



CITY COUNCIL MEETING AGENDA
TUESDAY FEBRUARY 1, 2022

*****NOTE SPECIAL MEETING TIME*****

CITY COUNCIL MEETING TIME: 5:00 PM

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

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

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

- a. Approval of City Council Minutes from the January 18, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 20994-21031).
- c. Approve Required Pay Equity Report.
- d. Approval to Accept Public Improvements for Hamilton Hills and Release Letter of Credit in Accordance with Development Agreement.
- e. **RESOLUTION 22-0201-01** - Appointment of Planning Commissioner Hal Tearse.
- f. Approval of Annual Liquor License Renewals for the Following Establishments:
 - i. Ox Yoke Inn - Off Sale, On Sale and Sunday License
 - ii. Windsong Farm Golf Club LLC - Off Sale, On Sale, Sunday and Tobacco License
 - iii. Pioneer Creek Golf LLC - On Sale and Sunday License

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

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

7. Proclamation Honoring Planning Commissioner Thomas Palmquist for His Service to the City of Independence.

8. Mark Gaalswyk (Applicant/Owner) is requesting the following action for the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:

- a. **RESOLUTION 22-0201-02** – Considering approval of the following:

- A conditional use permit to allow an accessory dwelling unit to be constructed within the existing detached accessory structure.

9. Robert Knight (Applicant/Owner) is requesting the following action for the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) in the City of Independence, MN:

a. **RESOLUTION 22-0201-03** – Considering approval of the following:

- A variance for a reduced side yard setback to allow a new home to be constructed on the subject property in place of the existing home.

10. Open/Misc.

11. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY JANUARY 18, 2022 – 6:30 P.M.
City Hall Chambers

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. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

Beth Horner swore in Brad Spencer.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

4. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and Grotting(virtual)

ABSENT: McCoy

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner

VISITORS: WHPS Director Gary Kroells, Spencer Lien, Charlie Johnson,
Mark & Melissa Gaalswyk, Rob Knight, Marty Chelstrom,
Linda Johnson (virtual), Lynda Franklin (virtual)

5. ****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 January 4, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 20963-20966 and Batch # 2; Checks Numbered 20969-20993. Please note that due to a printer malfunction, Checks Numbered 20967 and 20968 were voided).
- c. Approve Annual Contribution to WeCAN and Delano Senior Center for Services Provided to Independence Residents.
- d. 4th Quarter Building Permit Report – For Information

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

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

Marty Chelstrom asked to put a petition on the record.

7. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- None

Spencer attended the following meetings:

- None

Betts attended the following meetings:

- Hwy 12 Coalition
- Police Commission
- Fire Commission

Johnson attended the following meetings:

- Regional Council of Mayors
- Fire Commission
- Police Commission
- WHCC
- Northwest League of Municipalities
- Covid Webinar

Horner attended the following meetings:

- None

Kaltsas attended the following meetings:

- None

8. West Hennepin Public Safety – Director Gary Kroells: Presentation of the December 2021 Activity Report.

Gary Kroells reported on the December Report. Please see full report for details. There were 4,824 incident complaints, 221 in Independence, 136 in Maple Plain. Johnson asked if he had heard any comments about the Regional Mayors meeting with HC attorney to discuss the increase in car jackings and crimes. Kroells said people need to be held accountable for their crimes. Johnson said we appreciate what Kroells and the officers do.

9. Charlie Johnson and Hard Knocks LLC (Applicant/Owner) is requesting the following actions for the property located at 1470 County Road 90 (PID No. 26-118-24-22-0008) in the City of Independence, MN:

a. **RESOLUTION 22-0118-01** – Considering approval of the following:

- A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.
- A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
- Site plan review to construct a new detached accessory structure and outdoor storage on the property.

Kaltsas explained this is a request for CUP, variance and site plan review to construct a new detached storage unit on the property. It has a CLI building on it currently. The new building is approximately 11,000sqft. There were some setback limitations along the East line that is against AG zoning. Planning commission said the request was valid with some parameters. The impervious surface coverage would be around 46% up from 30%, but they are adding two stormwater management areas to the site for mitigating potential impacts. PC suggested increase landscaping and berming from the public views. Applicant provided updated landscape plan. PC tabled request for material and asked for the applicant to come back with a different type of building material other than the steel siding. Applicant came back with board and baton siding which is an enhanced steel siding instead of a corrugated panel with a stone base. They got approval from wastewater management plans. Planning commissions recommended approval to the City Council. Building will be used for storage of their own equipment.

Charlie Johnson said Kaltsas covered everything.

Motion by Spencer, second by Betts to approve Resolution 22-0118-01. Ayes: Johnson, Grotting, Spencer and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

10. Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:

b. **RESOLUTION 22-0118-02** – Considering approval of the following:

- A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
- Site plan review to construct a new detached accessory structure and outdoor storage on the property.

Kaltsas said this is a similar request where the applicants consider a new detached accessory building using steel siding. Property zoned CLI on approximately 10 acres. Planning commission reviews several requests. They wanted to see more paving such as the 2 entrances and parking areas also a different building material other than steel. The applicant came back saying both entrances and parking will be paved. Applicant also came back with a stone veneer base with a board and baton siding. Planning commission recommended approval. Johnson asked if the property line on this property the creek. Kaltsas said on the North side it is the creek. Betts asked if the steel siding is less expensive than the board and baton or is it stronger. Kaltsas said steel is definitely cheaper.

Betts asked if one is safer than the other. Kaltsas said no, the material is changing and becoming much more aesthetically. Betts asked if this is going to be insulated. Kaltsas said not necessarily. Spencer confirmed if Hennepin County approved both driveways. Kaltsas said they did approve it if they closed off the residential access road.

Motion by Spencer, second by Johnson to approve Resolution 22-0118-02. Ayes: Johnson, Grotting, Spencer and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

13. Open/Misc.

Marty Chelstrom requested to submit the signatures for the cluster density issue for the record.

14. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 7:15pm. Ayes: Johnson, Grotting, Spencer and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

Pay Equity Implementation Report

Part A: Jurisdiction Identification

Jurisdiction: Independence
1920 County Road 90

Jurisdiction Type: City

Independence, MN 55359

Contact: Beth Horner

Phone: (763) 479-0527

E-Mail: bhorner@ci.independence.mn.us

Contact: Mark Kaltsas

Phone: (612) 567-8786

E-Mail: mark@terra-mark.com

Contact: Vicki Holthaus

Phone: (952) 939-3215

E-Mail: victoria.holthaus@AEMFS.com

Part B: Official Verification

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system was used:

Description:

The same as last year

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and:

There is no difference and female classes are not at a disadvantage.

3. An official notice has been posted at:

Independence City Hall

(prominent location)

informing employees that the Pay Equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

City of Independence

(governing body)

Marvin Johnson

(chief elected official)

Mayor

(title)

Part C: Total Payroll

\$436128.41

is the annual payroll for the calendar year just ended December 31.

- [] Checking this box indicates the following:

- signature of chief elected official
- approval by governing body
- all information is complete and accurate, and
- all employees over which the jurisdiction has final budgetary authority are included

Date Submitted: 1/26/2022

Job Class Data Entry Verification List

Case: Pay Equity Reporting - 2021

Independence

LGID: 506

Job Nbr	Class Title	Nbr Males	Nbr Females	Non- Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
1	Public Works LEO/Sewer Mainten	1	0	0	M	87	3612.20	4853.24	10.00	0.00	
2	Administrative Assistant	0	1	0	F	105	3941.52	5298.70	10.00	0.00	
3	Public Works HEO	1	0	0	M	119	3941.52	5298.70	10.00	0.00	
4	Assistant City Administrator	0	1	0	F	135	4686.84	6298.81	10.00	0.00	Exceptional
5	Building Official	1	0	0	M	170	4686.84	6298.81	10.00	0.00	Exceptional
6	Public Works Director	1	0	0	M	200	5607.23	7536.39	10.00	0.00	

Job Number Count: 6

Compliance Report

Jurisdiction: Independence
1920 County Road 90

Report Year: 2022
Case: 1 - Pay Equity Reporting - 2021
(Private (Jur Only))

Independence, MN 55359

Contact: Beth Horner

Phone: (763) 479-0527

E-Mail: bhorner@ci.independence.mn.us

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	4	2	0	6
# Employees	4	2	0	6
Avg. Max Monthly Pay per employee	5996.79	5798.75		5930.77

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 0 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	2	2
b. # Below Predicted Pay	2	0
c. TOTAL	4	2
d. % Below Predicted Pay (b divided by c = d)	50.00	0.00

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 4	Value of T = -2.202
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a. Avg. diff. in pay from predicted pay for male jobs = -32

b. Avg. diff. in pay from predicted pay for female jobs = 409

III. SALARY RANGE TEST = 100.00 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 10.00

B. Avg. # of years to max salary for female jobs = 10.00

IV. EXCEPTIONAL SERVICE PAY TEST = 200.00 (Result is B divided by A)

A. % of male classes receiving ESP = 25.00 *

B. % of female classes receiving ESP = 50.00

*(If 20% or less, test result will be 0.00)

City of Independence
Acceptance of Hamilton Hills Public Improvements and Release of Security
in Accordance with the Development Agreement

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: February 1, 2022

Discussion:

The City reviews and ultimately accepts public improvements associated with new subdivisions. The terms of the improvements and requisite security are provided in the development agreement between the City and Developer. The City has now determined that the public improvements associated with the Hamilton Hills Subdivision have been completed in accordance with all applicable standards. Public Works and the City's Engineer have reviewed the roads, stormwater facilities and associated infrastructure and deemed them to be complete and accepted by the City.

Council Recommendation:

City Council is asked to consider approval of the public improvements in Hamilton Hills Subdivision and release of all remaining security furnished by the developer and in accordance with the development agreement.

January 24, 2022

City of Independence

1920 County Road 90

Independence, Minnesota 55359

Dear Mark,

This letter is to request the release of letter of credit for the Hamilton Century Farm Development, located on County Road 110. This project has been completed and approved by the City of Independence.

If there is any other outstanding items or questions, please feel free to contact the family.

Sincerely,



Marilyn Hamilton

Hamilton Century Farms



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0104-01

RESOLUTION APPOINTING A PLANNING COMMISSION MEMBER

WHEREAS, the City of Independence (the City) engages advisory bodies to the City Council in addressing planning needs within the community; and

WHEREAS, the commissioner members serve three (3) year terms at the request of the Council; and

WHEREAS, the following alternate commissioner member is seeking appointment to a new three- year term commencing on February 1, 2022 and running through December 31, 2024.

Hal Tearse, Planning Commissioner

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Independence approves the noted appointment to a new term effective February 1st, 2022.

This resolution was adopted by the city council of the City of Independence on this 1st day of February 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Annual Liquor License Renewals

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: February 1, 2022

Discussion:

The City annually reviews and considers renewal of both on and off sale liquor licenses. The City has three (3) businesses which annually renew their respective liquor licenses. The following applications have been made to the Council, and have passed a criminal history and background check performed by West Hennepin Public Safety:

- Ox Yoke Inn
261 County Road 92 N.
Independence, MN 55359
Renewal for: Off Sale, On Sale and Sunday License
- Pioneer Creek Golf LLC
705 Copeland Rd.
Independence, MN 55359
Renewal for: On Sale and Sunday License
- Windsong Farm Golf Club LLC
18 Golf Walk
Independence, MN 55359
Renewal for: Off Sale, On Sale, Sunday License, Tobacco License

Council Recommendation:

City Council is asked to consider approval the requested annual liquor license renewals.



DATE: January 20, 2022

TO: Beth Horner
Independence Assistant City Administrator

FROM: Director Gary Kroells *GMD*
WEST HENNEPIN PUBLIC SAFETY

RE: Ox Yoke Inn – Liquor License Renewal

Please be advised that we have done a record check on the above establishment and owner, James Coleman, for a liquor license renewal.

No alcohol violations were found in the year 2021. We have not found anything in our record check that would preclude them from being issued a liquor license for the year 2022.

If you have any questions regarding the contents of this memo, please feel free to contact me.

A handwritten signature in black ink, appearing to read "Gary S. Kroells".

Director Gary Kroells,



A PROCLAMATION OF THE CITY OF INDEPENDENCE

**A PROCLAMATION RECOGNIZING INDEPENDENCE PLANNING COMMISSION
MEMBER TOM PALMQUIST FOR HIS LEADERSHIP, CONSIDERATION, AND
SUPPORT FOR THE CITY OF INDEPENDENCE**

WHEREAS, Independence Planning Commissioner Tom Palmquist has served residents of the City of Independence for more than eight years as a Planning Commissioner; and

WHEREAS, Commissioner Palmquist has, over the years, worked on behalf of the vision and goals of the Independence City Council and residents; and

WHEREAS, Commissioner Palmquist has been a sound and considerate voice of the residents of the City of Independence; and

WHEREAS, he has represented the Independence Planning Commission throughout the community and as a leader fully cognizant of the City Code,

NOW, THEREFORE, I, Marvin Johnson, Mayor of Independence, thank Independence Planning Commissioner Palmquist for all that he has done in support of our City, and wish him well in his future endeavors.

Marvin Johnson, Mayor

City of Independence

Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit in the Existing Accessory Structure on the Property Located at 2855 Copeland Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 1, 2022
<i>Applicant:</i>	Mark Gaalswyk
<i>Owner:</i>	Mark Gaalswyk
<i>Location:</i>	2855 Copeland Road

Request:

Mark Gaalswyk (Applicant/Owner) are requesting the following action for the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:

- a. A conditional use permit to allow an accessory dwelling unit to be constructed within the existing detached accessory structure.

Property/Site Information:

The property is located on the west side of County Road 92 N and south of Highway 12. The property is mostly wooded with some wetlands to the east and west. The property has one detached accessory building.

Property Information: **2855 Copeland Road**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *22 acres*



Discussion:

The applicant is seeking a conditional use permit to allow an accessory dwelling unit inside of a portion of the existing detached accessory structure on the property. The detached accessory structure appears to have been converted into living space prior to the current owners purchase of this property. The applicant would like to use the structure for the purpose of housing his in-laws on the subject property. Accessory dwelling units are a conditional use within the AG-Agriculture zoning district.

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

An accessory dwelling unit must meet the following criteria:

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

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

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

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

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit.

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

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

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

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

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

The principal structure has ~3,206 square feet of above ground space not including the basement. 33% of 3,206 square feet equals 1,057 square feet. The applicant is proposing to construct an accessory structure which will total 1,031 square feet. The proposed square footage would be less than the permitted maximum square feet.

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

There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 775 SF (24 x 32) and therefore would comply with applicable standards.

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

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

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

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

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

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

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

The structure is connected to the existing septic system on the property. The City has reviewed the septic system and found that it is able to accommodate the structure.

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

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

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

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

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

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

The location of the existing accessory building and its proximity to the surrounding properties does mitigate potential impacts of allowing a portion of the space to be used as an accessory dwelling unit. The surrounding properties are similar in character and have similar sized detached accessory buildings. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

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 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 considered by the City, 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 already made to the dwelling unit that were not previously approved by the City.
- 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.

Neighbor Comments:

The City has received written comments supporting the request for the proposed conditional use permit to allow an accessory dwelling unit. No additional comments were provided or made at the Public Hearing.

Recommendation:

The Planning Commission recommended approval for a CUP to allow an accessory dwelling unit 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 is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The conditional use permit will be issued subject to the following items being completed:
 - a. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City.
 - b. 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.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments:

1. **RESOLUTION No. 22-0201-02**
2. Application
3. Site Pictures
4. Site Survey
5. Proposed Accessory Dwelling Unit Floor Plan
6. Interior Pictures



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0201-02

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO
ALLOW AN ACCESSORY DWELLING UNIT WITHIN THE EXISTING ACCESSORY
STRUCTURE ON THE PROPERTY LOCATED AT 2855 COPELAND ROAD**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS Mark Gaalswyk (Applicant/Owner) is requesting a conditional use permit to allow an accessory dwelling unit on the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:

WHEREAS, the Property is zoned Agriculture (“AG”); and

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

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

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

WHEREAS the Planning Commission held a public hearing on January 18, 2022, to review the application for a Conditional Use Permit, following mailed and published noticed as required by law; and

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

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

1. The proposed Conditional Use Permit 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 is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling, not in compliance with the applicable criteria for the accessory dwelling unit, will cause the conditional use permit to be revoked by the City.
3. The conditional use permit will be issued subject to the following items being completed:
 - a. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City.
 - b. 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.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

This resolution was adopted by the city council of the City of Independence on this 1st day of February 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

Exhibit A
(Legal Description)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Mark Gaalswyk
Address: 2855 Copeland Rd
Independence, Minnesota
55359
Primary Phone: 6518959332
Email: m_gaalswyk@yahoo.com

Owner Information

Name: Mark Gaalswyk
Address: 2855 Copeland Rd
Independence, Minnesota
55359
Primary Phone: 6518959332
Email: m_gaalswyk@yahoo.com

Property Address:

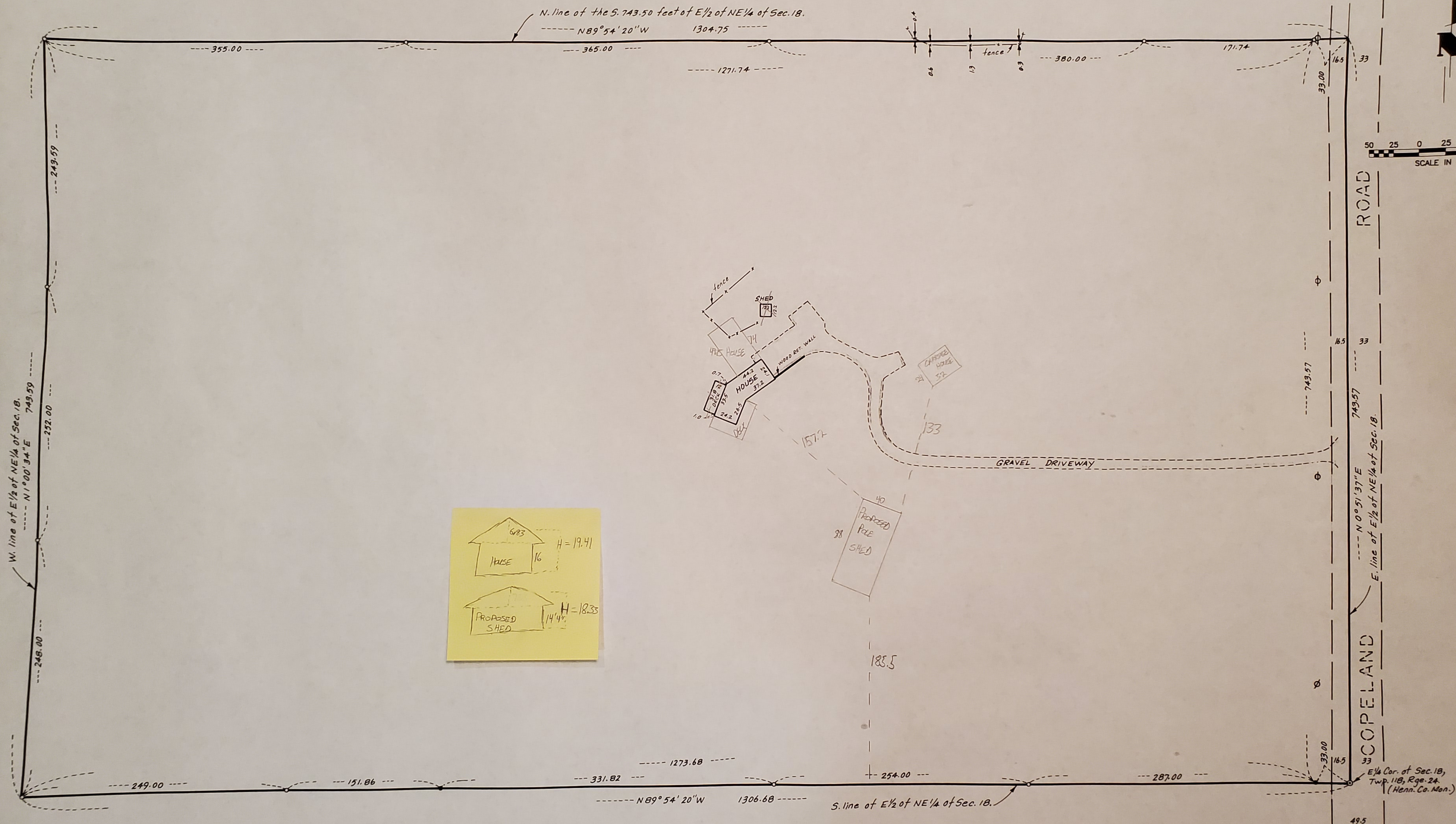
PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:



- Denotes iron found
- o Denotes iron set
- ⊕ Denotes power pole

DESCRIPTION

I hereby certify that this is a true and correct representation of a survey of:

The South 743.50 feet of the East Half of the Northeast Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota.

As surveyed by me this 3rd day of December, 1993.

Thomas S. Bergquist
 Thomas S. Bergquist
 Registered Land Surveyor
 Minnesota License No. 7725

November 30, 2021

City of Independence, MN

Planning Application / Conditional Use Permit Request

RE Property:

2855 Copeland Road

Independence MN, 55359

Purchased by: Mark and Melissa Gaalswyk on March 28, 2019

Zoned: Agricultural

To Whom It May Concern:

The purpose of this application is to request a conditional use permit be granted to classify an existing accessory structure on this property – labeled “Carriage House” on the attached site plan - as an “accessory dwelling unit”. This structure was built in mid-1998 and prior to our purchase of the property.

Our goal is to gain approval for the parents of Melissa to live in the Carriage House. It is our understanding that city code section 530.01 Subd. 4a allows for this conditional use request. This is not a request to approve rental tenet, vrbo, or other paid use of the structure by non-family members.

“Accessory dwelling unit” definition compliance:

Copied below are the city’s definition requirements for an “Accessory dwelling unit” along with responses for each:

510.05 Subd. 2

"Accessory dwelling unit." A secondary dwelling unit that is:

(Amended, Ord. No. 2011-09)

(a)

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

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

OWNER RESPONSE: the Carriage House is a detached unit; the property is 22 acres and exceeds the minimum of 2.5 acres which would require an attached structure.

(b)

Subordinate in size to the single-family dwelling unit; and

OWNER RESPONSE: the Carriage House is smaller than the single family dwelling unit.

(c)

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

OWNER RESPONSE: the Carriage House is detached from the single family dwelling unit.

(d)

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

OWNER RESPONSE: the Carriage House uses similar and mostly identical siding, roofing, and overall style and finishes as the single family dwelling unit.

(e)

The lesser of 33 percent of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet. The total square footage shall not include a designated mechanical room or unfinished basement below the accessory dwelling unit; and

(Amended, Ord. No. [2017-03](#), § 1)

OWNER RESPONSE: the Carriage House, measured as specified, is approximately 1,000 square feet and is less than 33 percent of the single family dwelling living area of approximately 4,000 square feet.

(f)

Not in excess of the maximum square footage for accessory structures as permitted in this Code; and

OWNER RESPONSE: the Carriage House complies with this restriction to the best of our knowledge.

(g)

Has permanent provisions for cooking, living and sanitation; and

OWNER RESPONSE: the Carriage House has permanent provisions for cooking, living and sanitation.

(h)

Has no more than two bedrooms; and

OWNER RESPONSE: the Carriage House has 1 bedroom.

(i)

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

OWNER RESPONSE: We would comply with this restriction; the current plan is that the parents of Melissa will reside in the Carriage House – 2 total people. 5 people currently live in the primary residence – Mark, Melissa and 3 children.

(j)

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

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

OWNER RESPONSE: the Carriage House uses the existing on-site septic system which is shared with the primary residence. The septic was designed and inspected as part of the original building construction. See attached septic inspection report.

(k)

Respectful of the future subdivision of the property and the primary and secondary septic sites. The city may require a sketch of the proposed future subdivision of a property; and

OWNER RESPONSE: We have no plans for future subdivision of the property and are unaware if such plans exist.

(l)

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

OWNER RESPONSE: the Carriage House complies with building codes to the best of our knowledge.

Conditional Use Permit application compliance:

Copied below are the city code section titles for a conditional use application along with responses for each:

520.09. - Procedure for conditional use permits

OWNER RESPONSE: A to-scale site plan has been attached which shows the carriage house in relation to the property lines, existing structures, driveway, and a proposed pole shed. There are no proposed changes to landscaping or existing site drainage. There are no proposed changes to existing driveways or walkways. There are no proposed changes to existing buildings, including the referenced Carriage House structure. There are no proposed changes involving structural alterations or enlargements.

520.11. - Criteria for granting a conditional use permit

OWNER RESPONSE: The proposed conditional use will not adversely or detrimentally affect the surrounding lands – it's an existing structure to be lived-in by people who share property goals with the primary structure residents. The existing road, parking, and utilities usage will remain constant for the property as a whole. There will be no modifications to the existing natural drainage, trees, wetlands, etc. There will be no impacts to offensive odor, fumes, dust, noise, or vibration on the property.

520.13. - Conditions and restrictions

OWNER RESPONSE: We propose that the requested conditional use permit is in the best interests of the surrounding area and the community as a whole. Our goal is to have a property that provides comfortable and accessible living options for our immediate family, and we expect that future owners of this property would share appreciation for that provision being approved by the city.

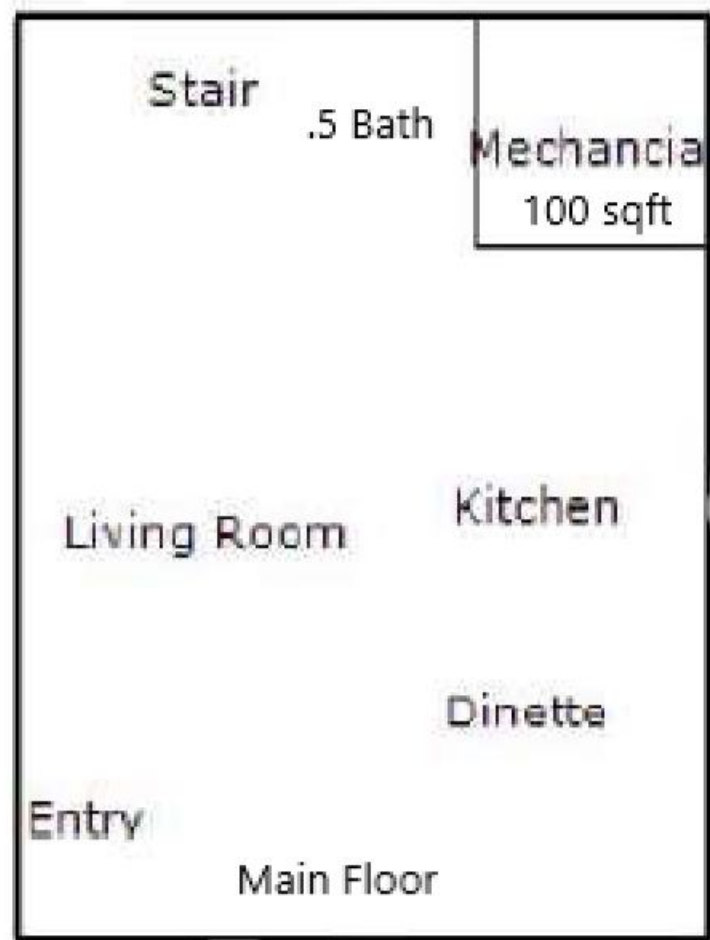
Please let me know if there are any additional questions or concerns with this application.

Sincerely,

Mark Gaalswyk; Melissa Gaalswyk

651-895-9332

22x29 = 638 sqft



17x29 = 493 sqft









City of Independence
***Request for a Variance from the Side Yard Setback
for the Property Located at 4672 S Lake Sarah Drive***

To:	City Council
From:	Mark Kaltsas, City Planner
Meeting Date:	February 01, 2022
Applicant:	Robert Knight
Owner:	Robert Knight
Location:	4672 Lake Sarah Drive S

Request:

Robert Knight (Applicant/Owner) is requesting the following action for the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) in the City of Independence, MN:

- a. A variance for reduced lake, front and side yard setbacks to allow a new home to be constructed on the subject property in place of the existing home.

Property/Site Information:

The subject property is located at 4672 Lake Sarah Drive S. The property is located along the west shoreline of Lake Sarah. There is an existing home, detached garage and several small sheds located on the property. This property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: 4672 Lake Sarah Drive S
Zoning: *Rural Residential (Shoreland Overlay)*
Comprehensive Plan: *Rural Residential*
Acreage: *0.30 acres (12,852 square feet)*
Impervious Surface Maximum: *25% (3,213 square feet)*

4672 Lake Sarah Drive S (blue outline)



Discussion:

The applicant approached the City about the possibility of constructing a new home on the subject property last year. The applicant would like to raze the existing home and construct a new home. The subject property is approximately 70 feet wide by 150 feet long. The existing home and detached garage do not meet any of the applicable setbacks for the property. The applicant is proposing to construct a new home on the subject property would require variances from all applicable setbacks. The applicant has prepared plans relating to the proposed home and associated site improvements.

The subject property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

505.15. Substandard lots. Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:

(a) such use is permitted in the zoning district;

(b) the lot of record is in separate ownership from abutting lands, and can meet or exceed
60% of the lot area and setback requirements of this section; and

(c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.

Setbacks for properties located in the shoreland ordinance are as follows:

Subd. 2. Lot standards.

	Unsewered Areas			Sewered Areas		
	NE Waters	RD Waters	Tributary Streams	NE Waters	RD Waters	Tributary Streams
Lot Area	2.5 acres	2.5 acres	2.5 acres	1.0 acre	1.0 acre	1.0 acre
Water frontage and lot width at building line	200 ft	200 ft	200 ft	125 ft	100 ft	100 ft
Structure setback from ordinary high water mark	150 ft	100 ft	100 ft	150 ft	100 ft	100 ft
Structure setback from roads and highways	85 ft from centerline or 50 ft. from right-of-way, whichever is greater					
Structure height limitation	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Maximum lot area covered by impervious surface	25%	25%	25%	25%	25%	25%
Sewage system setback from ordinary high water mark	150 ft	75 ft (RR) 150 ft (AG)	75 ft (RR) 150 ft (AG)	125 ft	75 ft	75 ft

Based on the permitted setbacks, the subject property has a limited building area. This lot would support an approximately 34' wide home based on the applicable 18' side yard setbacks.

The existing home has the following setbacks:

Lake: 36'

Side: 1.3' (south side), 21' (north side)

Street: 132' to centerline of street

The detached garage has the following setbacks:

Side: 2.4' (south side)
Street: 72' (centerline)

The detached deck has the following setbacks:

Lake: 25'
Side: 1.8' (north side)

The applicant is proposing to center the new home on the property and is asking for a variance to allow reduced side yard, lake and street setbacks. The applicant is proposing to construct a home with the following setbacks:

<u>Required:</u>	<u>Proposed:</u>
Lake: 60'	34'
Side: 18'	14.75' (south side), 14.75' (north side)
Street: 85' from centerline, 50' from prop.	79' to centerline of street

The applicant has prepared house plans, elevations, and a site plan. The proposed home would have an attached garage and attached deck rather than a detached garage and detached deck which is what is currently on the property. The proposed home would be a two-story structure with a walk-out basement.

In addition to the setback requirements, properties located in the shoreland district can have a maximum impervious surface coverage of 25%. This property can have a maximum coverage of 3,213 square feet. The proposed house and impervious site improvements have a total impervious coverage area of 3,226 square feet or 25.10% (See survey for detailed breakdown). The applicant is proposing a pervious paver driveway in order to bring the lot closer to conformance with the applicable standard. The applicant will have to meet the maximum impervious surface coverage amount of 3,213 SF (25%) by reducing the proposed impervious area.

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Rural Residential District. The applicant has attempted to locate the proposed home in a location that improves the current condition of the property without completely reworking the entire site.
- b. The surrounding properties do not comply with applicable setbacks. This area of the City contains a handful of properties that do not conform to applicable setbacks.
- c. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

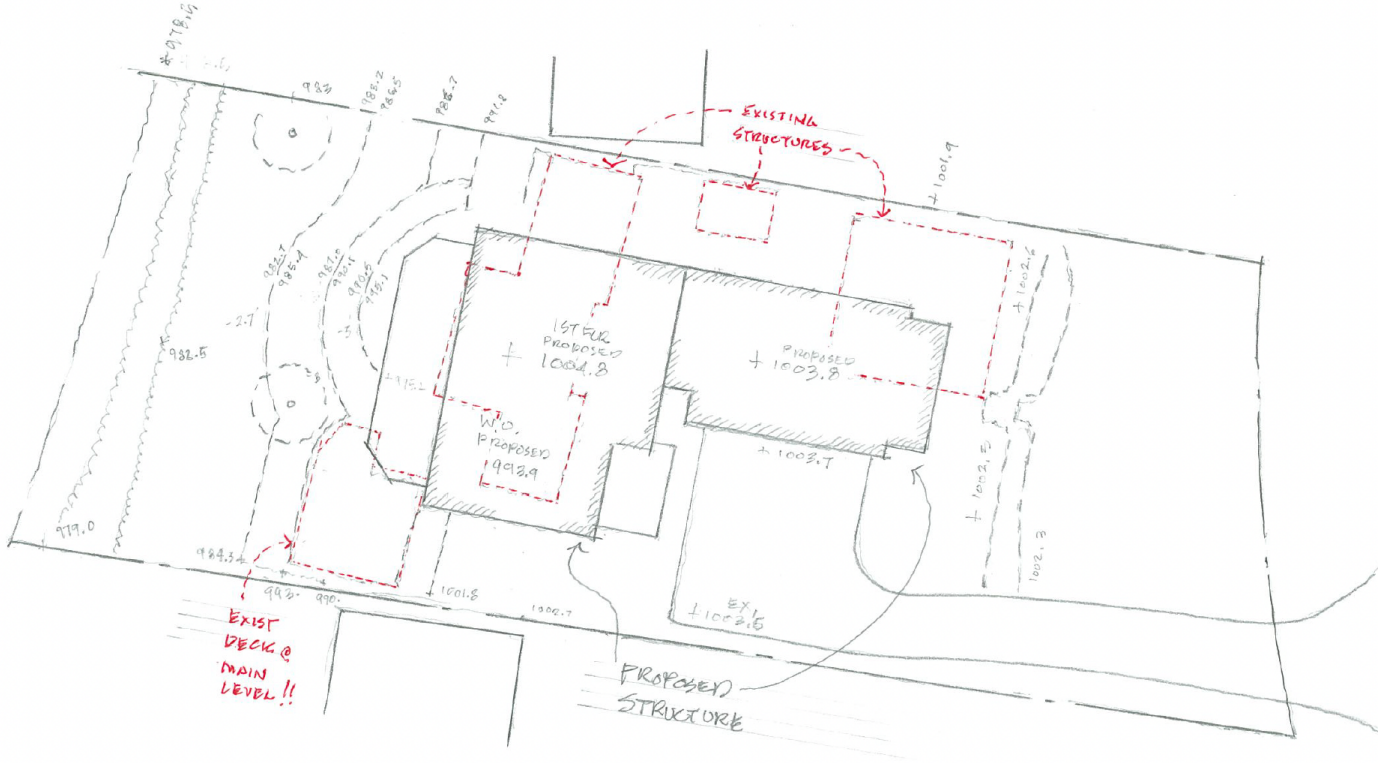
The Planning Commission will need to determine if the requested variance meets the requirements for granting a variance. Several additional considerations that could be considered are as follows:

1. This lot was developed prior to the establishment of the setbacks in the current ordinance being adopted.
2. The proposed home would increase all of the applicable building setbacks.
3. Setbacks to the side yard, street and lakeshore vary considerably on the surrounding properties.
4. The new home will be connected to City sewer.

- ### EXISTING HOME ON PROPERTY



PROPOSED HOME ON PROPERTY WITH UNDERLYING EXISTING STRUCTURES



Planning Commission Discussion/Recommendation:

Planning Commissioners reviewed the request for a variance and asked questions of staff and the applicant. Commissioners noted that the existing structures were located across the property and closer in proximity to all applicable setbacks. Commissioners clarified the setbacks for the proposed home and deck. Commissioners found that the criteria for granting a variance had been satisfied by the applicant as the property was in existence prior to the adoption of the current ordinance and also because the applicant was improving the setbacks in all directions. Commissioners recommended approval of the variance to the City Council.

Neighbor Comments:

The City has not received any comments relating to the request a the public hearing and or at the time this report was prepared.

Recommendation:

The Planning Commission has recommended approval of the requested Variance with the following findings and conditions:

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 satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow single-family home on the property.
 - b. The location of the proposed home is generally in the location of the existing home and adjacent properties.
 - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
3. City Council approval shall be subject to the applicant providing the City with an updated survey depicting the full proposed building.
4. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
5. The variance will permit a 3.25 foot reduction of the north and south side yard setbacks (14.75' instead of 18'), a 26 foot reduction to the lake setback (34' instead of 60') and a 6 foot reduction of the street setback (79' instead of 85') to allow the proposed new home to be constructed on the property. Any modification change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
7. The applicant shall pay for all costs associated with the City's review of the requested variance.

8. 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.
9. The variance approval will be valid for one year from the date of City Council approval. Construction of the new home will be required to commence prior to expiration of the variance.
10. The City Council Resolution shall be recorded with the County.

Attachments:

1. Application
2. Site Survey – Existing Conditions
3. Site Survey (proposed new home)
4. Proposed Building Elevations and Floor Plans



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0201-03

**A RESOLUTION APPROVING A VARIANCE FOR REDUCED STRUCTURE
SETBACKS ALLOWING THE CONSTRUCTION OF A NEW HOME
ON THE PROPERTY LOCATED AT 4672 LAKE SARAH DRIVE S**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Robert Knight (the “Applicant/Owner”) submitted an application for a variance to allow reduced setbacks on the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) (the “Property”); and

WHEREAS, the Property is zoned RR-Rural Residential; and

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

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on January 18, 2022, to review the application for a variance, following mailed and published noticed as required by law; and

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Robert Knight and grants the requested variance for the property in accordance with the City’s zoning regulations with the following findings and conditions:

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 satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow single-family home on the property.
 - b. The location of the proposed home is generally in the location of the existing home and adjacent properties.
 - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
3. City Council approval shall be subject to the applicant providing the City with an updated survey depicting the full proposed building which is attached to this resolution as **Exhibit B**.
4. The total impervious surface coverage for this property will not exceed 25% of the total lot area. The applicant will need to revise the plan to reduce the proposed impervious surface area to no greater than 25.00%.
5. The variance will permit a 3.25-foot reduction of the north and south side yard setbacks (14.75' instead of 18'), a 26-foot reduction to the lake setback (34' instead of 60') and a 6-foot reduction of the street setback (79' instead of 85') to allow the proposed new home to be constructed on the property. Any modification change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
7. The applicant shall pay for all costs associated with the City's review of the requested variance.
8. 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.
9. The variance approval will be valid for one year from the date of City Council approval. Construction of the new home will be required to commence prior to expiration of the variance.

10. The City Council Resolution shall be recorded with the County.

This resolution was adopted by the City Council of the City of Independence on this 1st day of February 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B
(Site/House Plans)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Robert Scott Knight
Address: 2590 Keller Road
Long Lake, Minnesota 55356
Primary Phone: 7634821139
Secondary Phone: 7632421823
Email: rknight@knightventuresinc.com

Owner Information

Name: Robert Scott Knight
Address: 2590 Keller Road
Long Lake, Minnesota 55356
Primary Phone: 7634821139
Secondary Phone: 7632421823
Email: rknight@knightventuresinc.com

Property Address:

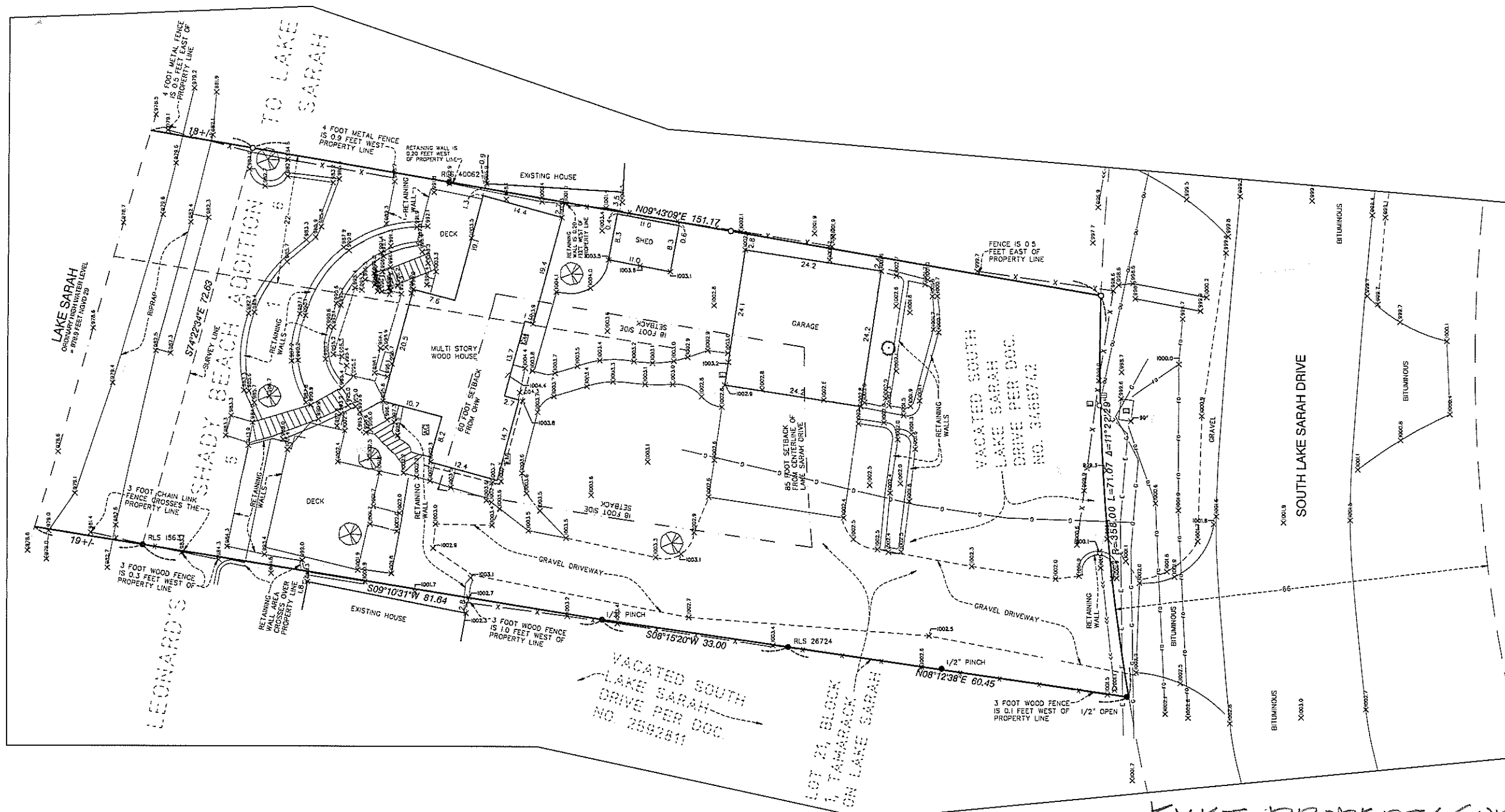
PID:

Planning Application Type: Variance, Site Plan Review

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Building Plans

Signature:



LEGAL DESCRIPTION

Parcel 1: Lot 5, and the Westerly 22 feet of Lot 6, Block 1, LEONARD'S SHADY BEACH ADDITION TO LAKE SARAH, according to the recorded plat thereof, Hennepin County, Minnesota.

Parcel 2: Lot 21, Block 1, TAMARACK ON LAKE SARAH, according to the recorded plat thereof, Hennepin County, Minnesota.

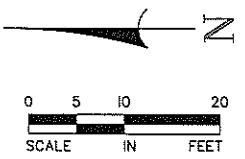
NOTES


- The locations of underground utilities are depicted based on information from Gopher State One Call system for a "Boundary Survey locate". The information was provided by a combination of available maps, proposed plans or city records and field locations which may not be exact. Verify all utilities critical to construction or design.
- The orientation of this bearing system is based on the Hennepin County Coordinate System NAD83. Coordinates are Hennepin County ground feet, based on the Minnesota Coordinate System, Southern Zone, NAD83, 1986 (non HARN values). Coordinate values dated January, 2005.
- All distances are in feet.
- The area of the above described property is 12,853 square feet or 0.295 acres.
- Bench Mark 1: MNDOT Monument 2722 H, 3.6 miles southeast of Rockford, 3.6 miles southeast along trunk highway 55 from the junction of Trunk Highway 55 and Main Street in Rockford, at Trunk Highway 55 milepoint 108.9, 55.0 feet south of Trunk Highway 55, 79.0 feet east of East Lake Sarah Heights Road, 60.0 feet northwest of a power pole, 54.51 feet east-northeast of Station Sarah MNDOT, 1.4 feet north of a witness post, having an elevation of 1034.17 feet NAVD83.
- Property is zoned Rural Residential District.

LEGEND

○ SET CAP IRON MONUMENT 44110	— G — G — G —	GAS
● FOUND IRON MONUMENT	— P — P — P —	SANITARY SEWER
□ ELECTRIC BOX	— >> — >> — >> —	STORM SEWER
□ TELEPHONE BOX	— I — I — I —	WATERMAIN
⊞ ELECTRIC METER	— O — O — O —	OVERHEAD UTILITY
⚡ POWER POLE	— F — F — F —	UNDERGROUND FIBER OPTIC
⬆ SPOT ELEVATION	— X — X — X —	FENCE
Ⓐ AIR CONDITIONER	— — — — —	EDGE OF WATER
Ⓜ GAS METER	— — — — —	SETBACK LINE
▽ FES	— — — — —	CONCRETE
○ CONIFEROUS TREE	— — — — —	BRICK
⊗ DECIDUOUS TREE	— — — — —	

EXIST. PROPERTY SURVEY 1:20
4672 LAKE SARAH, INDEPENDENCE
KNIGHT RESIDENCE 10.8.21
NRDI





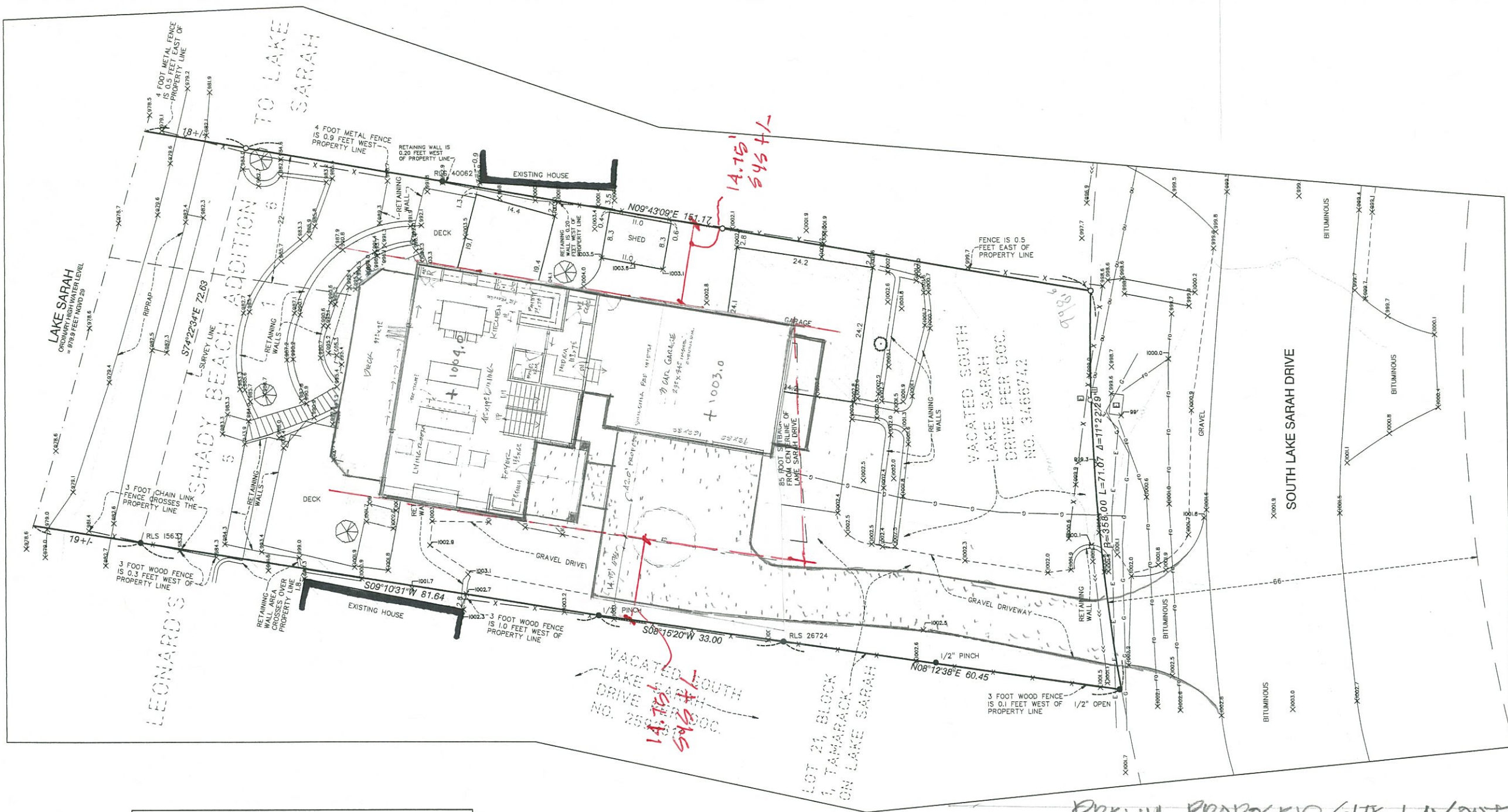
733 Marquette Ave, Ste 700
Minneapolis, MN 55402
612.758.3080 MAIN
612.758.3099 FAX
www.alliant-inc.com

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.

DENNIS B. CLMSTEAD
Print Name
FOR REVIEW
Signature
Date _____ License Number _____

CERTIFICATE OF SURVEY
4672
4872 LAKE SARAH DRIVE SOUTH
MAPLE PLAIN, MINNESOTA

DRAWN BY	MDT
CHECKED BY	PDG
DATE ISSUED	10/01/2021
SCALE	1"=10'
JOB NO.	221-0173
FIELD	CN



LEGAL DESCRIPTION

Parcel 1: Lot 5, and the Westerly 22 feet of Lot 6, Block 1, LEONARD'S SHADY BEACH ADDITION TO LAKE SARAH, according to the recorded plat thereof, Hennepin County, Minnesota.

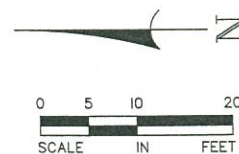
Parcel 2: Lot 21, Block 1, TAMARACK ON LAKE SARAH, according to the recorded plat thereof, Hennepin County, Minnesota.

NOTES

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- All distances are in feet.
- The area of the above described property is 12,853 square feet or 0.295 acres.
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- Property is zoned Rural Residential District

LEGEND

○ SET CAP IRON MONUMENT 4410	— G — G — G —	GAS
● FOUND IRON MONUMENT	— D — D — D —	SANITARY SEWER
□ ELECTRIC BOX	— >> — >> — >> —	STORM SEWER
□ TELEPHONE BOX	— I — I — I —	WATERMAIN
⊕ ELECTRIC METER	— O — O — O —	OVERHEAD UTILITY
⊕ POWER POLE	— F — F — F —	UNDERGROUND FIBER OPTIC
⊕ SPOT ELEVATION	— X — X — X —	FENCE
⊕ AIR CONDITIONER	— — — — —	EDGE OF WATER
⊕ GAS METER	— — — — —	SETBACK LINE
⊕ FES	— — — — —	CONCRETE
○ CONIFEROUS TREE	— — — — —	BRICK
⊗ DECIDUOUS TREE	— — — — —	



PRELIM. PROPOSED SITE LAYOUT 1:20
4672 LAKE SARAH S. INDEPENDENCE
KNIGHT RESIDENCE

10.8.21

NIRDI



733 Marquette Ave, Ste 700
Minneapolis, MN 55402
612.758.3080 MAIN
612.758.3099 FAX
www.alliant-inc.com

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.

DENNIS B. OLMSTEAD

Print Name

Signature

Date

License Number

CERTIFICATE OF SURVEY

4372 LAKE SARAH DRIVE SOUTH
MAPLE PLAIN, MINNESOTA

DRAWN BY MDT
CHECKED BY PDG
DATE ISSUED 10/01/2021
SCALE 1"=10'
JOB NO. 221-0173
FIELD CN



12.4.21

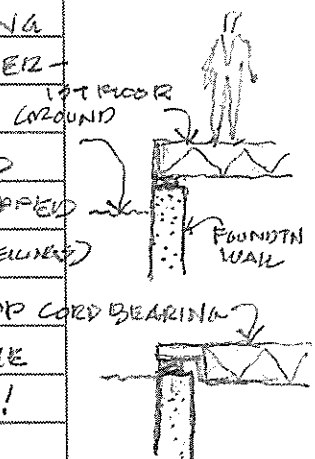
TO: ROB KNIGHT & SARAH LINDBERG
RE: 4672 LK SARAH DR, S. INDEPENDENCE

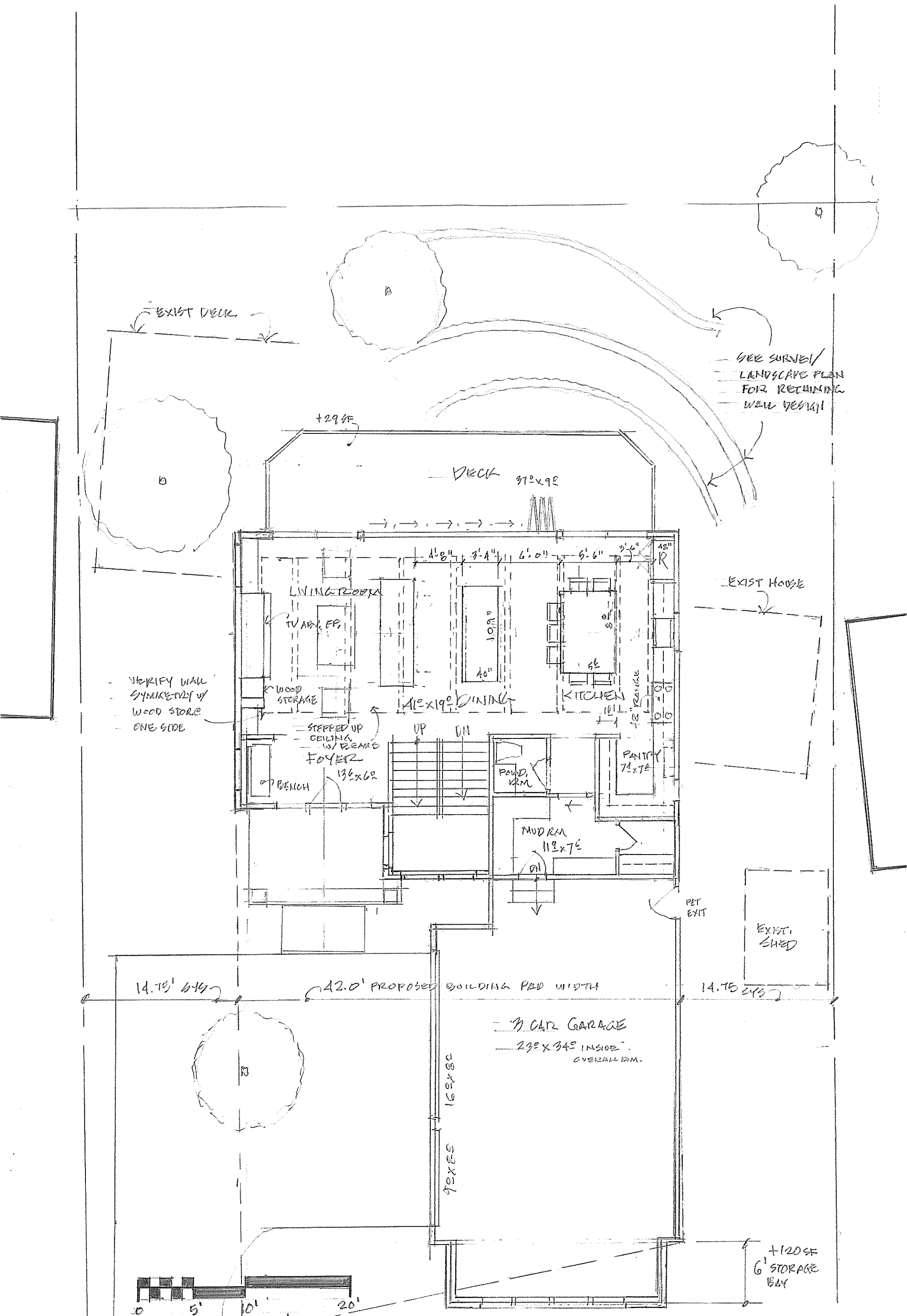
ROB & SARAH -

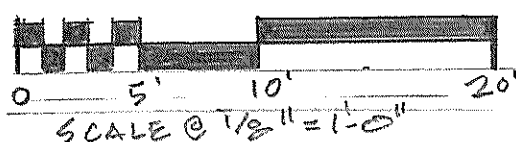
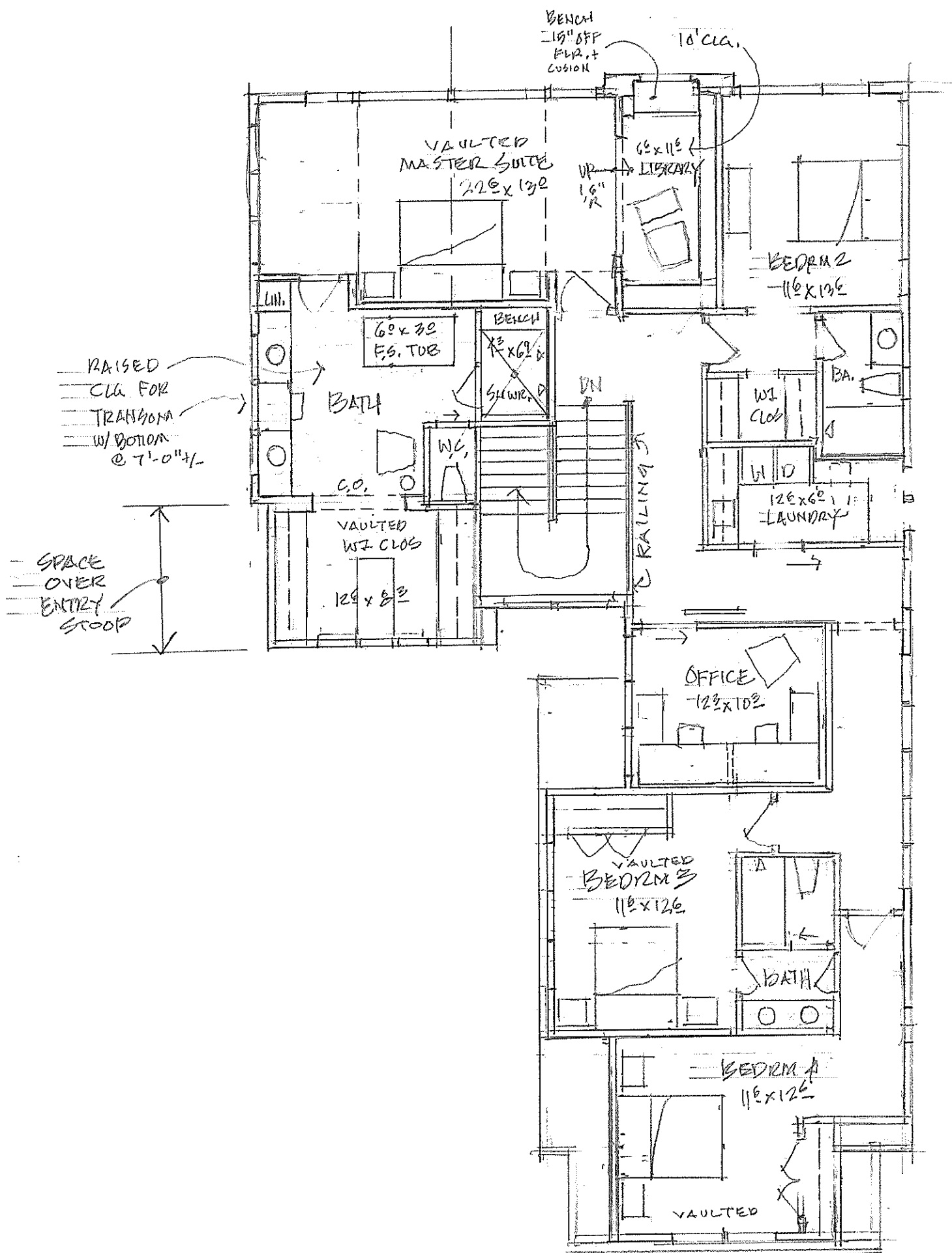
I'VE COMPLETED THE REVISIONS & ENHANCED THE DRAWINGS FOR THE VARIANCE SUBMISSION. HERE ARE SOME FOLLOW UP ITEMS:

1. I'M ASSUMING A GAS FIREPL. @ GRT RM.
2. ON THE WEST ELEVATION THE BEDRM & BATH TRANSOMS ARE AT DIFFERENT HEIGHTS - SEE THE ELEVATION - I'M SURE WE CAN TWEAK THAT AT A LATER TIME.
3. THE EAST & WEST SIDE ELEVATIONS I'VE NOTED TO REFER TO THE SURVEY OR LANDSCAPE PLAN FOR GRADING CONDITIONS.
4. THE LANDSCAPE PLAN SHOWS TALL RETAINING WALLS - WALLS 4' OR MORE REQUIRE ENGINEERING AND ARE OFTEN AVOIDED.
5. ON THE ELEVATIONS IT IS NOTED "TOP CORDBEARING" THIS MEANS THE 1ST FLOOR IS DROPPED DOWN SEE DRAWINGS (WE STILL HAVE 8'-10" HD. CEILING)
6. SUE WILL BE OUT OF THE OFFICE WED - FRI. THIS WEEK SO EMAILING FORME WILL STOP FOR TUES, AFTERNOON 12/7/21 !!

Thanks!
BEN







PRELIMINARY 2ND FLOOR PLAN
 $\frac{1}{8}'' = 1'-0''$

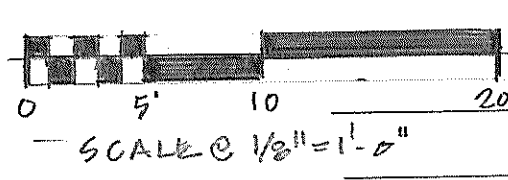
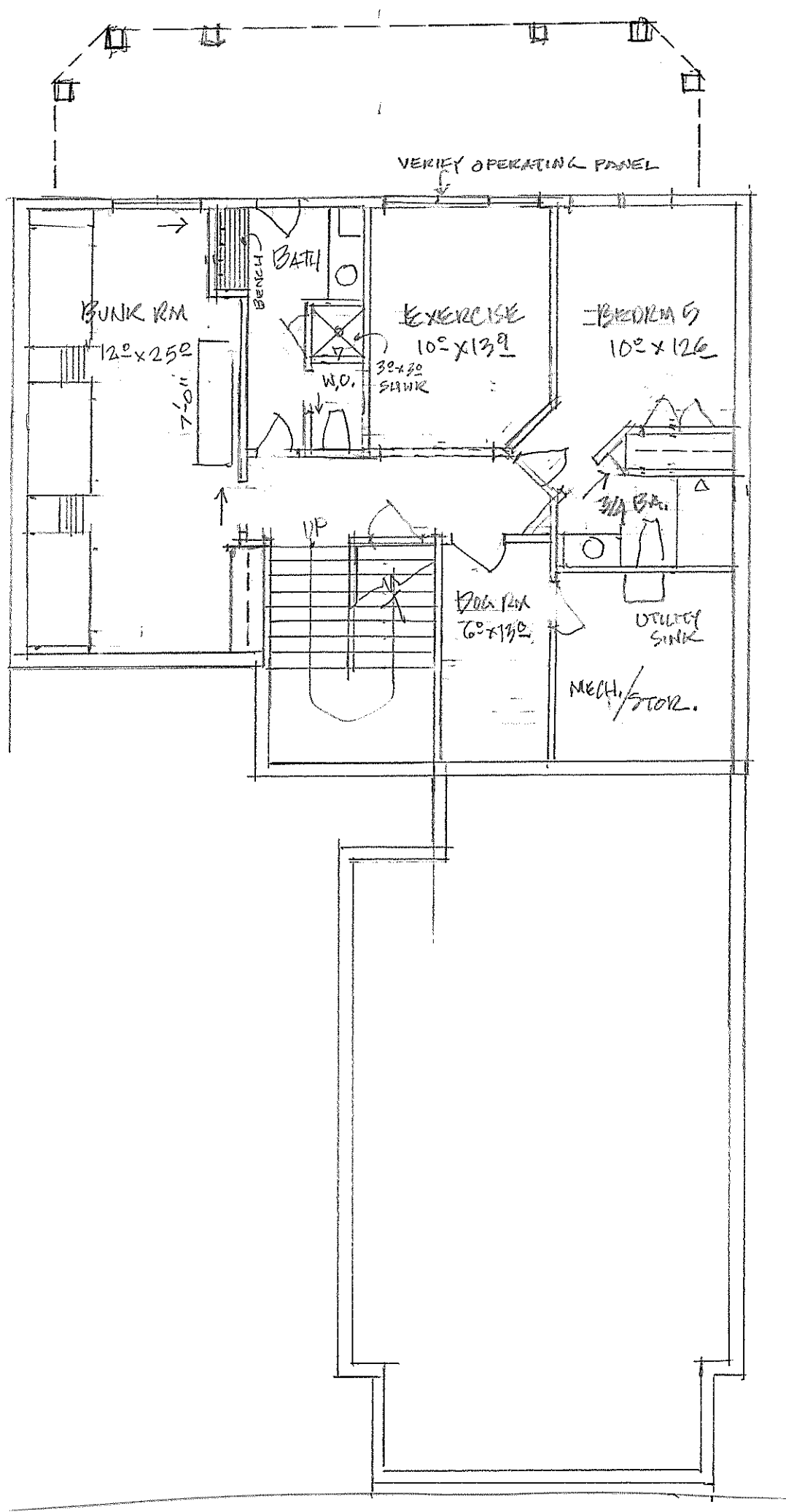
2120 SF
 (EXCLUDES STAIR SF)

KNIGHT LAKE HOME

4672 LAKE SARAH DR. INDEPENDENCE

12.4.21
 11.17.21
 NRDZ

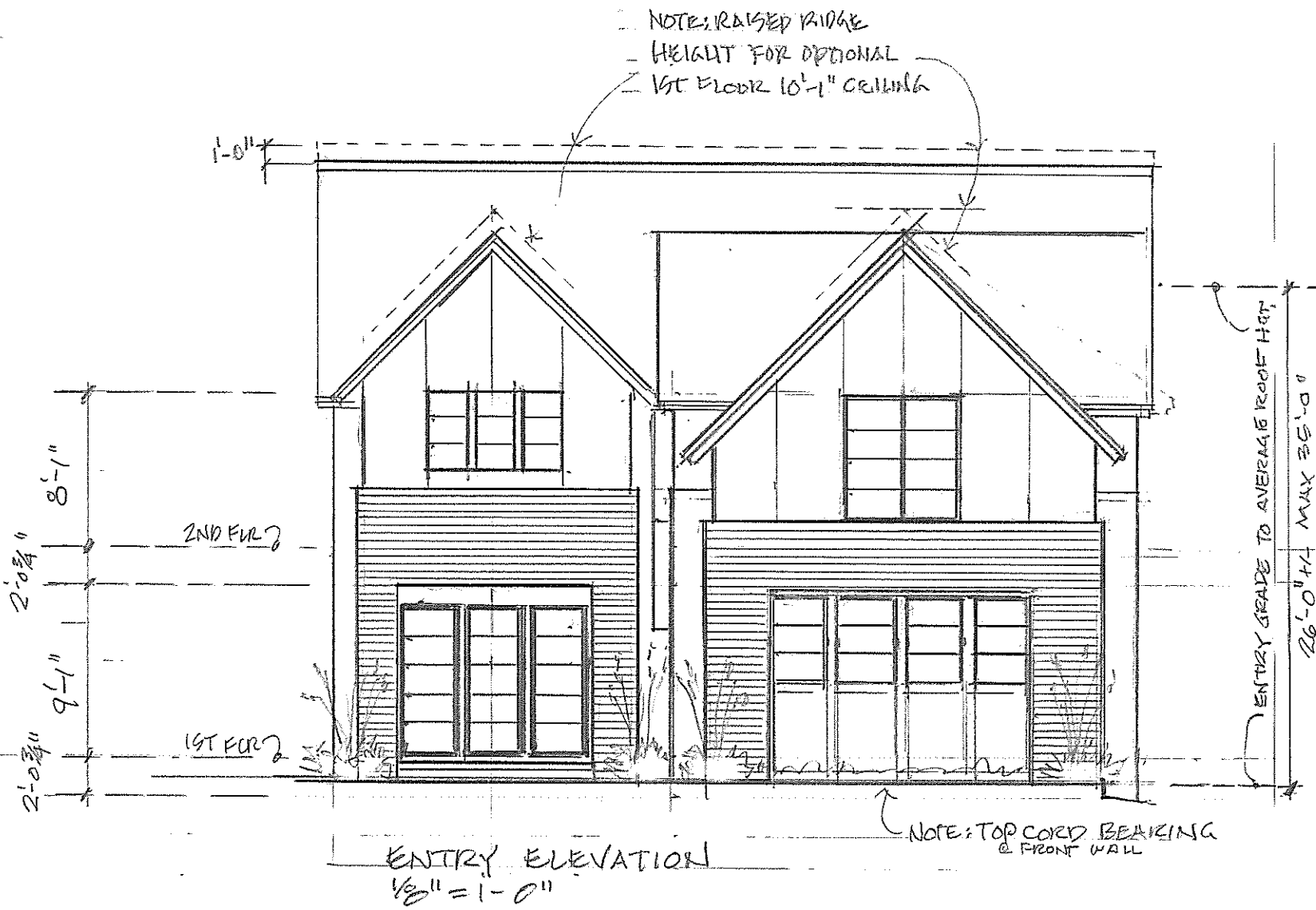
-110
-36
1292 - 146
1146



PRELIMINARY W.O. PLAN 1182 SF INCLUDES STAIR & DOG RM.
EXCLUDES MECH/STOR.

KNIGHT LAKE HOME
4672 LAKE SARAH DR. S.,
INDEPENDENCE

12.4.21
11.17.21
NRDI

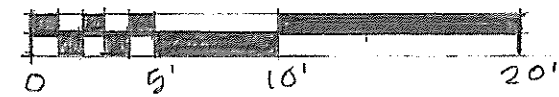


KNIGHT LAKE HOME

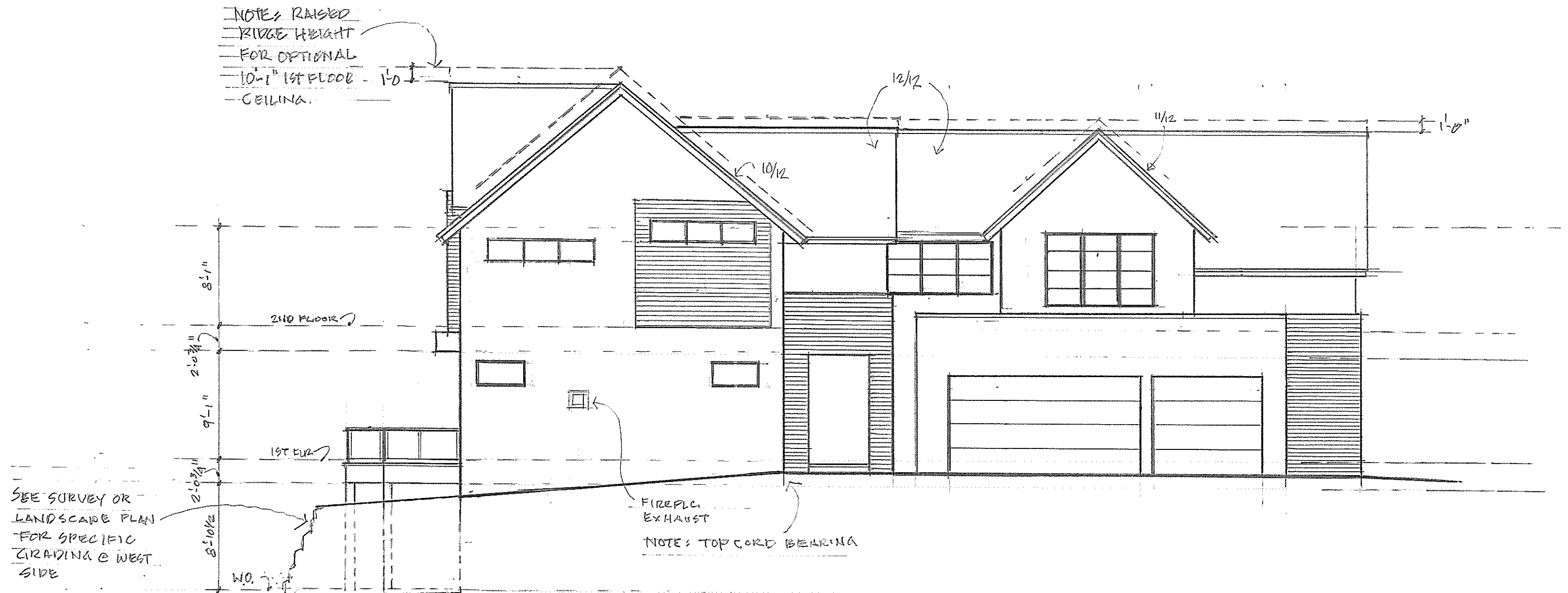
4672 LAKE SARAH DR, S, INDEPENDENCE

11/29/21 12/4/21

NRDI



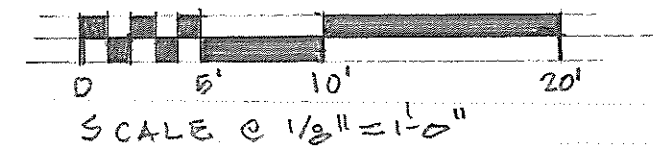
SCALE @ 1/8" = 1'-0"



WEST / RIGHT SIDE ELEVATION
 1/8" = 1'-0"

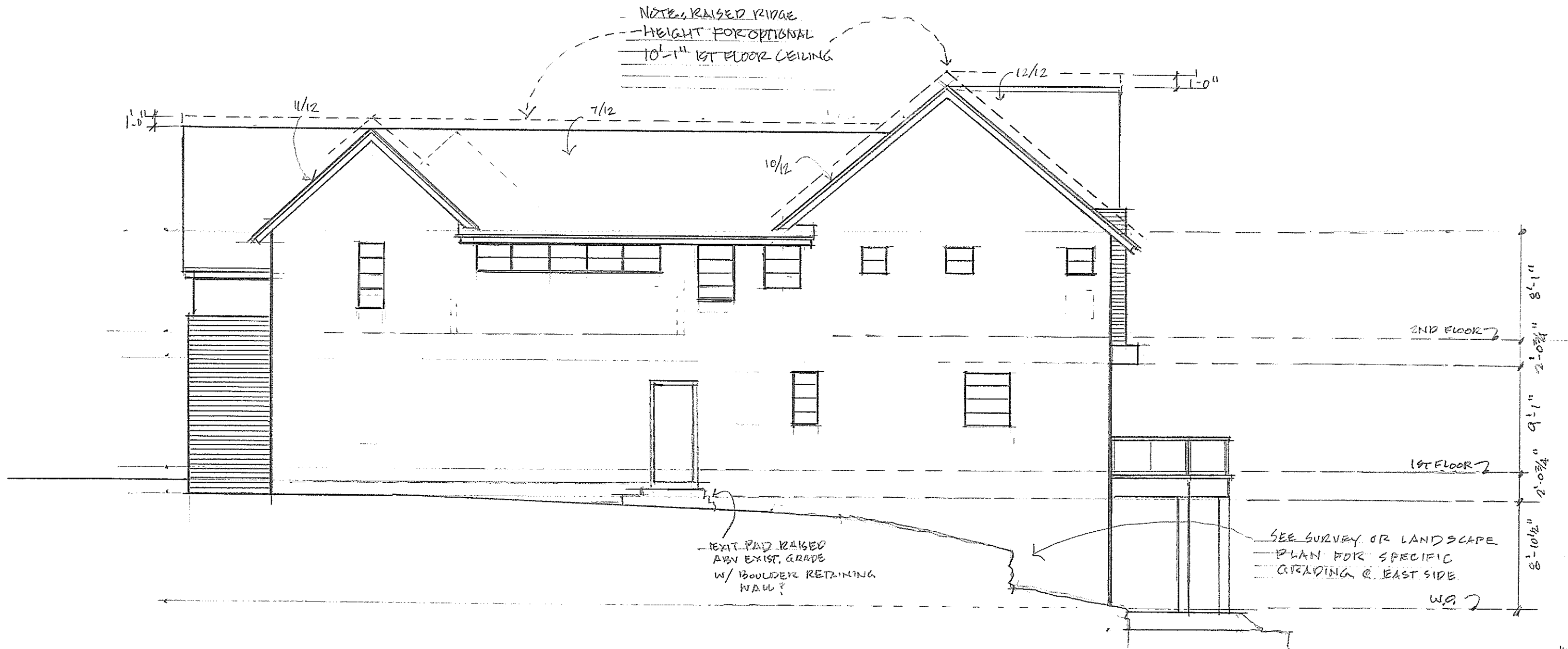
KNIGHT LAKE HOME

4672 LAKE SARAH DR, S. INDEPENDENCE



12/14/21
 11/29/21

NRDI



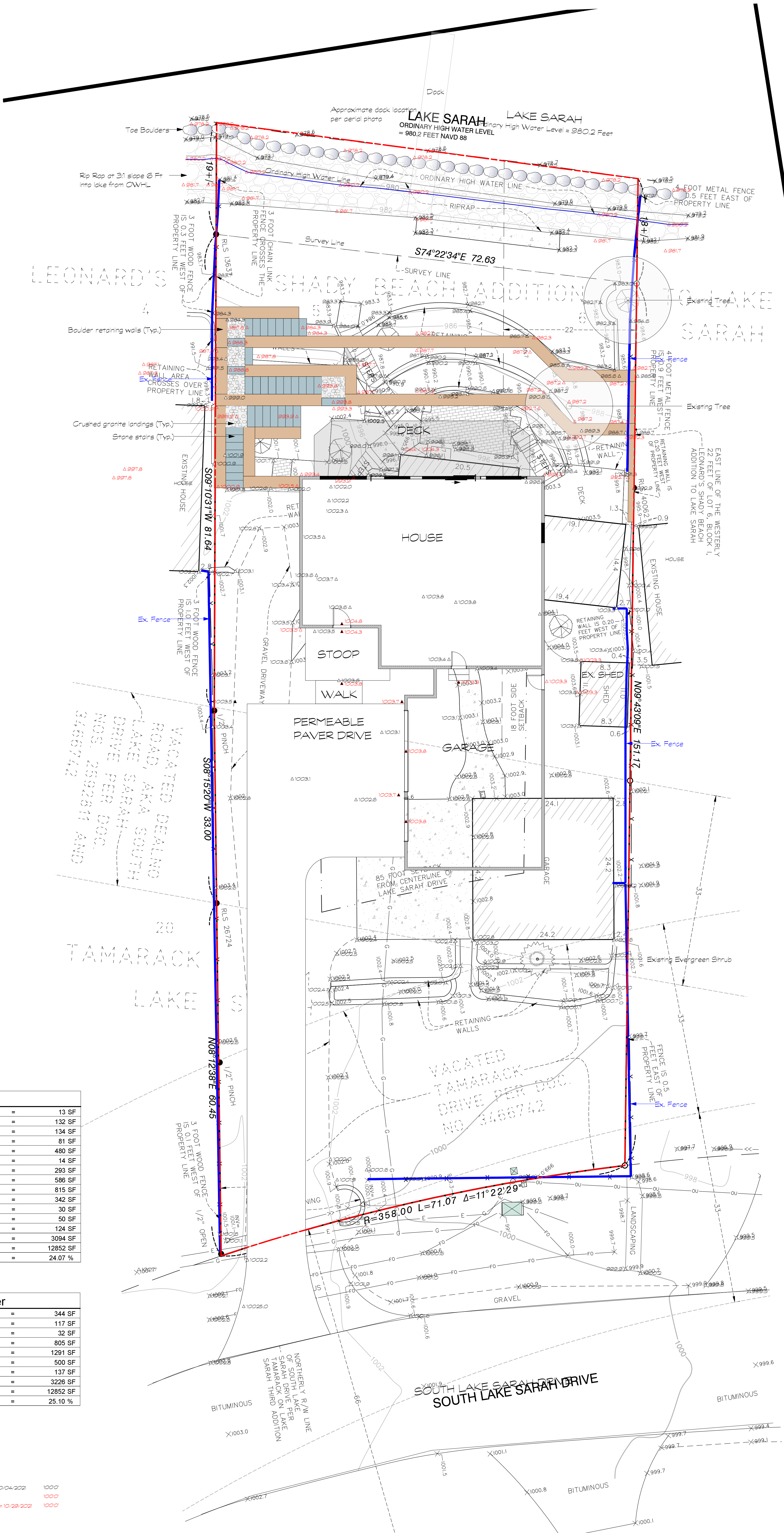
EAST/LEFT SIDE ELEVATION
 1/8" = 1'-0"

KNIGHT LAKE HOME

4672 LAKE SARAH DR. S. INDEPENDENCE

SCALE @ 1/8" = 1'-0"

12.4.21
 NRDI



Existing Hardscover

Back Stoop	=	13 SF
Concrete Terraces	=	132 SF
Deck	=	134 SF
Decking Stairs	=	81 SF
Driveway	=	480 SF
Front Stoop	=	14 SF
Front Walkway	=	293 SF
Garage	=	586 SF
House	=	815 SF
Large Terrace	=	342 SF
Side Steps	=	30 SF
Side Walkway	=	50 SF
Walkout Patio	=	124 SF
Total Hardscover	=	3094 SF
Total Lot Area	=	12852 SF
Percent Hardscover	=	24.07 %

Proposed Hardscover

Deck	=	344 SF
Front Stoop	=	117 SF
Front Walkway	=	32 SF
Garage	=	805 SF
House	=	1291 SF
Retaining Walls	=	500 SF
Terrace Steps	=	137 SF
Total Hardscover	=	3226 SF
Total Lot Area	=	12852 SF
Percent Hardscover	=	25.10 %

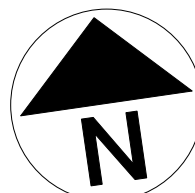
Existing Elevations per Survey Issued 10/04/2021 1000'
Proposed Elevations 1000'
Proposed Elevations per NCD Site Plan 10/29/2021 1000'

Project Name:
Job #:

Scale:
1" = 8'

Sheet

2 of 4



Robert Knight
Landscape Concept + Survey

4672 S Lake Sarah Drive
Independence, MN, 55359

Designer:

Mack Sutphin

Design Associate:

Laura Osberghaus

Print Date: 12/26/2021
File Name: 2021_10_28_Knight_workingcopy.vwx

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Released By:

Date Released: / /

NO

Date

Revision

Notes

NO

Date

Issue Notes

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