



CITY COUNCIL MEETING AGENDA
TUESDAY APRIL 5, 2022

****PLEASE NOTE****

6:00 PM: LOCAL BOARD OF APPEALS AND EQUALIZATION MEETING

1. Call to Order
2. Hennepin County Assessor Mel Potter: Present Local Board of Appeals and Equalization Information.
3. Adjourn.

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. ****Consent Agenda****
All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
 - a. Approval of City Council Minutes from the March 15, 2022, Regular City Council Meeting.
 - b. Approval of City Council Minutes from the March 15, 2022, Pre-Board LBAE City Council Meeting.
 - c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21118-21121 and Batch # 2; Checks Numbered 21122-21164).
 - d. Agriculture Preserve Renewal Application for the Following Property:
 - i. PID No's. 31-118-24-41-0003, 31-118-24-41-0004 (Requested by Anne Leck)
 - e. Approval and Award of Annual Dust Control and Gravel Contracts.
 - f. 1st Quarter Building Permit Summary (for information only).
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. Hennepin County Commissioner Kevin Anderson: Annual Visit/County Updates.

8. Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following actions for the property located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:
 - a. **ORDINANCE 2022-03:** Considering rezoning of the portion of property being added to 4390 Woodhill Dr. from AG-Agriculture to RR-Rural Residential.
 - b. **RESOLUTION 22-0405-01:** Considering approval of a minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4364 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.
9. Kelly Brouwer (Applicant) requests that the City consider a relocation permit to bring in an existing home on the newly created 20-acre portion of the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN.
10. Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:
 - a. **ORDINANCE 2022-04:** Considering rezoning of the subject property from AG-Agriculture to RR-Rural Residential.
 - b. **RESOLUTION 22-0405-02:** Considering approval of a conditional use permit to allow a cluster development and approval of a Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.
11. Open/Misc.
12. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY MARCH 15, 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. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy and Grotting
ABSENT: None
STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner, and Chief Kroells
VISITORS: Bryant Johnson, Ben Bakk, John Mueller, Karen Grotting,
Tom Koch and Marty Chelstrom

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 March 1, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21094-21117)
- c. Agriculture Preserve Renewal Applications for the Following Properties:
 - i. PID No. 03-118-24-33-0001 (Requested by Sharon Hafften)
 - ii. PID No's. 29-118-24-44-0002, 29-118-24-44-0001 (Requested by Grace Nolan Trust)
 - iii. PID No. 13-118-24-32-0002 (Requested by Deborah White)

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

Grotting attended the following meetings:

- Pre-Board

Spencer attended the following meetings:

- Hwy 12 Safety Coalition Open House (Virtual)
- Firemen Retirement
- Pre-Board Meeting

McCoy attended the following meetings:

- Firemen Retirement
- Fire Commission
- Pre-Board

Betts attended the following meetings:

- Hwy 12 Coalition
- WHCC
- Pre-Board

Johnson attended the following meetings:

- Hwy 12 Coalition
- NLC roundtables (virtual)
- NW League – Jim Atchinson, county assessor
- LMC – staff report on legislative issues (virtual)
- Jim, executive director of LOVE, INC.
- Sr Community Services Finance Meeting (virtual)
- Firemen Retirement
- Minnetonka Shores program on Steamboat/Streetcars
- Regional Council of Mayors
- Maple Plain Fire Dept
- Orono School Board
- Pre-Board

Horner attended the following meetings:

- Pre-Board

Kaltsas attended the following meetings:

- Pre-Board

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the February 2022 Activity Report.

Please see packet for full report. For the month of February WHPS had 266 incident complaints. Approximately 157 were in Independence and 93 Maple Plain. They have seen an increase in scam calls. FTC.gov is a good resource. Johnson asked if the Feb. 11 is a repeat at that same location. Kroells said it is not a repeat location for domestic assault. Johnson asked about the detour for Hwy 12 and 92. Kroells said it depends on the weather, but it should be around the end of March to Mid-April.

Mayor Johnson recused himself because of conflict of interest. Brad Spencer was the acting Mayor for the following subject.

8. Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting Final Plat Approval for a 13-lot subdivision of the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001.

- a. **RESOLUTION 22-0315-01:** Considering approval of the Final Plat for HILLTOP PRAIRIE subdivision.
- b. **ORDINANCE 2022-02:** Considering adoption of the Hilltop Prairie Storm Sewer Improvement Tax District.
- c. **DEVELOPMENT AGREEMENT** – Considering approval of the Development Agreement detailing the terms of the City’s approval of the subdivision and related public improvements and similar requirements.

Kaltsas explained this is an application for Final Plat for Hilltop. This is approximately 13 lots and only half of the property is to be developed at this time. Turner Road ROW is being dedicated on the SW corner of this site. This allows an extension from the East to Cty Rd 90 will be on the North side aligned with Quass Cutoff. This will meet the frontage on all but lot 11. They will be building a new road, Gustavus Dr. Quass Cut-off will be bermed as well.

Grotting asked if they will be able to preserve the drain tile in the field. Bryant Johnson said hopefully, but each homeowner will choose where they place their home. Kaltsas said that tiles are not protected. Betts asked what happens if the tiles are broken. Kaltsas said if it went through other properties you would have the ability to repair that. The stormwater is not based on that tile functioning. Spencer asked if the stormwater management people are aware of the tiles so the drain tile should be irrelevant. Kaltsas said it would be difficult to maintain with the homes, septic systems, etc especially with the road coming in.

McCoy asked when they are going to align Quass cut-off. Bryant Johnson said whenever the road is put in. Kaltsas said Quass is going to jog just slightly about 50'. McCoy asked if there should be a sign near this road warning that it is not a thru street or it will have the potential to be a thru street in the future. Kaltsas said we can put signs out but he doesn't think it will or would stop the meeting when it would come up. Kroells said that he appreciates the extension of Turner Road. Spencer asked about the sewer tax district. He asked if there are 4 drainage ponds. Kaltsas said yes, there are 4. Spencer asked if it is up to the homeowners' association to maintain this. Kaltsas said yes. The homeowners are to sign that they will maintain it. Spencer asked if there are a few details that are still being worked out. Kaltsas said yes,

we are in good shape, just a few notes on plat and minor engineering review.

Motion by Betts, second by McCoy to approve RESOLUTION 22-0315-01, the final plat. Ayes: Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. Johnson. MOTION DECLARED CARRIED.

Motion by McCoy, second by Grotting to approve ORDINANCE 2022-02. Ayes: Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. Johnson. MOTION DECLARED CARRIED.

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

Mayor Johnson reconvened the Council.

9. Consideration of **RESOLUTION 22-0315-02**, confirming the deferral of special assessments on the property located at 2930 Lindgren Lane following approval of a lot line rearrangement which alters the underlying property.

Kaltsas explained that this was a lot line rearrangement on a property holding a deferred special assessment. This is to make this lot line rearrangement to make it clean, we want to make sure this deferral stays at this property and recertifies that the assessment is still there. The amount would stay with the property originally assessed.

Motion by Grotting, second by Betts to approve RESOLUTION 22-0315-02. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain None. MOTION DECLARED CARRIED.

10. Open/Misc.

11. Adjourn.

Motion by Betts, second by Grotting to adjourn at 7:12 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary



PRE-BOARD OF REVIEW AND APPEAL- MINUTES
TUESDAY, MARCH 15, 2022
6:00 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a pre-appeal meeting of the Independence City Council/ Board of Review was called to order by Mayor Johnson at 6:00 p.m. in the City Hall Chambers.

2. ROLL CALL

PRESENT: Mayor Johnson, and Councilors Betts, Grotting, McCoy and Spencer

ABSENT: None

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

VISITORS: Hennepin County Assessor Mel Potter

Hennepin County Assessor, Mel Potter reported that the Real Estate market had record low interest rates with low home inventory. The average valuation of residential homes in the City of Independence was 19.5%.

As of today, there have been 68 calls into Hennepin County regarding the new valuations. Mel explained that there are some beneficial programs that residents could enroll in such as Green Acres and Agriculture Preserve. This will lower taxes for those concerned about rising tax rates.

Johnson asked what people are most concerned about when they are calling in. Mel said they are worried about what their taxes going up.

With the number of residents concerned about the valuation given to them, we should schedule a re-convene meeting just in case. The date of April 19th at 5:30pm is scheduled if needed.

Meeting adjourned at 6:29pm



April 5, 2022

TO: Mayor and City Council

FROM: Shawn Bode, Public Works Supervisor

RE: Dust Control/Gravel Bids

The City annually bids out dust control and gravel in an effort to obtain the best value to the City for treating the gravel roads. The City typically applies approximately 60,000-65,000 gallons of material per year to treat the City roads. This year the City received five bids; one for Magnesium Chloride from Quality Propane and two for calcium chloride from Envirotech and Knife River. Both products have been successfully used by the City in the past. Magnesium chloride requires approximately 2% more material than calcium chloride. Even with the increased quantity, the bid for magnesium chloride is still the best value. Based on the prices provided, it is my recommendation that the City award the dust control bid to Quality Propane.

The City received two bids for sand and gravel; one from Bryan Rock and one from Hassan Sand & Gravel. The City has used Bryan Rock in the past and prefers the Class 5 product used by Bryan Rock. The City recommends awarding the sand and gravel as shown below:

DUST CONTROL

Magnesium Chloride:	FOB
Quality Propane Inc.	2021: \$0.965 per gal. 2022: \$1.04 per gal.
Envirotech	2021: \$1.03 per gal. 2022: \$1.18 per gal.
Knife River	2022: \$1.20 per gal.

SAND AND GRAVEL

Class 5 Gravel-Bryan Rock	2021: \$11.55 FOB, \$18.35 Delivered
	2022: \$12.10 FOB, \$19.10 Delivered

Commercial	New House	Septic
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DATE	#	Applicant	ADDRESS	PID #	PERMIT TYPE	O	M	P	BV	Sep	Sewer	Total Fees		Total Fees		VALUE	FINAL				
												includes surcharge	Total Surcharge	w/o Surcharge							
1/4/2022	22-01	Comfort Matters	6240 Stephanie Way	02-23-0006	Mechanical			1				\$	201.00	\$	1.00	\$	200.00	\$	12,000.00	FINAL	
	22-02	Hanson Builders	7646 Turner Rd	28-24-0004	Barn Remodel		3	1				\$	404.00	\$	4.00	\$	400.00	\$	25,000.00		
	22-03	Dingman Custom Homes	3881 Schefers Ct	11-11-0014	in-floor heat			1				\$	101.00	\$	1.00	\$	100.00			FINAL	
1/11/2022	22-04	Lecy Bros.	2875 Lindgren Ln	13-24-0024	SFD			1	1	\$	260.50	\$	16,550.56	\$	31,042.63	\$	262.50	\$	30,780.13	\$	525,000.00
	22-05	JPC Homes	4028 Woodhill Dr	01-34-0014	SFD			1	1	\$	522.13	\$	7,760.00	\$	19,209.07	\$	524.13	\$	18,684.94	\$	1,060,341.00
	22-06	JPC Homes	4054 Woodhill Dr	01-34-0013	SFD			1	1	\$	494.00	\$	7,760.00	\$	18,535.49	\$	496.00	\$	18,039.49	\$	992,437.00
1/12/2022	22-07	Window Outfitter	6600 Genaker Way	03-11-0002	9 windows 2 doors		1					\$	201.00	\$	1.00	\$	200.00	\$	32,997.00		
	22-08	Tyler Jerde	264 Co Rd 17	31-32-0002	Addition			1	1	\$	60.50	\$	2,241.31	\$	62.50	\$	2,178.81	\$	125,000.00		
1/18/2022	22-09	Comfort Matters	2245 South Lakeshore Dr	24-12-0002	Ductless Mini Split Mechanical			1				\$	101.00	\$	1.00	\$	100.00	\$	6,800.00	FINAL	
	22-10	Twin City Fireplace	7376 Turner Rd	28-14-0005	5 Gas Fireplaces			1				\$	501.00	\$	1.00	\$	500.00	\$	15,000.00		
	22-11	Cinergy Homes	1760 Co Rd 92	21-33-0001	Deck					\$	20.00	\$	942.20	\$	20.00	\$	924.40	\$	40,000.00		
	22-12	Precision Decks	5705 Kochs Crossing	11-14-0008	Deck					\$	3.50	\$	240.16	\$	3.50	\$	236.66	\$	6,720.00	FINAL	
1/24/2022	22-13	All Energy Solar	6455 Meadow Ridge	15-14-0007	Solar System					\$	5.50	\$	337.33	\$	5.50	\$	331.83	\$	11,000.00		
1/25/2022	22-14	HNI Corp	1065 Drake Ct	26-32-0009	Fireplace			1				\$	101.00	\$	1.00	\$	100.00	\$	1,106.00		
	22-15	MN Exteriors	6650 Fogelman Rd	10-43-0006	Re-side, 2 patio doors		2					\$	212.00	\$	2.00	\$	210.00	\$	52,500.00		
	22-16	Ram	2855 Copeland Rd	18-14-0003	Pole Shed					\$	50.00	\$	1,738.88	\$	50.00	\$	1,688.88	\$	100,000.00		
1/26/2022	22-17	H7H Properties	1889 Co. Rd 90	22-41-0006	Cold Storage					\$	1.00	\$	118.69	\$	1.00	\$	117.89	\$	2,000.00		
	22-18	NRH Plumbing	5085 Fern Dr	01-42-00013	Plumbing for wet bar				1			\$	101.00	\$	1.00	\$	100.00	\$	2,700.00		
1/27/2022	22-19	Pronto Heating & AC	4885 Co Rd 6	36-11-0008	2 Furnaces, 2 A/Cs			2				\$	402.00	\$	2.00	\$	400.00	\$	19,860.00		
2/1/2022	22-20	Sabre Heating	3110 County Rd 90	14-22-0004	Mechanical			2	1			\$	302.00	\$	2.00	\$	300.00	\$	15,650.00		
	22-21	Revision LLC	4508 Shady Beach Cir	02-24-0007	Kitchen Remodel			1	1	\$	3.00	\$	303.00	\$	5.00	\$	298.00	\$	80,000.00		
	22-22	All Systems Mechanical	2670 Co Rd 90	14-32-0012	Mechanical			1				\$	101.00	\$	1.00	\$	100.00	\$	5,250.00		
	22-23	Scotts Heating & AC LLC	5085 Fern Dr	01-42-0013	Mechanical - Ductwork			1				\$	101.00	\$	1.00	\$	100.00	\$	3,000.00		
2/4/2022	22-24	Rich Palmer	5725 Lake Sarah Heights	02-11-0009	Addition			1	1	\$	200.00	\$	5,046.40	\$	202.00			\$	400,000.00		
2/7/2022	22-25	DeZiel Heating	2885 Valley Road	16-14-0003	Mechanical			1				\$	101.00	\$	1.00	\$	100.00	\$	17,495.85	Final	
2/7/2022	22-26	Heidecker Homes	5085 Fern Dr	26-22-0008	Lower Level opening					\$	5.00	\$	313.03	\$	5.00	\$	308.03	\$	10,000.00		
	22-27	Gardner Builders	810 Copeland Rd	29-33-0001	Building					\$	325.00	\$	7,031.65	\$	325.00	\$	6,706.65	\$	650,000.00		
2/9/2022	22-28	Renda the Roofer	2855 Lindgren Lane	13-24-0015	Re-Roof		1					\$	101.00	\$	1.00	\$	100.00	\$	25,000.00		
												Total Fees includes surcharge	Total Surcharge	Total Fees w/o Surcharge	VALUE	FINAL					
2/10/2022	22-29	Ziegler Custom Homes	3787 Independence Rd	11-14-00013	SFD			1	1	\$	273.00	\$	3,860.00	\$	23,753.09	\$	275.00	\$	23,478.09	\$	550,000.00
2/14/2022	22-30	KS Heating	8415 Pioneer Creek Rd	29-21-0001	Mechanical			2				\$	202.00	\$	2.00	\$	200.00	\$	8,625.00		
2/15/2022	22-31	Hi tech Heating	18 Golf Walk	31-31-0002	Mechanical			2				\$	202.00	\$	2.00	\$	200.00	\$	16,400.00		
2/18/2022	22-32	Select Mechanical	4727 S Lake Sarah Dr	03-12-0011	Mechanical			2				\$	202.00	\$	2.00	\$	200.00	\$	12,200.00	Final	
2/24/2022	22-33	Mikes Custom Mechanical	6485 Fogelman Rd	10-44-0010	Mechanical			1				\$	101.00	\$	1.00	\$	100.00	\$	5,200.00		

2/24/2022	22-34	David Raskob	5675 Koch's Crossing	11-14-0009	Addition		1	\$	22.00	\$	1,149.39	\$	23.00	\$	1,126.39	\$	46,000.00	
2/28/2022	22-35	Countryside Heating & AC	291 Co Rd 19 N	36-31-0009	Mechanical		1			\$	251.00	\$	1.00	\$	250.00	\$	19,000.00	Final
3/1/2022	22-36	West Metro Fire & Stone	4628 S Lake Sarah Dr	02-21-0022	Fireplace		1			\$	101.00	\$	1.00	\$	100.00	\$	5,000.00	
3/1/2022	22-37	Jeff Shrode	3635 Lake Sarah Rd	10-23-0001	Re-roof	1				\$	101.00	\$	1.00	\$	100.00	\$	7,000.00	
3/1/2022	22-38	Alan Shrode	988 Co Rd 19 N	25-43-0003	Re-roof	1				\$	101.00	\$	1.00	\$	100.00	\$	7,000.00	
3/3/2022	22-39	MN Pools	2026 Copeland Rd	20-23-0003	Pool		1	\$	56.50	\$	1,979.12	\$	57.50	\$	1,921.62	\$	114,300.00	
3/9/2022	22-40	Renewal by Andersen	865 Townline Rd	25-44-0016	16 Windows	1				\$	251.00	\$	1.00	\$	250.00	\$	47,360.00	
"	22-41	Renewal by Andersen	3420 County Rd 90	11-32-0005	26 windows, 1 pati	1				\$	361.00	\$	1.00	\$	360.00	\$	90,651.00	
3/10/2022	22-42	Select Mechanical	8145 County Road 11	09-22-0004	2- A-Cs		1			\$	201.00	\$	1.00	\$	200.00	\$	10,000.00	
3/10/2022	22-43	Prreformance Pools	168 Hamilton Hills	35-44-0007	Pool		1	\$	7.00	\$	535.50	\$	8.00	\$	527.50	\$	15,000.00	
3/10/2022	22-44	All Around	3925 Independence Rd	11-11-0010	2 doors	1				\$	111.00	\$	1.00	\$	110.00	\$	13,765.76	
3/14/2022	22-45	John Daly	4508 Shady Beach Cir	02-24-0007	addition/deck		1	\$	29.50	\$	1,356.41	\$	30.50	\$	1,325.91	\$	61,000.00	
		Randy & Margaret Mason /																
3/15/2022	22-46	Boyer Construction	3212 Independence Rd	12-33-0005	Additon		1	\$	100.00	\$	2,841.60	\$	101.00	\$	2,740.60	\$	200,000.00	
3/16/2022	22-47	Ashco Exteriors	5345 Timber Trl.	25-24-0003	Re-Side	1				\$	101.00	\$	1.00	\$	100.00	\$	30,000.00	
3/16/2022	22-48	Bridget Ennevov	499 Nelson Rd	31-24-0001	Remodel	1	24			\$	1,184.72	\$	25.00			\$	48,000.00	
3/17/2022	22-49	Travis Schauer	5725 Lake Sarah Heights	02-11-0010	Plumbing		1			\$	101.00	\$	1.00	\$	100.00	\$	5,000.00	
3/21/2022	22-50	Jake Wille	3350 Cty Rd 90	11-22-0004	Detached Garage			\$	125.00	\$	3,241.46	\$	125.00	\$	3,116.46	\$	250,000.00	

				Total Fees		Total Fees			
				includes	Total	w/o			
				surcharge	Surcharge	Surcharge	VALUE	FINAL	
3/30/2022	22-51	Mathis Construction	232 Kuntz Dr	33-42-0002	Deck	9	\$ 507.38	\$ 9.00	\$ 498.38
3/31/2022	22-52	Standard Heating	6014 Main St	23-34-0004	Furnace & AC	2	\$ 202.00	\$ 2.00	\$ 200.00
3/31/2022	22-53	Window Store Inc	4905 Perkinsville Rd	24-41-0034	5 windows	1	\$ 131.00	\$ 1.00	\$ 130.00
3/31/2022	22-54	Perfect Exteriors	2135 Nelson Rd	19-24-0004	re-roof	1	\$ 101.00	\$ 1.00	\$ 100.00

City of Independence

Request for a Minor Subdivision and Corresponding Rezoning to Allow a Lot Line Rearrangement for the Properties Located at 4390 Woodhill Drive and 4364 S Lake Sarah Drive

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 5, 2022
<i>Applicant:</i>	Doug Campbell and Colleen Klaers
<i>Owner:</i>	Doug Campbell and Colleen Klaers
<i>Location:</i>	4390 Woodhill Drive and Adjacent Property Associated with the Home on 4364 S Lake Sarah Drive

Request:

Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following actions for the property located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:

- a. Rezoning of the portion of property being added to 4390 Woodhill Dr. from AG-Agriculture to RR-Rural Residential.
- b. A minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4364 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.

Property/Site Information:

The subject properties are located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive. The properties both have shoreland on Lake Sarah. There is an existing home and two accessory structures located on the 4390 Woodhill Drive property. The property associated with the home on 4364 S Lake Sarah Drive does not have any structures. The property is accessed from Lindgren Lane although the property has no direct frontage on the road. The property access is gained across the City's property. The property is approximately .36 acres. 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: 4390 Woodhill Drive (PID No. 01-118-24-32-0015)

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) .57 acres (24,796 SF)

(After) 1.17 acres

Property Information: (PID No. 02-118-24-41-0001)

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) 25.01 acres

(After) 24.41 acres

4930 Woodhill Drive (small lot east of large lot)



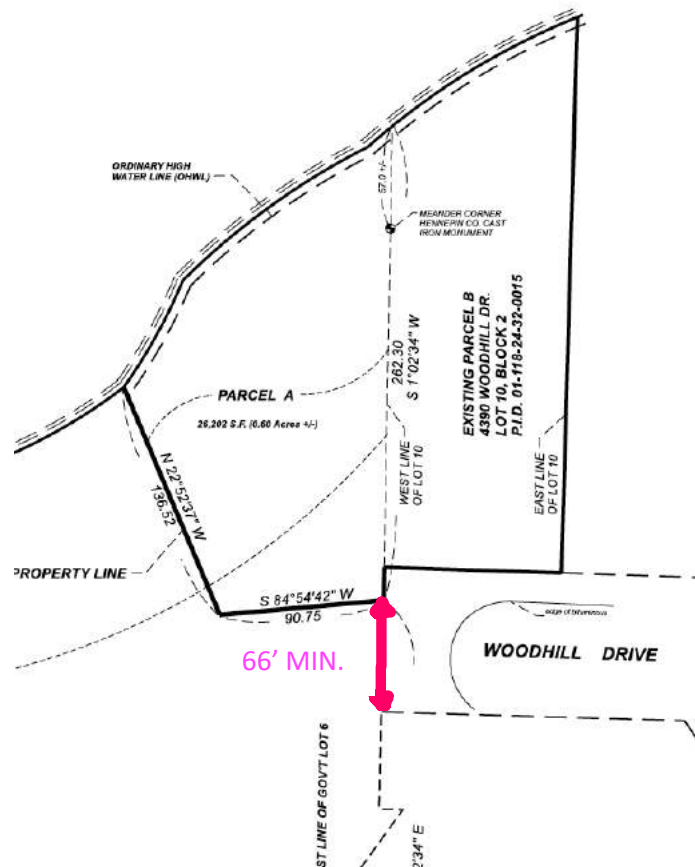
Discussion:

The applicants approached the City about the possibility of a lot line rearrangement to add acreage to the 4390 Woodhill Dr. property. The proposed minor subdivision would allow the 4390 Woodhill Dr. property to be brought closer to compliance with applicable lots size and public frontage requirements. 4390 Woodhill Dr. does not currently meet the minimum 1-acre lot size for sewered properties located within the S-Shoreland Overlay zoning district. 4390 Woodhill Dr. is considered legal non-conforming for not meeting all applicable requirements of the City's zoning ordinance.

There are several factors to consider relating to proposed minor subdivision as follows:

4390 Woodhill Dr.

- The property does not have the minimum public road frontage required (97.96 LF existing, 200 LF required).
- Woodhill Dr. is proposed to be extended to the west in a future condition. The existing ROW width is 60 feet for the majority of the road and then expands to 80 feet in width at the very west end of the ROW. The City is not currently looking for more ROW in this area, but would want to maintain a minimum of 66' of potential future ROW. The applicant may need to revise the plan to accommodate the minimum 66' wide ROW.
The applicant has revised the survey to provide for the required 66' wide ROW.



- The property is connected to City sewer.
- The additional property will be combined with the existing property and no new lots will be created. The combined property would not meet the minimum lots size to allow for the future subdivision of the combined property.
- The existing home does not meet applicable building setbacks. In the after condition, the west side of the building will meet applicable building setbacks which is an improvement over the existing condition.

- There is an existing shed that is partially located in the Woodhill Dr. ROW. The proposed subdivision does not change this condition in the after condition.
- The property does not meet all applicable impervious surface requirements (25% maximum impervious surface). In the after condition the property will meet applicable impervious surface requirements.

(PID No. 02-118-24-41-0001)

- The proposed subdivision does not create any non-conformities in the after condition.

The proposed minor subdivision to allow a lot line rearrangement generally allows the 4390 Woodhill Dr. property to be brought closer towards compliance with applicable standards. There do not appear to be any adverse impacts resulting from the lot line rearrangement.

Planning Commission Discussion/Comments:

Planning Commissioners reviewed the application and asked questions of staff. Commissioners discussed that the proposed lot consolidation appeared to meet all applicable requirements and recommended approval to the City Council.

Neighbor Comments:

The City has not received any comments at the time this report was prepared.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot line rearrangement and associated rezoning. Should the Planning Commission Recommend approval, the following findings and conditions should be considered:

1. The proposed minor subdivision and rezoning request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The applicant shall confirm that there is a minimum width of 66' to accommodate the extension of the Woodhill Dr. to the west in the future.
3. The applicant shall pay for all costs associated with the City's review and recording of the requested minor subdivision.
4. The City Council Resolution shall be recorded with the County.

Attachments:

ORDINANCE No. 2022-03

RESOLUTION No. Site Surveys – Depicting both the Before and After Conditions



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2022-03

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE
ZONING CODE, INCLUDING ZONING MAPS**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section 1. The City of Independence Zoning Code be amended to rezone approximately 0.60 acres of the property identified as (PID No. 02-118-24-41-0001), from A-Agriculture to RR Rural Residential and legally described as follows:

PROPOSED PARCEL A:

That part of Government Lot 6, Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 2; thence North 01 degree 02 minutes 34 seconds East, assumed bearing along the East line of the Southeast Quarter of the Southeast Quarter, and along the East line of said Government Lot 6 of said Section 2 a distance of 2,243.68 feet to the point of beginning; thence South 82 degrees 13 minutes 30 seconds West 91.31 feet; thence North 22 degrees 52 minutes 37 seconds West 136.52 feet, more or less, to the shoreline of Lake Sarah; thence northeasterly along said shoreline to the East line of said Government Lot 6; thence South 01 degree 02 minutes 34 seconds West, along the East line of said Government Lot 6, 258.00 feet, more or less, to the point of beginning.

Section 2. The City Administrator is hereby directed to amend the City of Independence Zoning Ordinance, including Zoning Maps, in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 5th day of April 2022.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0405-01

**A RESOLUTION GRANTING APPROVAL OF A MINOR SUBDIVISION TO ALLOW
A LOT LINE REARRANGEMENT BETWEEN THE PROPERTIES LOCATED AT
4390 WOODHILL DR. AND 4364 S LAKE SARAH DR.**

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, Doug Campbell and Colleen Klaers (the “Applicants”) submitted a request for minor subdivision to allow a lot line rearrangement between the properties located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001): (the “Property”); and

WHEREAS, the Properties are zoned Rural Residential and Agriculture with the Shoreland Overlay; and

WHEREAS, the Properties are legally described on **Exhibit A** attached hereto; and

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

WHEREAS the Planning Commission held a public hearing on March 15, 2022 to review the application for a minor subdivision and rezoning, 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 Doug Campbell and Colleen Klaers and grants approval of a minor subdivision to allow a lot line rearrangement for the property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed minor subdivision and rezoning of that portion to be added to 4390 Woodhill Dr. request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The applicant shall pay for all costs associated with the City's review and recording of the requested minor subdivision.
3. 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 5th day of April 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

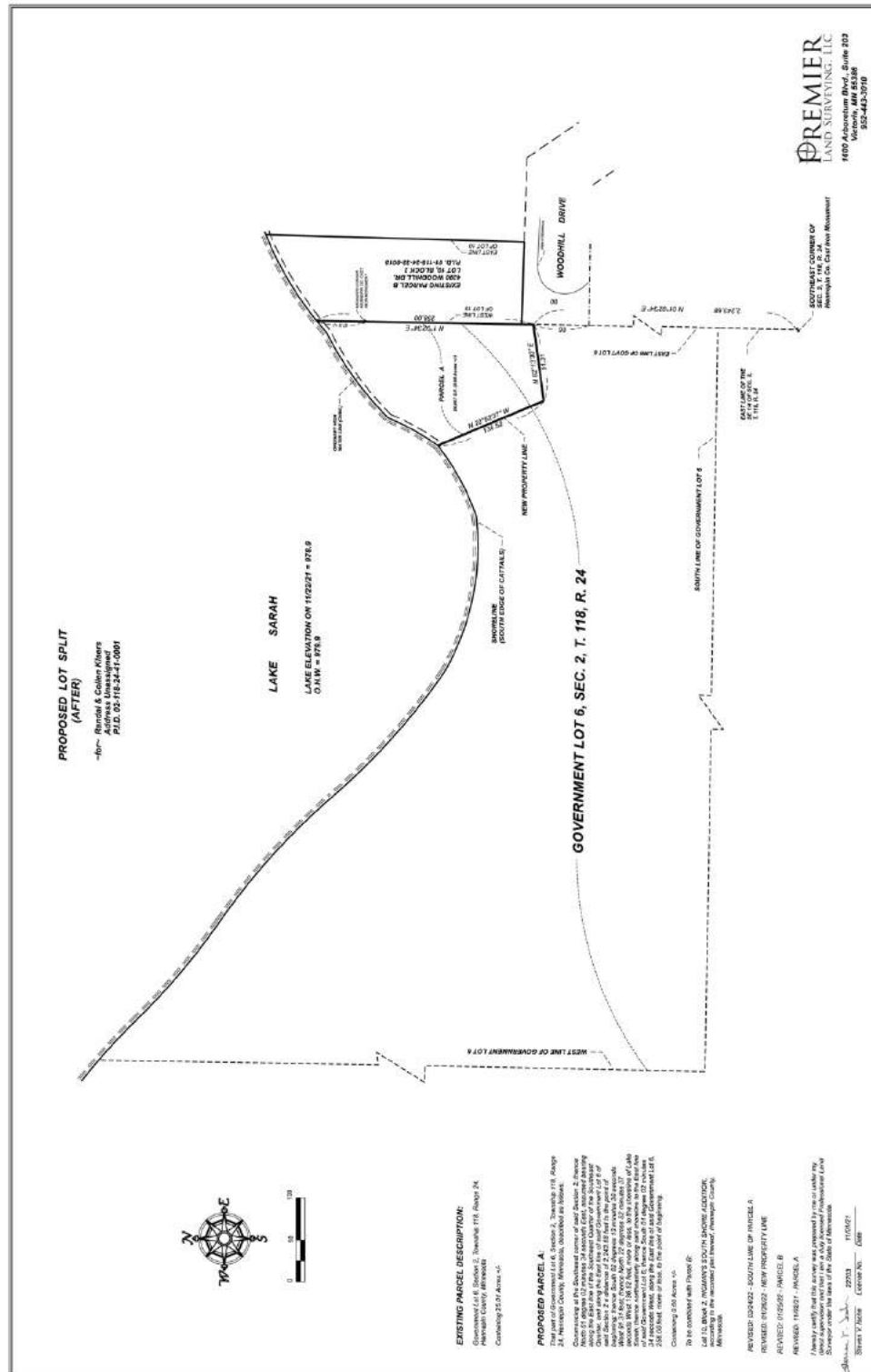
EXHIBIT A
(Legal Description)

PROPOSED PARCEL A:

That part of Government Lot 6, Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 2; thence North 01 degree 02 minutes 34 seconds East, assumed bearing along the East line of the Southeast Quarter of the Southeast Quarter, and along the East line of said Government Lot 6 of said Section 2 a distance of 2,243.68 feet to the point of beginning; thence South 82 degrees 13 minutes 30 seconds West 91.31 feet; thence North 22 degrees 52 minutes 37 seconds West 136.52 feet, more or less, to the shoreline of Lake Sarah; thence northeasterly along said shoreline to the East line of said Government Lot 6; thence South 01 degree 02 minutes 34 seconds West, along the East line of said Government Lot 6, 258.00 feet, more or less, to the point of beginning.

(Site Plan)



City of Independence

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

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

**Please check all that apply*

Request:

Lot Line Rearrangement

Site Address or Property Identification Number(s):

Survey attached

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

Office Use Only

Date

Application Amount

Application Check #

Escrow Paid

Escrow Check #

Date Accepted by Planner

Accepted By

City Planner

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

Applicant Information:

Name: Doug & Helen Campbell
Address: 4390 Woodhill Drive
City, State, Zip: Loretto, MN 55397
Phone: 612-239-3950

Email: doug@airborneathletics.com

Signature: Douglas B. Campbell
Helen F. Campbell

Owner Information (if different than applicant)

Name: Randy & Colleen Klaers
Address: 4364 S. Lake Sarah Drive
City, State, Zip: Independence, MN
Phone: 612-749-2104

Email: cyklaers@aol.com

Signature: Randy Klaers
Colleen Klaers

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

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

Application for Planning Consideration Fee Statement

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

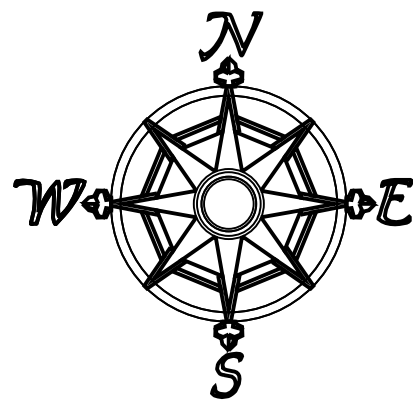
I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: Douglas B. Campbell Helen F. Campbell
Date: 1/30/22

Owner Signature (if different): Randy Klaers Colleen Klaers
Date: 1/30/22

PROPOSED LOT SPLIT
(BEFORE)

~for~ Randal & Collen Klaers
Address Unassigned
P.I.D. 02-118-24-41-0001



LAKE SARAH

LAKE ELEVATION ON 11/22/21 = 978.9
O.H.W. = 979.9

ORDINARY HIGH
WATER LINE (OHWL)

MEANDER CORNER
HENNEPIN CO. CAST
IRON MONUMENT

SHORELINE
(SOUTH EDGE OF CATTAILS)

EXISTING PARCEL DESCRIPTION:

Government Lot 6, Section 2, Township 118, Range 24,
Hennepin County, Minnesota

Containing 25.01 Acres +/-

WEST LINE OF GOVERNMENT LOT 6

GOVERNMENT LOT 6, SEC. 2, T. 118, R. 24

SOUTH LINE OF GOVERNMENT LOT 6

EAST LINE OF GOVT LOT 6

N 01°02'34" E

2,239.38


EAST LINE OF THE
SE 1/4 OF SEC. 2,
T. 118, R. 24

SOUTHEAST CORNER OF
SEC. 2, T. 118, R. 24.
Hennepin Co. Cast Iron Monument

WOODHILL DRIVE

edge of alluvium

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

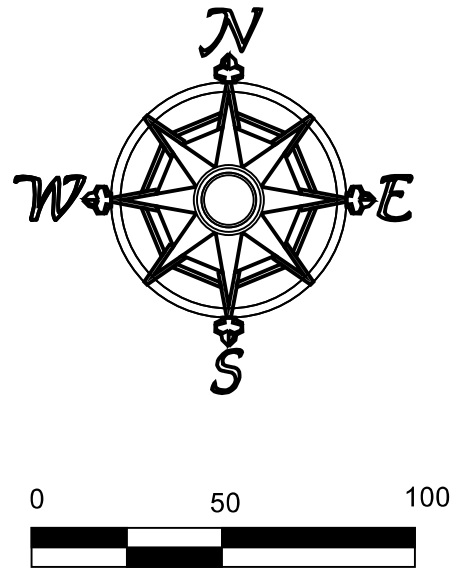
 22703 01/27/22
Steven V. Ische License No. Date

 PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

PROPOSED LOT SPLIT
(AFTER)

~for~ Randal & Collen Klaers
Address Unassigned
P.I.D. 02-118-24-41-0001



LAKE SARAH

LAKE ELEVATION ON 11/22/21 = 978.9
O.H.W. = 979.9

EXISTING PARCEL DESCRIPTION:

Government Lot 6, Section 2, Township 118, Range 24,
Hennepin County, Minnesota

Containing 25.01 Acres +/-

PROPOSED PARCEL A:

That part of Government Lot 6, Section 2, Township 118, Range
24, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 2; thence
North 01 degree 02 minutes 34 seconds East, assumed bearing
along the East line of the Southeast Quarter of the Southeast
Quarter, and along the East line of said Government Lot 6 of
said Section 2 a distance of 2,243.68 feet to the point of
beginning; thence South 82 degrees 13 minutes 30 seconds
West 91.31 feet; thence North 22 degrees 52 minutes 37
seconds West 136.52 feet, more or less, to the shoreline of Lake
Sarah; thence northeasterly along said shoreline to the East line
of said Government Lot 6; thence South 01 degree 02 minutes
34 seconds West, along the East line of said Government Lot 6,
258.00 feet, more or less, to the point of beginning.

Containing 0.60 Acres +/-

To be combined with Parcel B:

Lot 10, Block 2, INGMAN'S SOUTH SHORE ADDITION,
according to the recorded plat thereof, Hennepin County,
Minnesota.


REVISED: 03/24/22 - SOUTH LINE OF PARCEL A

REVISED: 01/26/22 - NEW PROPERTY LINE

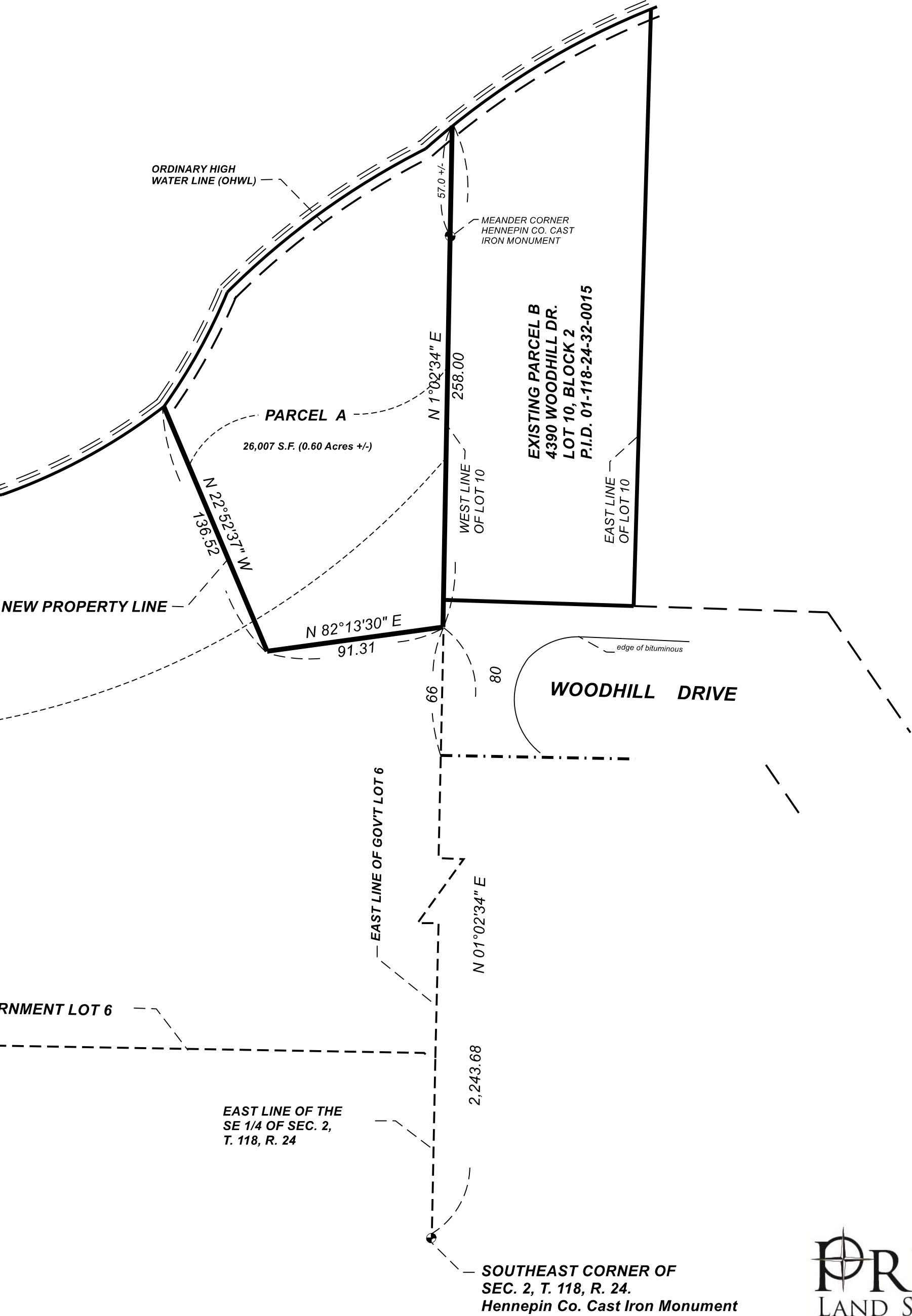
REVISED: 01/25/22 - PARCEL B

REVISED: 11/02/21 - PARCEL A

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

 22703 11/01/21
Steven V. Ische License No. Date

GOVERNMENT LOT 6, SEC. 2, T. 118, R. 24



 PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

City of Independence

Request for Approval of a Relocation Permit to Move a Home Onto the Property Located at 1759 County Line Road and Identified By PID No. 19-118-24-34-0003

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 5, 2022
<i>Applicant:</i>	Kelly Brouwer
<i>Owner:</i>	Kelly Brouwer
<i>Location:</i>	1759 County Line Road PID No. 19-118-24-34-0003 (Near the intersection of County Line Road and Nelson Road)

Request:

Kelly Brouwer (Applicant) requests that the City consider a relocation permit to move an existing home onto the newly created 20-acre property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0003) in Independence, MN.

Property/Site Information:

The subject property identified as PID No. 19-118-24-34-0003 which is generally located near 1730 County Line Rd SE on the south side of the road.

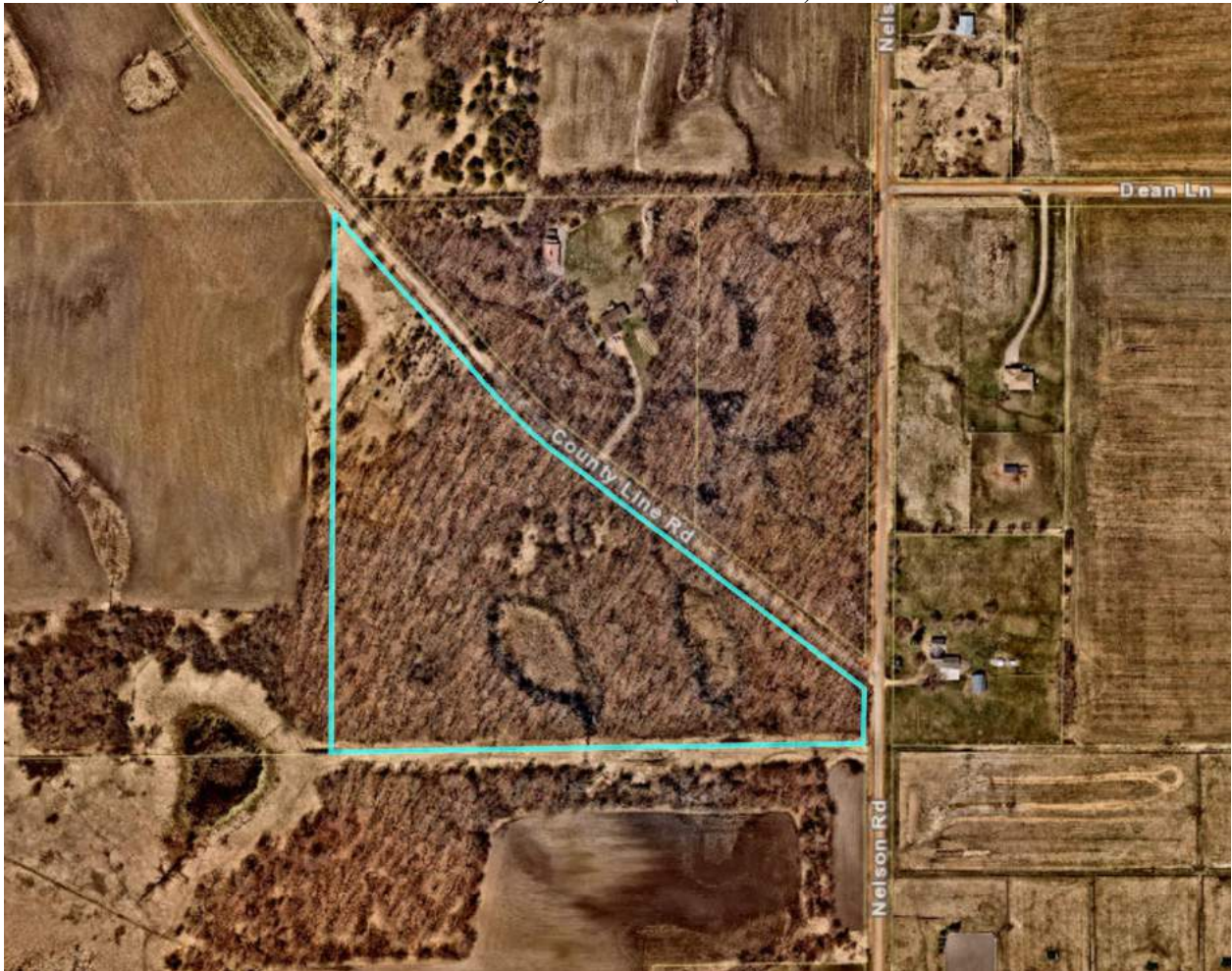
Property Information: ***1759 County Line Road***

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 20 acres

1759 County Line Road (blue outline)



Discussion:

The applicant approached the City about the possibility of moving an existing home onto the subject property. The existing home was constructed in the 1970's and is approximately 26x50 with an attached 26x24 garage and 21 feet in total height. The subdivision of this property was recently approved by the City. The City has requirements relating to relocating structures into the City. The criteria are further defined in Section 800.09 of the City's ordinance (provided below). Review of the proposed relocation is intended to ensure that the home to be moved into the City is in good repair and when placed on the property will be able to comply with all applicable requirements.

800.09. Application for relocation permit.

Subd. 1. *Contents of application.* Application for a relocation permit shall be made to the clerk-treasurer on forms provided by the clerk-treasurer. The application shall include among other things:

- (i) A description of the roads and streets over which the building shall be moved;

- (ii) A site plan drawn to scale, showing the location of the proposed building or structure and all other buildings or structures on the site together with the location of driveways, drainage ways, boundary lines, and other matters required to determine compliance with applicable codes;
- (iii) Plans setting forth construction detail of any reconstruction planned and required to meet or exceed applicable building and other construction codes. Four copies of all documents shall be submitted.

Subd. 2. *Staff review.* The clerk-treasurer shall forward a copy of the application to the building inspector, the director of public works and the planning commission. The director of public works, the building inspector and the planning commission shall examine the application for compliance with the applicable statutes and codes and shall submit to the clerk-treasurer in writing their recommendations upon the compliance or non-compliance of the application with applicable codes.

Subd. 3. *Hearing.* The clerk-treasurer shall mail notice of the time and place of the planning commission meeting at which the relocation permit shall be considered to the owner of record of all property abutting the property upon which the building will be relocated.

Subd. 4. *City council review.* The clerk-treasurer's copy of the application shall be presented to the city council at its next regular meeting together with the written report of the building inspector, the director of public works and the planning commission.

Subd. 5. *Fee.* A permit fee as set by resolution of the city council shall accompany the application. The full amount thereof shall be remitted to the clerk-treasurer and deposited in the general fund. No action by any city official shall be taken on said application until said fee is paid.

The City's Building Official has visited the property with the existing home and completed a general inspection. The home was found to be in good shape and capable of meeting applicable building code requirements once renovated by the applicant.

The applicant has provided the City with a site plan, on-site septic site verification report and proposed moving route. The overall size and configuration of the existing property will support the proposed structure as it relates to applicable building setbacks and proposed site development standards. Due to the property size, its geographic location and character of the surrounding properties, there does not appear to be potential impacts to neighboring properties as a result of moving the existing home onto the subject property.

The City should review the information provided and consider if the requested application to relocate this home into the City of Independence meets applicable requirements.

Planning Commission Review/Recommendation:

Commissioners reviewed the request and asked questions of staff. Commissioners found that the criteria for approving a relocation permit have been satisfied by the applicant and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the relocation permit to the City Council.

1. Application
2. Building Plans
3. Site Plan
4. Proposed Moving Route

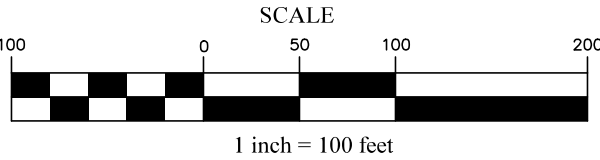
Site Plan

Prepared for:
Steven and Kelly Brouwer



Legend

- Found Iron Monument
- Set Iron Monument (LS 14700)
- Cast Iron Monument
- Soil Boring



Site Address:
1759 County Line Rd
Delano, MN 55328
(City of Independence)

Proposed Elevations:
First Floor = 1019.5
Garage Floor = 1017.7
Top of Block = 1018.0
Basement Floor = 1009.0

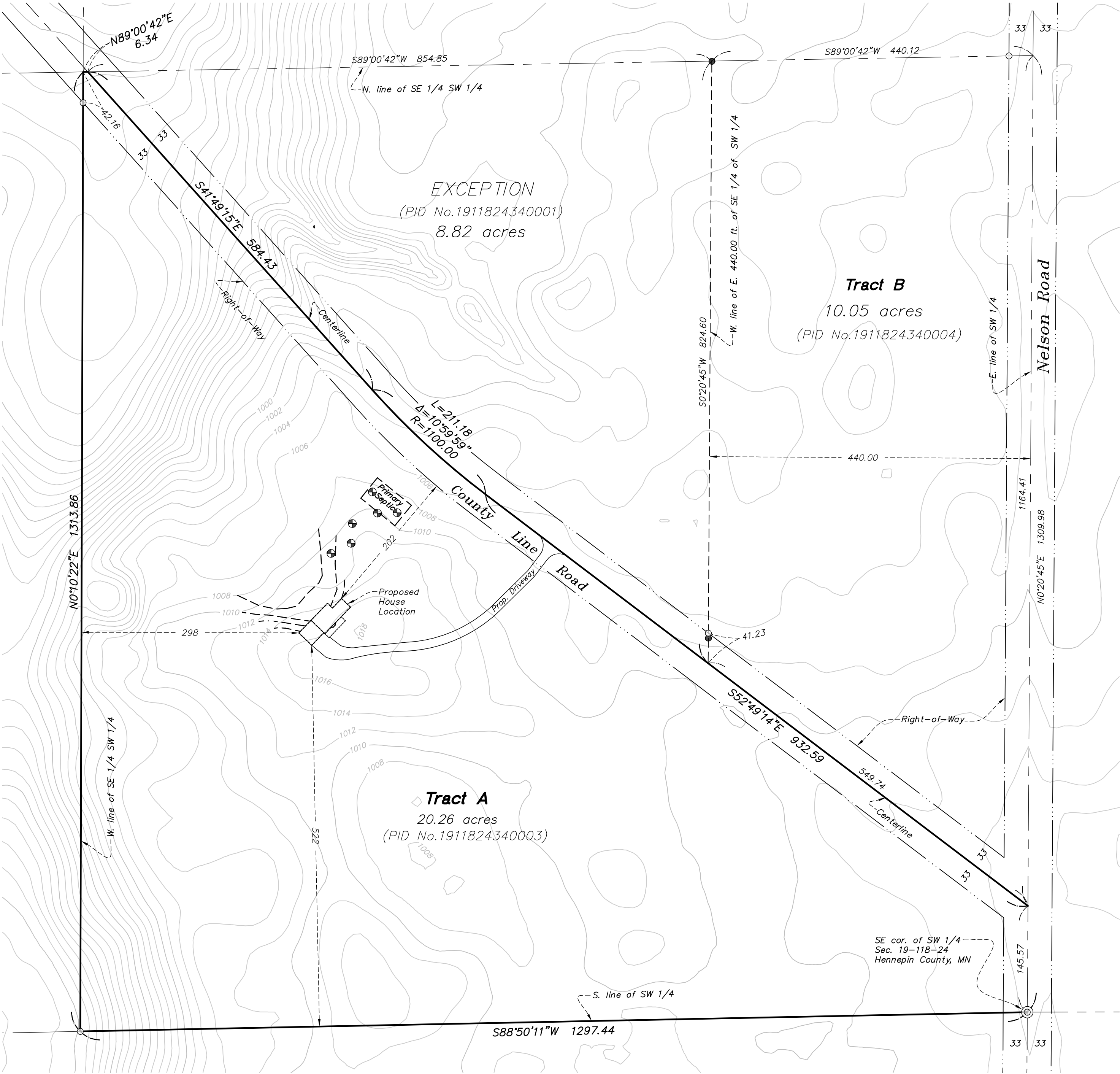
Tract A
That part of the Southeast Quarter of the Southwest Quarter lying
southerly of the center line of County Line Road, Section 19, Township
118 North, Range 24 West, Hennepin County, Minnesota.

Subject to road right-of-way.
Subject to any and all easements of record.

SCHOBORG
LAND SERVICES
INC.

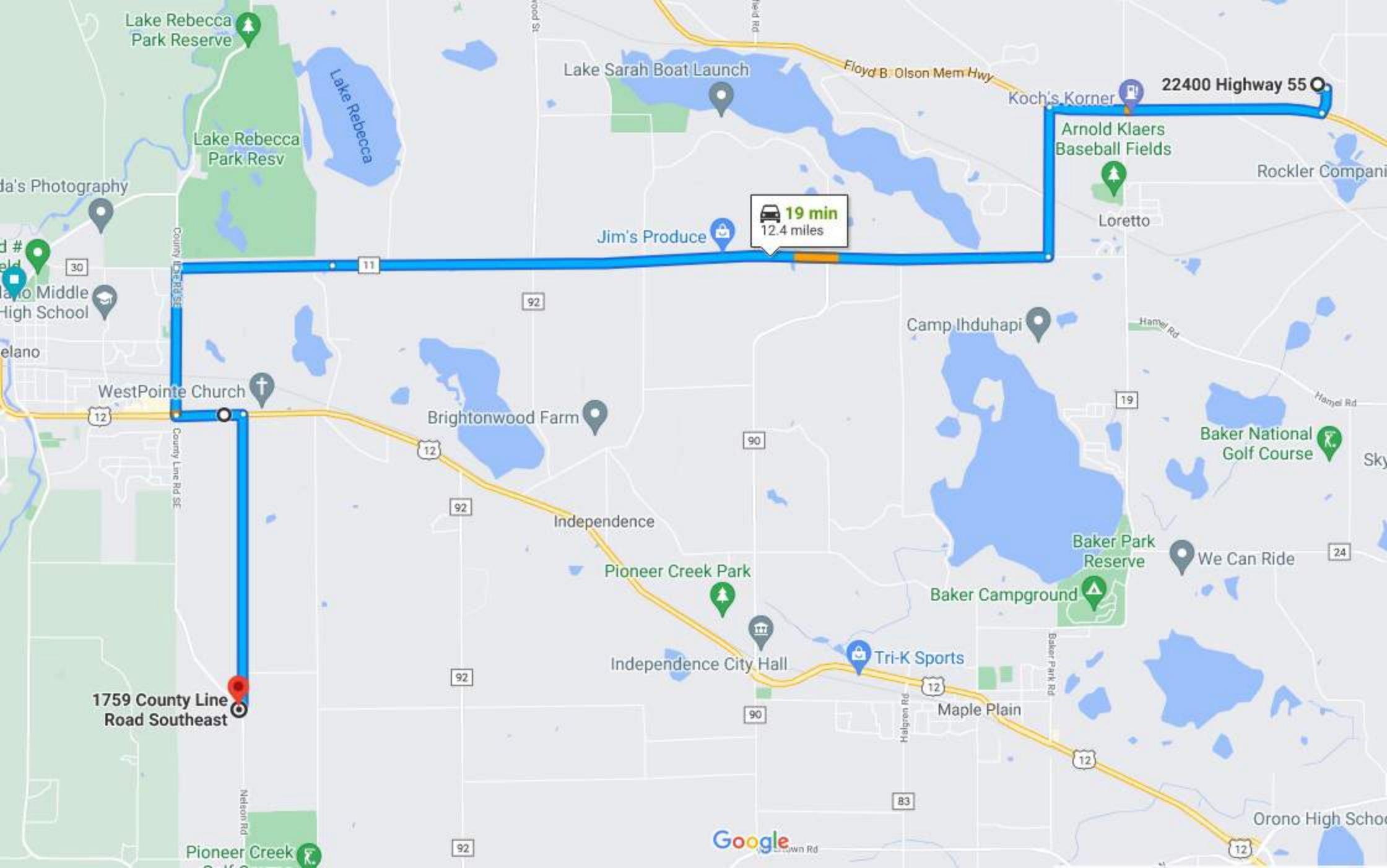
763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Job Number:	9360
Survey Date:	9/29/21, 11/22/21
Drawing Name:	branson.dwg
Drawn by:	DMS
Revisions:	11/23/21 (soil borings)
	2/14/22 (Site Plan)









Lake Rebecca
Park Reserve

Lake Rebecca
Park Resv

Lake Rebecca

Lake Sarah Boat Launch

Floyd B. Olson Mem Hwy

Koch's Korner

22400 Highway 55

Arnold Klaers
Baseball Fields

Loretto

Rockler Compan

da's Photography

ay Middle
High School

elano

WestPointe Church

12

County Line Rd SE

Brightonwood Farm

92

Independence

92

90

Pioneer Creek Park

Camp Ihduhapi

Hamel Rd

Baker National
Golf Course

Sky

Baker Park
Reserve

We Can Ride

24

Baker Campground

Independence City Hall

Tri-K Sports

Maple Plain

Halgren Rd

Baker Park Rd

1759 County Line
Road Southeast

Nelson Rd

Pioneer Creek

92

92

90

83

12

12

Orono High School

Google

City of Independence

Consideration for a Proposed 33 Lot Cluster Development, Rezoning from AG to RR, Conditional Use Permit and Preliminary Plat on the Subject Properties Generally Located at 5865 Kochs Crossing

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: April 5, 2022
Applicant: Tom Koch
Owner: William P Koch Et Al Trustees
Location: 5865 Koch's Crossing

Request:

Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No's. 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- a. Rezoning from AG-Agriculture to RR-Rural Residential.
- b. A conditional use permit to allow a cluster development. Cluster developments have additional standards which require the preservation of open space within a development.
- c. Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Property/Site Information:

The overall property is comprised of six (6) individual properties located on the north and south sides of Koch's Crossing between County Road 90 and Independence Road. The property also touches Brei Kessel Road on the south. There is an existing home and a series of detached accessory buildings located across several of the properties. The properties are comprised primarily of agriculture land, a pond/wetlands.

Property Information: 5865 Koch's Crossing

Zoning: Agriculture

Comprehensive Plan: Rural Residential

Acreage: ~141 acres



Discussion:

The City reviewed a concept plan for the subject property in late summer/fall of 2021. The applicant has now submitted an application for rezoning of the property from AG-Agriculture to RR-Rural Residential, a conditional use permit to allow a cluster subdivision and preliminary plat for a 33-unit subdivision developed across the 6 subject properties. The City provided

guidance and feedback during the concept plan review process and has now completed a more comprehensive and detailed review of the proposed preliminary plat.

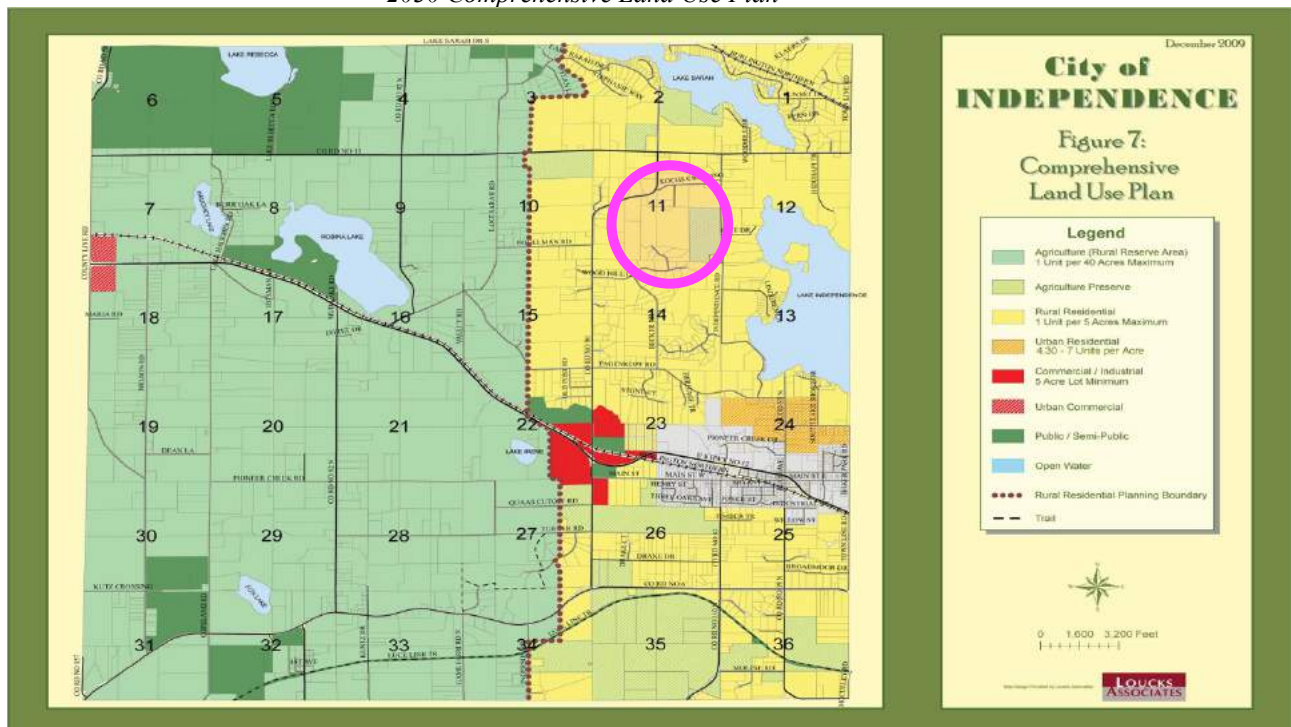
The following steps/sequencing and approvals will be required in order for the project to move forward.

1. Consider rezoning the property to Rural Residential from AG-Agriculture.
2. Consider a Conditional Use Permit to allow the proposed Cluster Subdivision.
3. Consider Preliminary Plat approval.
4. Consider Final Plat approval.

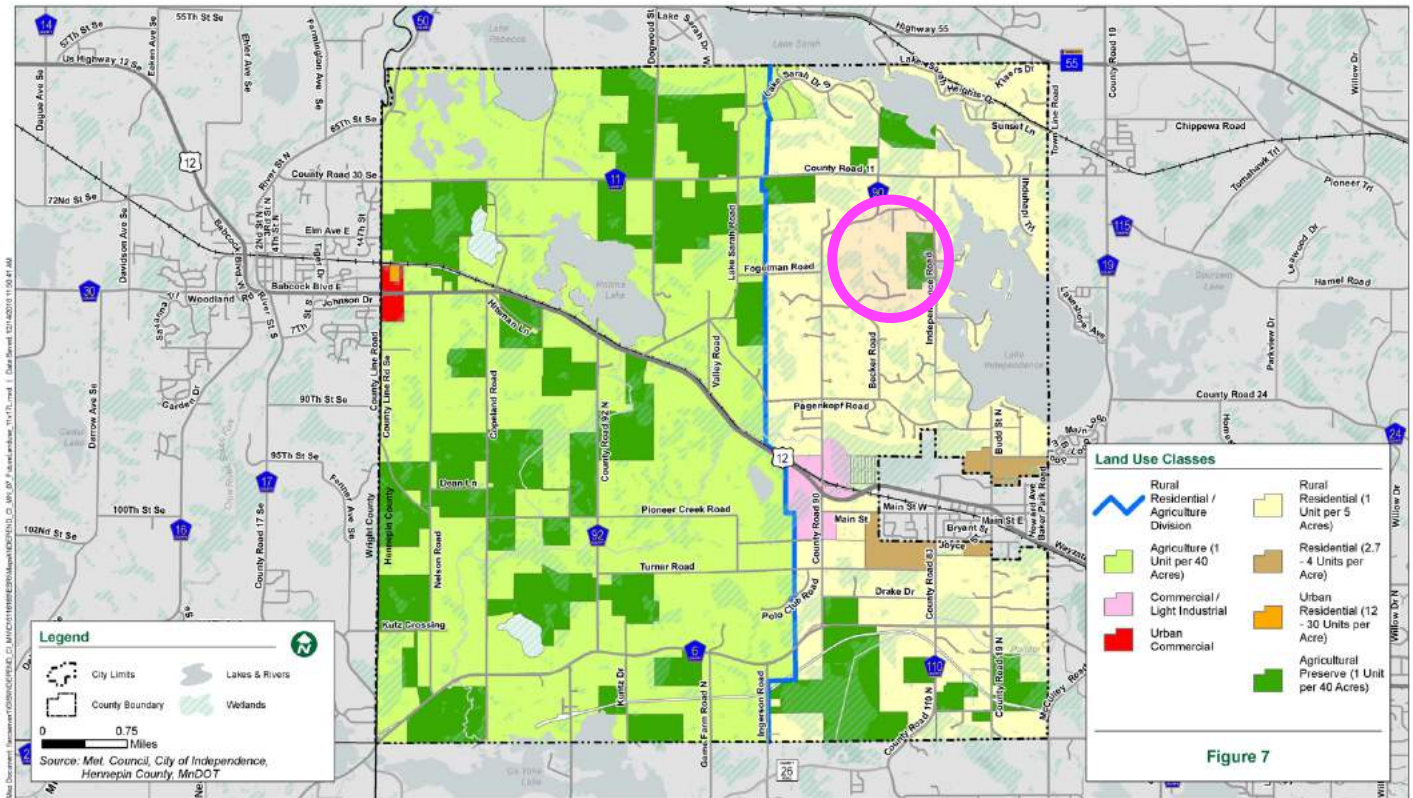
Comprehensive Plan/Rezoning

The City's adopted 2030 and proposed 2040 plan identify this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres.

2030 Comprehensive Land Use Plan



DRAFT 2040 Comprehensive Land Use Plan



Proposed Cluster Subdivision

The applicant has prepared detailed plans for further review by the City. The applicant has provided information pertaining to the total number of lots that can be realized on the subject properties using both the straight RR zoning and Cluster Subdivision provisions. Cluster Subdivisions are considered a conditional use in the RR Rural Residential zoning district. The City has criteria relating to granting a conditional user permit. Generally, the City has determined that the purpose of a cluster development is to promote the creative and efficient use of the land, protect natural features and preserve the rural character of the community.

The applicant has prepared the preliminary plat based on the cluster development standards. The City has reviewed the information and provided a comparison of the allowable development yield based on the RR-Rural Residential standards and the Cluster Subdivision standards as follows:

Subd. 3. A maximum of one (1) lot is permitted for each lot of record up to 7.59 acres. For lots of record with a minimum of 7.6 acres, one (1) additional lot shall be permitted for every five acres. The following table is illustrative of the allowed number of lots.

Area of Lot of Record	Maximum Number of Lots Permitted
7.59 acres or less	One

7.6 through 12.59 acres

Two, plus one additional lot for each additional five acres

Lots Permitted Based on RR Zoning

Total Area: 141.35 acres
138.75 net acres (subtracting CSAH 90 right of way)
12.59 = 2 lots
 $\frac{138.75 - 12.59}{5} = 25$
27 Lots Permitted

The applicant is proposing to meet all applicable cluster subdivision standards. The cluster subdivision standards are as follows:

Subd. 4. *Cluster development conditional use permit.* Cluster development is a conditional use in the Rural Residential District, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this Code.

- (a) *Purpose.* The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:
 - (1) Protect natural features in common open space.
 - (2) Improve the arrangement of structures, facilities and amenities on a site.
 - (3) Preserve the rural character of the community.
- (b) *Criteria.* A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.
 - (1) The development parcel must be 40 or more acres in size;
 - (2) A minimum of 50% of the gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, must be preserved as open space, recreational space or agricultural use;
 - (3) A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;
 - (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
 - (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
 - (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, or other physical impediments;

- (7) Lots within the development must have a minimum of 150 feet of frontage on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.
- (8) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (9) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;
- (10) All utilities must be placed underground;
- (11) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;
- (12) A development agreement must be entered into with the city.

Lots Permitted Based on Cluster Subdivision

Total Area: 141.35 acres
 138.75 net acres (subtracting CSAH 90 right of way)
 138.75 x 50%: 69.40 acres of open space required
69.40 acres of open space provided
 50% of 69.40 acres: 34.70 acres of useable open space required
40.60 acres of useable open space provided
33 Lots Proposed

Based on the cluster development standards, the applicant is proposing to develop the property in accordance with applicable provisions with several noted exceptions and or issues.

The City has completed a detailed review of the proposed subdivision as follows:

1. The proposed plan proposes to realign Koch's Crossing at the point of intersection with CSAH 90. The realignment of Koch's Crossing likely aids the sight lines at the CSAH 90/Koch's Crossing intersection. Hennepin County will ultimately need to approve the relocation of Koch's Crossing and has provided comments relating to the preliminary plat request.
 - Hennepin County supports the proactive intersection realignment. The realignment will require a site line profile to be completed by the applicant.
 - Hennepin County will review the need for turn lanes and provide additional feedback prior to City Council consideration.
 - The applicant is proposing to dedicate additional right of way to allow for a 50' half ROW. Hennepin County has initially stated that they agree with this ROW but is still finalizing their review.

2. Koch's Crossing will be fully upgraded to the City's improved street standards and will tie into the eastern half that was recently upgraded as a part of the Serenity Hills subdivision. The applicant is proposing to locate lots along the realigned Koch's Crossing. This would be consistent with the Serenity Hills subdivision.
3. A new north south cul-de-sac is proposed to serve 26 lots. The length of the proposed cul-de-sac is 3,900 lineal feet. The concept plan that has been reviewed by the City showed the north south road as a through street connecting to Brei Kessel Road to the south. There are several things that should be considered by the City relating to the proposed cul-de-sac as follows:
 - Section 500l.43 of the City's subdivision standards provides requirements relating to minimum subdivision design standards.

500.43. Minimum subdivision design standards.

Subd. 1. *Street plan.* The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Subd. 2. *Continuation of existing streets.* The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

Subd. 3. *Future projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

Subd. 4. *Cul-de-sac easement required.* If a street terminates at the boundary line of the plat that could at a later date be extended into and through adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plats at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the subdivision, and shall conform to these regulations in all respects.

Subd. 5. *Public access roads.* A subdivision shall not be approved unless the council makes a finding that the existing public roads providing access to the land to be divided can adequately accommodate any additional traffic that the subdivision may generate. If the public roads providing access to the subdivision do not meet the minimum requirements in section 500.45 of this Code, the required finding must be supported by a traffic study prepared by a licensed traffic engineer selected by the city.

- The preliminary plat does not appear to comply with Subdivision Ordinance section 500.43, Subd. 2. The applicant would need to request a formal variance from the Subdivision Standards relating to the proposed cul-de-sac. Section 500.75 of the City's Subdivision Ordinance provides standards pertaining to variances:

500.75. Standards for variances.

The planning commission may recommend, and the city council may grant variances from the literal provisions of this section in instances where their strict enforcement would cause undue

hardship because of circumstances unique to the individual property under consideration. Any person requesting a variance shall appear at all planning commission meetings and city council meetings where such application is considered and provide to the planning commission and the city council such maps, drawings, plans, records and other information necessary to make a determination on the application. It is the responsibility of the applicant to demonstrate that all of the following standards for variance have been met. Undue hardship can be found on the bases of the following:

- (a) Because of the particular physical surroundings, shape, or topographic conditions of the specific parcels of land involved, a particular hardship to the owner would result if the strict letter of this section were carried out.
 - (b) The conditions upon which the application for variance is based are unique to the parcel of land for which the variance is sought and are not common to other properties within the city.
 - (c) The hardship is related to the requirements of these regulations and has not been created by any persons presently or formerly having an interest in the parcel of land.
 - (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- Planning Commissioners should provide direction/findings relating to if/how the proposed cul-de-sac/dead end meets the applicable standards. The actual variance will need to be considered at a future meeting and any approvals of the proposed preliminary plat, if recommended, would be subject to a variance being considered.
- As requested by the Planning Commission, the City has reviewed and provided additional information relating to maximum cul-de-sac length and street design requirements of a handful of neighboring cities (attached to this report as EXHIBIT A).
- As requested by the Planning Commission, the City has researched and provided additional information relating to the approvals of Brei Kessel Subdivision (attached to this report as EXHIBIT B). Brei Kessel currently terminates with a temporary cul-de-sac. When Brei Kessel was approved in 1996, the City noted that they wanted to plan for the future development of the entire area as it related to roads and transportation. Brei Kessel was required to extend to the northern property line in order to provide for its future connection to the north. It is noted that the existing cul-de-sac does not meet current City dimensional/construction standards. The City has noted that the existing cul-de-sac bulb was not constructed as a permanent road and also that the City does not have right of way that encompasses the entirety of the cul-de-sac terminus. The existing bulb has an 85' diameter rather than 100' as required. The City currently has 66' of right of way and would require 120' for a permanent cul-de-sac. Permanent right of way and a permanent road section should be considered by the City should the road not be extended. **The applicant has prepared a revised exhibit which now includes additional right of way along the eastern perimeter of the existing temporary cul-de-sac. This would partially provide for the construction of a**

This is a detailed plat map of a 100-acre tract, divided into several lots and areas. The map includes lot numbers (e.g., 4, 5, 6, 7), total area calculations (e.g., 2.0 ACRES, 1.7 ACRES, 1.6 ACRES), and various easements (e.g., Drainage and Utility Easement, R66, R60). The map also shows a creek, a dedicated road, and a drainage area. The map is signed by a surveyor and dated 1996.

Lot 4: Total Area = 1.7 ACRES. Includes points 981.11, 980.02, 978.41, 978.26, 978.19, 978.13, 978.12, 978.11, 978.10, 978.09, 978.08, 978.07, 978.06, 978.05, 978.04, 978.03, 978.02, 978.01, 977.99, 977.98, 977.97, 977.96, 977.95, 977.94, 977.93, 977.92, 977.91, 977.90, 977.89, 977.88, 977.87, 977.86, 977.85, 977.84, 977.83, 977.82, 977.81, 977.80, 977.79, 977.78, 977.77, 977.76, 977.75, 977.74, 977.73, 977.72, 977.71, 977.70, 977.69, 977.68, 977.67, 977.66, 977.65, 977.64, 977.63, 977.62, 977.61, 977.60, 977.59, 977.58, 977.57, 977.56, 977.55, 977.54, 977.53, 977.52, 977.51, 977.50, 977.49, 977.48, 977.47, 977.46, 977.45, 977.44, 977.43, 977.42, 977.41, 977.40, 977.39, 977.38, 977.37, 977.36, 977.35, 977.34, 977.33, 977.32, 977.31, 977.30, 977.29, 977.28, 977.27, 977.26, 977.25, 977.24, 977.23, 977.22, 977.21, 977.20, 977.19, 977.18, 977.17, 977.16, 977.15, 977.14, 977.13, 977.12, 977.11, 977.10, 977.09, 977.08, 977.07, 977.06, 977.05, 977.04, 977.03, 977.02, 977.01, 976.99, 976.98, 976.97, 976.96, 976.95, 976.94, 976.93, 976.92, 976.91, 976.90, 976.89, 976.88, 976.87, 976.86, 976.85, 976.84, 976.83, 976.82, 976.81, 976.80, 976.79, 976.78, 976.77, 976.76, 976.75, 976.74, 976.73, 976.72, 976.71, 976.70, 976.69, 976.68, 976.67, 976.66, 976.65, 976.64, 976.63, 976.62, 976.61, 976.60, 976.59, 976.58, 976.57, 976.56, 976.55, 976.54, 976.53, 976.52, 976.51, 976.50, 976.49, 976.48, 976.47, 976.46, 976.45, 976.44, 976.43, 976.42, 976.41, 976.40, 976.39, 976.38, 976.37, 976.36, 976.35, 976.34, 976.33, 976.32, 976.31, 976.30, 976.29, 976.28, 976.27, 976.26, 976.25, 976.24, 976.23, 976.22, 976.21, 976.20, 976.19, 976.18, 976.17, 976.16, 976.15, 976.14, 976.13, 976.12, 976.11, 976.10, 976.09, 976.08, 976.07, 976.06, 976.05, 976.04, 976.03, 976.02, 976.01, 975.99, 975.98, 975.97, 975.96, 975.95, 975.94, 975.93, 975.92, 975.91, 975.90, 975.89, 975.88, 975.87, 975.86, 975.85, 975.84, 975.83, 975.82, 975.81, 975.80, 975.79, 975.78, 975.77, 975.76, 975.75, 975.74, 975.73, 975.72, 975.71, 975.70, 975.69, 975.68, 975.67, 975.66, 975.65, 975.64, 975.63, 975.62, 975.61, 975.60, 975.59, 975.58, 975.57, 975.56, 975.55, 975.54, 975.53, 975.52, 975.51, 975.50, 975.49, 975.48, 975.47, 975.46, 975.45, 975.44, 975.43, 975.42, 975.41, 975.40, 975.39, 975.38, 975.37, 975.36, 975.35, 975.34, 975.33, 975.32, 975.31, 975.30, 975.29, 975.28, 975.27, 975.26, 975.25, 975.24, 975.23, 975.22, 975.21, 975.20, 975.19, 975.18, 975.17, 975.16, 975.15, 975.14, 975.13, 975.12, 975.11, 975.10, 975.09, 975.08, 975.07, 975.06, 975.05, 975.04, 975.03, 975.02, 975.01, 974.99, 974.98, 974.97, 974.96, 974.95, 974.94, 974.93, 974.92, 974.91, 974.90, 974.89, 974.88, 974.87, 974.86, 974.85, 974.84, 974.83, 974.82, 974.81, 974.80, 974.79, 974.78, 974.77, 974.76, 974.75, 974.74, 974.73, 974.72, 974.71, 974.70, 974.69, 974.68, 974.67, 974.66, 974.65, 974.64, 974.63, 974.62, 974.61, 974.60, 974.59, 974.58, 974.57, 974.56, 974.55, 974.54, 974.53, 974.52, 974.51, 974.50, 974.49, 974.48, 974.47, 974.46, 974.45, 974.44, 974.43, 974.42, 974.41, 974.40, 974.39, 974.38, 974.37, 974.36, 974.35, 974.34, 974.33, 974.32, 974.31, 974.30, 974.29, 974.28, 974.27, 974.26, 974.25, 974.24, 974.23, 974.22, 974.21, 974.20, 974.19, 974.18, 974.17, 974.16, 974.15, 974.14, 974.13, 974.12, 974.11, 974.10, 974.09, 974.08, 974.07, 974.06, 974.05, 974.04, 974.03, 974.02, 974.01, 973.99, 973.98, 973.97, 973.96, 973.95, 973.94, 973.93, 973.92, 973.91, 973.90, 973.89, 973.88, 973.87, 973.86, 973.85, 973.84, 973.83, 973.82, 973.81, 973.80, 973.79, 973.78, 973.77, 973.76, 973.75, 973.74, 973.73, 973.72, 973.71, 973.70, 973.69, 973.68, 973.67, 973.66, 973.65, 973.64, 973.63, 973.62, 973.61, 973.60, 973.59, 973.58, 973.57, 973.56, 973.55, 973.54, 973.53, 973.52, 973.51, 973.50, 973.49, 973.48, 973.47, 973.46, 973.45, 973.44, 973.43, 973.42, 973.41, 973.40, 973.39, 973.38, 973.

- The Independence subdivision ordinance requires that streets be extended through to adjacent properties unless there is a justification for not extending. The City does not currently stipulate a maximum length for cul-de-sacs. The City has several existing cul-de-sacs that exceed 2,000 LF throughout the City. For example, Polo Club Road is approximately 3,200 LF and has 15 homes on the road. Brei Kessel Rd. and Wood Hill Lane in combination are approximately 2,900 LF with 17 homes on the combined roads. Most recently, the City approved Hamilton Hills with a cul-de-sac length of 1,860 LF with 8 homes. **The applicant has now provided a revised exhibit which provides a full 66' of right of way that would allow a connection between the end of William Way and the end of Brei Kessel. The right of way proposed does not include any additional physical improvements. City Council should provide direction relating to the need for a physical connection that would accommodate emergency services/pedestrians between the two developments?**
- There are many varying viewpoints relating to the development of cul-de-sacs, the maximum and minimum cul-de-sac lengths and similar factors that could be considered. The standard of practice most commonly accepted in the planning, public works, public safety and emergency services realm would support a connected community and subsequent transportation network. Connectivity of a transportation network within a community is generally recognized by associated professional disciplines to reduce the total number of trips taken on a given roadway, reduce travel speeds, increase emergency response times and increase maintenance and similar efficiencies. There are a wide array of factors and considerations that can also influence and change the aforementioned elements. Elements such as traffic calming devices (choke points in a road, speed table, design speeds etc.) can also be used to accomplish some of the items noted. Ultimately, the City should consider whether or not the current ordinance requirements are aligned with the vision for the development of Independence neighborhoods. Planning Commissioners should also provide input relating to the proposed road and whether or not the City should require traffic calming measures due to the proposed length.
- There are no other future road extensions proposed within this preliminary plat. The City should consider if any additional future road connections are needed to allow the reasonable and orderly development of this portion of the City. Due to the existing wetlands and topography of the surrounding areas, it is unlikely that future roads would be beneficial to the southeast or southwest (as a result of the significant wetlands). There is a possible connection point that could be considered to the west near the location of Lots 3 & 4, Block 10 (see below).



4. The City recently revised the Cluster Subdivision section of the zoning ordinance to more clearly stipulate the minimum lot width for properties developed using the Cluster Subdivision standards. The minimum lot width now prescribed is 150 feet. All lots in the proposed development meet the minimum lot width of 150 feet. The average lot width within the development is 198 feet.
5. The City requires a minimum of 1.5 areas of buildable area for each lot. The applicant proposes several lots that have a minimum area of 1.5 acres including wetland buffer/RIM easement. The City would not permit development within the wetland buffer/RIM easement and would therefore not count it towards buildable area. There are several lots where it is not clear if these areas are included in the minimum buildable lot area calculation. The applicant will need to verify that the following lots meet the minimum area, not including the wetland buffer:

- Lot 1, Block 3
 - Lots 3, 4, 5, Block 5
 - Lot 1, Block 9
6. The proposed plan shows several lots that appear to have wetland/RIM easement encroachments on the private lots. Ideally, the wetlands/restrictive easements would be located within an Outlot and not on private property. The City would recommend that wetlands and wetland buffers are removed from the private lots to prevent future limitations on the useable lot area. Several lots should be noted:
- Lots 3, 4, 5, Block 5
 - Lot 1, Block 6
 - Lots 1,2, Block 10
 - Lot 3, Block 4
7. The applicant has provided information verifying each lot can accommodate a primary and secondary septic site.
8. The applicant shows all applicable building setbacks on each proposed lot along with a proposed house pad. Applicable setbacks are as follows:
- Front Yard Setback: 85' from centerline of road
 - Corner Yard Setback: 52' from property line
 - Side Yard Setback: 30' from property line
 - Rear Yard Setback: 40' from property line
 - Wetland Setback: 10' from edge of wetland buffer
9. There are a handful of lots that have a non-traditional configuration. This is a result of the property having many unique features and geographical characteristics. Staff is seeking Planning Commissioners feedback relating to individual lot configurations.
10. The applicant is proposing to preserve existing trees located within the proposed open space/Outlots.
11. The developer has noted that they would likely phase the construction of the development going from the north to the south. Phasing of the development would be considered at the time of Final Plat.
12. The existing portion of Koch's Crossing that is proposed to be eliminated will need to be formally vacated. The applicant will be required to make application to the City for vacation of Koch's Crossing.
13. The City and Watershed have standards relating to storm water management and water quality. The City will ensure that the development of this property meets all applicable

standards relating to storm water management and water quality. The City's water resource engineers have completed a detailed review of the proposed plans. The applicant will be required to revise the plans in accordance with all applicable comments. Following preliminary plat consideration, the Pioneer Sarah Watershed Management Commission will review the plans.

14. The City's engineering consultant has reviewed the plans and prepared a detailed review of the preliminary plat. The applicant will be required to make all applicable revisions to the plans based on the comments provided.
15. The proposed subdivision is subject to the City's Park dedication requirements. The City is not requesting any public park land within the development. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed Outlots. The standard park dedication requirement of \$3,500 per lot will be applicable to all newly developed lots. **The applicant is seeking credit for the six (6) existing parcels (this would reduce the total from 33 to 27 lots). Staff is seeking direction from the City Council relating to the credit for the existing parcels.**

Planning Commission Discussion:

Planning Commissioners reviewed the applications and asked questions of staff and the petitioner. Commissioners commented and discussed all aspects of the development and focused on several key issues. Commissioners discussed the connectivity of the proposed development to surrounding properties. Commissioners noted the previous subdivision approvals and the requirement to connect Brei Kessel to the proposed development. Commissioners also discussed the current ordinance requirements that also require the connection to the adjacent properties. Commissioners recommended approval of the requested actions to the City Council with two additional conditions; one to remove the need for a variance and to correct the temporary condition of the Brei Kessel cul-de-sac.

Neighbor Comments:

The City has received a petition from neighboring property owners relating to the proposed development and field several verbal questions. There was considerable public comment relating to the issue of the connection to Brei Kessel. The petition submitted to the City relating to this issue generally summarizes the comments provided at the public hearing. Several residents that live on Koch's Crossing noted concerns relating to drainage and increased traffic as a result of the proposed dead-end road. The developer's engineer provided additional information relating to the proposed drainage and noted that the proposed development would likely aid in mitigating some of the existing drainage conditions south of Koch's Crossing and along the east property line of the subject property.

Recommendation:

Planning Commissioners recommended approval of the request for Rezoning, Preliminary Plat and Conditional Use Permit for a Cluster Development with the following findings and conditions:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from Hennepin County.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. 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. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.
5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
6. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Attachments:

1. **ORDINANCE No. 2022-03**
2. **RESOLUTION No. 2022-0405-02**
3. EXHIBIT A
4. EXHIBIT B
5. Application
6. Preliminary Plat
7. Construction Plans
8. Detailed Engineering Review Letters



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2022-04

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE
ZONING CODE, INCLUDING ZONING MAPS**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section 1. The City of Independence Zoning Code be amended to rezone 141.35 acres of the property identified as (PID No's. 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002), from A-Agriculture to RR Rural Residential and legally described as follows:

(Legal Description To Be Added)

Section 2. The City Administrator is hereby directed to amend the City of Independence Zoning Ordinance, including Zoning Maps, in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 5th day of April 2022.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0405-02

**A RESOLUTION GRANTING APPROVAL OF A PRELIMINARY PLAT AND
CONDITIONAL USE PERMIT TO ALL A 33-LOT CLUSTER DEVELOPMENT
TO BE KNOWN AS KOCH FARM SANCTUARY**

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, Tom Koch (the “Applicant”) and William P Koch Et Al Trustees (the “Owner”) has submitted a request for a Preliminary Plat and Conditional Use Permit to the allow a 33-lot cluster development of the property identified by (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) (the “Property”); and

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

WHEREAS, the Preliminary Plat is further depicted on **Exhibit B** attached hereto; and

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

WHEREAS the requested Preliminary Plat and Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on March 15, 2022, to review the application for the Rezoning, Preliminary Plat and 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 is in compliance with all applicable standards and can be considered for approval; and

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 Tom Koch for a Preliminary Plat and Conditional Use Permit to allow the subdivision of the property per the City's subdivision regulations with the following conditions:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from Hennepin County.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. 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. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of

way will need to correspond with the establishment and construction of the new right of way and road.

5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
6. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

This resolution was adopted by the City Council of the City of Independence on this day 5th of April 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B
(Preliminary Plat)

Preliminary Plat of KOCH FARM SANCTUARY

Legend:

- 100' - 100' Easement
- 50' - 50' Easement
- 25' - 25' Easement
- 10' - 10' Easement
- 5' - 5' Easement
- 3' - 3' Easement
- 2' - 2' Easement
- 1' - 1' Easement
- 0' - 0' Easement
- Other symbols for easements and setbacks.

Table of Lot Areas:

Lot	Area
1	1.1 ACRES
2	1.1 ACRES
3	1.1 ACRES
4	1.1 ACRES
5	1.1 ACRES
6	1.1 ACRES
7	1.1 ACRES
8	1.1 ACRES
9	1.1 ACRES
10	1.1 ACRES

Other Information:

- Parcel ID:** 11104040000, 11104040000, 11104040000, 11104040000, 11104040000, 11104040000, 11104040000, 11104040000, 11104040000, 11104040000
- Section:** 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
- Sheet:** 1 of 1
- Scale:** 1" = 100'
- Drawn by:** J.J.A.
- Checked by:** P.E.O.
- Signature:** Tom Koch
- Date:** 2-14-22
- Professional Engineer Seal:** T.T.O. (Tom Koch), 12-14-22



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Tom Koch

Address: 10509 Shelter Grv
EDEN PRAIRIE,
Minnesota 55347

Primary Phone: 9529131056

Email: tkoch58@yahoo.com

Owner Information

Name: Tom Koch

Address: 10509 Shelter Grv
EDEN PRAIRIE,
Minnesota 55347

Primary Phone: 9529131056

Email: tkoch58@yahoo.com

Property Address:

PID:

Planning Application Type: Subdivision, Conditional Use Permit

Subdivision Type: Preliminary Plan

Description:

Supporting Documents: Preliminary/Final Plan

Signature:

Tom Koch

EXHIBIT A

High Level Comparison of Street Design Standards for Surrounding Communities

Medina

(g) Cul-de-sac. The maximum length of a street terminating in a cul-de-sac shall be 750 feet, measured from the centerline of the street of origin to the end of the right-of-way, or a maximum of 20 lots, whichever is shorter. Lot lines abutting cul-de-sacs shall be radial.

“Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.”

Minnetrista

(6) Through streets are preferred by the city and will be required in the majority of cases. Cul-de-sacs may be considered, if environmental and topographic conditions so merit. Through streets will be extended to the boundary lines of the tract to be subdivided or, if the adjacent property is undeveloped and the roadway must temporarily be a dead-end roadway, the right-of-way will be extended to the property line and a temporary cul-de-sac will be dedicated and constructed.

(1) The arrangement of roadways must provide for the continuation of roadways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the city comprehensive municipal plan. If the adjacent property is undeveloped and the roadways must be temporarily dead-end roadways, the right-of-way will be extended to the property line. The city may limit the length of temporary dead-end roadways in accordance with the design standards of this section.

Orono

Maximum cul-de-sac length = 1,000 feet.

Maximum number of units on cul-de-sac = 10.

Cul-de-sac shall be discouraged; proposed roadways shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless in the opinion of the city such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

Corcoran

Dead-End Streets. Dead-end streets shall be prohibited, except as stub streets.

B. Stub Streets. Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Barricades shall be installed at the end of stub streets and signage shall be provided indicating a future street connection

C. Cul-de-Sac Streets (permanent). Cul-de-sac streets may be installed where necessary due to topography, configuration of land, existing road layouts or other special circumstances.

D. Cul-de-Sac Streets (temporary). In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 1,320 feet or more from the nearest intersection in rural areas or 900 feet in urban areas, a temporary cul-de-sac with a pavement

width of 90 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending beyond the curb line of the temporary cul-de-sac in all directions. No building permit shall be issued for any properties containing such temporary easement until after the temporary cul-de-sac is constructed. A financial guarantee will be required for removal and

Greenfield

1. Continuation of existing streets. The arrangement of rights-of-way and streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
2. (2) Future projection of streets. Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of rights-of-way adjoining property by carrying the new right-of-way to the boundaries of the new subdivision at appropriate locations.
3. (3) Cul-de-sac easement required. If a street terminates at the boundary line or another point of the plat that could at a later date be extended into adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plats at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the plat and shall conform to these regulations and the street construction specifications of the city in all respects.

Watertown

Cul-de-sacs. The use of cul-de-sacs is discouraged except, where to further the intent of this chapter, cul-de-sacs are appropriate due to existing topography, vegetation, etc. In no case shall a street ending in a cul-de-sac exceed 300 feet.

Delano

1. Local Streets and Dead-End Streets. Local streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than five hundred (500) feet, including a terminal turn around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet. A forty-five (45) foot street radius will be required on all cul-de-sacs.

*Council 3/26/96***6. PETER ANDREA COMPANY - PRELIMINARY PLAT**

Mr. and Mrs. William Koch, Jim Deanovic of Peter Andrea Company and Mark Gronberg were present with a request for preliminary plat approval for **BREI KESSEL**. This plat is located north of Woodhill Farms on +/- 32.48 acres (PID 11-118-24 43-0001). There will be a total of five lots with an overall average of 5.8 acres per lot.

The Planning Commission held a public hearing at their meetings of February 12 and March 18 and recommended approval with conditions as listed in those minutes.

This item will be discussed by the Park Commission at their meeting of April 4, 1996.

The Planning Commission had an initial concern that the plat would result in a long cul-de-sac with no outlet. They wanted some long-range planning done as to where future roadways may go. The plan shows two possibilities with one going directly through the Koch property and exiting at Koch's Crossing. The second would be going north through the Blake and Koch property and coming out on County Road 90.

The connector to the Woodhill Farms plat is called Briar Castle Road. They are requesting the name be changed to Brei Kessel.

There is a meteor depression on Lot 2 Block 2. The name "Brei Kessel" is German for soup bowl and refers to this depression. A conservation easement will be placed around this in order to preserve it. The size of this depression is approximately 100'x100'.

The Pioneer-Sarah Watershed Commission has not yet approved this plan.

Lot Combination and Redivision - Motion by Smith, second by Fraser to approve the combination and redivision of parcels PID 11-118-24 43-0001 and 11-118-24 31-0001. A parcel description is needed for the metes and bounds parcel remaining after the platted area is removed from the combined parcel. All ayes, motion declared carried.

Rezoning: Motion by Smith, second by Emmer to rezone 32 acres of the south parcel from Agricultural to Rural Residential; all ayes, motion declared carried.

Preliminary Plat - Smith introduced the following resolution, second by Fraser:

RESOLUTION NO. 96-0326-01**RESOLUTION APPROVING PRELIMINARY PLAT OF BREI KESSEL**

WHEREAS, Peter Andrea Company (Applicant) has requested preliminary approval to subdivide approximately 30.73 acres located east of County road 90, south of Koch's Crossing and north of Woodhill Farms Addition; and

WHEREAS, the Planning Commission have reviewed the preliminary plat submitted by the applicant and public hearings have been held on the proposed plat.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Independence, Minnesota that preliminary approval is granted to the Applicant for the plat called **BREI KESSEL**, subject to the following:

1. The applicant must enter into a Development Agreement to address the timely construction and acceptance of roads. This applicant will also provide the city with an agreement to reimburse the city's administrative expenses, including legal and consultant fees.
2. Prior to approval of the final plat, the applicant must submit a current abstract of title or registered property abstract covering all land within the final plat for review by the city attorney.
3. Subject to review by the Parks Commission to pay the fee or land dedication as required by ordinance, said fee or land dedication to be due at the time of final plat.
4. The Applicant is to receive approval from the Pioneer-Sarah Watershed Commission.

Upon vote being taken, the following voted in favor: Johnson, Emmer, Fraser, Smith; Against: None; Absent: Hernandez; whereupon said resolution was declared passed and adopted.

Rename Briar Castle Road - Motion by Fraser, second by Smith to authorize the city attorney to prepare an ordinance amendment changing Briar Castle Road (Woodhill Farms Plat) to Brei Kessel; all ayes, motion declared carried.

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FACTS

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18-00000

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BARRICADE

OFFICE

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2

BOOK

R=49' TO EDGE OF
4 FOOT CLASS 2 SHOULDER

TEMPORARY
CUL-DE-SAC

1

ROAD

1715 - 3043 FENCE

TEMPORARY
BASEMENTS

4-1

מ

4. The City does not have a Tree Preservation Ordinance but has been active in preserving mature overstory in subdivision designs. This property has a valuable tree inventory. The plat should show existing tree cover and proposed eventual tree line. A tree protection plan for the proposed subdivision is strongly encouraged.

Briar Castle Road

The extension of Briar Castle Road approximately 1175 feet in addition to the 545 feet existing in Woodhill Farms raises health and safety concerns. The combination of Woodhill Drive (3450 feet to Briar Castle) and Briar Castle Road places residents on virtually a 1 mile long temporary cul-de-sac. While an intersection of Woodhill Drive and Becker Road reduces the argument 1825 feet to a .63 mile long temporary cul-de-sac, Becker Road is not a preferred emergency service route. This is the concern that prompted staff to request a potential alignment of Briar Castle Road and the Koch's Crossing cartway.

The submitted Preliminary Plat has an alignment within a undetermined property division without topographic information. The cartway alignment is approximately located on the drawing where the legal description narrative has been placed. The City was hoping for a more definitive potential physical alignment without concerns of future property divisions. The need to demonstrate the possibility of linkage falls well within City health and safety concerns.

In addition, this drawing proposes a triangular property division north of the proposed plat. Considering the length of the temporary cul-de-sac, the City would prefer to have a development timetable on this property so as not to have a temporary cul-de-sac remain in perpetuity.

RECOMMENDATION

It is recommended that the Preliminary Plat for Briar Castle subdivision be tabled due to an incomplete application.



PLANNERS
ENGINEERS
SURVEYORS
DESIGNERS
ARCHAEOLOGISTS

July 5, 1996

Mr. Dan Koch
Director of Public Works
City of Independence
1920 County Road 90
Maple Plain, MN 55359

Re: Brei Kessel
Final Plans & Plat
Loucks Project No. 91-103

Dear Dan:

Our understanding of the project is as follows:

- A 5 lot residential subdivision is being just north of Wood Hill Farms.
- Brei Kessel Road will be extended approximately 1200 feet north and approximately 160 feet of existing road will be reconstructed.

We have reviewed the Road Plan prepared by Coffin & Gronberg, Inc. dated 5-14-96 and the undated final plat documents for the above referenced project. The plans have been revised to reflect our preliminary review made on January 25, 1996.

In addition, the following comments should be addressed.

- The drainage patterns off the end of the cul-de-sac should be identified. The swales/ground where the water flows should be contained be within an drainage easement.
- Note* ➤ The temporary cul-de-sac should have temporary cul-de-sac easements on Block 1, Lot 2, and cover the portion of the cul-de-sac which extends outside the plat. The temporary easement should be in effect until the road way is extended.
- Our copy of the final plat does not show Lot and Block numbers.
- Note* ➤ The preliminary plat indicates a drainage and utility easement over the southerly end of Block 1, lots 1 and 2 which contains a wetland. This easement is not shown on our copy of the final plat.
- The grading of the cul-de-sac may effect wetlands. Has wetland approval/alteration been approved.

Sincerely,

LOUCKS & ASSOCIATES, INC.

Jeffrey A. Shopek, P.E.
Principal Engineer

for to Mark Gronberg 478-4435
for to Jim Desrois 934-0314

\\91103\\jeff\\breikess.doc

PLANNING COMMISSION
CITY OF INDEPENDENCE
MARCH 18, 1996

1. CALL TO ORDER

The regular meeting of the Planning Commission was called to order at 7:30 p.m. by Chairman Gene Cook.

Present: Gene Cook, Robert McWilliams, Robert Volkenant, Robert Gardner. Absent: Lona DeSutter. Also present: Tom Loucks, Planner.

2. APPROVAL OF MINUTES

Motion by Volkenant, second by Cook to approve the minutes of the March 18, 1996 meeting with the following correction:

pg. 2, para 1 - line 6 should read "The land is zoned Agricultural and guided Rural Residential."

All ayes, motion declared carried.

3. TABLED - PETER ANDREA COMPANY - PRELIMINARY PLAT

Mr. & Mrs. Bill Koch, Jim Deanovic and Mark Gronberg were present with the revised preliminary plat of Briar Castle (PID 11-118-24 43-0001). The applicant originally proposed to divide a +/- 32.48 acre parcel into six (6) lots varying in size from 3.2 acres to 8.42 acres, with an average of 5.41 acres per lot. The Preliminary Plat has been reduced to five (5) lots, with an average of 5.8 acres per lot. The land is zoned agricultural and guided rural residential.

The applicants submitted a Preliminary Plat and Preliminary Road Plan to the Planning Commission at their February 12th meeting. The application was reviewed and tabled due to an incomplete application.

Points of concern were:

Lot 1, Block 2 - the lot had a long narrow rectangular shape, the lot line on the north was moved to be more diagonal and surpassing a high point in the back of the lot, creating more width.

Lot 2, Block 2 - is diamond shaped due to the lot line arrangement of Lot 1, Block 2. The lot line on this piece to the north was cut diagonally due to the northern most point being part of Mr. Koch's land that is going to be put in the R.I.M. (Reinvest in Minnesota) program.

Lot 1, Block 1 - this was two lot in the first Preliminary Plat, but has since acquired a buyer for the two parcels. Therefore, this will remain a one lot.

Lot 2, Block 1 - north property line is irregular because it follows the creek. Deanovic suggested that this could possibly be straightened out.

Road suggestions - there shows to be two (2) possibilities for future roads. One going directly through Kochs property and coming out at Koch's Crossing, the alternative route would be going directly north through Blake and Koch's property and coming out on County Road 90. The second choice being the best out of the two.

The Briar Castle Road name is to be changed to Brei Kessel Road, the correct German spelling.

Cul-de-sac - will remain as shown on Preliminary Road Plan, but to be made large enough for buses, snowplows and emergency vehicles to turn around. The cul-de-sac is also to be shown on the Preliminary Plat.

NURP Pond - there have been numerous discussions on how this is to be built with the outlet and inlets. The engineer's are satisfied with the plan that it will work.

Meteor depression - there will need to be a bigger easement put over this to protect it from future developmental destruction.

Park Dedication Fee - this will be 10% of the pre-development market value.

Motion by Volkenant, second by McWilliams to close the public hearing. All ayes, motion declared carried.

Motion by Volkenant, second by McWilliams to recommend to the Council approval of the Preliminary Plat because it complies with all other aspects of the Zoning Ordinance and subdivision regulations and those conditions as follows:

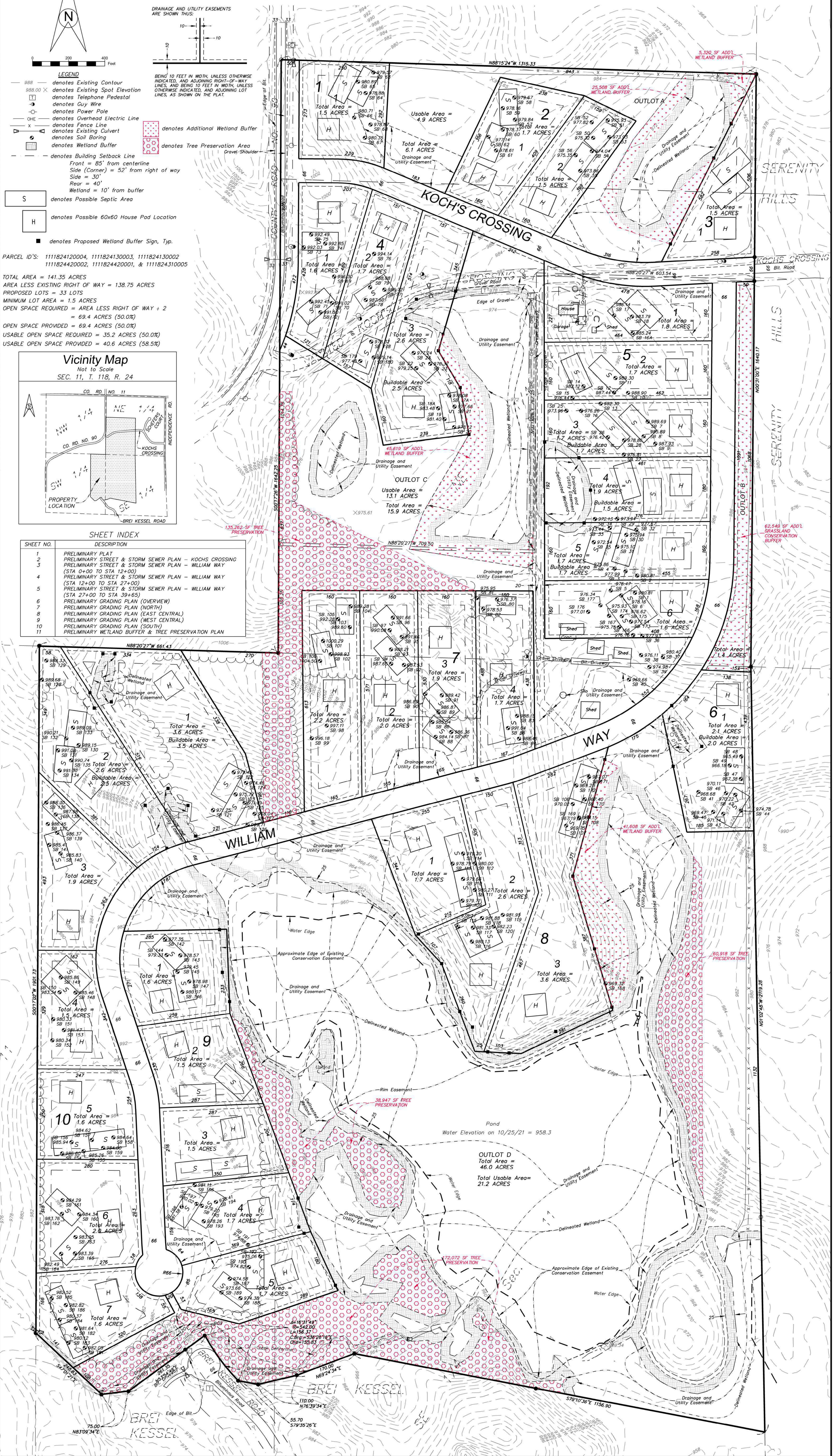
1. Park Dedication fee to be paid.
2. Subsequent phases to accommodate the existing Brei Kessel Roadway.
3. Apply a large easement to the Brei Kessel meteor depression.
4. Preliminary Plat to be recorded at the County within 6 months of Council approval.

All ayes, motion declared carried.

Motion by McWilliams, second by Cook to recommend to the Council approval of the request for renaming Brair Castle Road to the correct German spelling of Brei Kessel Road and to rezone the +/-32 acres of Brei Kessel from Agricultural to Rural Residential because it meets with the quipping of the property.

All ayes, motion declared carried.

Preliminary Plat of KOCH FARM SANCTUARY



LEGEND

- 988.00 X denotes Existing Contour
- 988.00 X denotes Existing Spot Elevation
- denotes Telephone Pedestal
- denotes Guy Wire
- denotes Power Pole
- OHE — denotes Overhead Electric Line
- denotes Fence Line
- denotes Existing Culvert
- denotes Soil Boring
- denotes Wetland Buffer
- denotes Building Setback Line
- Front = 85' from centerline
- Side (Corner) = 52' from right of way
- Side = 30'
- Rear = 40'
- Wetland = 10' from buffer
- S denotes Possible Septic Area
- H denotes Possible 60x60 House Pad Location
- denotes Proposed Wetland Buffer Sign, Typ.

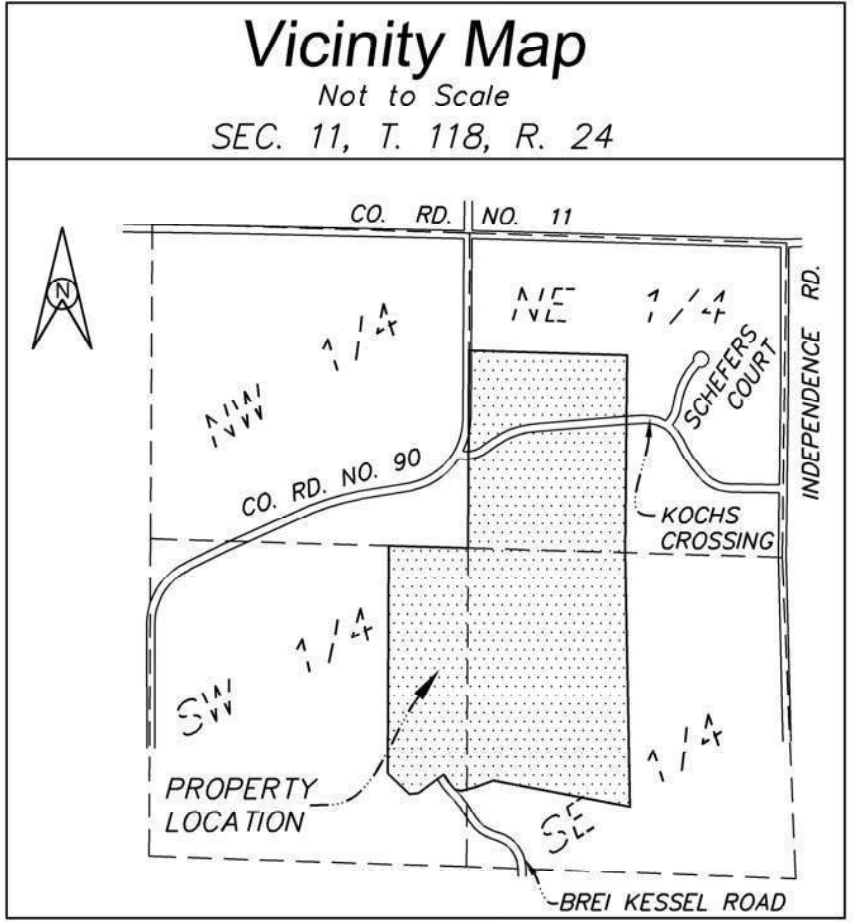
BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

denotes Additional Wetland Buffer

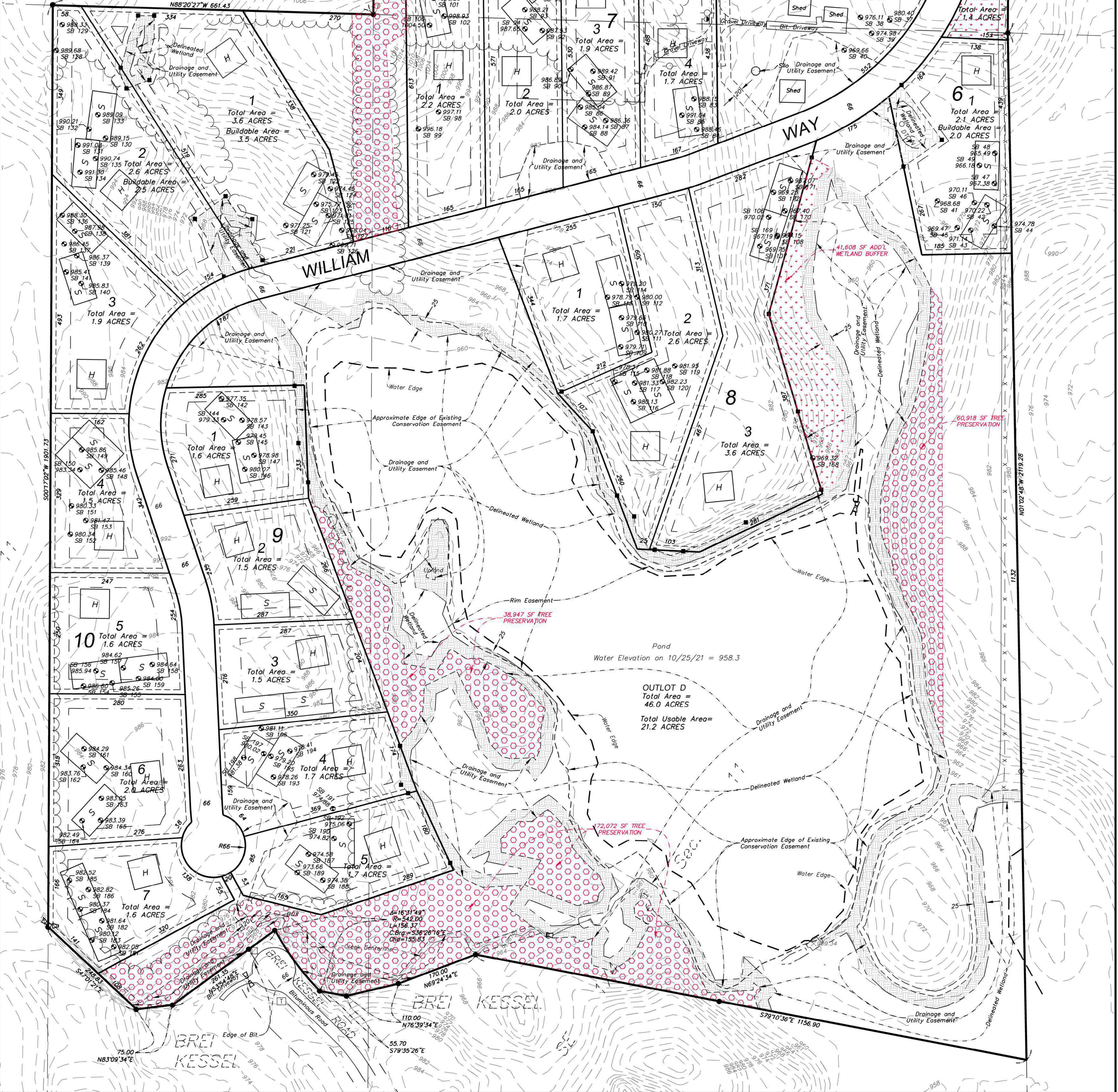
denotes Tree Preservation Area

PARCEL ID'S: 1111824120004, 1111824130003, 1111824130002, 1111824420002, 1111824420001, & 1111824310005

TOTAL AREA = 141.35 ACRES
 AREA LESS EXISTING RIGHT OF WAY = 138.75 ACRES
 PROPOSED LOTS = 33 LOTS
 MINIMUM LOT AREA = 1.5 ACRES
 OPEN SPACE REQUIRED = AREA LESS RIGHT OF WAY ÷ 2 = 69.4 ACRES (50.0%)
 OPEN SPACE PROVIDED = 69.4 ACRES (50.0%)
 USABLE OPEN SPACE REQUIRED = 35.2 ACRES (50.0%)
 USABLE OPEN SPACE PROVIDED = 40.6 ACRES (58.5%)



SHEET NO.	DESCRIPTION
1	PRELIMINARY PLAT
2	PRELIMINARY STREET & STORM SEWER PLAN - KOCHS CROSSING
3	PRELIMINARY STREET & STORM SEWER PLAN - WILLIAM WAY (STA 0+00 TO STA 12+00)
4	PRELIMINARY STREET & STORM SEWER PLAN - WILLIAM WAY (STA 12+00 TO STA 27+00)
5	PRELIMINARY STREET & STORM SEWER PLAN - WILLIAM WAY (STA 27+00 TO STA 39+65)
6	PRELIMINARY GRADING PLAN (OVERVIEW)
7	PRELIMINARY GRADING PLAN (NORTH)
8	PRELIMINARY GRADING PLAN (EAST CENTRAL)
9	PRELIMINARY GRADING PLAN (WEST CENTRAL)
10	PRELIMINARY GRADING PLAN (SOUTH)
11	PRELIMINARY WETLAND BUFFER & TREE PRESERVATION PLAN



Preliminary Plat on part of the E. 1/2 and part of the SW 1/4 of Section 11, Township 118, Range 24, Hennepin County, Minnesota.

Revised:

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

Paul E. Otto
 Paul E. Otto
 License #40062 Date: 2-14-22

Requested By:

Tom Koch

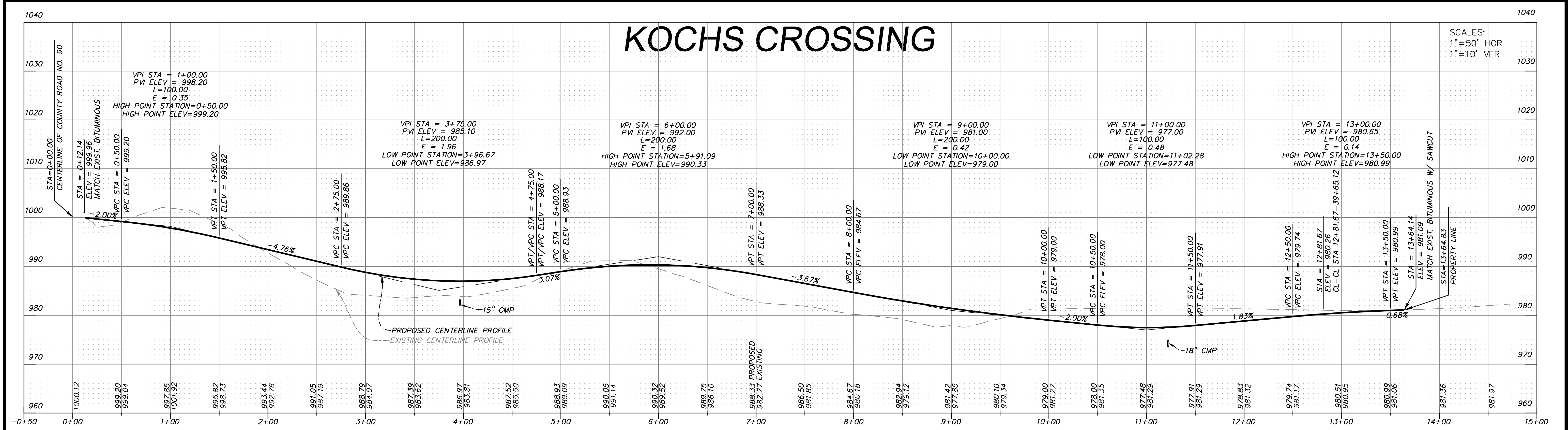
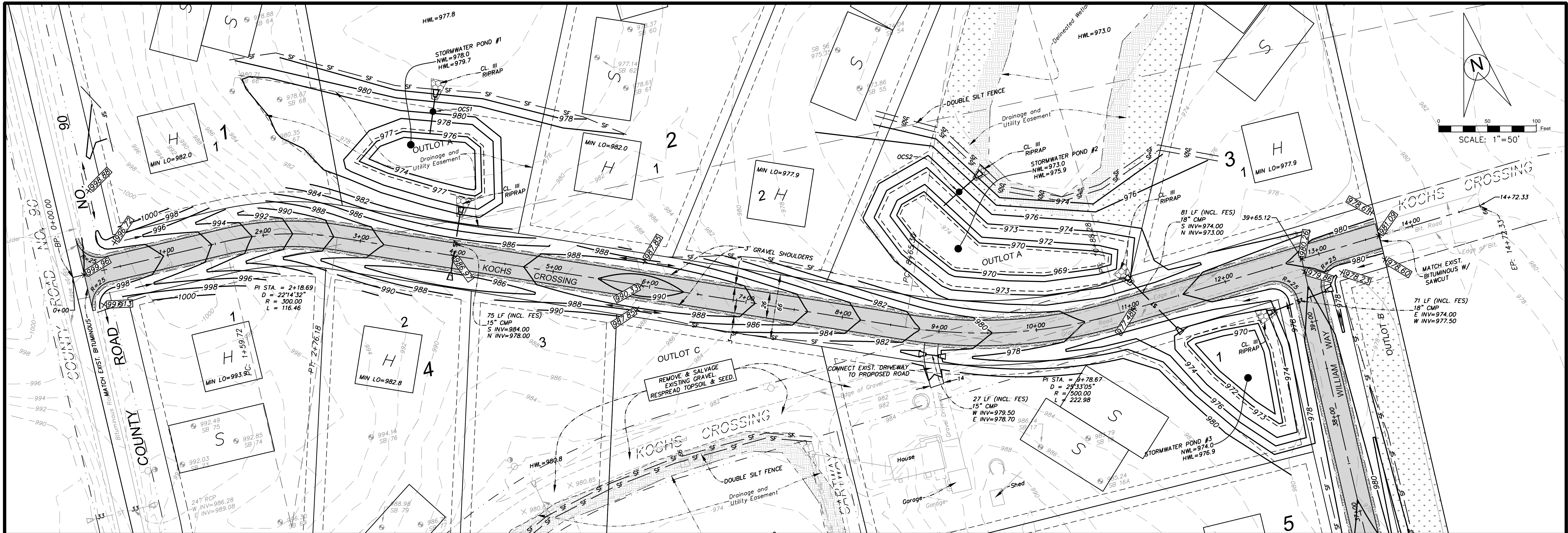
Date: 2-14-22 Drawn By: J.J.A. Scale: 1"=100' Checked By: P.E.O.

OTTO ASSOCIATES
 Engineers & Land Surveyors, Inc.

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

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

Project No. 18-0199



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	DATE	PROJECT NO.
				P.E.O.	T.J.B.		18-0199
				CHECKED			
				P.E.O.			

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

Paul E. Otto
Paul E. Otto
License #40062
Date: 2-14-22

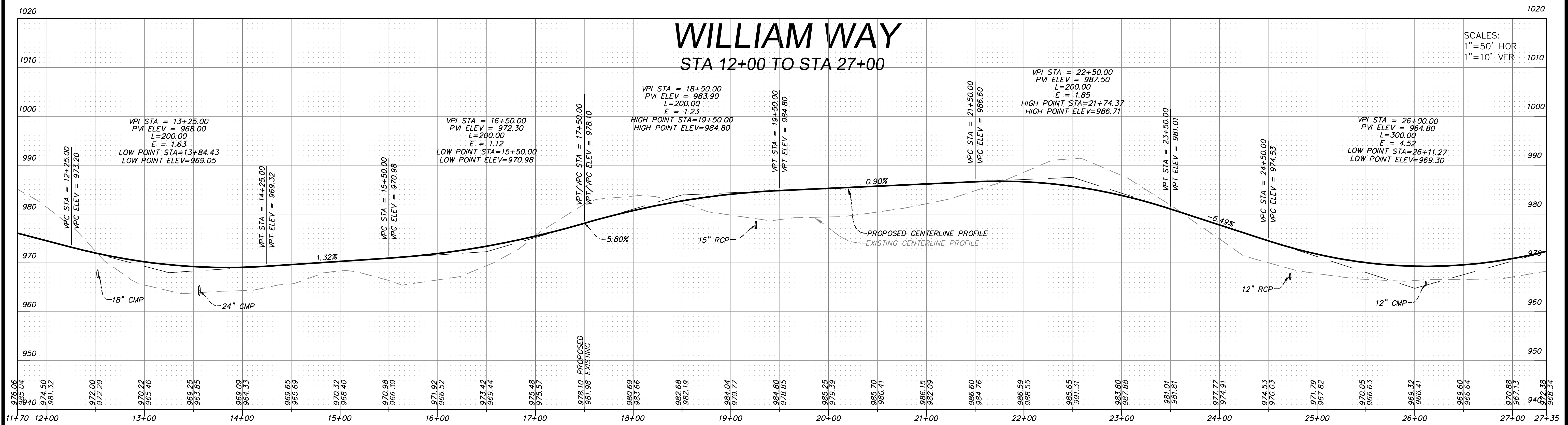
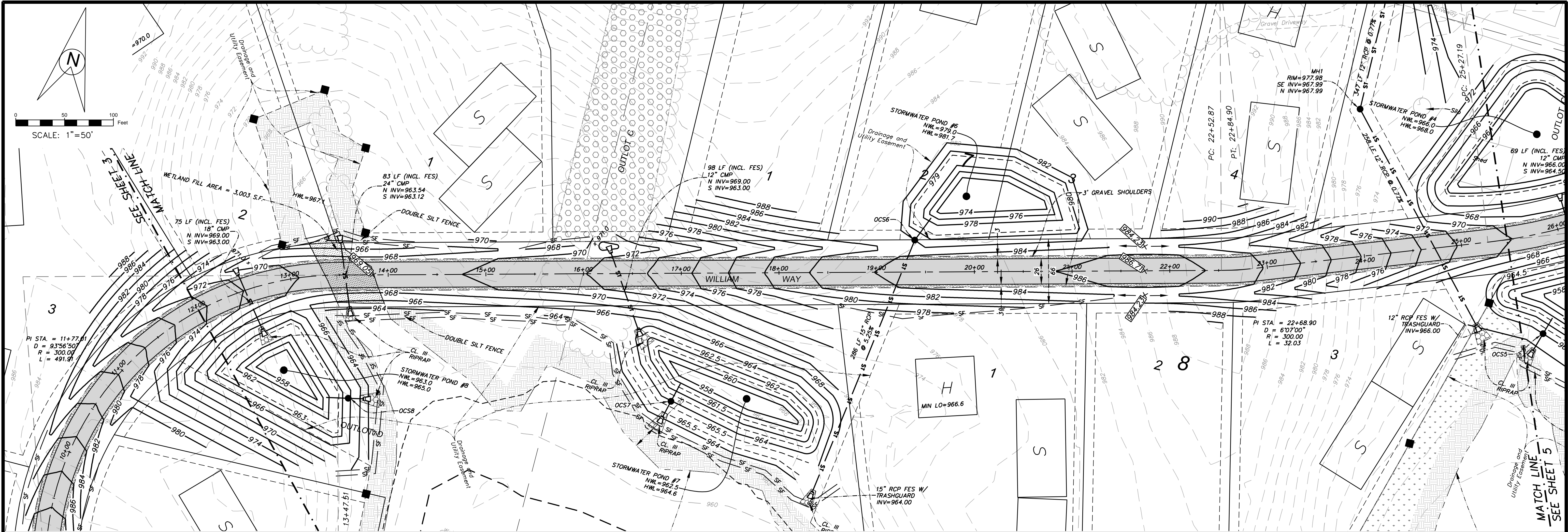
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KOCH FARM SANCTUARY
TOM KOCH
INDEPENDENCE, MN

PRELIMINARY STREET & STORM
SEWER PLAN - KOCHS CROSSING

SHEET NO. 2 OF 11 SHEETS

DATE: 2-14-22



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	DATE	PROJECT NO.
				P.E.O.	T.J.B.		18-0199
				CHECKED			
				P.E.O.			

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

Paul E. Otto
Paul E. Otto
License #40062
Date: 2-14-22

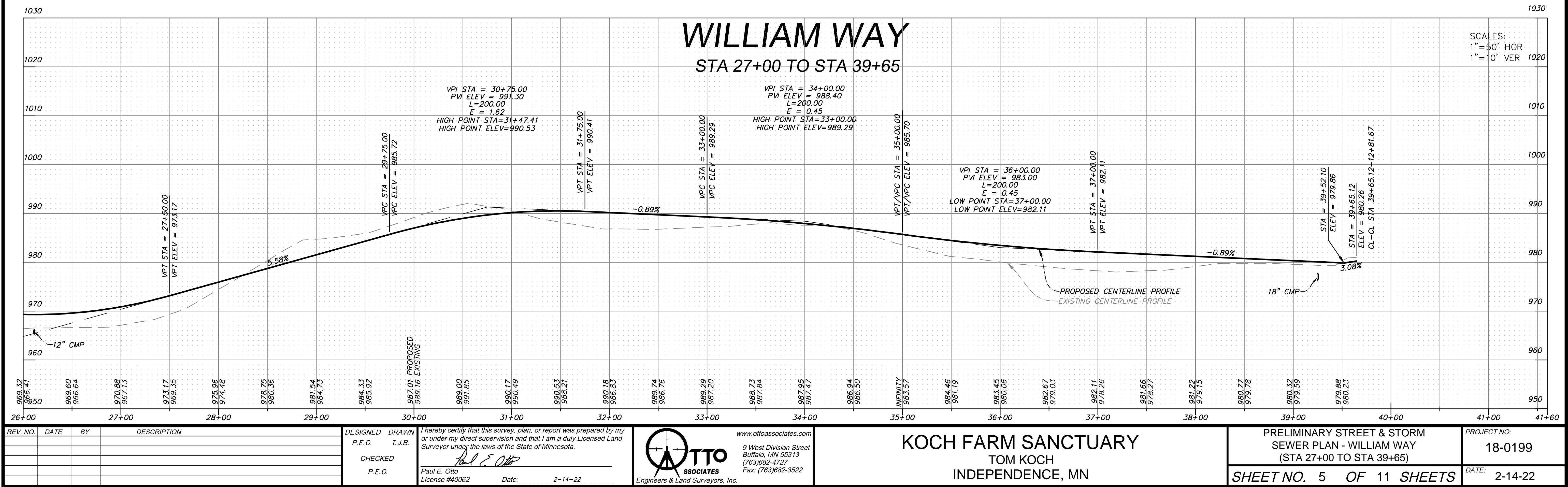
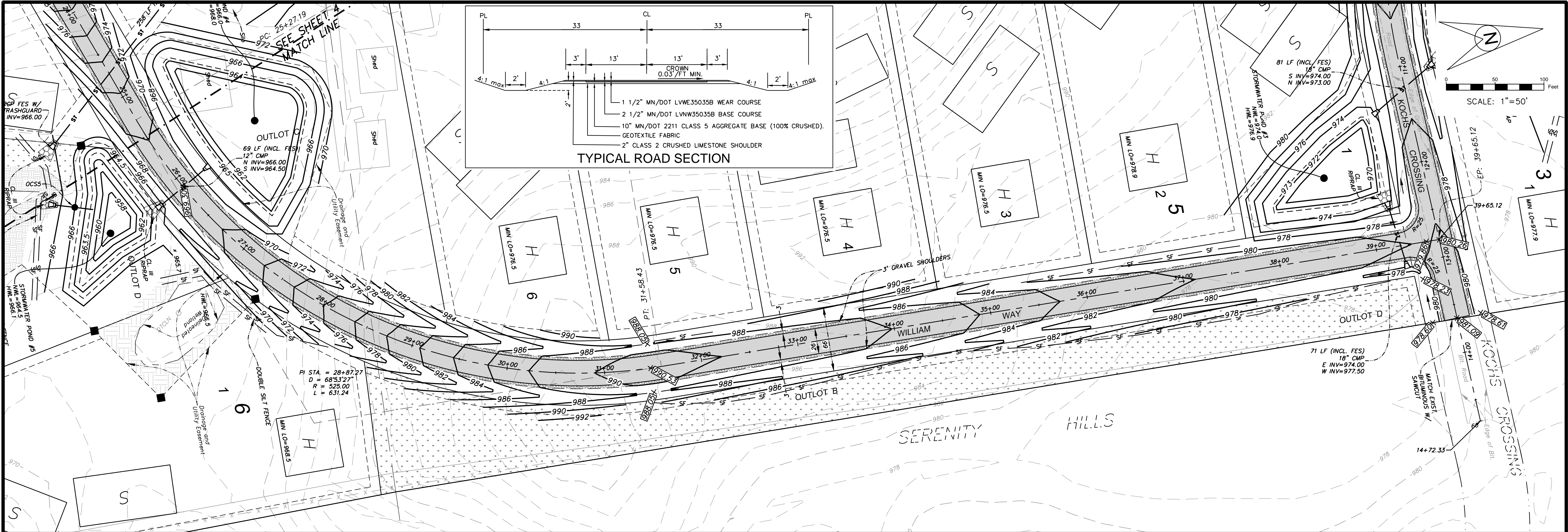
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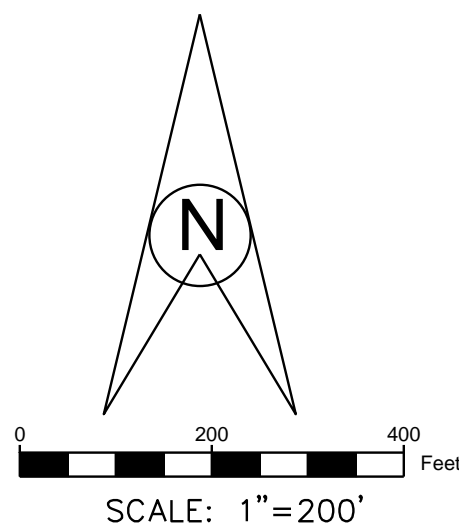
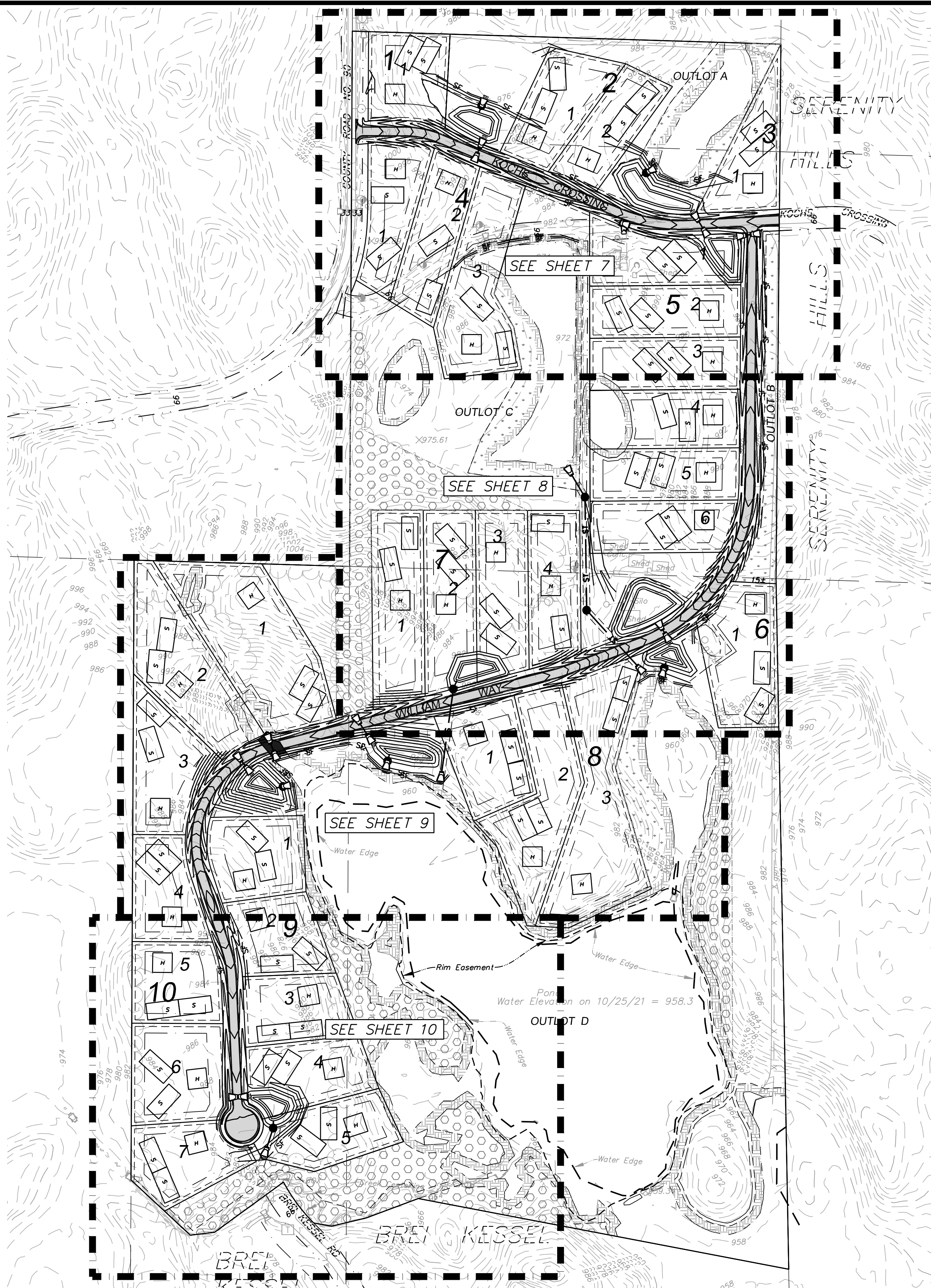
KOCH FARM SANCTUARY
TOM KOCH
INDEPENDENCE, MN

PRELIMINARY STREET & STORM
SEWER PLAN - WILLIAM WAY
(STA 12+00 TO STA 27+00)

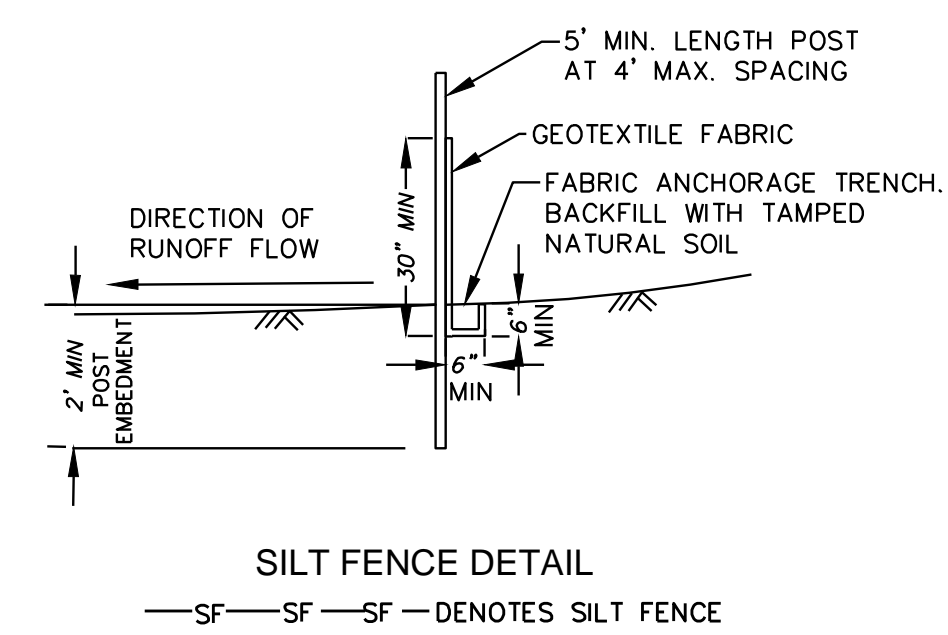
SHEET NO. 4 OF 11 SHEETS

DATE: 2-14-22

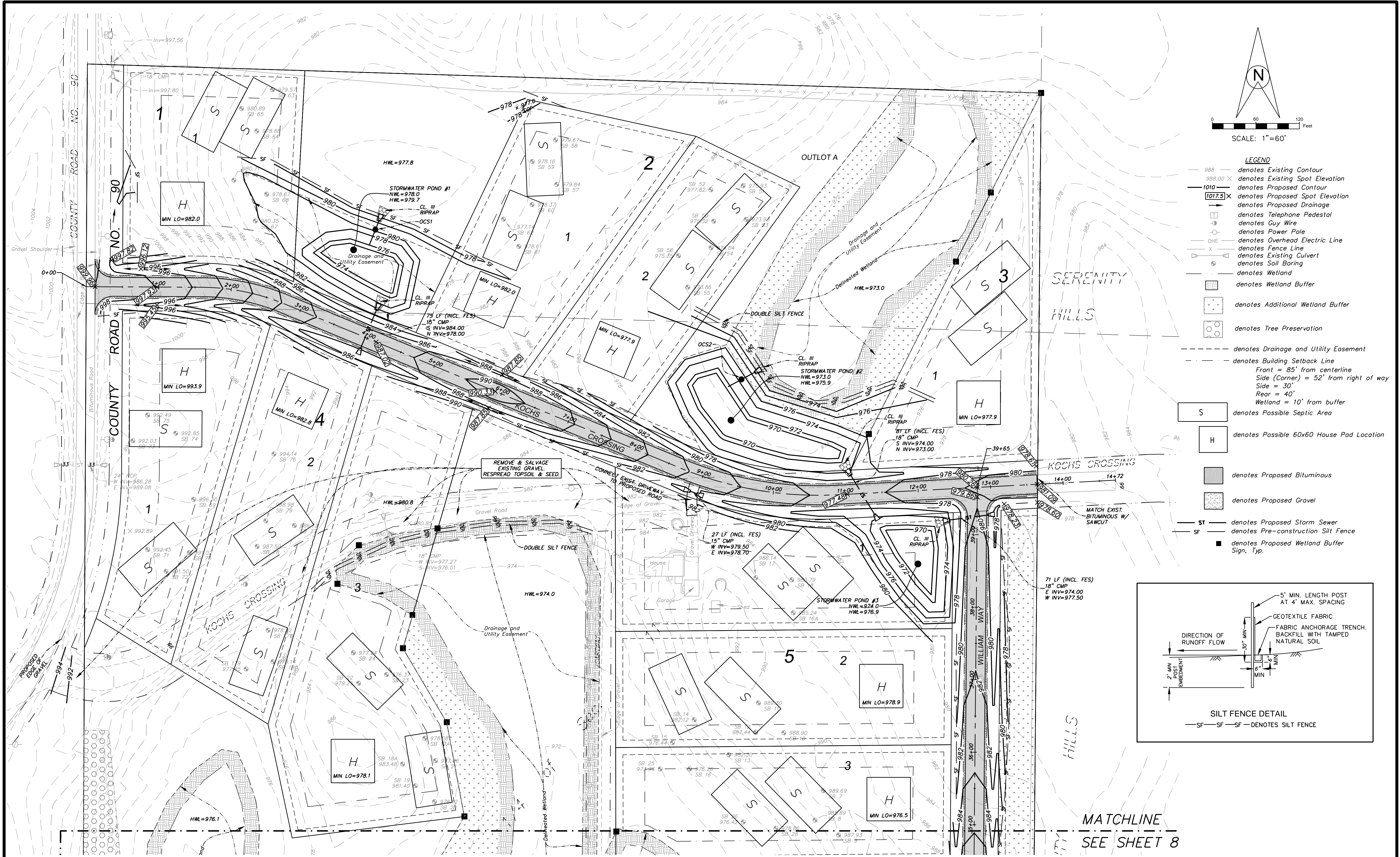




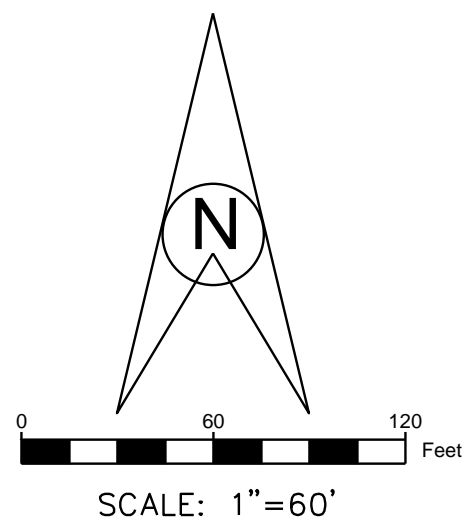
- LEGEND**
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 - denotes Wetland Buffer
 - denotes Additional Wetland Buffer
 - denotes Tree Preservation
 - denotes Drainage and Utility Easement
 - denotes Building Setback Line
 - Front = 85' from centerline
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 - Side = 30'
 - Rear = 40'
 - Wetland = 10' from buffer
 - S denotes Possible Septic Area
 - H denotes Possible 60x60 House Pad Location
 - denotes Proposed Bituminous
 - denotes Proposed Gravel
 - ST — denotes Proposed Storm Sewer
 - SF — denotes Pre-construction Silt Fence



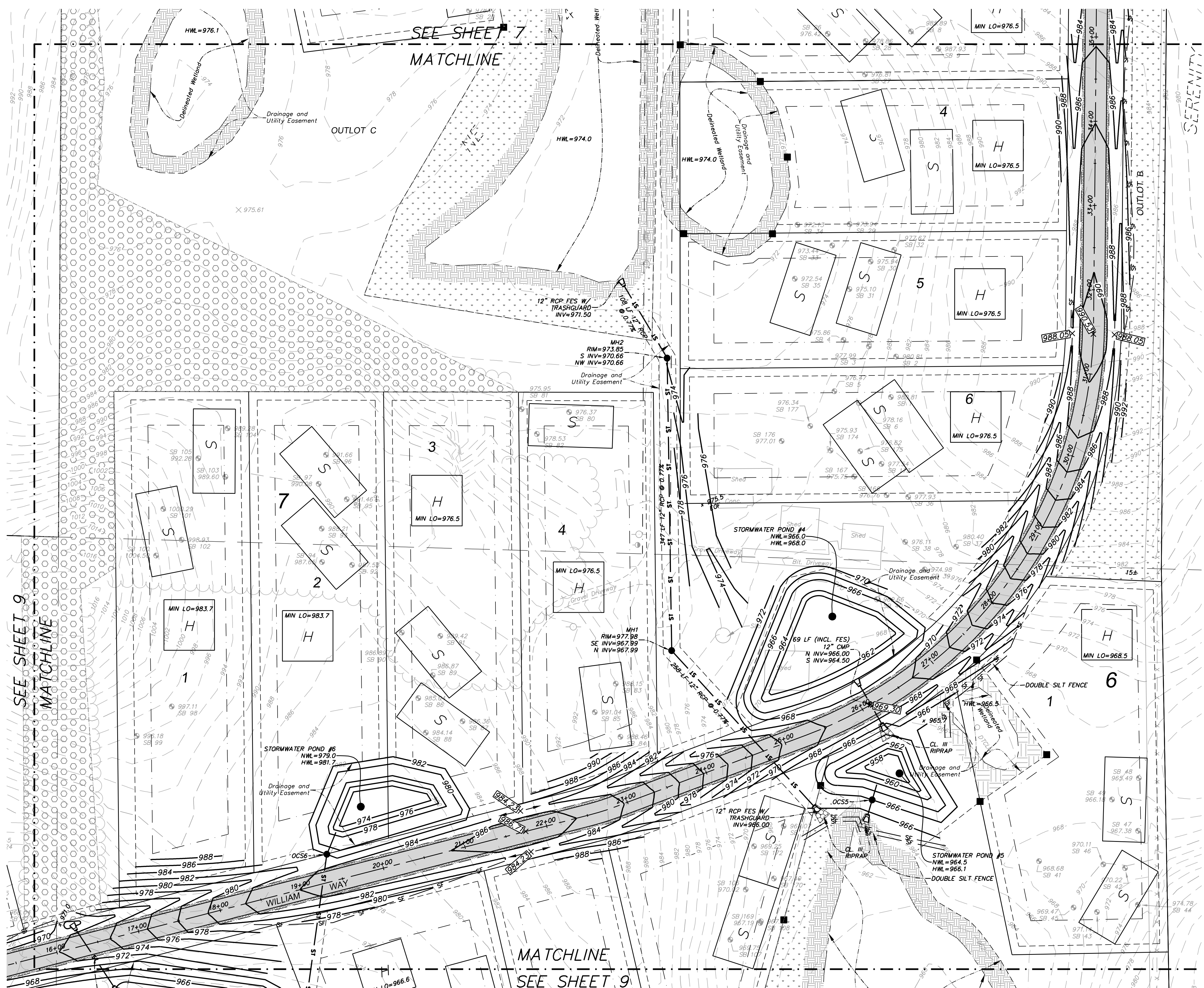
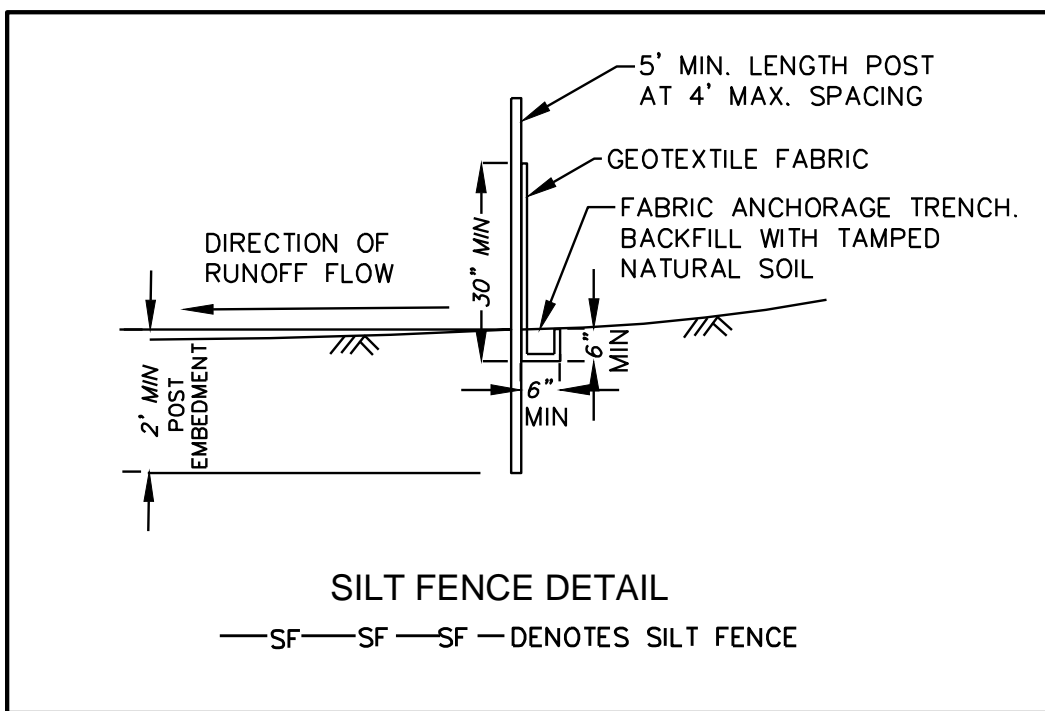
REV. NO.	DATE	BY	DESCRIPTION	DESIGNED P.E.O.	DRAWN T.J.B.	<div>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</div> <div></div> <div>Paul E. Otto License #40062 Date: 2-14-22</div>	<div><div>www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522</div></div> <div>Engineers & Land Surveyors, Inc.</div>	<div>KOCH FARM SANCTUARY TOM KOCH INDEPENDENCE, MN</div>	PRELIMINARY GRADING PLAN (OVERVIEW)	PROJECT NO: 18-0199	
SHEET NO. 6 OF 11 SHEETS											
DATE: 2-14-22											



REV. NO. DATE BY DESCRIPTION				DESIGNED DRAWN P.E.O. T.J.B.		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. <i>Paul E. Otto</i> Paul E. Otto License #40062 Date: 2-14-22		www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522		Koch Farm Sanctuary Tom Koch Independence, MN		PRELIMINARY GRADING PLAN (NORTH)		PROJECT NO: 18-0199	
CHECKED P.E.O.												SHEET NO. 7 OF 11 SHEETS		DATE: 2-14-22	



- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 X denotes Existing Spot Elevation
 - 1010 — denotes Proposed Contour
 - 1017.5 X denotes Proposed Spot Elevation
 - denotes Proposed Drainage
 - denotes Telephone Pedestal
 - denotes Guy Wire
 - denotes Power Pole
 - OHE — denotes Overhead Electric Line
 - X — denotes Fence Line
 - denotes Existing Culvert
 - denotes Soil Boring
 - denotes Wetland
 - denotes Wetland Buffer
 - denotes Additional Wetland Buffer
 - denotes Tree Preservation
 - denotes Drainage and Utility Easement
 - denotes Building Setback Line
Front = 85' from centerline
Side (Corner) = 52' from right of way
Side = 30'
Rear = 40'
Wetland = 10' from buffer
 - S — denotes Possible Septic Area
 - H — denotes Possible 60x60 House Pad Location
 - denotes Proposed Bituminous
 - denotes Proposed Gravel
 - ST — denotes Proposed Storm Sewer
 - SF — denotes Pre-construction Silt Fence
 - denotes Proposed Wetland Buffer Sign, Typ.



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.	DRAWN T.J.B.
CHECKED P.E.O.	
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KOCH FARM SANCTUARY
TOM KOCH
INDEPENDENCE, MN

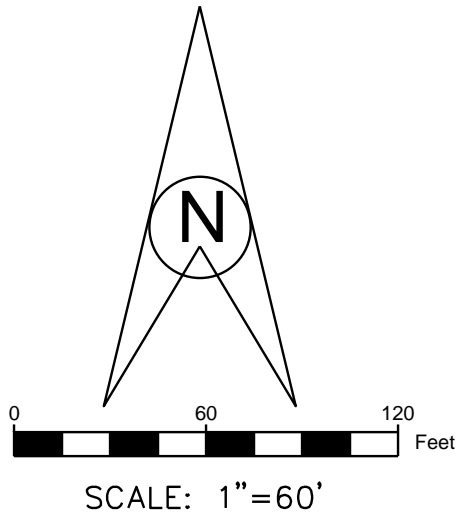
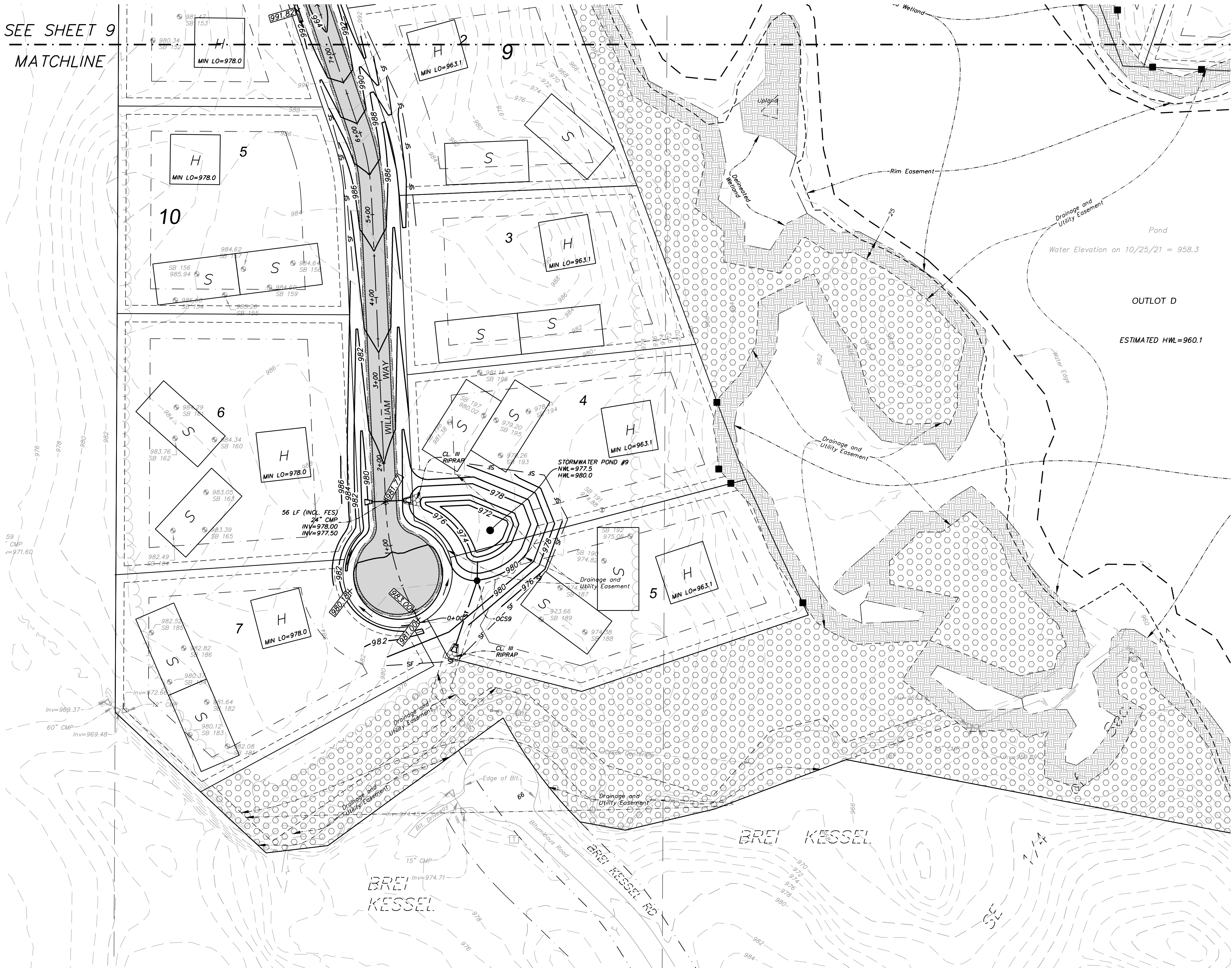
**PRELIMINARY GRADING
PLAN (EAST CENTRAL)**

SHEET NO. 8 OF 11 SHEETS

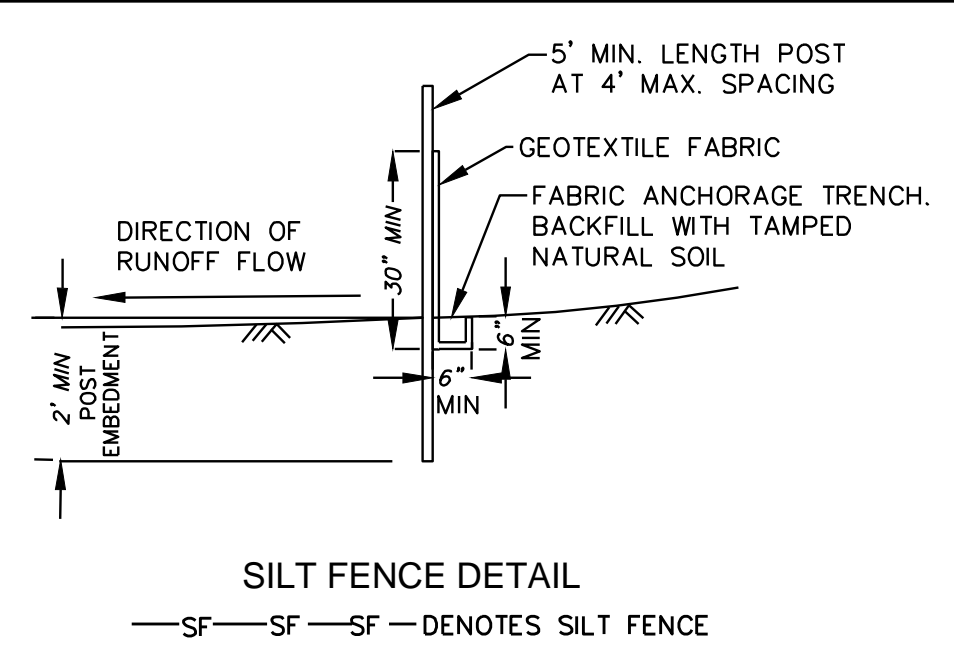
PROJECT NO:
18-0199

DATE: 2-14-22

SEE SHEET 9
MATCHLINE



- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 X denotes Existing Spot Elevation
 - 1010 — denotes Proposed Contour
 - 1017.5 X denotes Proposed Spot Elevation
 - > denotes Proposed Drainage
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CHECKED P.E.O.		

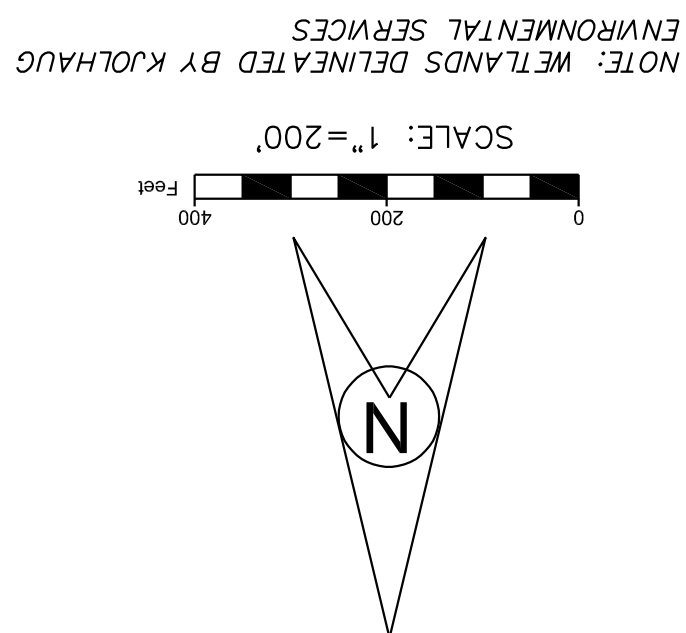
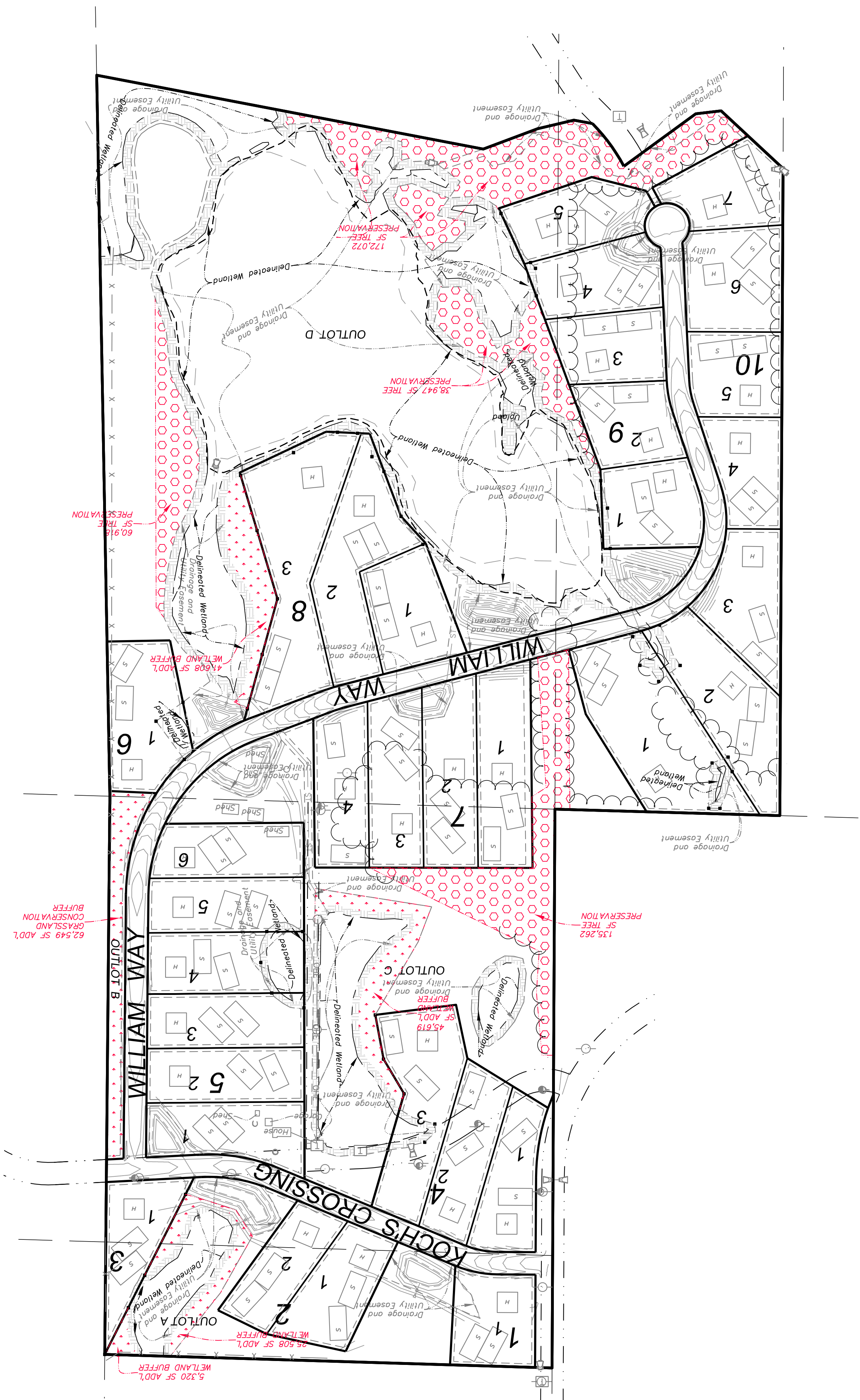
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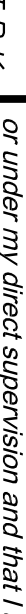
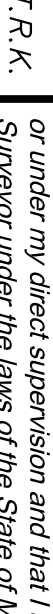
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Fax: (763)682-3522

KOCH FARM SANCTUARY
TOM KOCH
INDEPENDENCE, MN

PRELIMINARY GRADING
PLAN (SOUTH)
SHEET NO. 10 OF 11 SHEETS

PROJECT NO:
18-0199
DATE:
2-14-22



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  Paul E. Orio License #40062
				P.E.O.	T.R.K.	
				CHECKED		
				P.E.O.		
				Date:	2-14-22	
			www.attosassociates.com 9 West Division Street Buffalo, MN 55313 (763) 682-4727 Fax: (763) 682-3822			Engineers & Land Surveyors, Inc.
KOCH FARM SANCTUARY TOM KOCH INDEPENDENCE, MN						PROJECT NO: 18-0199
WETLAND BUFFER & TREE PRESERVATION PLAN						SHEET NO. 11 OF 11 SHEETS
DATE: 2-14-22						



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March 7, 2022

City of Independence
Attn: Mark Kaltsas
1920 County Road 90
Independence, MN 55359

RE: Preliminary Plat Application
Koch Family Sanctuary
Engineering Review #1

Dear Mr. Kaltsas:

As requested, I have completed an engineering review of the documents submitted for the above referenced project. Following are my comments for your consideration:

1. William Way should be considered to extend through the property and connect with Brei Kessel Rd on the existing development to the south. This will provide improved emergency service response times for long cul-de-sacs the currently only have one access point.
2. If the roadway is not currently constructed to connect to Brei Kessel Rd, a 66 foot wide right of way should be extended to allow the potential connection in the future and preliminary roadway profiles provided to verify street grades and adjacent lot grading.
3. The preliminary plat should be routed to Hennepin County for comment since the development is requiring access from CR 90 and abuts the highway.
4. Existing Kochs Xings may have existing private utilities withing the right of way. The right of way vacation process may allow these utilities to remain and easements to be designated.
5. All applicable city standard details and specifications should be followed for the final construction plans.
6. Consider grading Lot 3 Blk 4 for access along wetland and across existing Koch's Crossing
7. Nine wet retention ponds are proposed for stormwater runoff management to meet regulatory requirements. The following must be considered regarding stormwater management:
 - a. The stormwater runoff management system must meet the requirements of the Pioneer Sarah Creek Watershed Management Commission (PSCWMC) and the City's requirements set forth by the NPDES MS4 permit. The PSCWMC requires proposed peak runoff rates for the 2, 10, and 100-year – 24-hour events be maintained at or below existing rates, retain a volume equal to 1.1" over the new impervious surfaces on site, and maintain proposed Total Suspended Solid (TSS) and Total Phosphorus (TP) loads to existing conditions. By meeting PSCWMC requirements, the system will meet the MS4 requirements. A stormwater runoff management plan meeting these requirements must be submitted to verify adequate siting for facilities has been provided.
 - b. Stormwater runoff management facilities necessary for the ultimate development (street construction, driveways, buildings, etc.) should be installed with street construction to

ensure all drainage ways, watersheds, and runoff management systems are constructed per the approved Stormwater Management Plan.

8. Final Plans should include the following:
 - a. Grading, Drainage, and Erosion Control Plan
 - b. Street Construction Plan
 - c. Landscape and Restoration Plan (including invasive species removal)
 - d. SWPPP meeting NPDES requirements
9. The following permits will need to be obtained and copies provided to the City conditional to City approval:
 - a. NPDES Permit for Stormwater Discharge
 - b. PSCWMC Permit
 - c. Wetland Conservation Act (WCA) Permit (MCWD and HAA are listed as the LGU)
 - d. Hennepin County, Access/Utility Permit (a turnlane may be necessary)
10. The applicant will be required to submit a Maintenance Agreement for all stormwater management structures and facilities. The agreement must define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
11. Drainage and Utility Easements must be provided as follows:
 - a. Over all stormwater management facilities used to meet regulatory requirements.
 - b. Over all wetland and buffers.
 - c. All swales and piping providing drainage for multiple properties.
 - d. All storm sewer not in R/W should be encumbered by D/U easement with a minimum width of 1:1 +5 feet based on pipe depth, with a minimum width of 20 ft. (10' deep =25'easement)
 - e. 10' along all front lot lines, side lot lines, rear lot lines, and adjacent to Development boundary.
 - f. Extended in Outlot D near Sta 12+00 north of Block 9, Lot 1.
 - g. Extended in Outlot D west of Block 8, Lot 1.
 - h. Extended in Outlot D west of Block 6, Lot 1.
 - i. Extended over all of Outlot A.
 - j. Easement along Lot 4 Blk 1 should be 25 ft wide.

If you have any questions or comments, please contact me to discuss.

Sincerely,

Bolton & Menk, Inc.



Andrew Budde, P.E.

Independence City Engineer

MEMORANDUM

TO: Mark Kaltsas, Independence City Planner/Administrator

CC: Andrew Budde, City Engineer
Shawn Bode, Public Works Supervisor

FROM: Shane Nelson, Water Resources Engineer

DATE: March 11, 2022

RE: Koch Farm – Water Resources Review

We have received and reviewed the Construction Plans, dated February 14, 2022, and Stormwater Report, dated February 14, 2022, for Koch Farm prepared by Otto Associates in the City of Independence and the Wetland Delineation Report, dated October 21, 2020, prepared by Kjolhaug Environmental Services Company, Inc. We would offer the following comments in regards to water resources:

Koch Farm is a proposed 33 lot, 141.35-acre residential development. The existing site contains a mixture of woodland, meadow/wetland and row crops. The site is located 0.6 miles west of Lake Independence, and the stormwater discharge from this project is conveyed to Lake Independence via natural drainage ways. Lake Independence is currently listed as an impaired water and has a TMDL for nutrients.

1. This project is located in close proximity to Lake Independence, which has an USEPA approved TMDL for nutrients. The Applicant / Contractor will be required to implement additional stormwater BMPs and erosion control measures during construction as required by City ordinances, watershed rules, and state permitting requirement.
2. Stormwater is proposed to be managed by the construction of 8 wet sedimentation (NURP) basins located within drainage and utility easements. Additionally, the Applicant is proposing the creation of Tree Preservation Areas, Grassland Conservation Buffers, and additional Wetland Buffers which will have an environmental and water quality benefit.
3. Impervious area calculations indicate that 12.25 acres of impervious surfacing will be created as part of this development. Of the 12.25 acres of impervious 2.45 acres are existing. This is expected to sufficiently cover 4.39 acres for the roadway, leaving 7.86 acres for the 33 lots. This estimate of impervious surfaces that will be created with this development appears reasonable.
4. The Applicant has provided soil logs, which generally extend to depths of 14 inches to 24 inches below the surface. Please provide at least 1 soil boring extending to a 10 foot depth at the location of all stormwater basins in addition to the soil borings required by the City Engineer for the road construction.
5. Please provide the MIDS calculator inputs (screen shot or similar) for review such that we can confirm water quality calculations. In general, the wet sedimentation basins appear to be adequately sized and/or oversized, which is beneficial for stormwater treatment.

6. Per Pioneer-Sarah Creek Watershed rules, the abstraction credit for tree preservation and additional buffer area is 0.5". Please update that narrative to adjust the calculations accordingly.
7. The allowable volume abstraction credit for additional vegetative buffer is limited to that which is above and beyond the minimum buffer required by watershed rules. PSC rules indicate that a 25-foot average buffer is required, this may reduce the additional buffer areas in the plans and credit calculations in the Stormwater Report. Please revise the calculations and plans accordingly.
8. 0.60 Acres of impervious surface is proposed to be disconnected. Please review and/or provide additional details on the impervious surfacing that will be disconnected. Watershed rules indicate that disconnected impervious surfacing must be directed away from the storm drain system, eg. Ditches, culverts, pipes etc.
9. The 2-year, 10-year, and 100-year proposed runoff to the north does not match the stormwater model. Please correct the runoff numbers such that the report matches the model.
10. The project is proposed to disturb more than 1 acre of land and will create more than 1 acre of impervious surfacing. Please provide a SWPPP for review.
11. The Wetland Delineation Report has recently been received and received a NOD on December 9, 2021.
12. A Wetland Replacement plan will be required with 3,003 sf of fill proposed. Please provide a wetland replacement plan for the wetland disturbed by the roadway.
13. Please label buffer widths for all wetlands. Wetland buffers are required to be on average 25 feet per Pioneer-Sarah Creek watershed rules, and local water plan.
14. Buffer strips will need to be established as part of this project. The Preliminary Plans shall indicate an appropriate BWSR, MnDOT, NRCS, OR SWCD seed mixture for establishing buffer vegetation. A buffer maintenance plan and agreement will also need to be prepared and submitted to the City and Watershed. This agreement shall cover the first two growing seasons following initial establishment to ensure proper vegetation.
15. Please provide additional buffer monumentation. Buffer monuments are required at a max spacing of 200 feet, and additional as necessary to define the edge of the buffer. Please include monumentation signs within the outlots to designate the buffer.
16. This project will require a watershed permit from Pioneer-Sarah Creek Watershed Management Commission.
17. The project will require a NPDES permit (General Permit MNR100001) from the Minnesota Pollution Control Agency (MPCA).

We recommend approval of the Preliminary Plat contingent upon the Applicant addressing the comments as outlined above.