



PLANNING COMMISSION MEETING AGENDA  
REGULAR MEETING  
TUESDAY AUGUST 21, 2018

**7:30 PM Regular Meeting**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. July 17, 2018 Planning Commission Meeting
  - b. July 10, 2018 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Gary and Lynda Ostberg (Applicants) request that the City consider the following action for the property identified by (PID No. 33-118-24-14-0003) and located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN:
  - a. A conditional use permit amendment to allow the construction of an automated horse walker building on the subject property.
5. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:
  - a. Chapter 5, Section 530.01, Subd. 3 Accessory Uses – Considering an amendment to the maximum height of an accessory structure. The City will discuss increasing the permitted height of detached accessory structures.
6. Open/Misc.
7. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, JULY 17, 2018 – 7:30 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 Commissioner Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Dumas, Gardner and Palmquist  
STAFF: City Administrator Kaltsas  
ABSENT: Administrative Assistant Horner, Chair Phillips and Commissioner Thompson  
VISITORS: Nate Pribyl and Courtney Pribyl

3. APPROVAL OF MINUTES:

- a. May 15, 2018 Planning Commission Meeting (Revised Per Comments)
- b. June 19, 2018 Planning Commission Meeting
- c. June 19, 2018 City Council Meeting Minutes (For Information Only)

**Motion by Palmquist to approve the May 15 and June 19 minutes, second by Gardner. Ayes: Dumas, Gardner and Palmquist. Nays: None. Absent: Phillips and Thompson. Abstain. None. Motion Approved.**

4. PUBLIC HEARING: Nate Pribyl and Courtney Pribyl (Applicant/Owner) requests that the City consider the following action for the property located at 5405 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0011) in Independence, MN:

- a. A variance for reduced setbacks to allow the reconstruction and enlargement of the existing legal, non-conforming shed located on the subject property.

Kaltsas said the applicant experienced damage to their home and accessory building during a storm last year and determined that the existing detached accessory structure on the property needed significant repair. The applicant razed the existing structure and reconstructed the existing shed without a permit from the City stating that they were unaware that it was required to replace the existing accessory structure. The City notified the applicant this year that the new accessory structure needed to be permitted and did not meet applicable setbacks.

The previous detached accessory structure was considered a legal non-conforming structure as it did not meet applicable setbacks from the lakeshore and side yard setback line. The applicant could have reconstructed the previous structure in total as long as it was not expanded in any direction. The applicant slightly expanded the size of the previous structure and also moved the structure further away from the side property line and lake shore. The previous structure was 12' x 14' (168 SF) and the new structure is 13' x 17' (221 SF). The previous structure was located less than 1 foot (actual dimension not known) from the side property line and approximately 50 feet from the Ordinary High Water Level (OHWL) of Lake Sarah. The new shed is located 23 inches (at its closest point) from the property line and 51 feet from the OWHL

of Lake Sarah. The City can consider granting an after the fact variance for the new shed if it finds that it meets all applicable criteria of the zoning ordinance. There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

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

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

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

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

*(c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

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

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

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that is generally consistent with similar variances granted for properties in this area.
- b. Many of the properties in this area have setbacks from the side yard or lakeshore property lines that do not meet the required setbacks.
- c. The character of the surrounding area is residential. The proposed detached accessory structure associated with a single-family home is in keeping with the City's comprehensive plan.

There are several additional items that could be considered by the City: Many of the surrounding properties have been granted relief from the requisite setback requirements due to the small size of the properties, unique lot layouts resulting from the historic nature of the structures on the properties and the change in nature of the homes from seasonal to permanent.

2. The maximum amount of impervious surface coverage permitted in this property is 25% of the total area or 6,496.75 square feet. The new shed is slightly larger than the previous shed but still fits within the total allowed impervious surface coverage. Impervious surface coverage for this property is calculated as follows:

House: 4,535 SF  
Driveway: 1,383 SF  
Deck: 252 SF  
Shed: 221 SF  
Proposed: 6,391 SF  
Permitted 6,496.75 SF

3. The adjacent property to the southeast has an existing shed that is located closer to the property line and OHWL than the subject structure. In this area of the City, there are many structures that are located closer to the property lines than required.

4. The new shed, while larger, is located further from the side yard property line and further from the OHWL than the previous structure. The applicant could have reconstructed the existing shed in the previous location in accordance with the legal non-conforming structure provisions.

5. The City would allow a water oriented accessory structure to be located no closer than 9 feet from the side yard property line and 10 feet from the OHWL. This structure could possibly qualify as a water oriented accessory structure; however, the maximum height of a water oriented accessory structure is 10 feet. This structure is approximately 12 feet in height and would be too tall. The properties on both sides of this property have an existing water oriented accessory structure.

6. The neighboring property owners that are on both sides of the subject property have submitted letters to the City stating that they do not have any issues with the new shed.

7. The shed is fairly well screened by existing trees and vegetation that further mitigate potential impacts of the shed. Ultimately the City will need to find that the aforementioned criteria for granting a variance have been met by the applicant. Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been met by the applicant and specially that:
  - a. The requested variance is consistent with the historic use of the property and fits into the character of the surrounding property.
  - b. The neighboring properties have similarly located accessory structures that mitigate the impacts of the proposed shed.
  - c. The previous shed could have been reconstructed in the current location.

3. The requested variances will allow the proposed detached accessory structure in accordance with

the approved plans only (plans will become an exhibit of the resolution). The variances granted shall be as follows:

- a. Ordinary High Water Level: 51 feet
  - b. Side Yard: 1 foot, 11 inches
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
  5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the detached accessory structure or impervious surface area will be permitted without additional review and approval from the City.
  6. The City Council Resolution shall be recorded with the County.

Kaltsas noted state statute trumps City Code and the new language allows a structure to be "replaced". The City interprets that as you may replace but not enlarge the structure factoring height as well into the equation.

#### Public Hearing Open

#### **Motion by Gardner to close the Public Hearing.**

#### Public Hearing Closed

Dumas asked if there was intent to put a water-oriented accessory structure on the property at any point. Pribyl said he did not intend to add a structure like that on his property. He noted both neighbors do have boathouses. Kaltsas said they could do something like that but would have to take something else down to comply with the 25%.

**Motion by Palmquist to approve a variance for reduced setbacks to allow the reconstruction and enlargement of the existing legal, non-conforming shed located on the subject property located at 5405 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0011) in Independence, MN; second by Gardner. Ayes: Dumas, Gardner and Palmquist. Nays: None. Absent: Phillips and Thompson. Abstain: None. Motion Approved.**

#### 9. Open/ Misc.

#### 10. Adjourn

**Motion by Palmquist, second by Dumas to adjourn at 7:50 p.m. Ayes: Gardner, Palmquist and Dumas. Nays: None. Absent: Phillips and Thompson. Abstain: None. Motion approved.**

Respectfully Submitted,

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Trish Gronstal/ Recording Secretary

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 10, 2018 –6:30 P.M.

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and McCoy

ABSENT: Steve Grotting

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

VISITORS: Kaci Fisher, Mike Kuka, Bonnie Kuka, Lynne Fisher, Anita Volkenant, Jay Fischer, Lynda Franklin, Don Hamilton, Marilyn Hamilton, Bobbi McCoy

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

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

- a. Approval of City Council minutes from the June 19, 2018 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18078-18128. Check Number 18105 was voided.
- c. Approve the Release of the Security Associated with the Public Improvements in the Serenity Hills Subdivision.
- d. Approval of the Large Assembly Permit and Associated Minnesota Lawful Gambling Exempt Permit for Twin Cities Polo Club Annual Polo Classic Event to be Held August 3-5, 2018.
- e. Approval of the Large Assembly Permit for the Running of the Bays Race Event to be Held September 8, 2018.
- f. Approval of Election Judges for the November 2018 Elections.

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

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Planning Commission Meeting

- City Council Workshop
- Wright County Commissioner Meeting
- Judge at the Lake Sarah Boat Parade

**Grotting attended the following meetings:**

**McCoy attended the following meetings:**

- Planning Commission Meeting
- City Council Workshop
- Police versus Fire Department Softball Game
- Delano Fourth of July Parade

**Betts attended the following meetings:**

- League of Minnesota Cities Convention
- City Council Workshop
- Police versus Fire Department Softball Game
- Fire Commission Meeting

**Johnson attended the following meetings:**

- Planning Commission Meeting
- League of Minnesota Cities Conference
- City Council Workshop
- National League of Cities Planning Meetings with Staff
- Fire Commission Meeting

**Horner attended the following meetings:**

- Planning Commission Meeting
- City Council Workshop

**Kaltsas attended the following meetings:**

7. Director Gary Kroells, West Hennepin Public Safety - Activity Report for the Months of April and May 2018.

\*for a complete report see the City Council packet\*

Kroells stated WHPS handled a year to date total of 2,346 incident complaints. 1,352 in Independence and 851 in Maple Plain. Kroells also talked about the backups occurring on Highway 12 due to the detour of Highway 55 through Highway 12. He is going to work with MnDOT on another possible workaround as the congestion is quite bad through the commute hours.

8. Annual Opportunity for Public to Comment on MS4 Permit.

Kaci Fisher with Hakanson Anderson stated that this is an opportunity to comment on the MS4 Stormwater Permit and no official public hearing is required.

**What is an MS4?**

- A municipal separate storm sewer system is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:
  - owned or operated by a public entity (which can include cities, townships, counties, military bases, hospitals, prison complexes, highway departments, universities, etc.) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage districts, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
  - designed or used for collecting or conveying stormwater;
  - which is not a combined sewer; and
  - which is not part of a publicly owned treatment works.

Fisher said the MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. Stormwater discharges associated with MS4s are subject to regulation under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS). Through the MS4 General Permit, the system owner or operator is required to develop a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs) applicable to their MS4.

**Motion by Spencer, second by Betts to thank Kaci Fisher for her work and to close the public comments. Ayes: Johnson, Betts McCoy and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

9. Consideration of Approval of the Cooperative Water Resources Agreement Relating to the Baker Park Ravin Project.
  - a. Cooperative Water Resources Agreement – Baker Park

Vose said the City was presented with the details of a multi-agency ravine stabilization project earlier this year that would help to improve water quality in Lake Independence. Independence, Medina, the Park District, and the Commission recognize that intergovernmental cooperation in achieving the phosphorus watershed load reductions called for in the Lake Independence TMDL to improve water quality in Lake Independence is in the mutual interest of the Parties, the citizens of Hennepin County, and the metropolitan area. The City would enter into the Agreement to facilitate the improvement of Lake Independence water quality through the implementation of the Baker Campground Ravine Stabilization project. The City of independence would be responsible for up to \$10,500 of the total project cost which represents approximately 23% of the total. The total cost of the project is equally split between the four aforementioned entities, with the remaining balance coming from grant funds. The City's share of the funding would come from the Pioneer Sarah Creek budget annually levied by the City.

Council is being asked to consider approving the Cooperative Agreement and authorize the Mayor and Administrator to execute the agreement on behalf of the City. \*for the full agreement refer to the City Council packet\*



**Motion by Spencer, second by McCoy to approve the Cooperative Water Resources Agreement Relating to the Baker Park Ravin Project. Ayes: Johnson, Betts McCoy and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

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

- a. **RESOLUTION 18-0710-01** – Considering approval of a conditional use permit amendment to allow additional horses to be boarded in association with the existing commercial riding stable on the subject property.

Vose stated the City approved a conditional use permit (CUP) for the subject properties in 2016 to allow a commercial riding stable. The conditional use permit granted allowed a total of 25 horses to be boarded on the property. The applicant is seeking a conditional use permit amendment to allow an additional 35 horses to be boarded on the properties (total of 60 horses). A commercial riding stable is further defined in the City's ordinance as follows: *Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use.* The commercial riding stable currently permitted allows the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility.

The applicant is requesting permission to board up to 60 horses on the subject properties. The two properties are comprised of a total of approximately 97 acres. The City allows one (1) animal unit for the first 2 acres and one (1) additional animal unit for each additional acre. Based on gross acreage, the property would allow a total of 96 animal units (1 horse equals one animal unit) on the properties. The City has recently reviewed commercial boarding stables with an additional filter which looks at the total upland acreage (versus gross acreage) of a property when determining animal unit count. Of the approximately 97 acres, staff has calculated that approximately 19 acres is wetland/drainage way and an additional 2 acres is covered with existing buildings and or parking areas. Based on this calculation, there are approximately 76 upland acres which would allow a total of 75 animal units.

There are many recommended acreage standards for the management of horses on a given property. The City has historically required that a commercial stable maintain 1/3 acre of useable pasture area per animal unit. To accommodate the 60 total horses, the applicant would need to maintain 20 acres of pasture area and 61 gross acres. The applicant has provided the City with a plan that indicates the location of the proposed boarding pastures. The applicant is not proposing to pasture all of the horses boarded on this property in the pasture areas. The 25 horses that were permitted with the initial CUP will continue to be stabled in the existing barn and allowed to pasture within the existing pastures located to the north of the existing indoor riding arena.

Ultimately, proper pasture and manure management is critical for maintaining and sustaining the land and managing the potential impacts of manure runoff. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate the number of additional animal units being requested by the applicant. The applicant is currently managing manure by spreading it on the subject property. The City has recently required similar facilities to regularly test soil conditions to ensure that manure can be spread on the subject property. The condition considered on past approvals is as follows:

1. The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such

time as the phosphorus levels decrease. The number and location of the soil samples will be determined by the City.

2. There is an existing wetland located on the property. The applicant is proposing to fence the pasture areas so that there is no access to the wetland from the pasture areas. The City will want to consider requiring a minimum vegetative buffer distance from all wetlands. Staff recommends that the City require a 50-foot vegetative buffer be maintained around the existing wetland and drainage areas. This does not appear to be an issue based on the proposed pastures but would memorialize the buffer requirement to ensure changes in the pasture areas will not compromise water quality.
3. All other aspects and conditions of the existing conditional use permit would remain. The applicant has operated the facility for the past two years and the City has not identified or been made aware of any issues relating to the existing operation. The applicant has worked with the City to mitigate impacts of the commercial stable on the surrounding properties. The geographic location of this facility aids in its ability to mitigate potential impacts. The property has been developed to accommodate a significant amount of traffic due to the regular use of the indoor riding area. Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of an amendment to the conditional use permit request it must find that it meets the criteria established within the zoning ordinance. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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

The subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to operation of the proposed facility. The City is not aware of any additional complaints or concerns relating to the operation of the commercial riding stable on this property.

The proposed conditional use permit amendment to allow additional horses is generally consistent with the Agricultural nature of the property and surrounding land uses. The applicant believes that resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the increased number of horses due to the existing and historic use of the property. The City will need to determine if the requested conditional use permit amendment meets the criteria for granting a conditional use permit. Planning Commissioners discussed the requested CUP Amendment and asked questions of staff and the applicants. Commissioners asked if the CUP would no longer be conforming if one of the properties was sold. Staff noted that the CUP would be applied to both properties. Should the property be sold in the future, the CUP would no longer meet the conditions or would need to be amended. Commissioners asked about the Ag Preserve status of the property. It was noted that the property is currently in Ag Preserve. Commissioners discussed the origin of the 50-foot buffer requirement and it was noted that this represents the largest possible setback from wetland boundaries and was therefore determined to be appropriate for this application. Commissioners asked about spreading manure on-site versus hauling it off-site. Staff noted that the soil would be tested based on the same standard applied to the Shrine Horse farm to the north and then a determination would be made relating to the suitability of spreading the manure on-site or hauling it off-site. Commissioners recommended adding an additional sentence to the resolution that would clarify this point. Commissioners ultimately recommended approval of the CUP amendment to the City Council.

The Planning Commission recommended approval of the request for a conditional use permit amendment to the City Council. Should the City Council approve the requested action, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit Amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. All conditions stated in **RESOLUTION No. 16-1213-02** shall remain in force with the exception of condition (f) stipulating the number of horses.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions being added to the conditional use permit:
  - a) No more than 60 horses shall be boarded on the property.
  - b) The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease to a level found to be acceptable by the City. The number and location of the soil samples will be determined by the City. The City shall cause for the applicant to review the soil conditions annually and prior to any manure application to the property.
  - b) The applicant shall maintain a minimum 50-foot vegetative buffer between the existing wetland and any pasture areas. Animals shall not be permitted in the buffer areas.
  - c) The applicant shall manage the fenced pastures areas so that a minimum of 70 percent vegetative cover is maintained on the during the growing season.

5. The applicant shall pay for all costs associate with the City’s review and processing of the conditional use permit amendment and recording of the resolution.

6. The Resolution shall be recorded against the property.

Johnson asked how 70% vegetative cover is determined and Kaltsas said it is by transecting an area and determining if conditions were appropriate from that sample. Betts asked if the applicant was ready for more horses. Kuka said the fences would have to be put in and explained this was mostly for their daughters horses which would be boarded on and off at different times.

**Motion by Spencer, second by McCoy to approve RESOLUTION 18-0710-01- a conditional use permit amendment to allow additional horses to be boarded in association with the existing commercial riding stable on for the properties located at 4405 County Road 92 N, Independence, MN (PID No.s 04-118-24-24-0002 and 04-118-24-31-0001). Ayes: Johnson, Betts McCoy and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

11. Fish and Son Properties (Applicant/Owner) request that the City consider the following action for the property located at 2020 County Road 90 (PID No. 23-118-24-23-0002) in Independence, MN:

- a. **ORDINANCE 2018-02** - Rezoning the subject property from AG-Agriculture to CLI-Commercial Light Industrial.
- b. **RESOLUTION 18-0710-03** – Considering approval of site plan review for the proposed commercial use of the property and a conditional use permit to allow boat service and repair on the subject property.

The applicants recently purchased the subject property. The existing home is not occupied by the owners and is rented out as a residence. There is an existing conditional use permit on the property that was granted in 1972 and allowed a commercial trucking business to exist on the property. While the existing CUP allows the use of the property for storing and maintaining equipment for a trucking and construction business inside the existing buildings, it does not allow the use of the property for any other purposes. The applicants would like to use the property for uses permitted in the Commercial Light Industrial – CLI zoning district, including the storage and potentially servicing of boats. There are several factors to consider relating to rezoning a property. The City’s ordinance has established criteria for consideration in granting a zoning amendment.

*520.07. Criteria on zoning amendments. Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments.*

*Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan.*

*Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.*

*Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.*

*Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.*

*Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.*

As it relates to meeting the criteria for granting a zoning map amendment, the following information can be considered:

Subd. 2. The proposed rezoning is consistent with the comprehensive plan.

Subd. 4. The property has historically been used as a commercial property. The neighboring properties to the north and south are currently used for commercial purposes. There is a substantial wetland that separates the existing property from the residential properties to the north.

Subd. 5. The property is currently zoned agriculture. The use of property as an agriculture operation is somewhat restricted due to the limited amount of tillable acreage. The city has identified that this property will be better suited for commercial activities. Subd. 6. The City will need to determine that the rezoning of the property has public merit that reach beyond the interests of the property owner.

The applicants have indicated that they will expand the use of the property if it is rezoned. All future uses will be subject to meeting all applicable standards set forth in the City's zoning ordinance. All new construction or expansion of use will require the applicant to submit a site plan review application. The application will be reviewed by the City and may be forwarded to the Planning Commission and City Council depending on the scope and compliance of the proposed improvements. There are several other factors that should be noted and considered by the City. The minimum lot size in the CLI district is 2.5 acres. The subject property is a little over 5 acres with approximately 2.8 acres of upland. The minimum lot frontage for properties in the CLI district is 200 LF. The subject property has approximately 222 LF of frontage. There is an existing house on the property. Residential is not a permitted use in the CLI district. The use of the property for residential and the existing house will be "grandfathered in" and become a permitted nonconforming use after the rezoning. The use and structure will be subject to all criteria relating to non-conforming uses. The septic system that serves this home was found to be non-compliant and is in the process of being replaced. The applicant has also been working with the City to provide sewer service to the larger existing accessory structure.

The rezoning from A-Agriculture to CLI-Commercial-Light Industrial does not appear to impact the subject property as it relates to the current lot standards in the City's zoning ordinance. The proposed rezoning does not appear to create a property that is inconsistent with the surrounding properties. Given the historical use of the property and the existing physical separation between this property and any surrounding residential properties, there does not appear to be any substantial adverse effects on the surrounding or subject properties in the after condition as a result of this rezoning. The rezoning of this property would be subject to the City revoking the existing Conditional Use Permit.

#### SITE PLAN:

A change in use within the CLI zoning district typically triggers site plan review by the City. The applicant is not proposing to expand any of the existing buildings at this time. The applicant is planning on using the property and buildings for indoor and outdoor boat storage and possibly boat service and repair. Indoor boat storage would be permitted on the property if it meets all applicable requirements. Outdoor boat storage is permitted if properly screened in accordance with applicable standards provided in the zoning ordinance. Boat repair and service is a conditional use within the CLI zoning district as it is similar to automobile service and repair.

*Subd. 8. Storage and display. All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.*

The applicant has prepared a proposed site plan which identifies the location of the existing buildings, driveway, existing house and proposed outdoor storage area. The plan further depicts the location of a proposed opaque fence, landscaping and gate. The applicant has worked with the City to define the outdoor storage areas, as well as to provide screening around the perimeter of the storage areas. The City has reviewed the plans as they relate to the site plan review standards provided in the zoning ordinance. In addition, the City has criteria 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.

As it relates to both site plan review and the conditional use permit, the following items should be further considered by the City:

1. The applicant is not proposing to expand or renovate the existing buildings on the property. The existing CUP allows for the commercial use of the larger building for a trucking business.
2. The proposed use of indoor and outdoor boat storage is permitted within the CLI zoning district.
3. The requested CUP for boat service and repair is consistent with other boat storage facilities in the CLI zoning district. The City will require that the portion of the building used for boat service and repair have a concrete floor with requisite waste traps as required by the building code. In addition, the boat service and repair area within the building may need to be separated from other portions of the building in accordance with

applicable building codes.

a. Staff has reviewed the building codes with the applicant and noted that all uses in the building will need to be reviewed by an architect and given a prescribed occupancy rating. Based on that rating, additional improvements may be required.

b. Boat service and repair will need to comply with

4. There is no change proposed to the existing outdoor storage and parking areas. The applicant has already cleaned up a portion of rear storage area remaining from the previous owner.
5. The applicant has provided the City with a structural analysis of the buildings verifying that they can meet current snow loads. This is a basic requirement for being able to use the buildings for commercial uses. No boats will be permitted and or displayed for public sale on any portion of the property.
6. No outdoor storage or parking associated with the commercial use of the property will be permitted outside of the fenced and screened storage areas.
7. Any additional commercial uses will be subject to all applicable ordinance requirements relating to CLI zoned property.
8. The applicant is proposing to screen the street facing side of the property using a combination of fencing and landscaping. The City generally requires screening to be placed at a spacing of 1 tree per 40 linear feet. The applicant is showing 6 evergreen trees which would meet this requirement. The minimum tree size is 6' ht.
9. Fencing and screening will be required to be installed prior to any outdoor storage being permitted on the property.

The City staff has met with the applicant on several occasions to discuss the proposed rezoning, site plan review and conditional use permit for boat service and repair. The rezoning of this property is consistent with the comprehensive plan. The existing residential home on the property will become a legal non-conforming structure once rezoned. This condition previously existed on the property to the north. The residential home was eventually razed. This property has been used as a commercial property since the early 1970's. The use of the property for boat storage is permitted in the CLI zoning district. The applicant is proposing to screen the outdoor storage which will likely be perceived as an improvement to the existing and historic use of the property. Boat service and repair within the existing building is generally consistent with other boat storage and service facilities in the City. In addition, the property to the south has an automobile service and repair business. The City's other design, paving and landscaping standards would apply to new construction or expansion of the existing buildings. The City will need to find that the criteria for granting a conditional use permit have been met by the applicant.

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

The City has received a written comment from a commercial property owner located at CSAH 90 and Highway 12. The concern relates to the City requiring the same standards for this building as those imposed on their building relating to the servicing of boats. The City has noted that concrete floors and waste traps will be required for those portions of the buildings where boat service and repair would occur.

Planning Commissioners discussed the application and asked questions of staff and the applicants. Commissioners asked for clarification relating to the rezoning and comprehensive plan. It was noted that this is the only property remaining north of Highway 12 and east of CSAH 90 that has not been rezoned. Commissioners asked about the surface requirements and existing conditions of the outdoor storage area as shown on the site plan. Staff stated that the area to be used for outdoor storage is currently surfaced with class 5 and that the City would include a condition requiring all outdoor storage areas to be surfaced with a minimum of class 5 base. Commissioners asked for more information relating to the requirements for a service bay within the existing building. It was noted that any portion of the building used for servicing boats would need to meet all applicable building code requirements, have a concrete floor and flammable waste trap. Commissioners discussed the screening of the outdoor storage area. Commissioners noted that the eastern portion of the site can be seen from the residential properties to the northeast during the winter months. Commissioners asked about the height of the fence and the requirements for screening. Planning Commissioners recommended that the City work with the property owners to add some additional evergreen landscaping to the northeast property line. Ultimately Planning Commissioners recommended approval of the request for rezoning, site plan review and a conditional use permit to allow boat servicing.

The Planning Commission recommended approval to the City Council of the request for a zoning map amendment, site plan review and a conditional use permit to allow boat service and repair. Should the City Council approve the application, the following findings and conditions should be included.

1. The proposed rezoning, site plan review and conditional use permit meet all applicable criteria stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The proposed land use and zoning will be in conformance with the City of Independence Comprehensive Plan and the City of Independence Zoning Ordinance.
3. The Conditional Use Permit shall have the following conditions:
  - a) There can be no change to the existing outdoor storage and parking area limits or surfacing outside of routine maintenance.
  - b) No boats will be permitted and or displayed for public sale on any portion of the property.
  - c) No outdoor storage or parking associated with the commercial use of the property will be permitted outside of the fenced and screened storage areas.
  - d) No boat servicing shall occur outside of the designated and approved service bays wholly within the existing building. Any portion of the building used for servicing boats will need to meet all applicable building code requirements, make building permit application and receive a certificate of occupancy verifying all applicable building codes have been satisfied, have a concrete floor and flammable waste trap.
  - e) Any additional commercial uses will be subject to all applicable ordinance requirements relating to CLI zoned property.
  - f) The applicant shall be required to install the proposed landscape screening in accordance with the approved landscape plan attached hereto as **EXHIBIT B**. The City requires screening to be placed at a spacing of 1 tree per 40 linear feet. The minimum tree size is 6' ht. or 2" cal.



g) Fencing and screening will be required to be installed in accordance with the proposed site plan prior to any outdoor storage being permitted on the property (see attached Exhibit B).

4. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
5. The City will revoke the existing Conditional Use Permits pertaining to the subject property.
6. The Applicant shall pay for all costs associated with the City's review of the requested actions.
7. **RESOLUTION 18-0710-03** shall be recorded against the property.

Fisher stated the landscaper told them evergreens would not grow in the soil where they wanted to have them planted. Kaltsas stated the Council could state whether they would need to alter the soil by putting in berms to make it viable for the evergreens. Betts asked if the Fieldstone neighborhood would be able to see the boats. McCoy noted the Fieldstone neighborhood sits higher. Johnson stated it defeats the purpose to trim trees that are on the property already to plant new ones. Kaltsas said summer has 100% coverage currently with the trees currently on the property. McCoy said boxelders could come down in a strong wind and then it is a process to replant. Spencer said it is important to keep the requirements here consistent with other boat storage businesses. Fisher said they would replant trees if needed.

**Motion by Betts, second by McCoy to approve ORDINANCE 2018-02 - Rezoning from AG-Agriculture to CLI- Commercial Light Industrial the property at 2020 County Road 90 (PID No. 23-118-24-23-0002) in Independence, MN. Ayes: Johnson, Betts McCoy and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

**Motion by Spencer, second by Betts to approve RESOLUTION 18-0710-03 –for commercial use of the property and a conditional use permit to allow boat service and repair with modifications noted on 4. G. for the property at 2020 County Road 90 (PID No. 23-118-24-23-0002) in Independence, MN. Ayes: Johnson, Betts McCoy and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

12. Hamilton Bros. (Applicant/Owner) requests that the City consider the following action for the property located at 1050 County Road 83 (PID No. 35-118-24-41-0001) in Independence, MN: Councilmember McCoy recused himself on this issue.
  - a. **RESOLUTION 18-0710-04** – Considering approval of a final plat for a sixteen-lot residential subdivision to allow the subdivision of the property.
  - b. **ORDINANCE 2018-03** – Considering approval of the Hamilton Century Farm Storm Sewer Improvement Tax District.

Kaltsas said the City approved the rezoning and preliminary plat for the proposed subdivision in April, 2018. The applicant is now asking the City to consider final plat for the 17-lot subdivision of the subject property. The applicant has finalized the wetland delineation as well as prepared final storm water, grading, street and utility plans for the proposed subdivision. The final plat is consistent with the preliminary plat and is considered a formality to ensure that all proper securities and agreements are completed. Since the approval of the preliminary plat, the following items should be noted as a part of the City's consideration of the application:

1. The applicant revised the plan based on the Planning Commission's recommendation to remove the road connection to the southern property. Hamilton Hills road has been shortened to improve grading and provide a better storm water solution along the southern property line.
2. The applicant has finalized the wetland delineation and confirmed that there was not a delineated wetland across Lots 5 and 6.
3. The City Council approved the preliminary plat based on the notion that Hamilton Bros., Inc. will retain ownership of the Outlots.
4. The applicant worked with Hennepin County pertaining to the access into this property. Hennepin County has now approved the application for access to the County Road. The County is going to require a south bound right turn lane into the development no north bound left turn lane is warranted at this time and will not be required as a part of this development.
5. The City has completed a full review of the proposed final plat and has been working with the applicant to make all necessary corrections. The City has prepared a development agreement for approval by the City Council.
6. Storm water management has been reviewed by the City and several revisions have been asked of the applicant. Minnehaha Creek Watershed District has reviewed the Final Plat application and is still working with the applicant to resolve several conditions. The City will incorporate any outstanding issues into the final plat conditions of approval.
7. In addition to requiring the long-term maintenance of the storm water conveyance system by the homeowner's association (HOA), the City will establish a storm sewer improvement tax district for this development. The City is permitted to establish a storm sewer improvement tax district to acquire, construct, reconstruct, extend, maintain and otherwise improve storm sewer systems and related facilities within the District and to levy a tax on all taxable property within the District to finance such activities. The district boundary would directly correspond with the extents of this development and would provide the City with the ability to maintain the system in the future if the HOA is no longer solvent. The City can establish this district by ordinance following a public hearing on the matter.

The ordinance has been prepared for formal adoption following the requisite public hearing to be held at the Council Meeting. Staff is seeking a recommendation from the Planning Commission pertaining to the request for Final Plat approval. Should the Planning Commission recommend approval of the Final Plat, the following findings and conditions should be included:

1. The proposed Final Plat meets all applicable conditions and restrictions stated Chapter V, Planning and Land Use Regulations and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Final Plat shall be subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the development, as requested in the City's review letter dated March 9, 2018.

- b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
- c. The Applicant shall address all comments and applicable requirements pertaining to the water resources and as outlined in the water resources review letters from Hakanson Anderson Associates, dated March 6, 2018 and June 15, 2018.
- c. The Applicant shall address all comments and applicable requirements made in the City Engineer's review letters dated, March 8 and June 15, 2018 (MSA).
- e. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District and receive all applicable approvals.
- f. The Applicant shall comply with all applicable regulations and conditions prescribed by Hennepin County and receive all applicable approvals.
- g. The Applicant shall enter into a development agreement with the City for this development.
- h. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
- h. The Applicant shall consent to the establishment of the storm sewer improvement tax district.
- i. The Applicant shall enter into a storm water maintenance agreement pertaining to the required storm water ponds to be located on the property.
- j. The Applicant shall provide the City with copies of the HOA agreement and covenants.
- l. 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 Final Plat.
- 5. The Applicant shall record the Final Plat within ninety (90) days of the City Council approval of the Final Plat.

Betts asked why the park dedication fee was different. Kaltsas said the first one was based on a preliminary plan and the exact sizes were not finalized. He noted this is the 3<sup>rd</sup> revision.

Kaltsas explained the storm water taxing district and why this is now a condition in developments. Vose said it gives the City the authority to impose tax if the City ever had to take the maintenance of the sewer/storm facilities in the future. Kaltsas asked Vose to elaborate on the latitude within acquiring this property to go out and build improvements. Vose said adopting this ordinance does mean that the City may "take" this property without a formal acquisition process. The ordinance does not in itself mean the City can go out and take the property for free. McCoy said he has concerns with the wording of the Ordinance specifically a problem with "acquire". Vose said the wording could be changed to acquire by eminent domain or deed. It could specifically state that this Ordinance does not give the City the right to take the

property. Betts asked if there would be inspections to make sure the ponds are being properly maintained. Kaltsas said ponds are inspected according to state statute. Vose noted the parameters of the development agreement and contract for maintenance. He said if they fail to maintain the system according to the formal recording system set forth than the City has to give written notice of the breach of contract. Only then can the City step in and start to do maintenance. Betts noted taxing doesn't occur until a breach occurs. Kaltsas said Council could delay action on the Ordinance and Resolution by just approving the final plat tonight. Betts said it is important the language is clear. Vose said the changes could be made and brought to the meeting next week.

**Motion by Johnson, second by Spencer to move RESOLUTION 18-0710-04 – Considering approval of a final plat for a sixteen-lot residential subdivision to allow the subdivision of 1050 County Road 83 (PID No. 35-118-24-41-0001) in Independence, MN . Ayes: Johnson, Betts and Spencer. Nays: None. Absent: Grotting. Recuse: McCoy. MOTION DECLARED CARRIED.**

**Motion by Johnson, second by Spencer to table ORDINANCE 2018-03 – Considering approval of the Hamilton Century Farm Storm Sewer Improvement Tax District at the property located at 1050 County Road 83 (PID No. 35-118-24-41-0001) in Independence, MN . Ayes: Johnson, Betts and Spencer. Nays: None. Absent: Grotting. Recuse: McCoy. MOTION DECLARED CARRIED.**

13. Open/Misc.

14. Adjourn.

**Motion by Betts, second by Spencer to adjourn at 8:50 p.m. Ayes: Johnson, McCoy, Betts and Spencer. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

Respectfully Submitted,  
Trish Gronstal/ Recording Secretary

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## City of Independence

### ***Request for an Amendment to the Conditional Use Permit to Expand the Commercial Riding Stable on the Property located on CSAH 6 and Identified by PID 3311824140003***

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 21, 2018
<i>Applicant:</i>	Gary and Linda Ostberg
<i>Property Owner:</i>	Gary and Linda Ostberg
<i>Location:</i>	County Road 6 (PID 3311824140003)

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

Gary and Linda Ostberg (Applicant) request that the City consider the following actions for the property located on County Road 6 (PID No. 29-118-24-31-0001) in Independence, MN:

- a. A conditional use permit amendment to allow the construction of an automated horse walker building on the subject property.

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

The property is located on the south side of CSAH 6 and just west of Game Farm Road N. The property has no existing structures and is comprised of open pasture, a woodland area and wetlands. The property has the following characteristics:

Property Information: County Road 6 (PID 3311824140003)

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *39.92 acres*

Subject Property



***Discussion:***

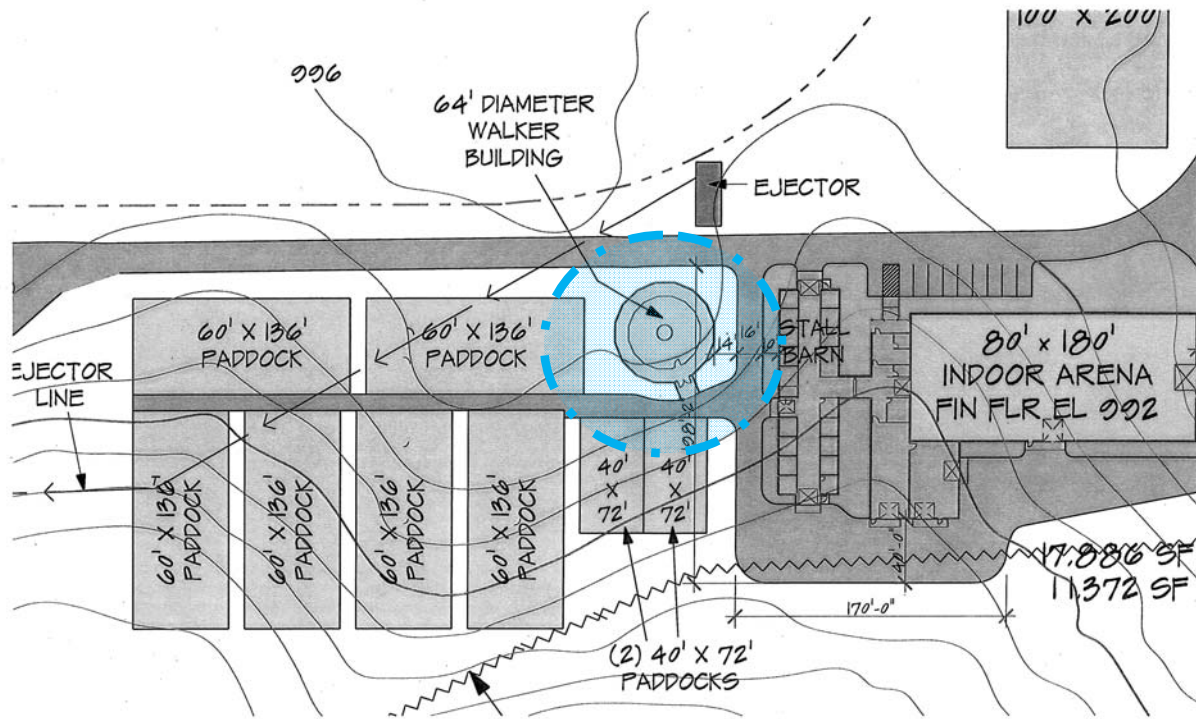
The applicants recently received approval of a conditional use permit on the subject property to allow a commercial riding stable, associated bunkhouse and detached accessory structure larger than 5,000 SF. The facility is under construction (almost completed) and the applicant would like to expand the previously approved site plan to include an automated horse walker building on the subject property. The proposed structure would be 64 feet in diameter or 3,217 square feet. The building would be located adjacent to the existing indoor riding arena/stable facility.

The City typically adds a condition to all conditional use permits that states the following:

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



As a result, the applicant is required to seek an amendment to the conditional use permit for this expansion.



ENLARGED SITE PLAN AT WALKER BUILDING

1" = 60'-0"

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The proposed automated walker facility does not increase the number of horses or intensity of the previously approved commercial operation. No additional storm water treatment or storage will be required as a result of the additional building. The building will match the architecture and character of the existing buildings and farm.

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

The City has discussed the additional building with the applicant and found it to be compatible to the existing use and previously granted CUP. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment.

***Neighbor Comments:***

The City has not received any written or oral comments regarding the proposed amendment to the conditional use permit.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit amendment with the following findings and conditions:

1. The proposed conditional use permit amendment 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 previously granted will remain in full force and the following conditions will be added to the permit:
  - b) The conditional use permit will allow a 3,217 SF automated walker building to be located in accordance with the approved site plan attached hereto as EXHIBIT A. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The applicant shall pay for all costs associated with the review and recording of the resolution.

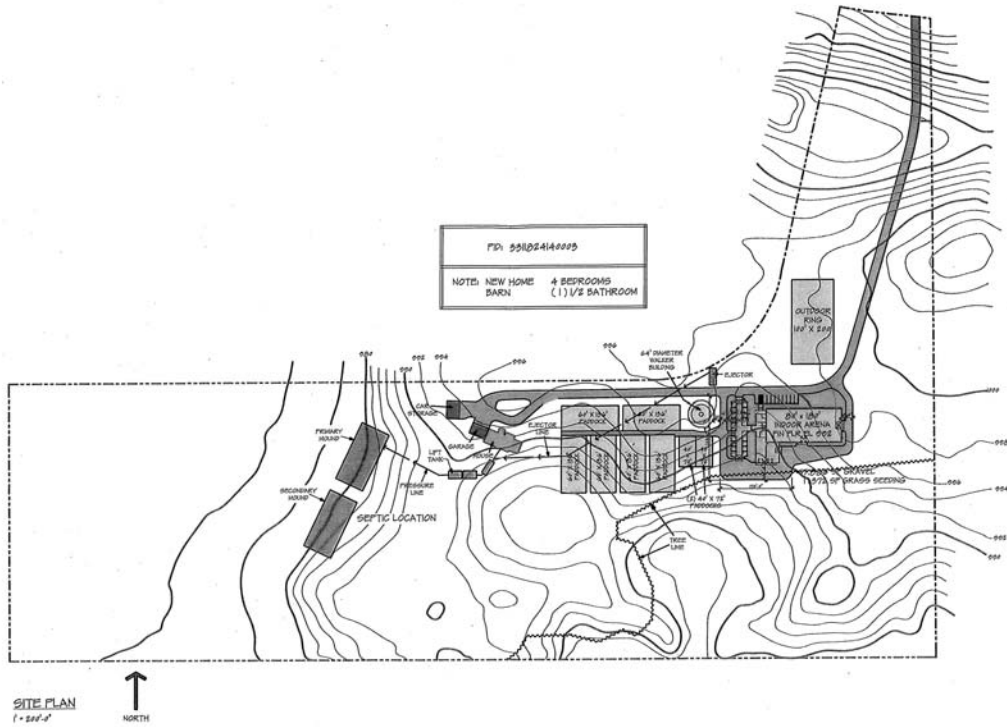


***Attachments:***

1. Site Plan/Survey
2. Building Floor Plan
3. Building Elevations

# EXHIBIT A

(Site Plan)



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PROJECT NAME: OSTBERG EQUESTRIAN		SCALE: AS SHOWN
PROJECT NUMBER: INDEPENDENCE, MN		DATE: 7/9/2018
BUILDING DESCRIPTION: 64'-0" DIAMETER		SHEET: 1 OF 4
DESIGN NUMBER: 1701		WALKER BUILDING

592 Industrial Drive Wadena, Minnesota 56395 218-422-2444 218-422-2445 Fax 218-422-2443 Construction License Number 20177196	

7/9/2018 11:09 AM



# PLANNING APPLICATION

Case No. \_\_\_\_\_

## Type of application

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

## Site Location— Additional addresses on back and legal description attached

Property address 7297 COUNTY ROAD 6

PID 33-118-24-14-0003

## Proposal -Full documentation must accompany application

WE ARE SEEKING AN AMENDMENT TO OUR CURRENT CUP FOR  
CONSTRUCTION OF A 3,300 SQUARE FOOT HORSE WALKER BUILDING  
TO BE CONSTRUCTED APPROXIMATELY 30 FEET WEST OF THE STALL BARN.

## Applicant

Name GARY & LINDA OSTBERG Email GARY@OSTBERGARCHITECTS.COM

Address 221 MONTCALM PLACE, ST. PAUL, MN. 55116

Phone 651-647-9682

Additional phone/contact  
651-587-1601

Printed Name GARY OSTBERG

Signature [Signature]

## Owner Information (if different from applicant)

Name \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Additional phone/contact \_\_\_\_\_

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

**Office Use Only** Date 7/9/2018 Application Amount \_\_\_\_\_ Check # \_\_\_\_\_ Accepted By \_\_\_\_\_

Escrow Paid \_\_\_\_\_ Check # 37668 Date Accepted by Planner \_\_\_\_\_

## City of Independence

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

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

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

The City of Independence has set forth a fee schedule for the year 2018 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are noted on the current fee schedule. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

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

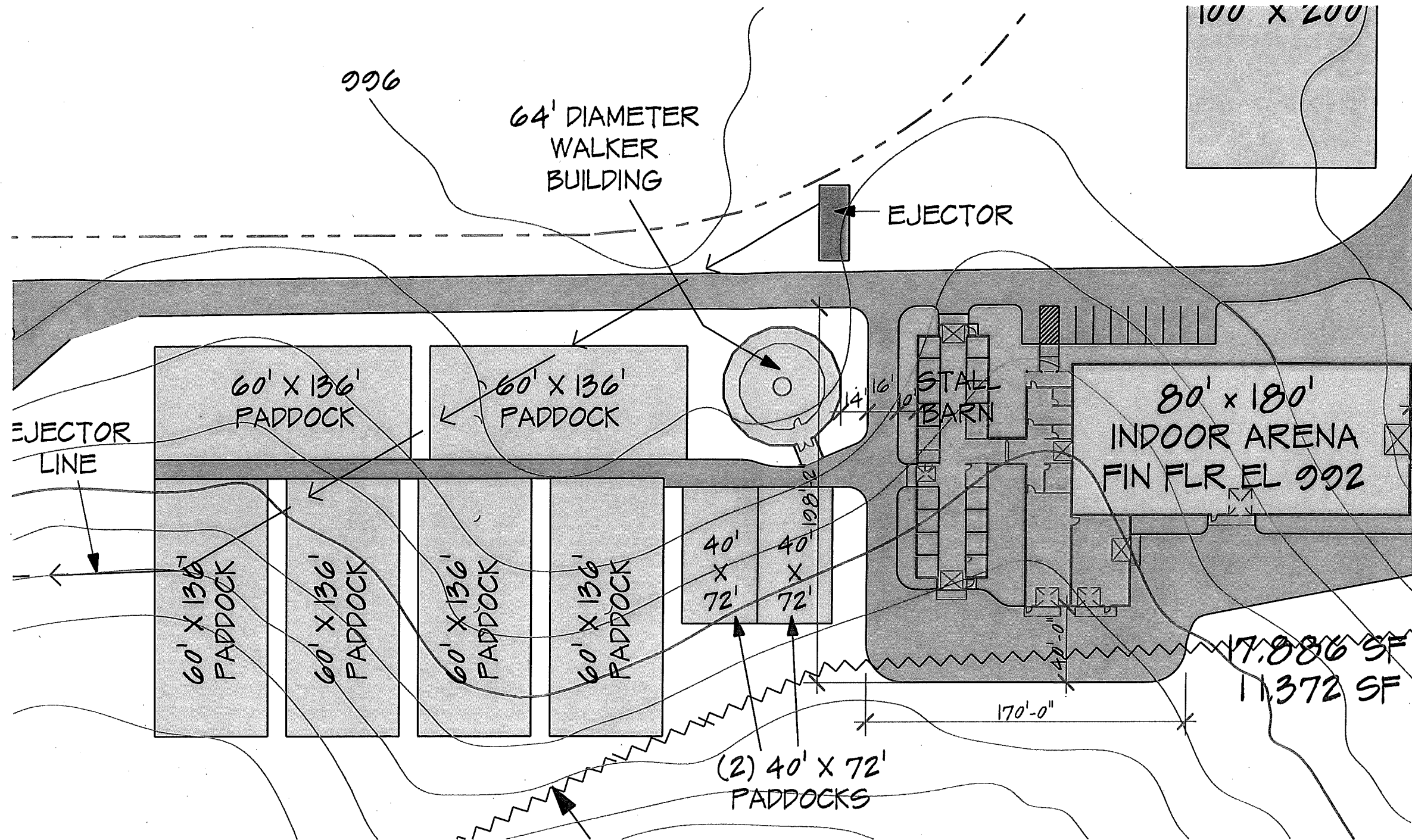
**Applicant Signature:** 

**Date:** 7/9/2018

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

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





ENLARGED SITE PLAN AT WALKER BUILDING

1" = 60'-0"

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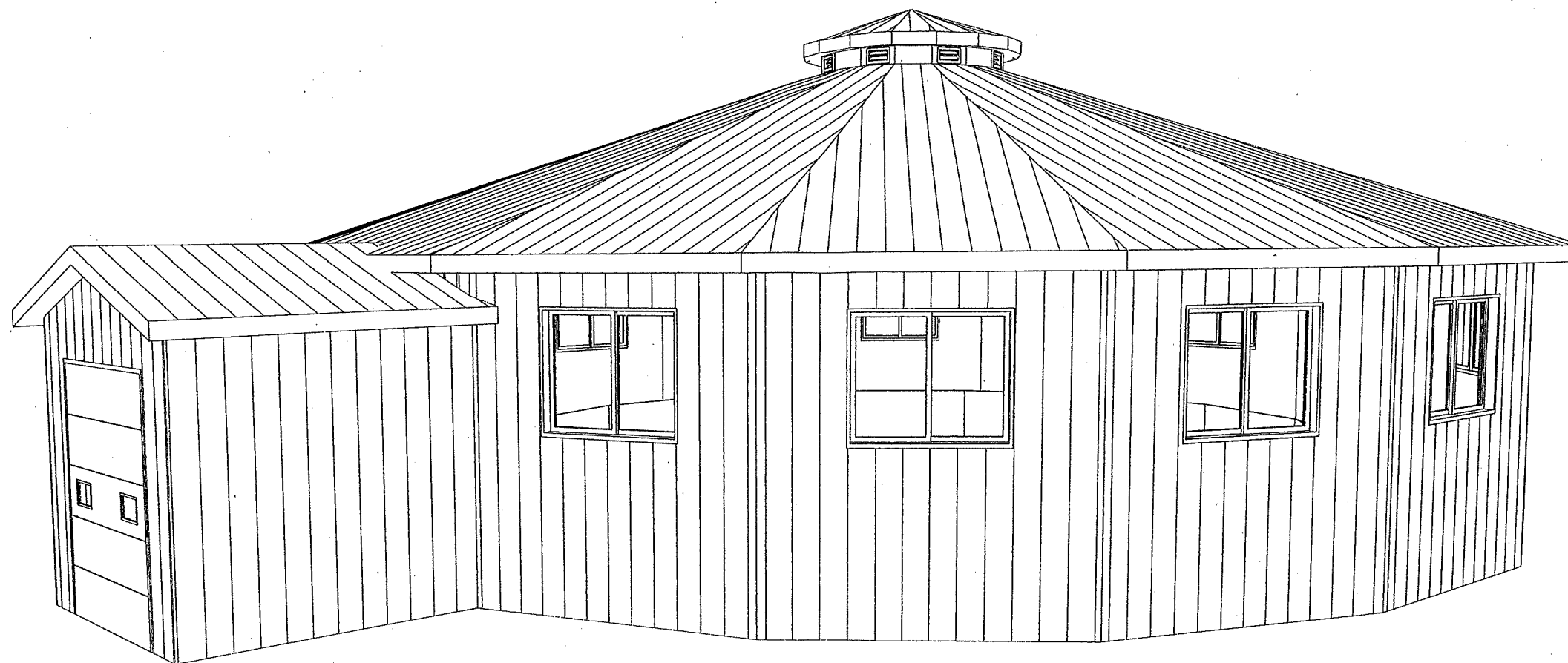
592 Industrial Drive  
P.O. Box 660  
Winsted, Minnesota 55395  
320-485-2844 800-710-4726  
Fax 320-485-3625  
www.rambuildings.com  
Contractor License Number 20171976



PROJECT NAME: OSTBERG EQUESTRIAN  
INDEPENDENCE, MN  
PROJECT NUMBER:  
BUILDING DESCRIPTION: 64'-0" DIAMETER  
DESIGN NUMBER: P1731 WALKER BUILDING

DRAWN BY: R.S.  
DATE: 7/9/2018  
SHEET 2 OF 4





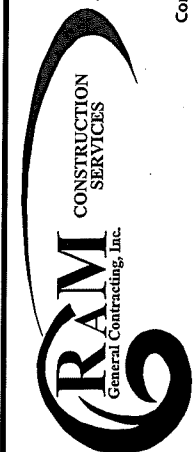
# 64'-0" DIAMETER WALKER BUILDING PERSPECTIVE

NO SCALE

7/9/2018 11:18 AM

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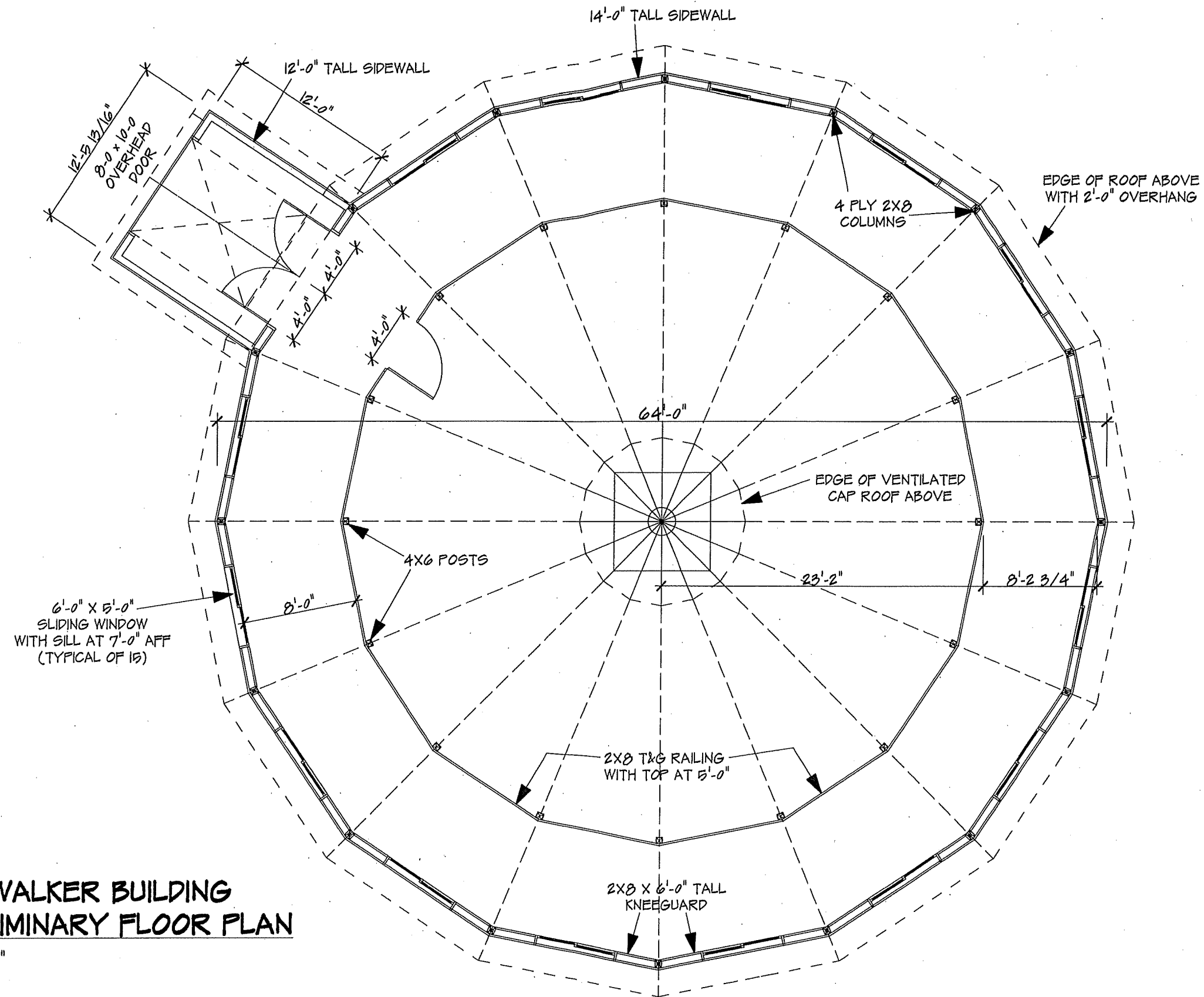
592 Industrial Drive  
P.O. Box 660  
Winnet, Minnesota 55395  
320-485-2844 800-710-4726  
Fax 320-485-3625  
www.rambuildings.com  
Contractor License Number 20171976



PROJECT NAME: OSTBERG EQUESTRIAN  
PROJECT NUMBER: INDEPENDENCE, MN  
BUILDING DESCRIPTION: 64'-0" DIAMETER  
DESIGN NUMBER: P17131 WALKER BUILDING

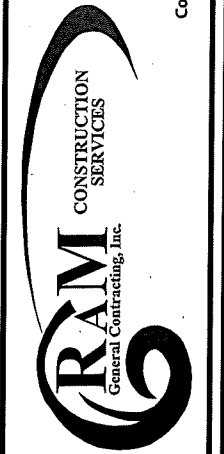
DRAWN BY: R.S.  
DATE: 7/9/2018  
SHEET 3 OF 4

# WALKER BUILDING PRELIMINARY FLOOR PLAN 1/8" = 1'-0"



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Fax 320-485-3625  
Contractor License Number 20171976

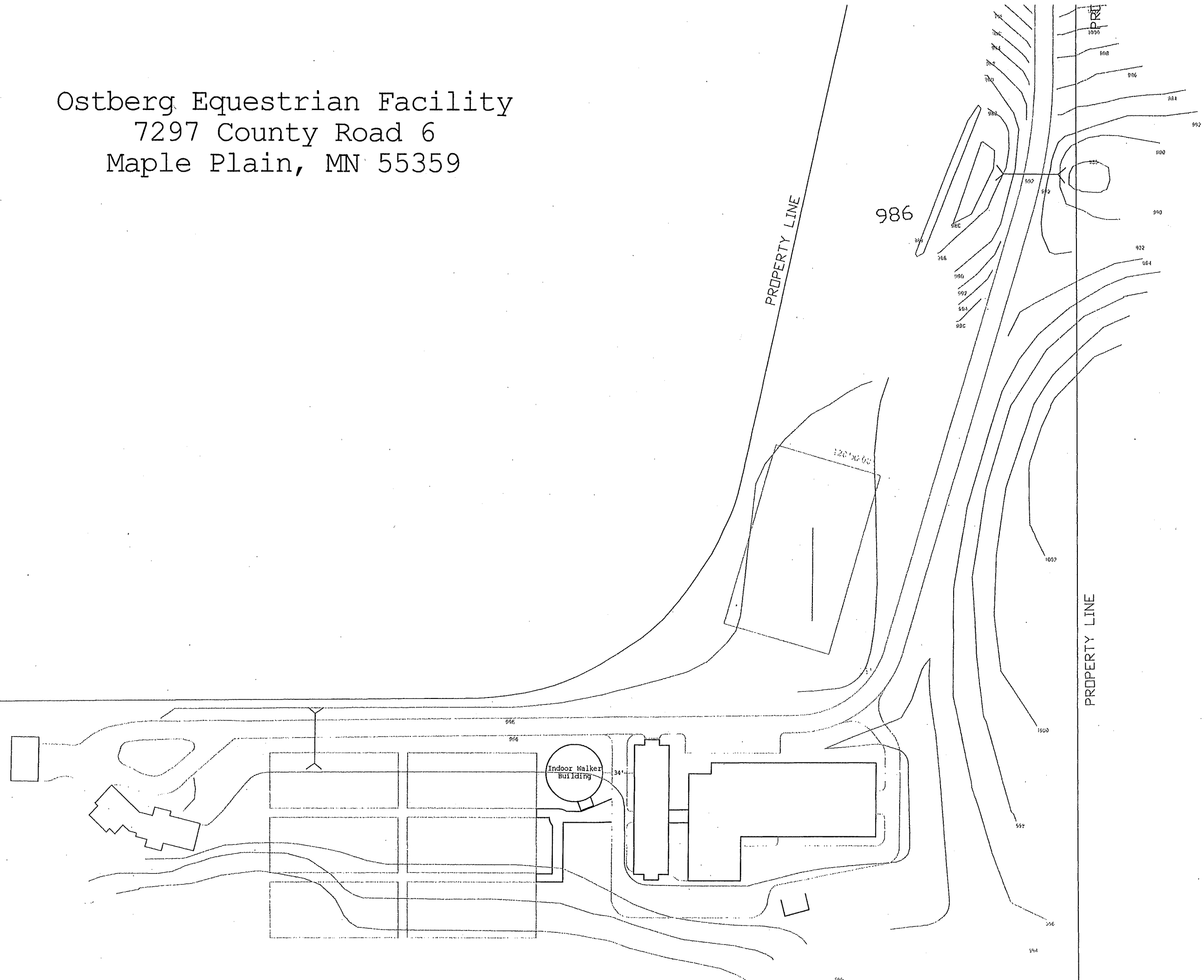


PROJECT NAME: OSTBERG EQUESTRIAN  
PROJECT NUMBER: INDEPENDENCE, MN  
BUILDING DESCRIPTION: 64'-0" DIAMETER  
DESIGN NUMBER: P17131 WALKER BUILDING

DRAWN BY: R.S.  
DATE: 7/9/2018  
SHEET: 4 OF 4



Ostberg Equestrian Facility  
7297 County Road 6  
Maple Plain, MN 55359



100 ft

## City of Independence

### *Consideration to Amend Chapter 5, Section 530, Maximum Height Permitted for Detached Agricultural Storage Buildings, Barns, or Other Structures, Accessory to an Existing Single-Family Dwelling.*

To: Planning Commission  
From: Mark Kaltsas, City Planner  
Meeting Date: August 21, 2018

#### **Discussion:**

In 2013 the City updated the accessory structure ordinance to establish a more proportional relationship between the amount of detached accessory structure square footage allowed on a property and the size of the property. In practice, the new ordinance has worked well and there have been no variances granted relating to the size of a detached accessory structure since the amendment. One area of the ordinance that was changed at the same time was the maximum height permitted for detached accessory structures. The City has received concerns and comments from property owners relating to the maximum height permitted. The City has also granted two (2) variances relating to the maximum height of detached accessory structures. The general concern is that the maximum height permitted varies based on the height of the principal structure. If a resident has a single-level home, the maximum height of a detached accessory structure is limited to the single-level home height. This causes some issues for residents with larger properties that would like to have a larger detached accessory structure, but have a single-level home.

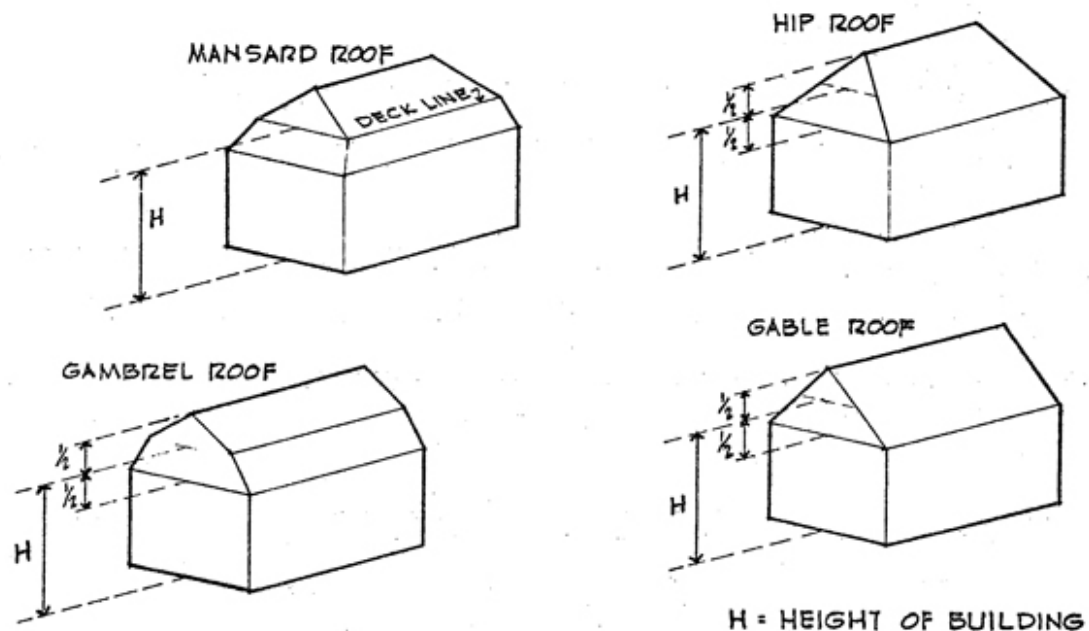
Staff has looked at the permitted heights of accessory structures from surrounding communities.

City Accessory Structure Comparison Table	
Jurisdiction	Height
Independence	height of principle strcuture
Winsted	1 story/16 feet
Delano	20 feet or height of principal***
Waconia	20 feet***
Minnetrista	height of principal structure
Mound	height of principal structure
Mayer	17 feet
Maple Plain	1 story/16 feet***
Victoria	24 feet/12 feet
Watertown	12 feet
* Cannot be located in front yard	
** Over 1,000 requires CUP	
*** Measured to Peak of roof	

It should be noted that not all communities allow as large of a detached accessory structure as the City of Independence. Staff would like to further discuss the maximum permitted height of detached accessory structures with the Planning Commission.

The City's current ordinance states the following:

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



In application of the ordinance over the past 5 years, the City has consistently had requests for detached accessory structures that have heights (measured to the midpoint of the roof) in the 20-25-foot range. Many of the single-level homes measure closer to 17-20 feet in height measured to the midpoint of the roof. This typically leaves single-level property owners with an issue when considering building a detached accessory structure.

When the City considered the height in 2013, there was a general consensus that detached accessory structures should be proportional and subordinate to the principle structure on the property. In order to help achieve the subordinate relationship, the maximum height of the detached accessory structure was limited. Due to the wide array of property size, building architecture and other factors, many of the proposed detached accessory structures do not have a significant relationship with the principle structure.

Staff is seeking Planning Commission feedback and discussion on this issue and offers the following for further consideration:

1. The City could consider establishing a maximum height in lieu of the relationship with the principle structure. This could be a two part maximum height that establishes a minimum permitted or the height of principle structure, whichever is greater (i.e. the maximum height permitted is 25 feet or the height of the principle structure, whichever is greater).
2. The City could consider establishing a single, maximum height for all detached accessory structures (i.e. the maximum height for all detached accessory structures is \_\_\_\_\_ feet).
3. The City could consider establishing a variable scale that is proportionate to the size of the property (i.e. the maximum height permitted for detached accessory structures on properties less than 2.5 acres is \_\_\_\_\_ feet, the maximum height permitted for detached accessory structures on properties greater than 2.5 acres, but less than 10 acres is \_\_\_\_\_ feet, the maximum height permitted for detached accessory structures on properties greater than 10 acres is \_\_\_\_\_ feet).