outbuildings located on the west side of the property. The property has the following site characteristics:

##### **Property Information: 4635 Lake Sarah Drive**

*Zoning: Agriculture*

*Comprehensive Plan: Agriculture*

*Acreage: (BEFORE) 34.48 acres*

*Acreage: (AFTER) 18.12 acres – West Parcel (TRACT B)  
16.36 acres – East Parcel (TRACT C)*



***Discussion:***

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

The original farmstead is somewhat unique in that the property is bisected by Lake Sarah Road. A portion (approximately 16 acres) of the property is located on the east side of Lake Sarah Road (see diagram below) with the remainder of the property (approximately 16 acres) located on the west side of Lake Sarah Road. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The City would have to consider granting a variance from the zoning ordinance to allow the subdivision of this property. The overall property does not meet the minimum 40 acre requirement to realize a



rural view lot subdivision. The parcel is located just outside (west) of the area guided for rural residential development.

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

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

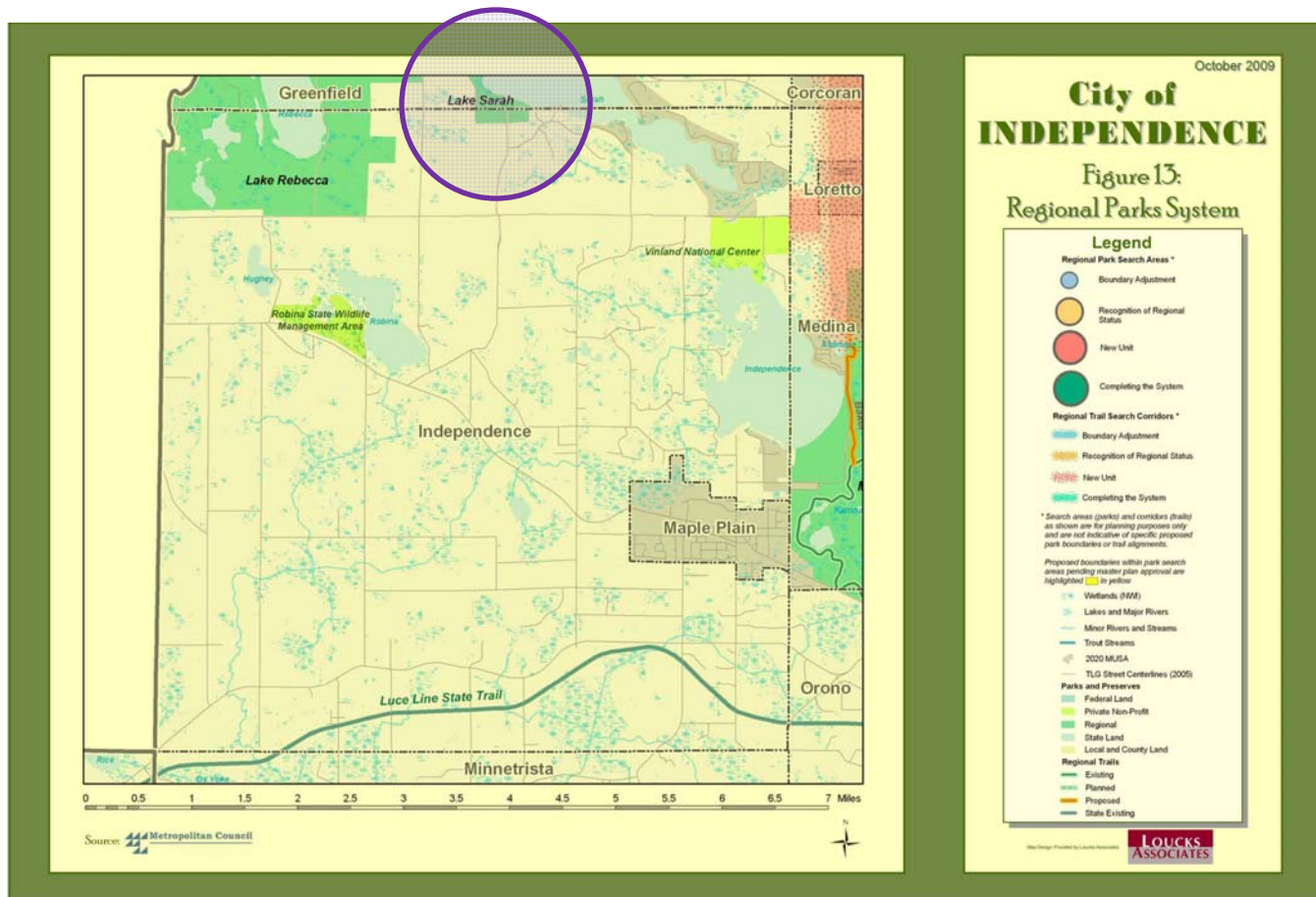


***Public Comments:***

At the time this report was prepared, the City had received preliminary comments from Three Rivers Park District regarding the proposed subdivision. The Park District was supportive of the subdivision and is interested in possibly seeking a similar action for their property to the north. The Park District also noted that they have a regional trail “search” corridor along County Road 11 and Lake Sarah Road which would extend north towards Lake Sarah and then into Lake Rebecca Park. The City of Independence did not include the search corridor in the Comprehensive Plan because the City did not have the ability to fully study and vet the possible corridor (see map below and larger map attached). The Park District asked if the City would



retain a future trail easement as a part of the required subdivision. Historically, the City has retained additional County/City right of way where known improvements were proposed. In this case, it should be noted that the City did not support the trail search corridor in the 2030 Comprehensive Plan. There has also not been an approved alignment for a trail along Lake Sarah Road. Staff is asking direction from the Planning Commission regarding this issue.



### Summary:

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

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

*there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

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

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

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

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

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

Consideration of the standards for granting a variance:

- a. The applicants are proposing to use the property in a manner consistent with the AG-Agriculture Zoning District.
- b. The properties created by the subdivision are similar in nature and character to the surrounding properties.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The proposed subdivision and the properties that would be created appear to be in keeping with the City’s comprehensive plan.
- d. The requested variance to allow the subdivision of the property is unique to this property. There may be several other properties in the City that have a similar condition.

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

City's zoning ordinance.

The existing farm house on Tract B has an existing on-site septic system that will remain in use with the existing home. Upon the sale of the parcel, the City will require an inspection of the system. Tract C will need to accommodate the requisite primary and secondary on-site septic system locations. The applicant will need to provide the City with information verifying that the site can accommodate a primary and secondary site. The proposed subdivision delineates the requisite drainage and utility easements along all property lines.

The newly created Tract C will be required to pay the City's Park Dedication fee. For this property, the park dedication fee amount is \$11,750.00. This fee will need to be paid prior to recording the subdivision.

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

16 acres - \$3,500 for first 5 acres, plus \$8,250 for the additional 11 acres = \$11,750

The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. The lots being created will fit into the surrounding area and appear to have minimal impacts on the surrounding properties. The adjacent properties are similar in size to the proposed lots after the subdivision.

***Planning Commission Recommendation:***

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

1. The proposed variance and minor subdivision request meet all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, and Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.
2. The Applicant shall provide to the City verification that Tract C can accommodate a primary and secondary septic site.
3. The Applicant shall execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
4. The Applicant shall pay the park dedication fees in the amount of \$11,750 prior to the applicant receiving final approval to record the subdivision by the City.
5. The Applicant shall pay for all costs associated with the City's review of the requested variance and subdivision.

6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

- Application
- Survey
- Comprehensive Plan Figure 13 (Parks and Trails)

## City of Independence

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

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

*\*Please check all that apply*

Request: \_\_\_\_\_

Split Current Property  
and add 1 building entitlement  
to east side of road approx.  
15 Acres

Site Address or Property Identification Number(s): \_\_\_\_\_

4635 Lakeland  
Lake Zurich Rd. Independence

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

### Office Use Only

1250

Application Amount

2500.

Escrow Paid

\_\_\_\_\_  
Date Accepted by Planner

\_\_\_\_\_  
City Planner

7/6/16  
Date

3370  
Application Check #

3362  
Escrow Check #

\_\_\_\_\_  
Accepted By



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

**Applicant Information:**

Name: George Becker  
Address: 4675 Lake Sarah Rd  
City, State, Zip: Maple Plain MN 55359  
Phone: 763 477 5004  
Email: \_\_\_\_\_  
Signature: George Becker

**Owner Information (if different than applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

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

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

---

***Application for Planning Consideration Fee Statement***

---

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

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

Applicant Signature: George Becker  
Date: 7/6/16

Owner Signature (if different): \_\_\_\_\_  
Date: \_\_\_\_\_



# Hennepin County Property Map

Date: 6/7/2016



PARCEL ID: 0311824220002

OWNER NAME: George E Becker Et Al

PARCEL ADDRESS: 4635 Lake Sarah Rd,  
Independence MN 55359

PARCEL AREA: 37.49 acres, 1,632,858 sq ft

A-T-B: Abstract

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2015, PAYABLE 2016

PROPERTY TYPE: Farm  
HOMESTEAD: Homestead  
MARKET VALUE: \$357,500  
TAX TOTAL: \$3,408.62

ASSESSED 2016, PAYABLE 2017

PROPERTY TYPE: Farm  
HOMESTEAD: Homestead  
MARKET VALUE: \$336,200

## Comments:

This data (i) is furnished 'ASIS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

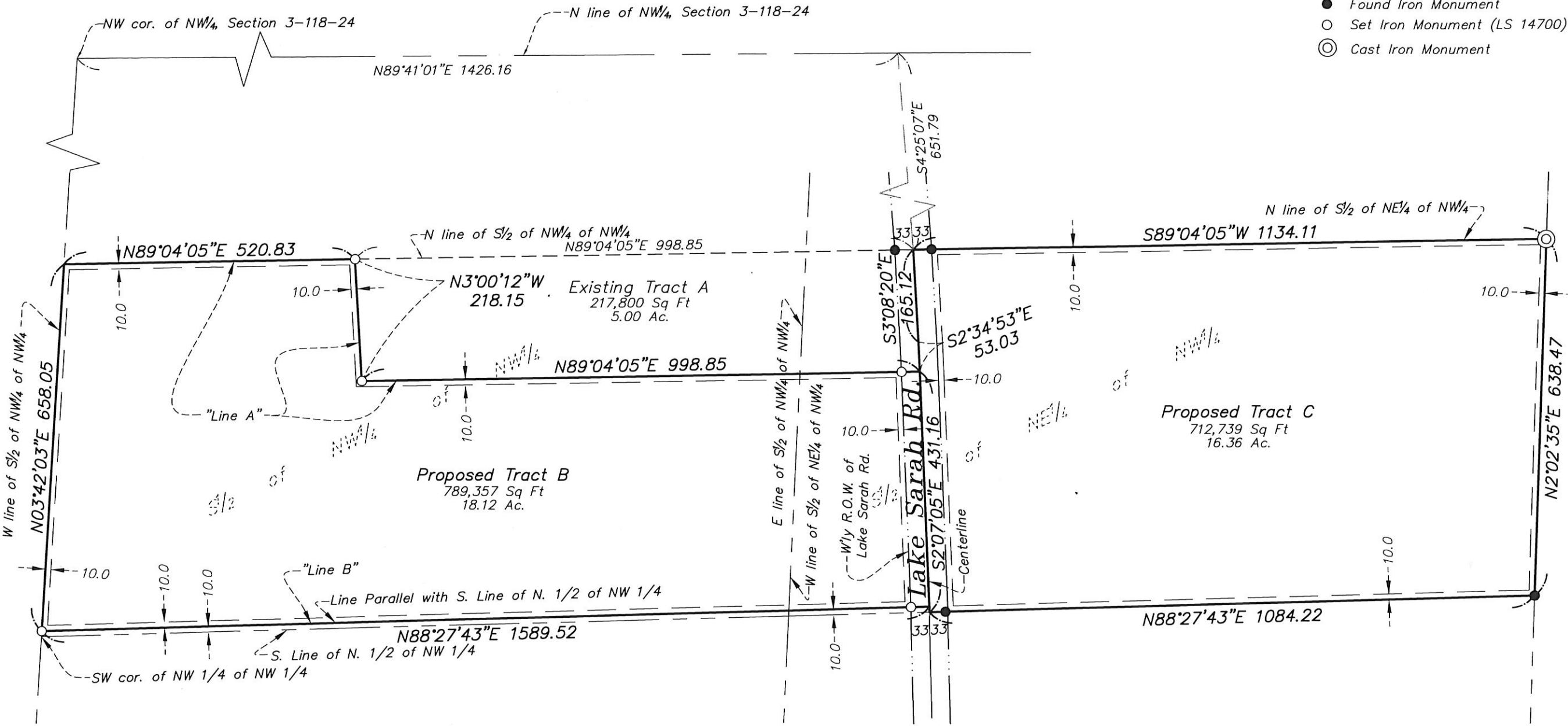
COPYRIGHT © HENNEPIN  
COUNTY 2016



Certificate of Survey

Prepared for: George Becker

- Legend
- Found Iron Monument
  - Set Iron Monument (LS 14700)
  - ⊙ Cast Iron Monument



Bearings based on assumed datum.



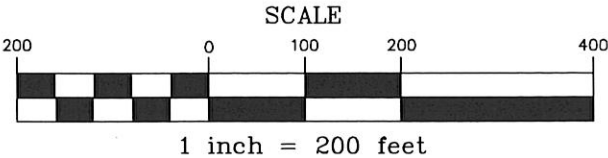
763-972-3221 8997 Co. Rd. 13 SE  
www.SchoborgLand.com Delano, MN 55328

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

*Paul B. Schoborg*  
Paul B. Schoborg

Date: SEPT. 30, 2016 Registration No. 14700

Job Number: 8102  
Book/Page: LL  
Survey Date: 10-21-15, 8-31-16  
Drawing Name: becker.dwg  
Drawn by: DMS  
Revisions: 9-30-16 (easements)





# Descriptions

## Proposed Tract B:

The South Half of the Northwest Quarter of the Northwest Quarter and that part of the South Half of the Northeast Quarter of the Northwest Quarter all in Section 3, Township 118, North Range 24, West of the 5th Principal Meridian, lying west of the center line described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 41 minutes 01 seconds East, along the north line thereof, a distance of 1426.16 feet to the intersection with the center line of Lake Sarah Road; thence South 4 degrees 25 minutes 07 seconds East, along said center line, a distance of 651.79 feet to the intersection with the north line of the South Half of the Northeast Quarter of said Northwest Quarter, said point being the point of beginning of the center line to be described; thence South 3 degrees 08 minutes 20 seconds East, along said center line, a distance of 165.12 feet; thence South 2 degrees 34 minutes 53 seconds East, along said center line, a distance of 53.03 feet; thence South 2 degrees 07 minutes 05 seconds East, along said center line, a distance of 431.16 feet to the South line of the South Half of the Northeast Quarter of said Northwest Quarter and there terminating.

EXCEPT a strip of land 10 feet wide lying East and West across the South side of the North Half of the Northwest Quarter of Section 3, in Township 118, of Range 24, described as follows:

Beginning at the southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 3, in Township 118, of Range 24; thence extending North along the West line of said Northwest Quarter of the Northwest Quarter of Section 3, in Township 118, of Range 24, a distance of 10 feet; thence at right angles running due East in a line parallel with the South line of said North Half of the Northwest Quarter to a point in the center of County Road No. 91 across said land; thence in a Southwesterly direction to the intersection of the said center line of said County Road No. 91 and the South line of the said North Half of the Northwest Quarter of said Section 3, in Township 118, of Range 24; thence due West along the South line of said North Half of the Northwest Quarter of Section 3, in Township 118, of Range 24 to the point of beginning. Said strip of land lying between the West line of the said Northwest Quarter and the center line of said County Highway No. 91 in the North Half of the Northwest Quarter of Section 3, in Township 118, of Range 24.

EXCEPT that part described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 41 minutes 01 seconds East, along the north line thereof, a distance of 1426.16 feet to the intersection with the center line of Lake Sarah Road; thence South 4 degrees 25 minutes 07 seconds East, along said center line, a distance of 651.79 feet to the intersection with the north line of the South Half of the Northeast Quarter of said Northwest Quarter, said point being the point of beginning of the tract to be described; thence South 3 degrees 08 minutes 20 seconds East, along said center line, a distance of 165.12 feet; thence South 2 degrees 34 minutes 53 seconds East, along said center line, a distance of 53.03 feet; thence South 89 degrees 04 minutes 05 seconds West, parallel with the north line of the South Half of the Northeast Quarter of said Northwest Quarter, a distance of 998.85 feet; thence North 3 degrees 00 minutes 12 seconds West a distance of 218.15 feet to the north line of the South Half of the Northwest Quarter of said Northwest Quarter; thence North 89 degrees 04 minutes 05 seconds East, along said north line and the easterly extension thereof, a distance of 998.85 feet to the point of beginning and there terminating.

Subject to Lake Sarah Road right of way. Subject to any and all easements of record.

## Proposed Tract C:

That part of the South Half of the Northeast Quarter of the Northwest Quarter, Section 3, Township 118, North Range 24, West of the 5th Principal Meridian, lying east of the center line described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 41 minutes 01 seconds East, along the north line thereof, a distance of 1426.16 feet to the intersection with the center line of Lake Sarah Road; thence South 4 degrees 25 minutes 07 seconds East, along said center line, a distance of 651.79 feet to the intersection with the north line of the South Half of the Northeast Quarter of said Northwest Quarter, said point being the point of beginning of the center line to be described; thence South 3 degrees 08 minutes 20 seconds East, along said center line, a distance of 165.12 feet; thence South 2 degrees 34 minutes 53 seconds East, along said center line, a distance of 53.03 feet; thence South 2 degrees 07 minutes 05 seconds East, along said center line, a distance of 431.16 feet to the South line of the South Half of the Northeast Quarter of said Northwest Quarter and there terminating.

Subject to Lake Sarah Road right of way. Subject to any and all easements of record.

## Proposed Easements over Tract B:

A 10.00 foot wide easement for drainage and utility purposes over, under and across that part of the South Half of the Northwest Quarter of the Northwest Quarter and that part of the South Half of the Northeast Quarter of the Northwest Quarter all in Section 3, Township 118, North Range 24, West of the 5th Principal Meridian, lying 10.00 feet southerly, westerly and southerly, as measured at right angles to, a line hereinafter described as "Line A". The side lines of said easement are prolonged or shortened to terminate on the east at the westerly right of way of Lake Sarah Road and on the west at the west line of said Northwest Quarter of the Northwest Quarter.

A 10.00 foot wide easement for drainage and utility purposes over, under and across that part of the South Half of the Northwest Quarter of the Northwest Quarter and that part of the South Half of the Northeast Quarter of the Northwest Quarter all in Section 3, Township 118, North Range 24, West of the 5th Principal Meridian, lying 10.00 feet northerly, as measured at right angles to, a line hereinafter described as "Line B". The side lines of said easement are prolonged or shortened to terminate on the east at the westerly right of way of Lake Sarah Road and on the west at the west line of said Northwest Quarter of the Northwest Quarter.

A 10.00 foot wide easement for drainage and utility purposes over, under and across that part of the westerly 10.00 feet of the South Half of the Northwest Quarter of the Northwest Quarter lying northerly of the line hereinafter described as "Line B".

A 10.00 foot wide easement for drainage and utility purposes over, under and across that part of the South Half of the Northeast Quarter of the Northwest Quarter lying 10.00 feet westerly of, as measured at right angles to, the westerly right of way of Lake Sarah Road, and also lying southerly of the line hereinafter described as "Line A" and also lying northerly of the line hereinafter described as "Line B".

Said "Line A" is described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 3; thence on an assumed bearing of North 89 degrees 41 minutes 01 seconds East, along the north line thereof, a distance of 1426.16 feet to the intersection with the center line of Lake Sarah Road; thence South 4 degrees 25 minutes 07 seconds East, along said center line, a distance of 651.79 feet to the intersection with the north line of the South Half of the Northeast Quarter of said Northwest Quarter; thence South 3 degrees 08 minutes 20 seconds East, along said center line, a distance of 165.12 feet; thence South 2 degrees 34 minutes 53 seconds East, along said center line, a distance of 53.03 feet to the point of beginning of the line to be described; thence South 89 degrees 04 minutes 05 seconds West, parallel with the north line of the South Half of the Northeast Quarter of said Northwest Quarter, a distance of 998.85 feet; thence North 3 degrees 00 minutes 12 seconds West a distance of 218.15 feet to the north line of the South Half of the Northwest Quarter of said Northwest Quarter; thence South 89 degrees 04 minutes 05 seconds West, along said north line, a distance of 520.83 feet to the west line of said South Half and said line there terminating.

Said "Line B" is described as follows:

Beginning at the southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 3, in Township 118, of Range 24; thence extending North along the West line of said Northwest Quarter of the Northwest Quarter of Section 3, in Township 118, of Range 24, a distance of 10 feet to the point of beginning of the line to be described; thence at right angles running due East in a line parallel with the South line of said North Half of the Northwest Quarter to a point in the center of County Road No. 91 across said land, and said line there terminating.

## Proposed Easements over Tract C:

A 10.00 foot wide easement for drainage and utility purposes over, under and across the north 10.00 feet, the east 10.00 feet and the south 10.00 feet of the South Half of the Northeast Quarter of the Northwest Quarter, Section 3, Township 118, North Range 24, West of the 5th Principal Meridian, lying easterly of the easterly right of way line of Lake Sarah Road.

Also, a 10.00 foot wide easement for drainage and utility purposes over, under and across that part of said South Half lying 10.00 feet easterly of, as measured at right angle to, the easterly right of way line of said Lake Sarah Road.



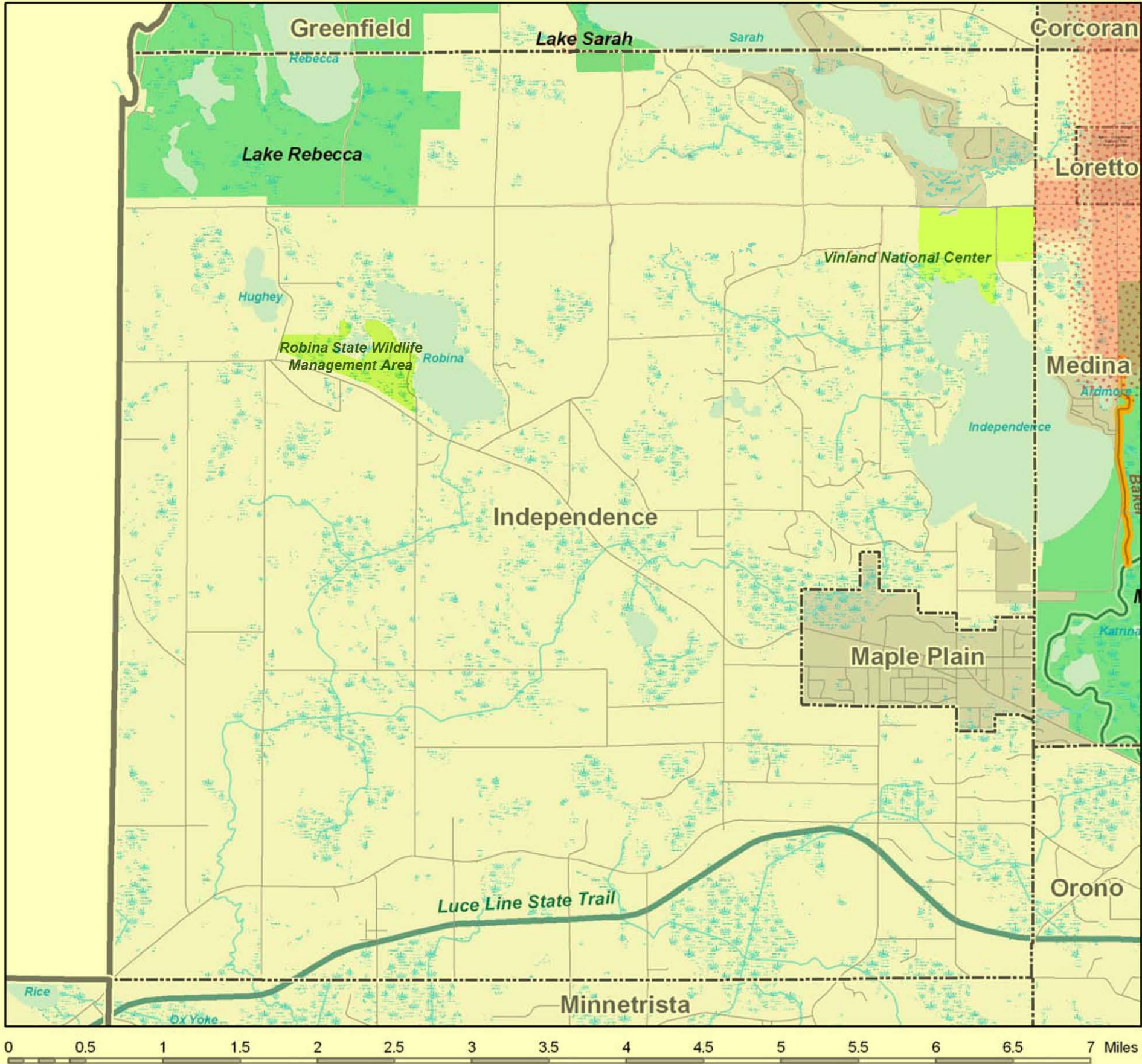
763-972-3221  
www.SchoborgLand.com

8997 Co. Rd. 13 SE  
Delano, MN 55328



# City of INDEPENDENCE

Figure 13:  
Regional Parks System







Source:  Metropolitan Council

## Legend


### Regional Park Search Areas \*

-  Boundary Adjustment
-  Recognition of Regional Status
-  New Unit
-  Completing the System

### Regional Trail Search Corridors \*

-  Boundary Adjustment
-  Recognition of Regional Status
-  New Unit
-  Completing the System

\* Search areas (parks) and corridors (trails) as shown are for planning purposes only and are not indicative of specific proposed park boundaries or trail alignments.

Proposed boundaries within park search areas pending master plan approval are highlighted  in yellow

-  Wetlands (NWI)
-  Lakes and Major Rivers
-  Minor Rivers and Streams
-  Trout Streams
-  2020 MUSA
-  TLG Street Centerlines (2005)

### Parks and Preserves

-  Federal Land
-  Private Non-Profit
-  Regional
-  State Land
-  Local and County Land

### Regional Trails

-  Existing
-  Planned
-  Proposed
-  State Existing

Map Design Provided by Loucks Associates

**LOUCKS**  
ASSOCIATES

## City of Independence

### Minor Subdivision to Permit a Rural View Lot for the Property Located at 8415 Hitsman Lane

---

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 18, 2016
<i>Applicant:</i>	Lisa Dayton
<i>Owner:</i>	Lisa Dayton
<i>Location:</i>	8415 Hitsman Lane

#### ***Request:***

Lisa Dayton (Applicant/Owner) requests that the City consider the following actions for the property located at 8415 Hitsman Lane (PID No. 17-118-24-31-0004) in Independence, MN:

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

#### ***Property/Site Information:***

The property is located south of US HWY 12 and south of Hitsman Lane. The property is accessed via a 33 foot wide private driveway which extends south from Hitsman Lane. The property has an existing home and several outbuildings. The property is comprised of significant wetlands and upland acreage. The property has the following characteristics:

#### **Property Information: 8415 Hitsman Lane**

*Zoning: Agriculture*

*Comprehensive Plan: Agriculture*

*Acreage (BEFORE): 58.92 acres*

*Acreage (AFTER): North Parcel – 10.00 acres*

*South Parcel – 48.92 acres*



Site Aerial – 8415 Hitsman Lane



***Discussion:***

The applicant is proposing to subdivide the property in order to create a rural view lot. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 58.92 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

**Lot size required** - between 2.5 and 10 acres

**Lot size proposed** – North Parcel – 10.00 acres

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

**Minimum lot frontage proposed** – North Parcel – 300 LF

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

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

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 approximately 5 acres of useable upland and 300 LF of frontage on the 33 foot wide easement.

The existing property is accessed via a 33 foot wide parcel that connects to Hitsman Lane. It appears that this parcel was historically established as a cart way. As proposed both lots do not meet the minimum public right of way frontage requirements of the City's ordinance. The City can grant a waiver to the frontage requirements if the criteria established in the City's ordinance are met. The configuration proposes to utilize the common driveway provision of the City's zoning ordinance. The City allows common driveways to be utilized for up to three lots if all applicable criteria established in the ordinance are satisfied. The criteria established for allowing a common driveway are as follows:

*Subd. 20. "Driveway, common." An easement encumbered by a common driveway agreement that provides for access, construction, maintenance and financing of private vehicular and pedestrian access to not more than three lots. A common driveway shall be considered if evidence of the following standards is met: (Added, Ord. 2010-06)*

- (a) Extension of a public street is not physically feasible as determined by the city. If the city determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat; or (Added, Ord. 2010-06)*
- (b) The city determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees greater than 12 inches in diameter or coniferous trees greater than 25 feet in height; or (Added, Ord. 2010-06)*
- (c) There is no feasible present or future means of extending right-of-way from other directions; and (Added, Ord. 2010-06)*

- (d) *Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted. The city will not provide maintenance or snow plowing for common or shared access driveways; and (Added, Ord. 2010-06)*
- (e) *Common driveways shall be constructed in accordance with the provisions established in the City of Independence Manual of Standards. (Added, Ord. 2010-06)*

The extension Hitsman Lane to the south is unlikely due to current zoning and development standards of the City. In addition, there is a large wetland impeding the potential extension of the road to the south. The City has requested that the applicant provide an additional 33 foot wide easement along the portion of property being developed. This will provide the City with the full 66 foot right of way width in case of future development. The City will need to determine if the criteria for allowing a common driveway are satisfied on this parcel. The applicant would need to establish covenants which assign maintenance responsibility for the parcels granted access off of the common driveway. The City would need to review the proposed driveway construction details to ensure that it will be constructed to a standard adequate to accommodate public safety equipment.

The proposed lot depth to lot frontage ratio for the rural view lot would be ~1:5. This lot width to lot depth ration exceeds the maximum range but creates a “clean” lot line. Moving the line to adjust for the lot depth would create an irregular parcel behind the proposed rural view lot. Moving the line to the south to provide more lot width would create a lot that is greater than 10 acres. The City will need to provide direction relating to the proposed lot depth to lot width ratio.

The proposed subdivision would produce a 10 acre rural view lot. The proposed property would be “in line” with the property to the west and north. The proposed North Parcel 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 including those from wetlands. 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. The applicant will need to include the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.’s 1 and 2) for both the existing and proposed parcel.

The remaining 48.92 acres would continue to be a conforming lot of record. The existing home and detached accessory structure meet all applicable setbacks in the after condition. The

remaining property will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created North Parcel will be required to pay the City's requisite Park Dedication fee. For this property the requirement is \$7,250. 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*

The applicant has submitted information to the City verifying the ability of the newly created lot to accommodate a primary and secondary septic system. The existing lot has an existing septic system. The home is currently for sale and upon its sale will be required to have the system inspected. The City believes that this system will not be found to be in compliance with septic system standards and will need to be replaced. The proposed lot appears to meet most applicable criteria relating to the subdivision and zoning standards.

***Neighbor Comments:***

The City had comments from a neighboring property owner. The neighboring property owner stopped into City Hall to review the plans. The neighboring owner asked questions pertaining to the subdivision and wanted to understand the proposed subdivision in relation to their respective property. The neighboring owner generally supported the proposed subdivision.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission regarding the request for a rural view lot subdivision. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the rural view lot subdivision is subject to the following:
  - a) The Applicant shall pay the park dedication fees in the amount of \$7,250, for the newly created North Parcel, prior to the applicant receiving final approval to record the subdivision by the City.
  - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.

- c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
- d) The Applicant shall execute and record the requisite drainage and utility and right of way easements with the county within six (6) months of approval.
- e) The remaining South Parcel will have no remaining rural view lot eligibilities.

***Attachments:***

- 1. Application
- 2. Property Pictures
- 3. Proposed Subdivision Exhibit



View of 8415 Hitsman Lane (Looking North)



View of 8415 Hitsman Lane (Looking South)



## City of Independence

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

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

- ☐ Extension Request
- ☐ Final Plat
- ☐ Interim Use Permit
- ☐ Lot Consolidation

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

- ☐ Moving Buildings

- ☒ Preliminary Plat

- ☐ Rezoning

- ☐ Site Plan Review (Commercial)

- ☐ Vacation

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

- ☐ Zoning Text Amendment

*\*Please check all that apply*

Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Site Address or Property Identification Number(s):

8415 Hitsman Ln. Independence, MA

PI# 1711824310004

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

### Office Use Only

750 + 750 =  
1500  
Application Amount  
3,000  
Escrow Paid

8/17/16  
Date  
11075  
Application Check #  
11076  
Escrow Check #

Date Accepted by Planner

Accepted By

City Planner



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

17-31-0004

**Applicant Information:**

**Owner Information (if different than applicant)**

Name: Lisa Dayton

Name: Lisa Dayton

Address: 8415 Hitsman Ln.

Address: 8415 Hitsman Ln.

City, State, Zip: Independence, MO 64601

City, State, Zip: Independence, MO 64601

Phone: cell 612 868-4340

Phone: H-763 972-4124 cell 612 868-4340

Email: \_\_\_\_\_

Email: ForestFarm2Frontier.net

Signature: [Signature]

Signature: [Signature]

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

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

### ***Application for Planning Consideration Fee Statement***

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

**Applicant Signature:** [Signature]

**Date:** \_\_\_\_\_

**Owner Signature (if different):** [Signature]

**Date:** 7.23.16





**BOUNDARY SURVEY AND PROPOSED LOT DIVISION FOR  
ELIZABETH DAYTON  
OF TRACT D, R.L.S. NO. 1672, AND IN THE E 1/2 OF SECTION 17-118-24  
HENNEPIN COUNTY, MINNESOTA**

S 89°26'15" W 1593.43 MEAS S 89°24'47" W RLS NO 1672

**NORTH PARCEL**  
**10.01+- ACRES**

PROPOSED DIVIDING LINE  
N 89°03'28" W 1560.92

**SOUTH PARCEL**  
**48.92+- ACRES**

LEGAL DESCRIPTION OF PREMISES SURVEYED:

Tract D, Registered Land Survey No. 1672, Hennepin County, Minnesota.

ALSO:

The West 33 feet of the Northwest Quarter of the Southeast Quarter of Section 17, Township 118 North, Range 24 West of the 5th Principal Meridian, and that part of the West 33 feet of the Southwest Quarter of the Northeast Quarter of said Section 17 which lies southerly of the southerly right of way line of Hitsman Lane.

This survey shows the boundaries of the above described property, the location of all existing buildings thereon, the location of an existing driveway, and the proposed location of a proposed dividing line. It does not purport to show any other improvements or encroachments.

- : Iron marker found
- : Iron marker set

PROPOSED LEGAL DESCRIPTIONS:  
NORTH PARCEL

NORTH PARCEL

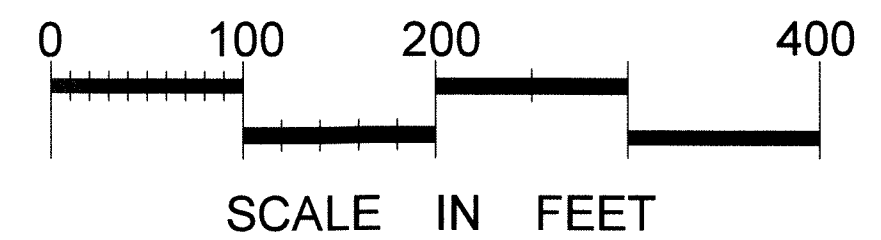
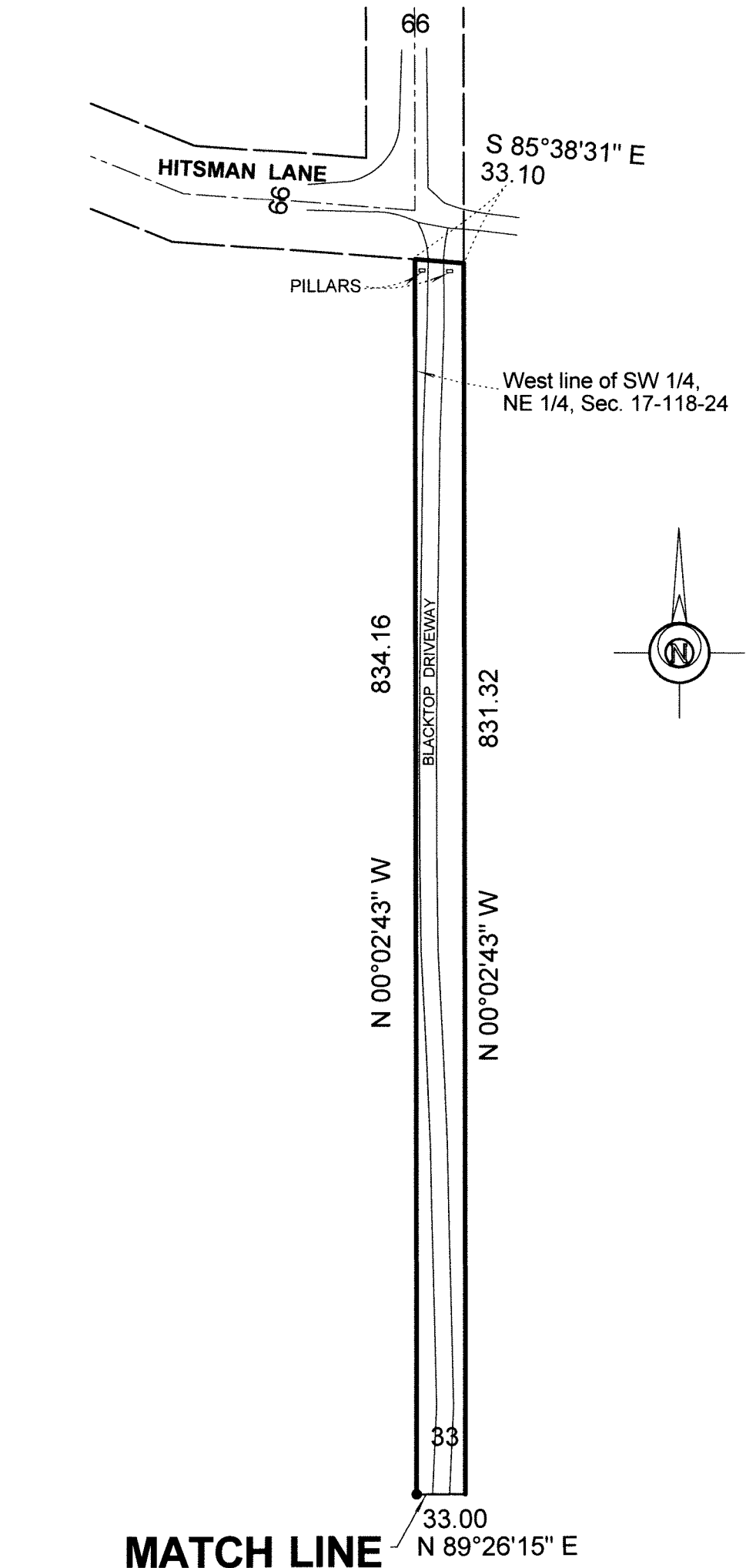
That part of Tract D, Registered Land Survey No. 1672, Hennepin County, Minnesota, which lies west of the East 33 feet of said Tract D and northerly of the following described line: Commencing at the Northwest corner of the East 33 feet of said Tract D; thence on an assumed bearing of South 0 degrees 02 minutes 43 seconds East along said West line of the East 33 feet a distance of 300.00 feet to the point of beginning of the line being described; thence North 89 degrees 03 minutes 28 seconds West a distance of 1550.92 feet to its intersection with the northerly segment of the West line of said Tract D, and said line there ending.

**SOUTH PARCEL**

Tract D, Registered Land Survey No. 1672, Hennepin County, Minnesota EXCEPT that part of said Tract which lies west of the East 33 feet of said Tract and northerly of the following described line: Commencing at the Northwest corner of the East 33 feet of said Tract D; thence on an assumed bearing of South 0 degrees 02 minutes 43 seconds East along said West line of the East 33 feet a distance of 300.00 feet to the point of beginning of the line being described; thence North 89 degrees 03 minutes 28 seconds West a distance of 1560.92 feet to it intersection with the northerly segment of the West line of said Tract D, and said line there ending.

ALSO

The West 33 feet of the Northwest Quarter of the Southeast Quarter of Section 17, Township 118 North, Range 24 West of the 5th Principal Meridian, and that part of the West 33 feet of the Southwest Quarter of the Northeast Quarter of said Section 17 which lies southerly of the southerly right of way line of Hitsman Lane.



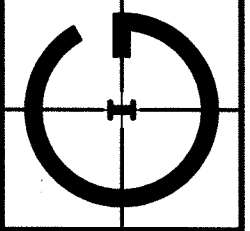
REVISIONS			DESIGNED
DATE	BY	REMARKS	DRAWN
9-8-16		REVISED LOT LINES, AREAS, DESCRIPTIONS	CHECKED

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

Ward A. Zornberg

DATE 9-8-15

DATE	8-8-16
SCALE	1"=100'
JOB NO.	16-293
SHEET	OF SHEETS



**GRONBERG & ASSOCIATES, INC.**  
CIVIL ENGINEERS; LAND SURVEYORS; LAND PLANNERS  
445 N. WILLOW DRIVE LONG LAKE, MN 55356  
PHONE: 952-473-4141 FAX: 952-473-4435

City of Independence  
Rezoning, Preliminary and Final Plat Approval Request for the  
Settlers Prairie Subdivision

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 18, 2016
<i>Applicant:</i>	B. Benson Group
<i>Owner:</i>	Joyce Larson - Trustee
<i>Location:</i>	1160 County Road 19 N.

***Request:***

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

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

***Property/Site Information:***

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

Property Information: 1160 County Road 19 N.

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *19.83 acres*



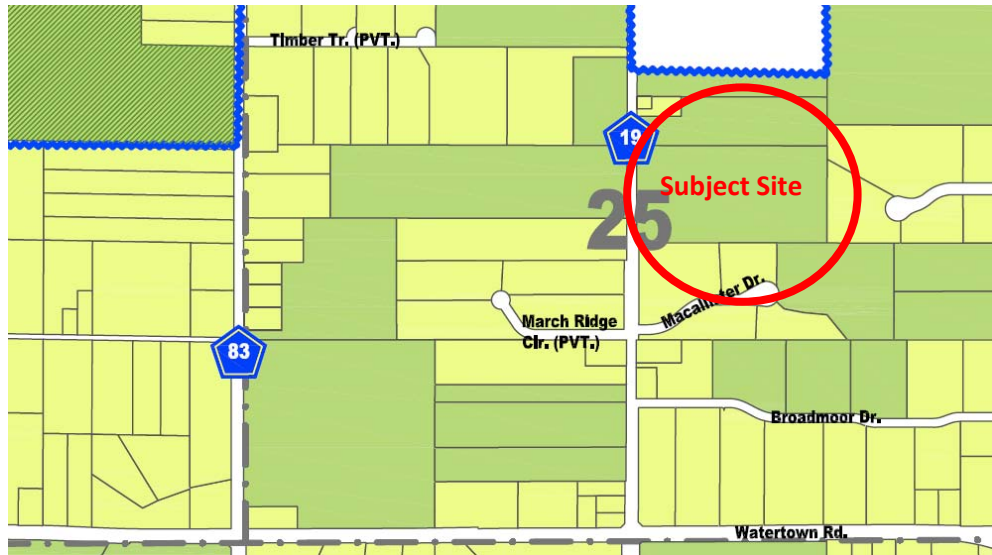
Site Aerial – 1160 County Road 19 N.



***Discussion:***

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

The property is currently zoned Ag – Agriculture and is guided by the City's Comprehensive Plan as a RR- Rural Residential property (See Map – Green = Agriculture, Yellow = Rural Residential).



## Rezoning

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

## Site Plan

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. The City's applicable standards are further defined as follows:

*Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)*

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
12.6 through 17.5 acres	Three
<b>17.6 through 22.5 acres</b>	<b>Four</b>
22.6 through 27.5 acres	Five
27.6 through 32.5 acres	Six
32.6 through 37.5 acres	Seven
37.6 through 42.5 acres	Eight
42.6 through 47.5 acres	Nine, plus one addn. lot for every five addn. acres of land.



In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

*530.03. Physical Standards.*

*Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:*

- (a) Minimum lot area <sup>a</sup> 2.50 acres buildable land*
- (b) Maximum lot area 10 acres*
- (c) Minimum lot frontage on an improved public road or street:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	<sup>b</sup> 200 feet
3.50 – 4.99 acres	<sup>b</sup> 250 feet
5.00 – 10.00 acres	<sup>b</sup> 300 feet

- (e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.*

<sup>a</sup> A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

<sup>b</sup> A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

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

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

The applicant is proposing to provide access into the property by developing a new public cul-de-sac off of County Road 19 into the middle of the subject property. The road is proposed to meet all applicable City standards for road and right of way width. The new road would follow the north property line into the site. The driveway which provides access to the existing home would be relocated such that it connects to the new cul-de-sac and no longer connects to County Road 19 N. There are several existing accessory buildings that would be removed as a result of the proposed new road and associated right of way. The

configuration of the proposed lots and potential building sites appears to take into account the location of the existing wetlands, primary and secondary septic locations and existing topography. The applicant indicates the potential locations of a proposed building pad for each lot. The proposed building pad is conceptual only, but provides the City with evidence that the lots can accommodate a new home site. The applicant has submitted information to the City verifying the ability of each lot to accommodate a primary and secondary septic system. The applicant may need to revise the proposed secondary or alternative location to ensure that it meets the applicable setbacks from a wetland. The size of the lots proposed will allow all applicable building setbacks to be met. The proposed lots appear to meet all applicable criteria relating to the subdivision and zoning standards.

There are several significant wetlands located on this property which make the subdivision more difficult. The applicant and the City have reviewed the location and boundaries of the wetlands on this property. A wetland delineation has been completed and approved by the state, watershed and City. Based on the current wetland boundaries, the applicant meets the minimum 2.5 acres of contiguous upland for all four lots. The applicant will be required to maintain the requisite wetland buffer around the wetlands.

All of the proposed lots would have the requisite amount of frontage on a public right of way. The minimum frontage required for lots is as follows:

(c) Minimum lot frontage on an improved public road or street:	
<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	<sup>b</sup> 200 feet
3.50 – 4.99 acres	<sup>b</sup> 250 feet
5.00 – 10.00 acres	<sup>b</sup> 300 feet

Lots that are located on the terminus of a cul-de-sac are required to have a minimum of 50 LF of frontage.

The proposed lot configuration is consistent with the existing subdivisions to the east and south. Their configuration somewhat dictates the configuration of this parcel. The extension of a public street to the south and east is unlikely due to the existing development and wetlands impeding the potential extension. The property to the north has an existing single-family home and has not been further subdivided. It may be possible to connect a future road into the proposed road to serve the property to the north. There is a large wetland located on the parcel to the north that could limit the full development of that parcel.

### Transportation

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

### Storm Water

The applicant is proposing to construct a storm water conveyance system to accommodate the runoff resulting from the construction of the public street. The conveyance system includes a two bay filtration basin system to be located within a drainage and utility easement across Lot 2. In addition, the applicant is proposing to install a small filtration basin on Lot 3 to aid in the runoff from the proposed lot. This was one of the concerns raised at the public hearing last year. The City has reviewed the conveyances system and noted several conditions that should be included with any approval (see attached memorandum from Hakanson Anderson, dated October 10, 2016).

Approval from Minnehaha Creek Watershed District will be required. Any conditions or findings made by the watershed will be required to be incorporated into the plans and become a condition of the final plat.

### Engineering

The City has completed a review of the proposed grading plan (see attached memorandum from MSA Professionals, dated October 13, 2016). The applicant shall provide revised plans based on the comments provided by the City's engineer. There did not appear to be any comments that would prohibit the development of the property or cause for the design to be substantially changed. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

### Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. The park dedication is broken down as follows:

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

Lot 1 includes the existing home and accessory structures and will not be subject to additional park dedication fees. The total amount of the park dedication is \$10,500 for the three (3) new lots.

### ***Neighbor Comments:***

The City has received several questions and comments from adjacent property owners. Adjacent property owners had questions relating to the stormwater runoff from the proposed subdivision. Neighboring property owners wanted to ensure that the stormwater runoff would not cause an increase or change to the water on their respective properties.

### ***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the requested rezoning, preliminary plat and final plat. Should the Planning Commission make a positive recommendation, the applicant would be

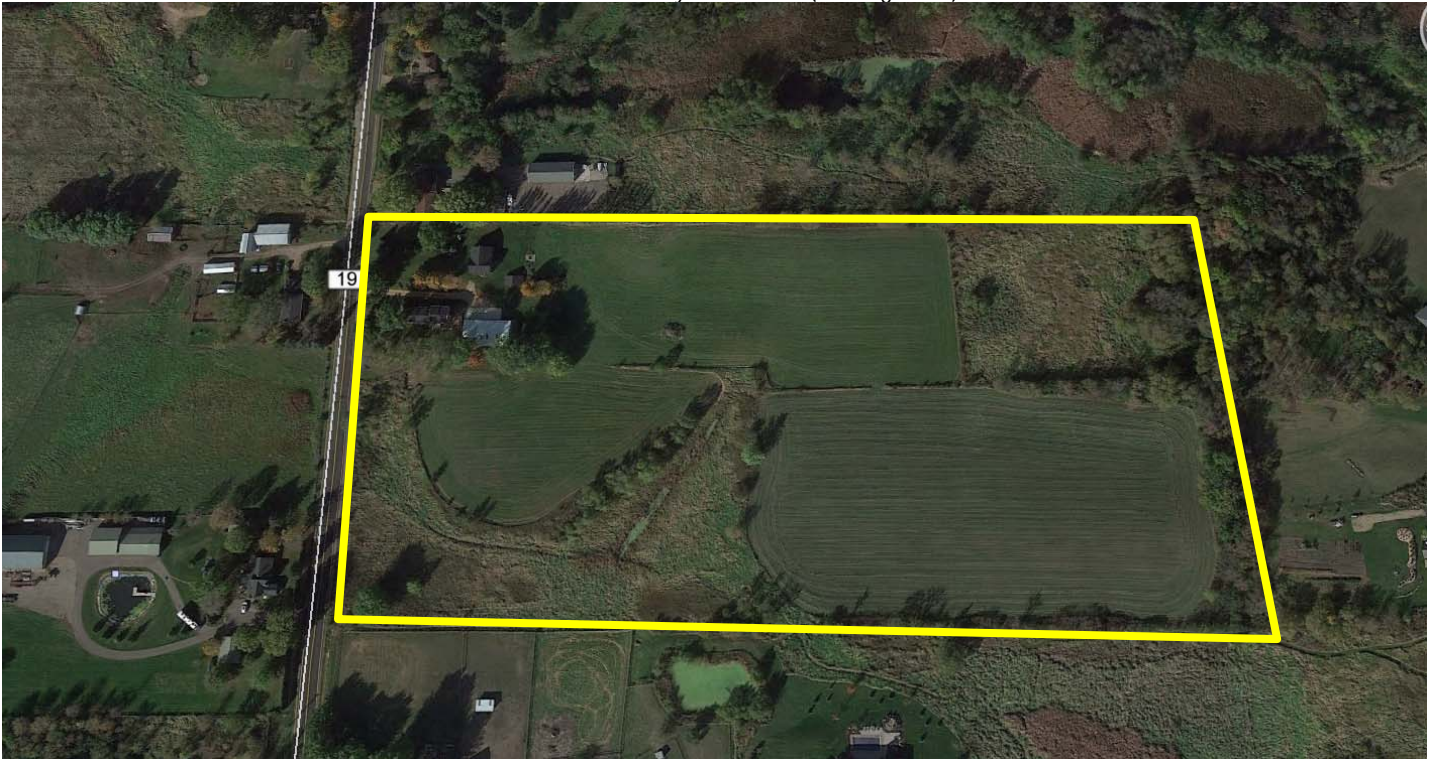
required to enter into a development agreement and satisfactorily complete all requisite requirements of the City prior to final plat consideration by the City Council. The Planning Commission can approve both preliminary and final plat or ask for final plat to be considered separately at a future date. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

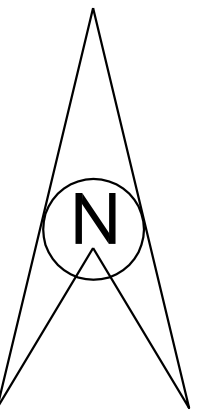
1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the Preliminary and Final Plat is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
  - c. The applicant shall satisfactorily respond to all comments outlined in the attached memorandum from Hakanson Anderson, dated October 10, 2016.
  - d. The applicant shall satisfactorily respond to all comments outlined in the attached memorandum from MSA Professionals, dated October 13, 2016.
  - e. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District.
  - f. The Applicant shall enter into a development agreement with the City for this development.
  - g. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
  - h. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common stormwater pond.
  - i. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
4. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary and final plats.
5. The Applicant shall submit the final plat and associated documents to the City within six (6) months of approval of the Preliminary Plat.

*Attachments:*

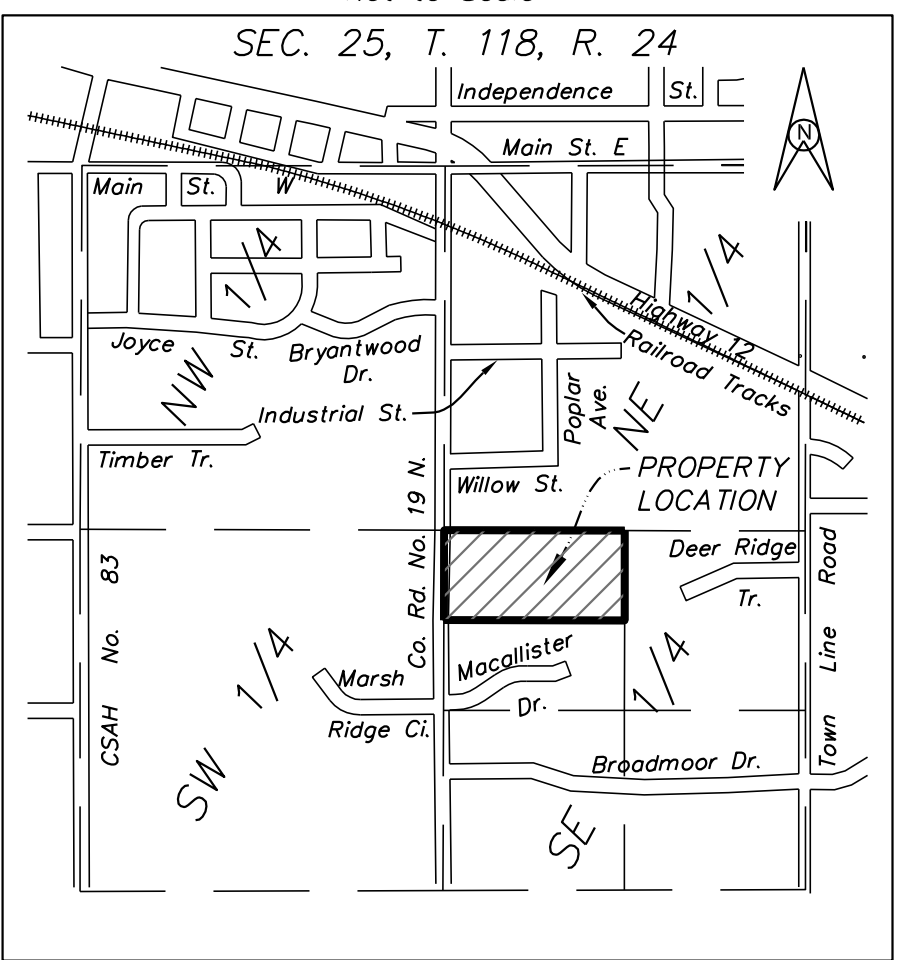
1. Property Pictures
2. Grading Plans
3. Street Construction Plans
4. Preliminary Plat
5. Final Plat
6. Memo From Hakanson Anderson – Stormwater
7. Memo From MSA Professionals - Engineering

View of 1160 County Road 19 N. (Looking North)





Vicinity Map  
Not to Scale



SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GRADING PLAN
3	STREET PLAN & PROFILE
4	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
5	STORMWATER POLLUTION PREVENTION NARRATIVE
6	DETAILS

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
C.S.O.	T.J.B.
CHECKED	
P.E.O.	

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

*Cara M. Schwahn Otto*  
Cara M. Schwahn Otto  
License # 40433  
Date: 9-16-16



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

SETTLERS PRAIRIE  
COLDWELL BANKER BURNET  
INDEPENDENCE, MN

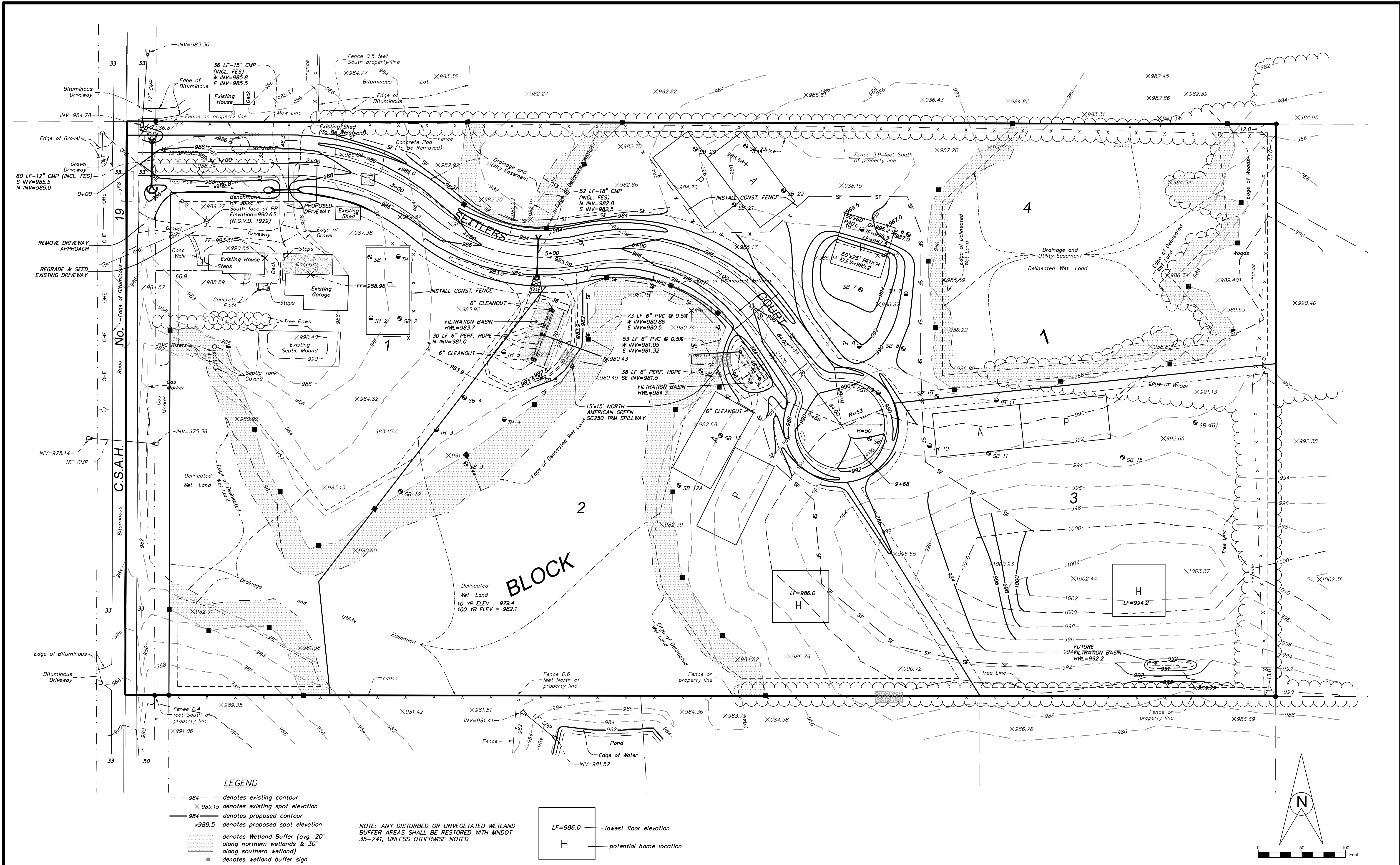
COVER SHEET

PROJECT NO:  
15-0501

SHEET NO. 1 OF 6 SHEETS

DATE: 9-16-16





REV. NO.	DATE	BY	DESCRIPTION
1	4/11/16	C.S.O.	LOT 3 & 4 GRADING
2	9-6-16	T.J.B.	ROAD ALIGNMENT

DESIGNED	DRAWN
C.S.O.	C.S.O.
CHECKED	
P.E.O.	

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

Cara M. Schwahn Otto  
License # 40433  
Date: 9-16-16

**OTTO ASSOCIATES**  
Engineers & Land Surveyors, Inc.

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Buffalo, MN 55313  
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Fax: (763)682-3522

**SETTLERS PRAIRIE**  
COLDWELL BANKER BURNET  
INDEPENDENCE, MN

PROJECT NO:	15-0501
DATE:	9-16-16
SHEET NO. 2 OF 6 SHEETS	







GENERAL PROJECT INFORMATION

PROJECT LOCATION AND NARRATIVE:

THIS PROJECT CONSISTS OF A 4 LOT RESIDENTIAL SUBDIVISION IN INDEPENDENCE, MN. THE CENTER OF THE SITE IS LOCATED NEAR LONGITUDE -93.6531, LATITUDE 44.9995. THE SITE IS ACCESSED FROM CR 19 SOUTH OF WILLOW ST. NEW HOMES WILL BE BUILT ON THREE OF THE LOTS AND THE REMAINING LOT WILL INCLUDE THE EXISTING HOMESTEAD. SOILS ARE PRIMARILY OF HYDROLOGIC GROUP B/C WITH POOR INFILTRATION DUE TO SEASONALLY SATURATED SOILS WITHIN 12"-24" OF THE SURFACE.

CONSTRUCTION ACTIVITIES INCLUDE GRADING, CULVERT INSTALLATION, FILTRATION BASIN INSTALLATION AND AGGREGATE AND BITUMINOUS PLACEMENT. WETLANDS COMPRISE APPROXIMATELY A QUARTER OF THE PROPERTY. MUCH OF THE SITE HAS BEEN FARMED. EXISTING DRAINAGE RATES ARE TO BE MAINTAINED. CONSTRUCTION IS ANTICIPATED TO BEGIN NOV 1ST OF 2016 AND END AUGUST 15TH OF 2017.

RESPONSIBLE PARTIES:

CONTRACTOR AND OWNER ARE REQUIRED TO APPLY FOR A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY AT LEAST 7 DAYS PRIOR TO BEGINNING WORK.

CONTRACTOR AND OWNER SHALL IDENTIFY A PERSON KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BMP'S WHO WILL OVERSEE THE IMPLEMENTATION OF THE SWPPP.

CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F.

BRIAN BENSON 612-227-8629  
OWNER PHONE

OTTO ASSOCIATES, INC. CARA SCHWAHN OTTO 763-682-4727  
PLAN PREPARER CONTACT PERSON PHONE  
TRAINING: 1/20/2016 (EXPIRES 2019) U OF MN CERTIFICATION - DESIGN OF CONSTRUCTION SWPPP  
4/2/2014 (EXPIRES 2017) U OF MN CERTIFICATION - CONSTRUCTION SITE MANAGEMENT

CONTRACTOR (RESPONSIBLE FOR INSTALLATION & INSPECTION) CONTACT PERSON PHONE

DEER RIDGE FARMS SECOND ADDITION HOA PARTY RESPONSIBLE FOR LONG TERM O&M OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM CONTACT PERSON PHONE

PROJECT AREAS:

TOTAL PROJECT SIZE (DISTURBED AREA) = 4.2 ACRES

EXISTING AREA OF IMPERVIOUS SURFACE = 0.9 ACRES  
POST-CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 1.9 ACRES  
TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 1.0 ACRES

RECEIVING WATERS:

SURFACE WATERS AND WETLANDS THAT WILL RECEIVE STORM WATER RUNOFF FROM THE SITE AND ARE WITHIN ONE (1) MILE OF THE SITE ARE INDICATED WITH DIRECTION ARROW ON THE SWPPP PLAN SHEET AND ARE LISTED BELOW:

NAME OF WATER BODY	TYPE OF IMPAIRMENT
PAINTERS CREEK	NONE
LARGE WETLAND COMPLEX	NONE

CONSTRUCTION ACTIVITY NOTES

ALL CONSTRUCTION ACTIVITIES MUST MEET THE REQUIREMENTS OF THE MPCA'S NPDES GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY.

EROSION PREVENTION:

CONTRACTOR SHALL USE PHASED CONSTRUCTION WHEREVER PRACTICAL TO MINIMIZE DISTURBED AREA.

ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN SEVEN (7) DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY TURF RESTORATION SHALL BE MNDOT SEED MIX 21-111 @ 100 LBS/AC WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED).

PERMANENT TURF RESTORATION SHALL BE MNDOT SEED MIX 25-141 @ 59 LB/ACRE OR 25-121 @ 61 LBS/ACRE (SEE BID FORM) WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED) AND 22-5-10 TYPE 3 FERTILIZER (350 LBS/ACRE).

THE FOLLOWING SHALL BE INSTALLED WITHIN 24 HOURS OF CONNECTION TO SURFACE WATER:

- 1) ENERGY DISSIPATION (RIPRAP) AT ALL OUTLET APRONS
- 2) STABILIZATION OF TEMPORARY OR PERMANENT DRAINAGE SWALES WITHIN 200' OF EDGE OF SITE OR CONNECTION TO SURFACE WATER

RAPID STABILIZATION TO BE IMPLEMENTED AS NEEDED AND DIRECTED BY THE ENGINEER.

SEDIMENT CONTROL PRACTICES:

THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL SEDIMENT-LADEN SURFACE WATER FROM LEAVING THE CONSTRUCTION ZONE. ALL MOBILIZED SEDIMENT THAT HAS LEFT THE CONSTRUCTION ZONE SHALL BE COLLECTED BY THE CONTRACTOR AND PROPERLY DISPOSED OF AT NO ADDITIONAL COST TO THE OWNER.

ENTERING/EXITING THE SITE SHALL OCCUR ONLY AT ROCK CONSTRUCTION ENTRANCES TO LIMIT TRACKING OF SEDIMENT ONTO STREETS.

SEDIMENT TRACKED ONTO STREETS DURING WORKING HOURS MUST BE RECLAIMED VIA SCRAPING AND SWEEPING AT END OF EACH WORKING DAY.

TEMPORARY SOIL STOCKPILES SHALL HAVE SILT FENCE INSTALLED AROUND THE PERIMETER WITHIN 14 DAYS FROM THE LAST CONSTRUCTION ACTIVITIES THAT FORMED THEM.

CONSTRUCTION SEQUENCING:

- 1) PRECONSTRUCTION MEETING.
- 2) INSTALL PERIMETER SILT FENCE & ROCK ENTRANCE.
- 3) DEMOLITION & CLEARING & GRUBBING.
- 4) ROUGH GRADE SITE.
- 5) INSTALL STORM SEWER.
- 6) STABILIZE SITE AS INDICATED ON THE PLANS.
- 7) COMPLETE STREET CONSTRUCTION.
- 8) PRIVATE UTILITY INSTALLATION.
- 9) AFTER UPGRADIENT AREAS ARE VEGETATED, CONSTRUCT FILTRATION TRENCHES.
- 10) RESTORE FILTRATION BASINS.
- 11) PREP & SEED DISTURBED WETLAND BUFFER AND PERVIOUS ENHANCEMENT AREAS.
- 12) HOME CONSTRUCTION.
- 13) RESTORE SITE WITH PERMANENT RESTORATION AS HOMES ARE BUILT.
- 14) REMOVE SEDIMENT CONTROL DEVICES & SUBMIT NOTICE OF TERMINATION (NOT) TO MPCA ONCE ALL DISTURBED AREAS HAVE 70% VEGETATIVE DENSITY.

EROSION & SEDIMENT CONTROL BMP ESTIMATED QUANTITIES:

QUANTITIES LISTED ARE APPROXIMATE. REFER TO CONTRACT DOCUMENTS FOR EXACT QUANTITIES.

BMP	QUANTITY
SILT FENCE	2040 LF
ROCK CONSTRUCTION ENTRANCE	1 EA
BIOROLL INLET PROTECTION	2 EA
MNDOT SEED MIX 25-141, TYPE 1 MULCH, 22-5-10 TYPE 3 FERTILIZER	3.5 AC
MNDOT SEED MIX 33-261 W/CAT 3 BLANKET	9,950 SF
MNDOT SEED MIX 35-241 & TYPE 1 MULCH	23,000 SF
MNDOT 3885 CAT 3 EROSION CONTROL BLANKET	1138 SY
CLASS III RIP RAP	11.7 CY

DEWATERING:

ANY DEWATERING SHALL BE DISCHARGED TO A TEMPORARY SEDIMENTATION BASINS WHEN REQUIRED. IF THE WATER CANNOT BE DISCHARGED TO A BASIN PRIOR TO ENTERING THE SURFACE WATER, AN APPROVED ALTERNATE BMP SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE RECEIVING WATER.

USE APPROPRIATE ENERGY DISSIPATION MEASURES ON ALL DISCHARGES. DEWATERING PRACTICES CANNOT CAUSE NUISANCE CONDITIONS, EROSION, OR FLOODING IN RECEIVING CHANNELS OR INUNDATION OF WETLANDS RESULTING IN ADVERSE IMPACTS. TEMPORARY SEDIMENTATION BASIN MUST BE VISUALLY CHECKED TO ENSURE ADEQUATE TREATMENT IS OBTAINED IN THE BASIN.

CONSTRUCTION NOTES

INSPECTIONS AND MAINTENANCE:

THE CONTRACTOR MUST ROUTINELY INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCHES IN A 24-HR PERIOD. INSPECTION LOGS SHALL INCLUDE ANY CORRECTIVE MEASURES TAKEN.

ALL INSPECTIONS MUST BE RECORDED AND RECORDS RETAINED WITH THE SWPPP ON SITE. THE SWPPP, ALONG WITH INSPECTIONS AND MAINTENANCE RECORDS, SHALL BE RETAINED FOR THREE YEARS AFTER SUBMITTAL OF THE NOTICE OF TERMINATION (NOT).

SILT FENCE, BIOROLLS, DITCH CHECKS AND INLET PROTECTION DEVICES MUST BE MAINTAINED WHEN ACCUMULATED SEDIMENT REACHES 1/3 OF THE DEVICE HEIGHT. INLET PROTECTION DEVICES SHALL BE CLEANED ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAINSTORM EVENT. REMOVAL AND DISPOSAL OF THE SEDIMENT SHALL BE INCIDENTAL TO THE CONTRACT.

ROCK CONSTRUCTION ENTRANCE SHALL BE CLEANED AND REFRESHED AS NECESSARY TO CONFORM TO DETAIL.

TEMPORARY SEDIMENT BASINS SHALL BE DRAINED AND CLEANED OF SEDIMENT WHEN THE DEPTH OF SEDIMENT IN THE BASIN IS EQUAL TO 1/2 OF THE ORIGINAL STORAGE VOLUME. DRAINAGE AND REMOVAL SHALL BE COMPLETED WITHIN 72 HOURS OF DISCOVERY.

OFF-SITE VEHICLE TRACKING SHALL BE REMOVED WITHIN 24 HOURS OF DISCOVERY.

ALL NON-FUNCTIONAL BMP'S MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMP'S WITHIN 24 HOURS OF DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.

POLLUTION PREVENTION:

ALL SOLID WASTE GENERATED BY/COLLECTED FROM THE CONSTRUCTION SITE MUST BE DEPOSITED IN A DUMPSTER.

NO CONSTRUCTION MATERIAL SHALL BE BURIED OR BURNED ONSITE.

ALL HAZARDOUS MATERIALS (OIL, GASOLINE, FUEL, PAINT, ETC) MUST BE PROPERLY STORED/CONTAINED TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS. ALL VEHICLES LEFT ONSITE SHALL BE MONITORED FOR LEAKS TO REDUCE THE CHANCE OF CONTAMINATION.

EXTERNAL WASHING OF TRUCKS OR OTHER CONSTRUCTION VEHICLES, ENGINE DEGREASING, NOR CONCRETE WASHOUTS ARE ALLOWED ON SITE.

THE CONTRACTOR SHALL MONITOR AND PROVIDE DUST CONTROL CORRECTION WHEN NEEDED. THIS WORK IS CONSIDERED INCIDENTAL TO THE CONTRACT.

ALL SPILLS SHALL BE CLEANED IMMEDIATELY UPON DISCOVERY. SPILLS LARGE ENOUGH TO REACH THE STORM CONVEYANCE SYSTEM SHALL BE REPORTED TO THE MPCA STATE DUTY OFFICER AT 1-800-422-0798.

FINAL STABILIZATION:

THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE. THE PERMITEE MUST SUBMIT A NOTICE OF TERMINATION WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE OR SITE CONTROL HAS BEEN PASSED TO ANOTHER OWNER.

SUFFICIENT TOPSOIL (6") SHALL BE PLACED ON DISTURBED AREAS FOR RE-VEGETATION.

ALL TEMPORARY EROSION CONTROL MEASURES AND BMP'S MUST BE REMOVED AS PART OF THE FINAL SITE STABILIZATION.

TRAINING REQUIREMENTS:

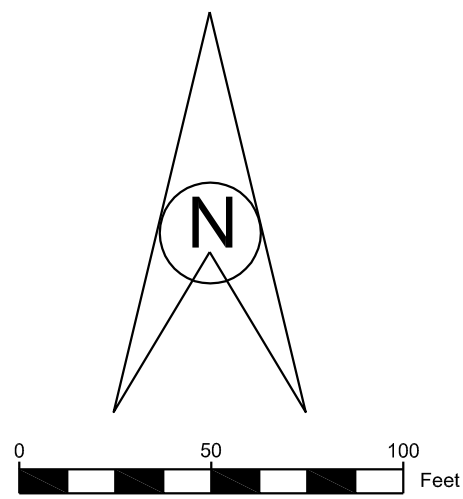
CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F. DOCUMENTATION SHALL BE ADDED TO THE SWPPP DOCUMENTS LOCATED ONSITE.

REV. NO.	DATE	BY	DESCRIPTION	DESIGNED C.S.O.	DRAWN C.S.O.	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  _____ Cara M. Schwahn Otto License # 40433 Date: 9-16-16	 OTTO ASSOCIATES Engineers & Land Surveyors, Inc.	www.ottoassociates.com  9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522	SETTLERS PRAIRIE COLDWELL BANKER BURNET INDEPENDENCE, MN		STORMWATER POLLUTION PREVENTION NARRATIVE		PROJECT NO: 15-0501
				CHECKED							SHEET NO. 5 OF 6 SHEETS		DATE: 9-16-16
				P.E.O.									



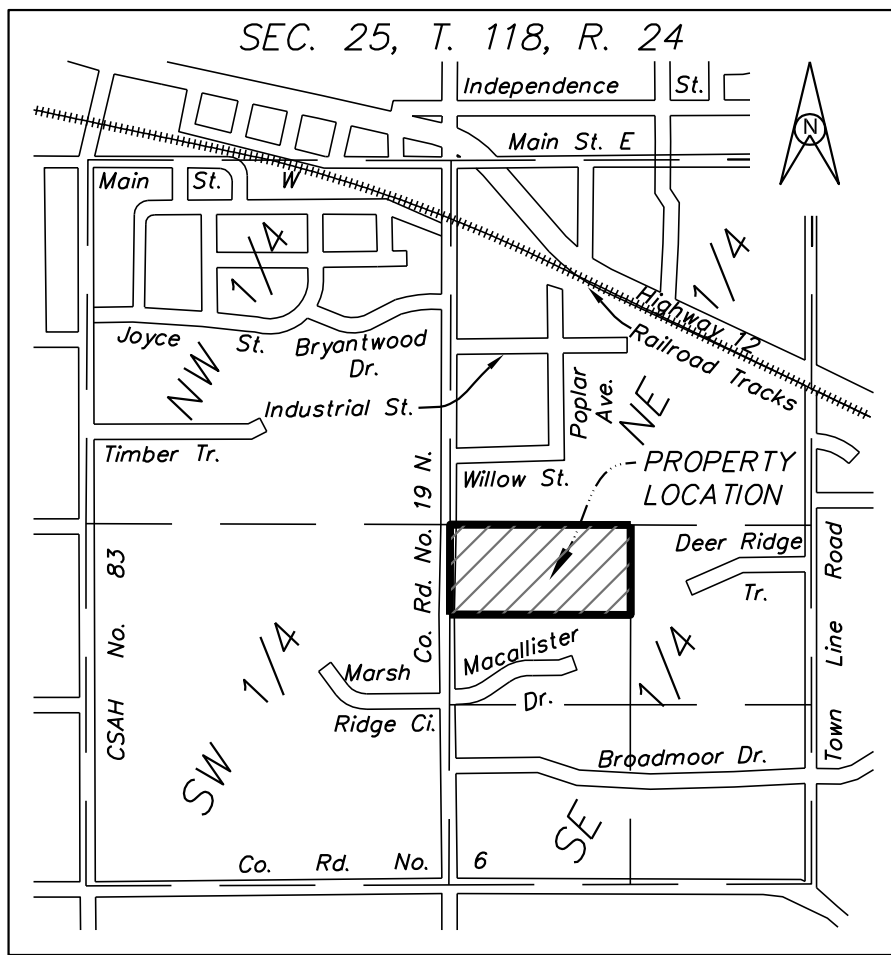


Preliminary Plat of SETTLERS PRAIRIE



SCALE: 1" = 50'  
TOTAL AREA = 19.83 ACRES  
EXISTING ZONING: AG  
PROPOSED ZONING: RR

Vicinity Map  
Not to Scale



LEGEND

- 984 — denotes Existing Contour
- X 984.00 denotes Existing Spot Elevation
- OHE — denotes Overhead Power Line
- denotes Power Pole
- denotes Soil Boring
- denotes Test Hole
- FF denotes Finished Floor Elevation
- denotes Building Setback line  
Front = 85' from centerline of road  
Side = 30'  
Rear = 40'  
Wetland Buffer = 10'
- denotes Wetland Buffer (avg. 20' along northern wetlands & 30' along southern wetland)  
Buffer area required = 79,018 sf  
Buffer area proposed = 79,090 sf
- denotes Proposed Wetland Buffer Sign, Typ.
- P denotes Proposed Primary Septic Area
- A denotes Proposed Alternate Septic Area
- H denotes Proposed House Pad Location

PROPERTY DESCRIPTION:

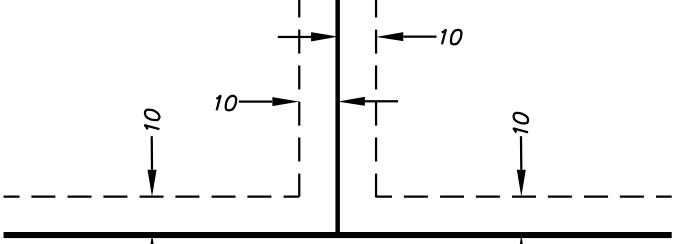
The North Half of the Northwest Quarter of the Southeast Quarter of Section 25, Township 118, Range 24, Hennepin County, Minnesota.

Note: Wet Lands Delineated by Jacobson Environmental, PLLC

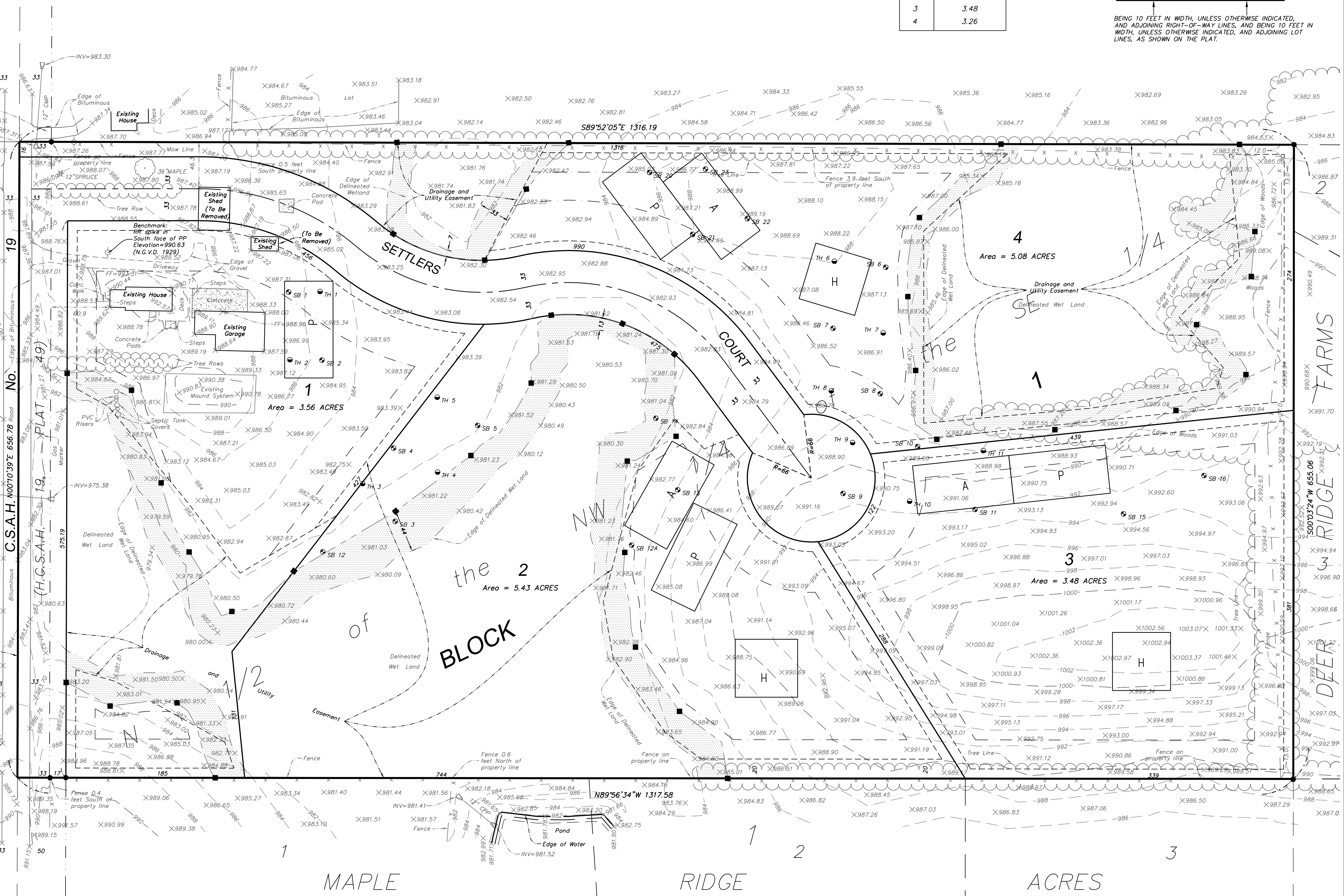
BUILDABLE AREAS TABLE

LOT	BUILDABLE AREA (ACRES)
1	2.51
2	2.91
3	3.48
4	3.26

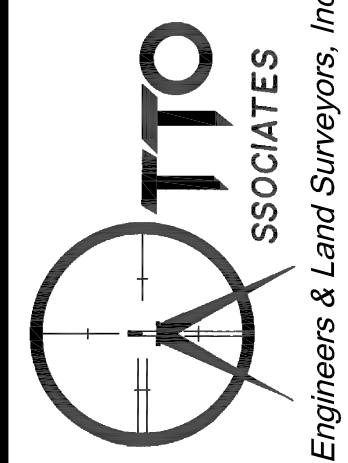
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.



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



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

Requested By: **Coldwell Banker Burnet**  
Checked By: **P.E.O.**  
Date: **9-16-16**  
Drawn By: **T.J.B.**  
Scale: **1"=50'**

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

Paul E. Otto  
License #40062 Date: 9-16-16

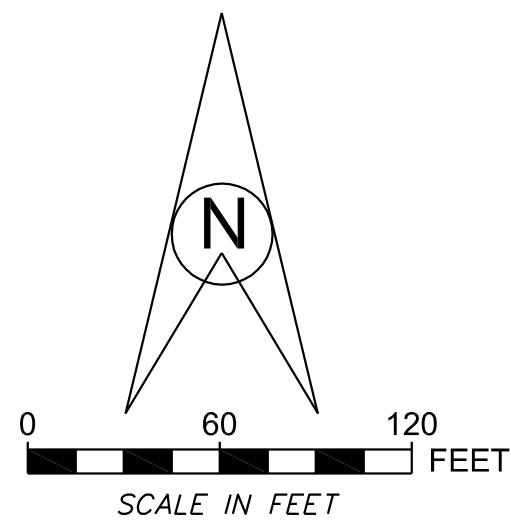
Preliminary Plat on part of the NW 1/4 of the NW 1/4 of the SE 1/4 of Section 25, Township 118, Range 24, Hennepin County, Minnesota.

Revised:

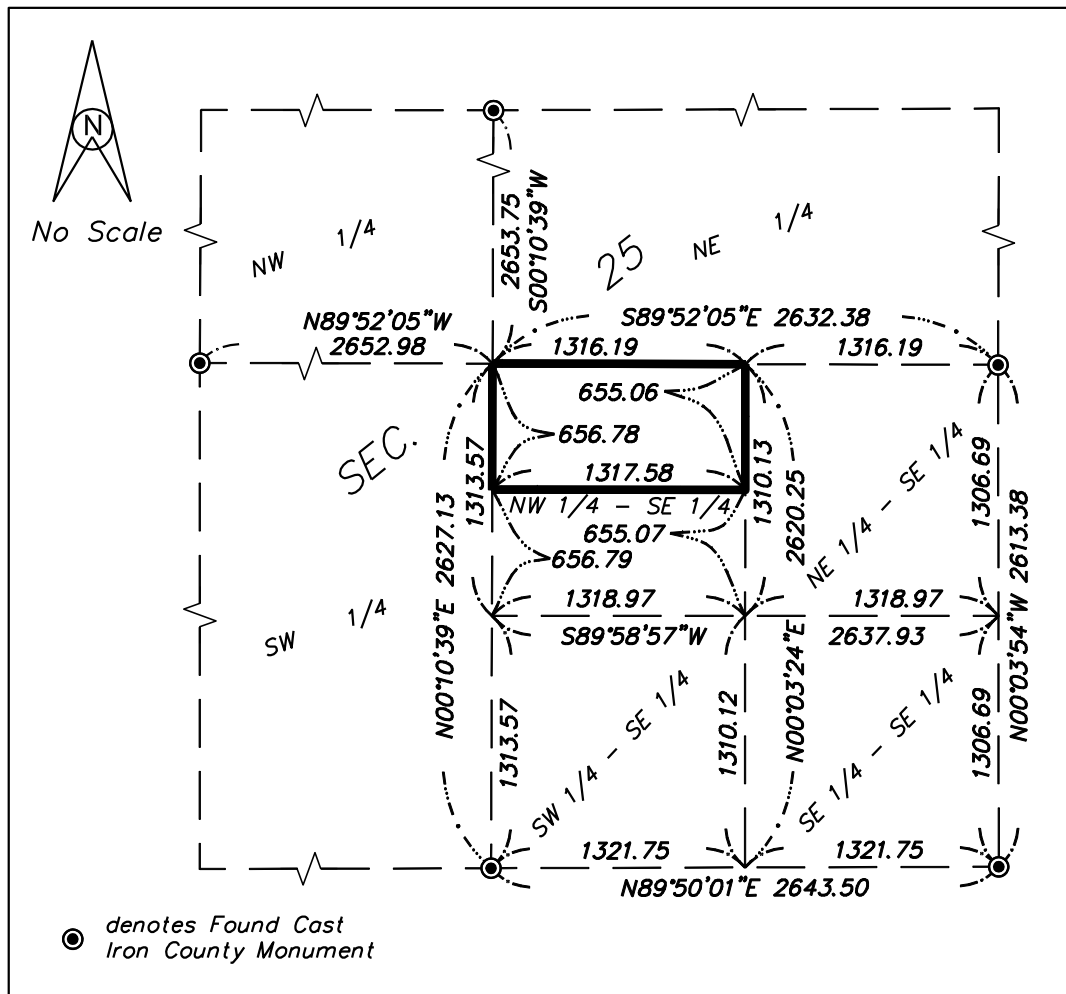


# SETTLERS PRAIRIE

C.R. DOC. NO.

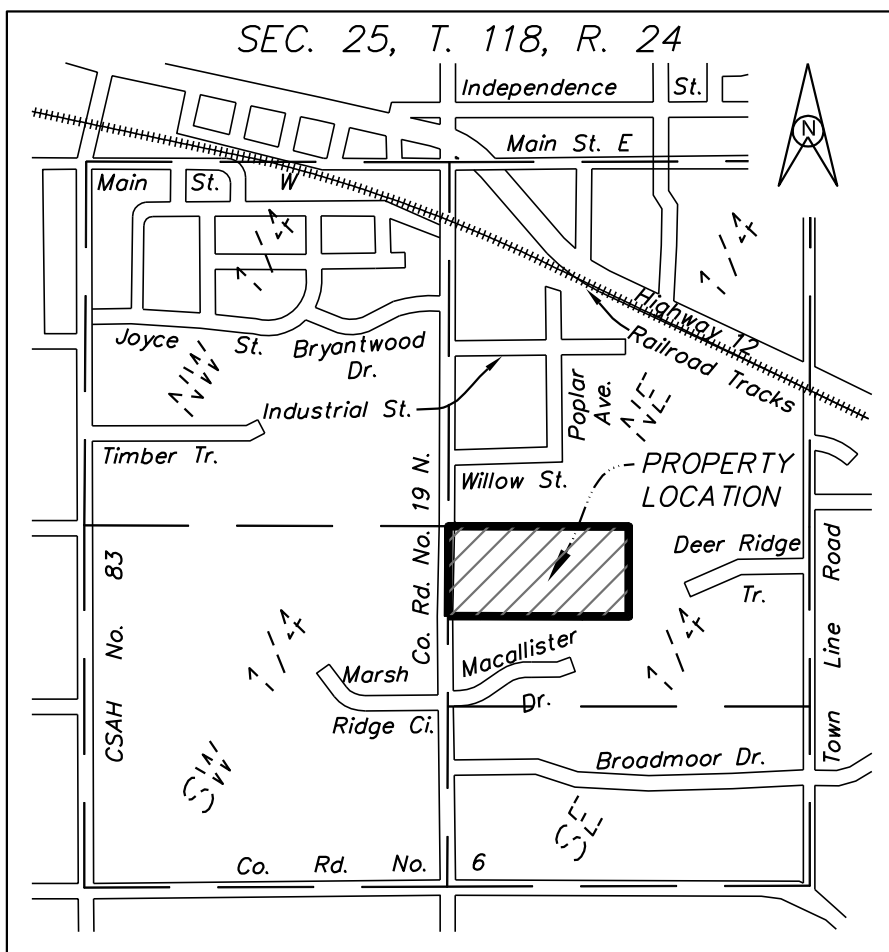


PUBLIC LAND SURVEY BREAKDOWN  
SECTION 25, TOWNSHIP 118, RANGE 24



## Vicinity Map

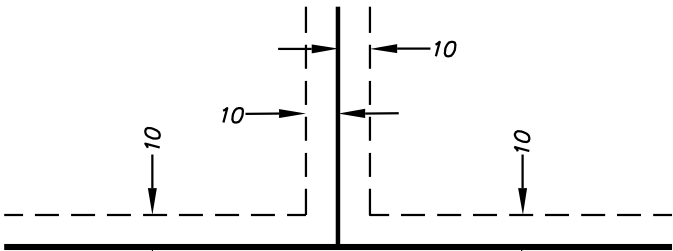
Not to Scale



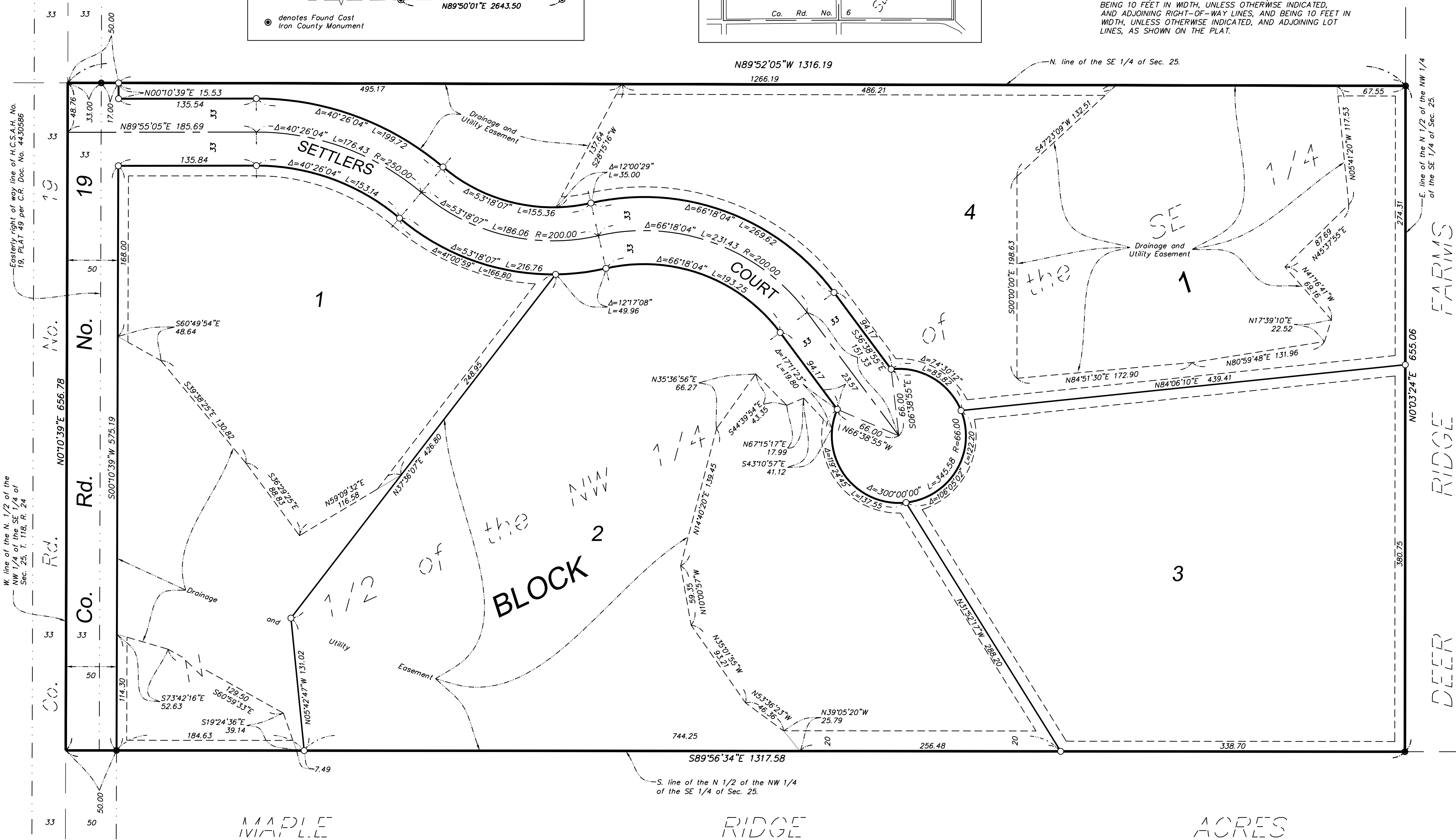
Bearing Note:  
The West line of the N 1/2 of the NW 1/4 of the SE 1/4 of Section 25, Township 118, Range 24, Hennepin County, Minnesota, is assumed to bear N00°10'39"E.

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License number 40062.
- ⊙ denotes found Hennepin County Cast Iron Monument unless otherwise noted.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.



KNOW ALL PERSONS BY THESE PRESENTS: That B. Benson Group, Inc., a Minnesota corporation, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

The North Half of the Northwest Quarter of the Southeast Quarter of Section 25, Township 118, Range 24, Hennepin County, Minnesota.

Has caused the same to be surveyed and plotted as SETTLERS PRAIRIE and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said B. Benson Group, Inc. has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

B. BENSON GROUP, INC.

Brian Benson, President

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Brian Benson, President of B. Benson Group, Inc., a Minnesota corporation, on behalf of the corporation.

(Notary Signature)

(Notary Printed Name)

Notary Public, \_\_\_\_\_ County, Minnesota

My commission expires \_\_\_\_\_

I, Paul E. Otto, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Paul E. Otto, Licensed Land Surveyor  
Minnesota License Number 40062

STATE OF MINNESOTA  
COUNTY OF WRIGHT  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Paul E. Otto.

(Notary Signature)

(Notary Printed Name)

Notary Public, \_\_\_\_\_ County, Minnesota

My commission expires \_\_\_\_\_

CITY COUNCIL, CITY OF INDEPENDENCE, MINNESOTA

This plat of SETTLERS PRAIRIE was approved and accepted by the City Council of Independence, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minn. Statutes, Section 505.03, Subd. 2.

City Council of Independence, Minnesota

By \_\_\_\_\_ Mayor By \_\_\_\_\_ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota  
I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor by \_\_\_\_\_ Deputy

SURVEY DIVISION, Hennepin County, Minnesota  
Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Movis, County Surveyor by \_\_\_\_\_

COUNTY RECORDER, Hennepin County, Minnesota  
I hereby certify that the within plat of SETTLERS PRAIRIE was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Martin McCormick, County Recorder by \_\_\_\_\_ Deputy





Settlers Prairie -  
memo 10-11-16.doc

## MEMORANDUM

**TO:** Mark Kaltsas, City of Independence

**FROM:** Shane Nelson, Hakanson Anderson  
Adam Thiele, Hakanson Anderson

**DATE:** October 10, 2016

**RE:** Settlers Prairie (Formerly Deer Ridge Farms Second Addition)  
Final Plat

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We have received and reviewed the Final Plat, the Engineering Plans, and Storm Water Management Plan all dated 9-16-16 and prepared by Otto Associates, Engineers & Land Surveyors, Inc. for the above referenced subdivision. We would offer the following comments:

1. This project is located within the boundary of the Minnehaha Creek Watershed District (MCWD). The applicant shall submit plans to them for review and approval.
2. The applicant shall provide project soil borings for review.
3. It appears that grading will occur within 50' of existing surface waters. In these cases, redundant erosion/sediment control BMPs must be installed and maintained. (i.e. redundant silt fence)
4. Per the Public Works Design Manual, minimum storm sewer pipe size shall be 15".
5. Pretreatment is required for filtration basin BMPs.
6. Per the MPCA, 60% of dissolved phosphorus is removed from runoff treated by iron-enhanced filtration practices. The total phosphorus removal efficiency listed in the provided stormwater calculations of 90% does not seem feasible, given the typical breakdown of 55% particulate phosphorus to 45% dissolved phosphorus.
7. Please provide calculations used to determine depth of iron-enhanced filter media depth (6").
8. The use of North American Green SC250 as earthen weir stabilization is being reviewed.
9. The 100-year high water elevation has not been shown for the wetland located in the NE corner of project. This elevation shall be shown on the plans. Both the existing and proposed elevations shall be shown.
10. An NPDES Construction Permit will also be required from the MPCA.



We would recommend approval pending applicant's response to review comments.



More ideas. Better solutions.®

## MEMO

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**To:** Mark Kaltsas, City Planner  
**From:** Steve Winter, City Engineer  
**Subject:** Settlers Prairie Plan Review  
**Date:** October 13, 2016

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We received and reviewed the Final Plat and plan set of 6 sheets for Settlers Prairie dated 9-16-16 and prepared by Otto Associates, Engineers & Land Surveyors, Inc. We have the following comments:

1. A radius of 25 feet shall be paved at the entrance on Settlers Court. The radius point need to be shown on the plan and properly marked in the field when needed.
2. The radius and radius points of the cul de sac also need to be shown on the plans and profile sheet. The cross slope of 3% on the cul de sac must be also shown on the plan and profile sheet.
3. Spiral CMP culverts are not acceptable within the Right of Way, outlets or any drainage and utility easements. The minimum culvert diameter allowed is 15 inches.
4. The vertical alignments must be shown on the plan. The grades shall meet the requirements set in the City of Independence Public Works Design Manual.
5. What maintenance is required for the filtration basins? Show or define access routes for maintenance purposes to all manholes and cleanouts outside the public right-of-way and inlets or outlets at ponding areas (8% maximum grade, 2% cross slope, and 10' wide). The access routes shall be located in the drainage and utility easements.
6. The detail sheet should show the proposed wetland buffer sign.

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**Offices in Illinois, Iowa, Minnesota, and Wisconsin**

60 Plato Blvd. East, Suite 140, St. Paul, MN 55107-1835  
(612) 548-3132 (866) 452-9454  
FAX: (763) 786-4574 WEB ADDRESS: [www.msa-ps.com](http://www.msa-ps.com)