



CITY COUNCIL SPECIAL MEETING AGENDA
TUESDAY MAY 3, 2022

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 April 19, 2022, Regular City Council Meeting.
- b. Approval of City Council Minutes from the April 19, 2022, Board LBAE City Council Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21192-21195 and Batch # 2; Checks Numbered 21196-21221).
- d. Large Assembly Permit for a Wedding to be Held on September 17, 2022, on the Following Property:
 - i. 7165 Turner Road (Requested by Brian and Renee Gilbertson)

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. Jeffrey Arendt (Applicant/Owner) is requesting that the City consider the following action for the property located at 1665 Copeland Road (PID No. 19-118-24-44-0004) in Independence, MN:

- a. **RESOLUTION 22-0503-01:** considering a conditional use permit to allow a detached accessory structure that is larger than 5,000 SF. The applicant is proposing to construct a new private indoor riding arena.

8. Derek Onischuk (Applicant/Owner) is requesting that the City consider the following action for the property located at 190 County Road 92 N. (PID No. 32-118-24-44-0003) in Independence, MN:

- a. **RESOLUTION 22-0503-02:** considering a variance for a reduced side yard setback to allow the construction of an addition to the existing home located on the property.
9. Michael Mitchell (Applicant/Owner) is requesting the following action for the property located at 5398 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0002) in the City of Independence, MN:
 - a. **RESOLUTION 22-0503-03:** considering approval of a minor subdivision to allow the combination of the subject property with the adjacent property to the northwest (PID No. 01-118-24-22-0010).
10. Hennepin County (Applicant) is requesting the following minor subdivision relating to the Highway 12/County Road 92 improvement project in Independence, MN:
 - a. **RESOLUTION 22-0503-04:** considering approval of a minor subdivision for the property located at 2510 County Road 92 N. (PID No. 16-118-24-33-0003).
11. Councilmember Brad Spencer – discussion with Council.
12. Open/Misc.
13. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY APRIL 19, 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 7:00 p.m. (running late due to reconvene LBAE meeting)

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, Chief Kroells

VISITORS: Marty Chelstrom

All votes were roll call votes

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 April 5, 2022, Regular City Council Meeting.
- b. Approval of City Council Minutes from the April 5, 2022, Board (LBAE) City Council Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21165-21191)
- d. Temporary Gambling Permit for Orono Baseball Association.
- e. Approval of Final Pay Applications #15 and #16 by Rochon Corporation for City Hall Improvements.

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

1

Betts attended the following meetings:

- Police Commission
- Chamber of Commerce
- Citizens Police Academy Graduation
- LBAE

Grotting attended the following meetings:

- Citizens Police Academy Graduation
- LBAE

Spencer attended the following meetings:

- LBAE
- Citizens Police Academy Graduation

McCoy attended the following meetings:

- Citizens Police Academy Graduation
- LBAE
- Fire District Meeting

Johnson attended the following meetings:

- Fire District Meeting
- Governor's Council (virtual)
- Citizens Police Academy Graduation
- Highway 55 Corridor Meeting
- Congressmen Phillips Mayor's Breakfast
- John Delong Retirement Celebration
- Orono School Board
- Police Commission
- U of M 4-H
- Chamber of Commerce
- NW League meeting
- National League of Cities Meeting (virtual)
- Energy and Environmental Resources Webinar (virtual)
- LBAE

Horner attended the following meetings:

- LBAE

Kaltsas attended the following meetings:

- MetCouncil

7. Hennepin County Commissioner Kevin Anderson: Annual Visit/County Updates.

Chief Kroells briefly described the report. For the month of March there were 714 incident complaints. Independence was 255 of those.

See Full Report for more details.

Kroells stated that the body cams that the officers are now wearing are really working well. They are helpful and very clear. He also made mention that the Citizens Academy was a great turnout. It was mostly Independence residents. This started back in 1999 and they had people show up that graduated from the citizens academy in 2009 to show their certificate. It was great to be back after covid to engage with the citizens.

Kroells said County Road 92 and Hwy 12 is officially closed on both ends. Please be patient while figuring out the new routes. The next step with Hwy 12 is the design. They are working on that and will have to seek out funding for that as a city.

8. Tom Koch (Applicant/Owner) is requesting that the City consider the following action 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. **RESOLUTION 22-0419-01:** 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.

Kaltsas said this is coming back after being previously discussed. There were two items asked to be added to the resolution: future ROW to west property line and the trail connection from Kochs to Brei Kessel. Based on the ordinances you can't develop this area now, but in the future, it could change how the property is laid out. Currently the surrounding property owners were okay with the ROW.

As far as the trail connection we are not looking to design that tonight, but the developer is asking what type of connection the Council is recommending such as the width of trail and what type of material. The applicant provided a 4ft wooden bridge or possibly steel may be an option. It should be something that the city can maintain and is safe if it's in the city's ROW. If it is going to be pedestrian or bike only, it should be wide enough that we can put a piece of equipment on it for maintaining, but people may want to drive through it then. Johnson said we have to have a structure with life expectancy rather than a culvert. Something like a bridge but not wide enough for a car. It could be big enough for a four-wheeler or golf cart. Spencer said bridges require a lot of maintenance. There is a liability of maintaining it and someone could get hurt. Spencer would rather see a path over a culvert with no maintenance. Betts said we should have railings on each side. She asked if there was a culvert how we could do that. Spencer said you can put railings on either side of a culvert. It should be 4ft-5ft at the most. Betts said she doesn't want the stream to be compromised with the culvert. Johnson said maybe we need the city engineer to look at it, so we don't do damage. Kaltsas said that is fair, but he is just looking to get direction, not design it tonight. This should be permanent and low maintenance. This is in lieu of a road. It should not be a burden on a long-term maintenance on our taxpayers and be much less intrusive than a full road.

Johnson asked about the access to the West and if we need to determine exact location now. Kaltsas said no. If council can just note if it should be there or not. It would be something that could serve a future development if it ever came through.

Motion by Betts, second by McCoy to approve RESOLUTION 22-0419-01 and applicant to complete a bituminous trail. Ayes: Johnson, McCoy and Betts. Nays: Spencer. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

9. Discuss possible meeting dates for Alternate Planning Commissioner interviews to replace vacant alternate commissioner position.

Johnson asked if this is something that we can do before the next council meeting. Kaltsas said we only need about 10 minutes a piece. Johnson said that one of the applicants is married into the family so he would have to abstain from this. Kaltsas said we can plan on doing these interviews a half hour before the next meeting. We will plan on 6pm on May 3rd.

10. Adjourn.

Motion by Spencer, second by Grotting to adjourn the meeting at 7:33pm.

Respectfully Submitted,
Amber Simon / Recording Secretary



RECONVENE BOARD OF REVIEW AND APPEAL- MINUTES
TUESDAY, APRIL 19, 2022
5:30 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 reconvened by Mayor Johnson at 5:30 p.m. in the City Hall Chambers.

2. ROLL CALL

PRESENT: Mayor Johnson, and Councilors Spencer, Grotting, McCoy and Betts (virtual)
ABSENT: None
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas
VISITORS: Hennepin County Assessor Mel Potter and Joe Vischel from Hennepin County, John Reuter, Joe Stevens and Martin Chelstrom

All votes were roll call votes

3. Hennepin County Assessor Mel Potter: Present Local Board of Appeals and Equalization Information.

Potter explained the handout sheets the Council was given. The first 12 properties listed are residents that agree with the new evaluations. Properties 13-24 she left messages for and either did not hear back or is not sure if they are okay with the evaluation. Johnson said number 14, Marty Chelstrom's property should be added to the approved list.

The 12 properties that agree with the new valuations are:

4390 Woodhill Dr, Potter recommended no change from the valuation of \$632k
3657 County Road 90, reduced from \$1,076,000 to \$902k
3560 County Road 90, recommending no change from the \$1,413,100
3411 Brei Kessel, reduced from \$1,781,000 to \$1,591,000
6515 Meadow Ridge, reduced from \$923k to \$862k
2365 Nelson Rd, reduced from \$687k to \$658k - There is also an improvement amount that needs to be removed on this property.
1985 Copeland Rd, reduced from \$329k to \$310k

235 Game Farm Rd N, reduced from \$824k to \$712k
650 Wild Oak Trail, reduced from \$775k to \$722k
5270 Saddle Ridge Trail, recommending no change from \$953k
3150 Brei Kessel, reduced from \$1,151,000 to \$1,085,000

Spencer asked what are the reasons that play into the larger adjustments. Potter said the condition of the home and pictures from the residents that shows work needs to be done on the interior and exterior. The quality of the home may have been overestimated; the quality of construction plays a role as well. Spencer said it's important that people understand that they may be warranted a change if these apply to them. Johnson said it is nice that we have the option to send pictures now of these things.

Motion by Spencer, second by Betts to approve #1-7, 9, 10, 12 and 14 as previously agreed between assessor and property owner and to removed improvement amount on 2365 Nelson Rd. Ayes: Johnson, Betts, Grotting, Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Grotting recused himself due to conflict of interest

Potter recommended a reduction in value from \$331k to \$300k and property owner was okay with that.

Motion by Spencer, second by Johnson to approve #8 for 6064 Drake Drive, reducing the value from \$331k to \$300k per Melissa Potter's recommendation. Ayes: Johnson, Betts, Spencer and McCoy. Nays: None. Abstain: Grotting. Absent: None. MOTION DECLARED CARRIED.

Grotting rejoined the LBAE meeting.

McCoy recused himself due to conflict of interest.

Potter recommended reducing the value of 385 County Road 110 N from \$453k to \$399k and property owner was okay with this value.

Motion by Betts, second by Grotting to approve the valuations of 385 County Road 110 N from \$453k to \$399k per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Abstain: McCoy. Absent: None. MOTION DECLARED CARRIED.

McCoy rejoined the LBAE meeting.

Potter reads the following valuations for properties that she has not heard back from:

4015 Woodhill Dr, reduce from \$322k to \$277k
2555 County Road 90, reduce from \$412k to 357k
7950 Egret Drive, reduce from \$794k to \$705k
2376 Nelson Road, reduce from \$738k to \$697k

8386 Pioneer Creek Rd, reduced from \$407k to \$371k
971 County Road 19 N, reduce from \$689k to \$586k

Motion by McCoy, second by Spencer to approve the valuations of #13, 16, 17, 19, 20 & 22 per Melissa Potter's recommendation noting that they have opportunity to appeal with Hennepin County. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

6275 Main St, Potter recommended reducing the value from \$711k to \$670k. The owner wasn't thrilled with the value and John wishes to speak.

John said he agreed to the amount reluctantly. It's an excess of 25% and the average is 19% in Independence. HE proceeded to email to have Melissa take into consideration the work that needs to be done on the property. He wants to convey that he is okay with it but doesn't like it since it is still too high.

Motion by Spencer, second by Grotting to approve the valuation of 6275 Main Street from \$711k to \$670k per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Johnson mentioned that John and any other property owners that are not satisfied with their new valuations, they have the right to appeal further with Hennepin County.

Potter explained that the value of property 25 Timber Island Trail was reduced from \$1,141,000 to \$1,065,000. Mr. Knight is also here to speak tonight.

Mike Knight said that the notice he received in the mail had the wrong address listed. He stated that the valuation was \$937k and it was raised to \$1.141M and now reduced to \$1.065M. Melissa did address some concerns about the property, and it is a nice property, but he doesn't feel like the condition of the neighborhood puts a negative impact on the homes. There is equipment and garbage in the yards. The sheds are in disrepair and there are some with down trees and dead trees that are just lying there. He recommended that Council members drive down Moline to view these homes. His neighbors don't clean up their property. He hopes that this is reflected in the valuation. It is in Mound school district which has an effect on the value as well. His request and suggestion would be to do a valuation of \$987k. He does understand the market, but the neighborhood doesn't warrant that valuation.

Johnson asked how much they can do based on neighborhoods. Potter said that the property backs up to the golf course. There were pluses and negatives to this property.

Spencer said that doing the math on the surrounding properties, the average increase on that same street and area is about 17% with market force. If Knight was in line with the neighbors, it would be more than what Potter is recommending. Potter is recommending an increase of 12% right now. Spencer said this seems pretty reasonable. McCoy said that he drove by there today and there is some unkept properties. Knight said in terms of the properties around him and has to go past these other unkept properties to get to his house. Betts said that she grew up in a house on Moline and there are some unkept homes in that area.

Johnson said if it was directly on Knight's Road, he would be more inclined to agree to a point, but because it's on Moline, we have to stick with Mel's recommendation.

Motion by Grotting, second by Betts to approve the valuation of 25 Timber Island Trail from \$1.141M to \$1.065M per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Johnson reminded Knight to appeal with Hennepin County if he is not satisfied with this valuation. Knight asked what he can do about the properties that are not being taken care of. He said it is an eye sore. Johnson said unfortunately the only guarantee is to buy it and clean it up, but if there is an ordinance issue then the City may be able to help. McCoy said he wasn't looking for a violation when he drove by, but he just commented on the properties that were not being taken care of. Johnson said that the staff will look into it.

Joe Stevens owns property at 6250 US Highway 12. He is representing Joanne, Dick and Mary Stevens as well. His family bought this property in 1970 and a little over a year ago 22% of their land was taken away for the roundabout. The property still went up by 37.5%. His main argument is a property that has a water table issue. Since the state redid that corner, they lost their drainage ditch. Now they are trying to move water to the East. He has standing water in the mini storage area where they haven't usually seen standing water. They have a lot of outdoor storage and Joe, an assessor came back with a different tactic. He based a value on the outdoor storage. He said they should be generating around 20% in profit off of their outdoor storage. They couldn't do that now and wouldn't come close to even paying their current property taxes. Stevens said he would gladly take 25% increase versus the 37.5% that they are recommending.

Joe Vischel explained the property is up about 37.5% due to market appreciation and correction to a historically under-valued property. The state of Minnesota had an appraisal conducted at the time. The land alone was \$2.35/sqft or about \$730k. The appraisal did not mention the water issues. The 2022 assessment stated that the value was historically low. The method they wanted to use did not include excess land or the 50,000sqft of permitted outdoor storage. The valuation increased to \$1M since that is what it would sell for in the open market. After discussion with the owner, roughly 8,000sqft would not be buildable without mitigation. The mini storage was experiencing foundation issues, but it was about 88-90% occupancy. The excess land was walkable but there was water pooling and the land felt softer. He would agree that some soil or mitigation would be needed.

Vischel said the value should be much more than \$1M due to sales approach and comparables. Johnson said that we are not talking about the whole complex. The valuation should only be on the Western portion. Spencer said that the undeveloped space is of value. There is roughly an acre of outdoor storage that is income producing. If you were an investor or buyer, you would value that space. The number he arrived at was \$1,050,000. Or to account for water issues, it gets him to \$1,152,000.

Johnson said that the East portion is Dick's and the West side is the storage building. We are not talking about the entire piece down there. The value should only be on the Western portion.

Johnson said he doesn't think that there was this much discussion on the work put into the value. Stevens said that the mound system is in the fence area so there is no buildable area where that sits. The office is just a small office as well. He said it is not worth this amount out here. Most people have outdoor space.

Spencer asked if we value commercial property for what the maximum use would be. If it's never for sale, it will never be used for those reasons. Vischel said that it is valued at market rate on the open market if it was for sale. It is valued off of its highest and best use. His calculations value it at \$1.152M and recommends no change. McCoy said he would not agree with the assessment since there is so much water and need for mitigation to help that property. The increase is unreasonable. We should take it back to 19% increase. Spencer said we would have to use this property and screen it for outdoor storage use. Spencer said about 15% of the fenced area needs to be removed. There isn't much office space in that building. You can't use any of the area, about 22% for where the mound and septic are located. Spencer appreciates the numbers, but we value these things on their current use. He did give up a portion for the roundabout.

Spencer recommended to raise the previous year by 25%. Other local properties have city water and sewer and this one does not.

Motion by Spencer, second by McCoy to change the valuation of 6250 US Highway 12 at an increase of 25% from previous year's valuation to be \$909k. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

The Tammy Wenz properties

6150 Pagenkopf Road – recommends reducing value from \$355k - \$345k. She emailed Mayor Johnson and Council member McCoy saying that Potter is about \$5k-\$10k too high. She is requesting \$335-\$340k. There is a listing on Perkinsville that is pending around \$339k. Betts asked if there were only 2 bedrooms since she thought there was a bedroom in the basement.

Motion by Betts, second by Grotting to change the valuation of 6150 Pagenkopf Road from \$355k to \$345k per Potter's recommendation. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

2585 Valley Road – Potter recommends reducing value from \$375k - \$335k. The average increase is 19.2% in Independence. These comps were listed in Delano with 0.6 acres of land versus hers on acreage. She backs up to the swamp, wetlands and the road. It is a slab home. Tammy recommends no more than \$299k after the adjustments. She also sent Potter an email notifying her that Tammy is working with the current renter to sell it to them for \$350k and it hasn't gone through yet. Potter said there is one property located at 2870 Lake Sarah Rd that was used as a comp. It's a 1972 rambler with 1500sqft, 1.89 acres, and 3.9 acres of wetland sold in 2021 for \$521k.

Motion by Johnson, second by McCoy to change the valuation of 2585 Valley Road from \$375k to \$335k per Potter's recommendation. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

1030 Marsh Ridge Circle – Potter said she is recommending no change at a valuation of \$607k, Tammy recommended the value be at \$588k. Potter said this property was in front of the Council a couple times before. We have this property on an override because the council has made changes previously. We must be concerned with total market value. Based on sales around the area, selling for \$780k, etc, she supports a value much higher than the \$607k value they have on the property. She said we are still low but taking into consideration what council has done in the past on this property.

Mccoy said that's less than the average in the city. Spencer said he agrees, and this property has been valued historically low.

Motion by Spencer, second by McCoy to approve the valuation of 1030 Marsh Ridge Circle at \$607k per Potter's recommendation. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Meeting adjourned at 6:55 p.m.

Respectfully Submitted,
Amber Simon / Recording Secretary



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

200+ Attendees (Large Assembly) = \$100
100+ Attendees (Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

(Double fee for application received less than 45 business days prior to event).

Event Location: 7165 Turner Road Independence, MN 55359

Type of event: Wedding **Number of people** 150 **Date** 09/17/2022

☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☐ Other

Event Holder's Name: Brian L. Gilbertson

Address: 7165 Turner Road Independence, MN 55359

Contact Person: Brian Gilbertson **Phone:** 612-597-5971

2nd Contact Person: Renee Gilbertson **Phone:** 651-357-5700

Security Plans: _____

Date West Hennepin Public Safety was notified of the event: _____

Severe Weather Plans (in the event of): Shelter in basement of house on property

Sound Plans – amplification and sound control: DJ and sound system
outdoor Music ☒ Yes ☐ No - Starting Time 4:00PM, Ending Time 12:00AM

Food and Concessions Plans: Vendor's name, address, and license number):

A'BriTin Catering and Hospitality

22280 Chippendale Ave S Farmington, MN 55024

Vendor Work #: 612-520-7644 Vendor Cell #: 612-339-0222

License #: FBL-26236-34380

Selling Alcohol: Yes: No: X (If selling alcohol contact the City for a Permit)

(copies of vendor license, insurance and permits must be provided)

Lighting - Type: General lighting and cafe string lights. How many? 20 strings +
Location of lights: Barn, tent, yard, garage, some solar lighting to parking.
\$1,000,000 Certificate of Liability Insurance-provide a copy: attached

Date 04/11/2022

Brian L Gilbertson
Signature of applicant

04/11/2022

Date

Renee M Gilbertson
Signature of applicant

Permit approved with the understanding that music will be within ordinance regulations by 10 pm
R. Denneson #102

Office Use Only

Application Received: 4/11/22 Application Fee: \$25.00 Date Fee Paid: 4/21/22

Date \$1,000,000 certificate of liability insurance received:

Signature of City Official
R. Denneson

Date
4/27/2022

Signature of West Hennepin Public Safety

Date

City of Independence

Request for a Conditional Use Permit to Allow an Accessory Structure Larger than 5,000 SF on the Property located at 1665 Copeland Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	May 3, 2022
<i>Applicant:</i>	Jeffrey Arendt
<i>Property Owner:</i>	Jeffrey Arendt
<i>Location:</i>	1665 Copeland Road

Request:

Jeffrey Arendt (Applicant/Owner) is requesting that the City consider the following action for the property located at 1665 Copeland Road (PID No. 19-118-24-44-0004) in Independence, MN:

- a. A conditional use permit to allow a detached accessory structure that is larger than 5,000 SF. The applicant is proposing to construct a new private indoor riding arena.

Property/Site Information:

The property is located on the west side of Copeland Road and south of Dean Lane. The property has an existing home and two additional detached accessory structures. The property is primarily comprised of tillable acreage and a wooded area in the southeast corner. The property has the following characteristics:

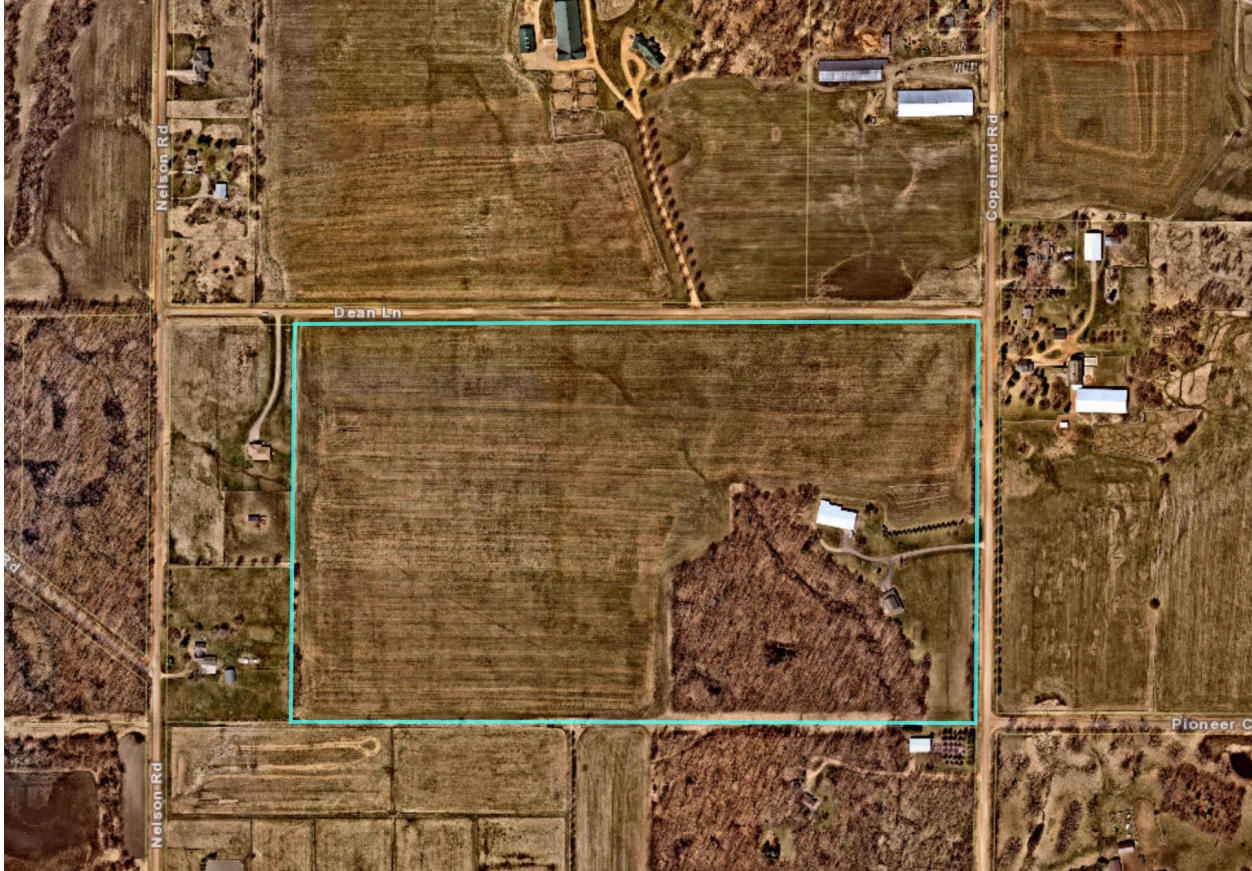
Property Information: 1665 Copeland Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: 65.05 acres

1665 Copeland Road



Discussion:

The applicant approached the City with plans to add an indoor riding arena onto the existing barn located on the subject property. It was noted that the proposed 21,000 square foot addition that would be connected to the existing structure would exceed the maximum square footage permitted of 5,000 without a conditional use permit. The existing barn is approximately 7,800 SF. The applicant would like the City to consider granting a conditional use permit to allow the proposed 21,000 SF building addition to be added to the property.

All accessory structures greater than 5,000 square feet require a conditional use permit

530.01 Agricultural District established.

Subd. 3. Accessory uses.

(d) Detached agricultural storage buildings, barns, or other structures, accessory to an existing single-family dwelling and subject to the following criteria:

3. *The maximum square footage of any individual accessory building or structure shall be 5,000 square feet.*

The proposed indoor riding arena is 21,000 square feet in size (100' x 210'). There is an existing ~7,800 square foot detached accessory structure already on the property. The proposed addition would be connected to the existing building via an enclosed breezeway. For properties greater than 10 acres, there is no maximum total allowable detached accessory structure square footage limitations. The proposed building would be used solely for the applicant's personal use and own horses. There would be no commercial use or commercial boarding of horses allowed within the proposed accessory structure. The proposed detached accessory structure would be constructed using materials and colors that would correspond with the existing accessory structure.

The applicant has provided the City with a site survey, floor plan and building elevations of the proposed building.

The proposed site and buildings have the following characteristics:

Site Area: 65.05 acres

Required Setbacks:

Front Yard: 85 feet from centerline
Side Yard: 30 feet principal structure
15 feet accessory structure
Rear Yard: 40 feet

Proposed Setbacks:

Front Yard: 190 feet from CL of Copeland Road
Side Yard: N/A - far exceeds requirements
Rear Yard: N/A - far exceeds requirements

The proposed detached accessory structure would meet all applicable building setbacks.

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

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.

5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed conditional use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the proposed detached accessory structure with the applicant. The conditional use permit would allow an accessory structure larger than 5,000 SF. The City is being asked to determine whether or not the proposed accessory structure larger than 5,000 SF would meet the criteria for granting a conditional use permit.

Additional Notes/Considerations:

The applicant is proposing to construct an indoor riding arena for their own personal use. The applicants live on the subject property. The applicant has not submitted any information pertaining to building lighting. All building lighting will need to comply with the City's lighting standards. The City typically reviews building lighting during the building permit review process. No additional building screening is proposed given the proximity of all structures on adjacent properties combined with the existing vegetation and general screening provided by the placement of the building. The location and size of this property and the character of the surrounding properties aids in mitigating any potential impacts of the proposed arena.

The applicant has prepared a site plan, grading plan and building plans for the proposed site improvements.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
3. No commercial use of the proposed detached accessory structure shall be permitted.

4. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.

Neighbor Comments:

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

Planning Commission Discussion:

Planning Commissioners reviewed the request for a conditional use permit and asked questions of staff and the applicant. Commissioners noted that the proposed building and its location in relation to other properties minimized any potential impacts. Commissioners noted that the existing building and new building would be sided with the same materials and colors to match. Commissioners asked how the manure would be managed on the property, and the applicant noted that it would be land spread. Staff noted that the City has a manure management policy, and that the applicant would be subject to those requirements and included a condition in the approval. Commissioners asked what would happen if the property sold and someone wanted to use it as a commercial facility. Staff noted that they would be required to come forward with an application for a CUP allowing a commercial riding stable and go through the applicable processes. Commissioners found the size of the property, proposed private use of the facility and the location of the proposed indoor arena mitigated potential impacts on surrounding properties and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the request for a conditional use permit to allow an accessory building that is larger than 5,000 SF with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
4. No commercial use of the proposed detached accessory structure shall be permitted, including boarding of horses other than those owned by the property owner.

5. The property and horse operation shall be required to follow and comply with the City's Manure Management Policy.
6. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
7. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

- 1. RESOLUTION NO. 22-0503-01**
2. Application
3. Site Survey/Site Plan
4. Grading Plan
5. Building Floor Plan
6. Building Elevations
7. Colored Rendering



**CITY OF INDEPENDENCE
RESOLUTION NO. 22-0503-01**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
TO ALLOW A DETACHED ACCESSORY STRUCTURE
LARGER THAN 5,000 SQUARE FEET
ON THE PROPERTY LOCATED AT 1665 COPELAND ROAD**

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

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

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

WHEREAS, Jeffrey Arendt (the “Applicant/Owner”) submitted a request for a Conditional Use Permit to allow a detached accessory structure larger than 5,000 square feet on the property located 1665 Copeland Road and identified by (PID No. 19-118-24-44-0004) (the “Property”); and;

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

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

WHEREAS, the Property is zoned AG-Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on April 19, 2022 to review the application for the 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 Jeffrey Arendt for a Conditional Use Permit to allow a detached accessory structure larger than 5,000 square feet to be constructed on the subject property per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit requests meet all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
3. The conditional use permit will include the following conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. All improvements shall be in accordance with the approved plans attached hereto as **Exhibit B**.
 - c. No commercial use of the proposed detached accessory structure shall be permitted, including boarding of horses other than those owned by the property owner.
 - d. No future expansion of the proposed detached accessory structure shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
 - e. The property and horse operation shall be required to follow and comply with the City's Manure Management Policy.
4. The applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit.
5. The applicant shall record the City Council Resolution with the county within six (6) months of approval.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of May 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

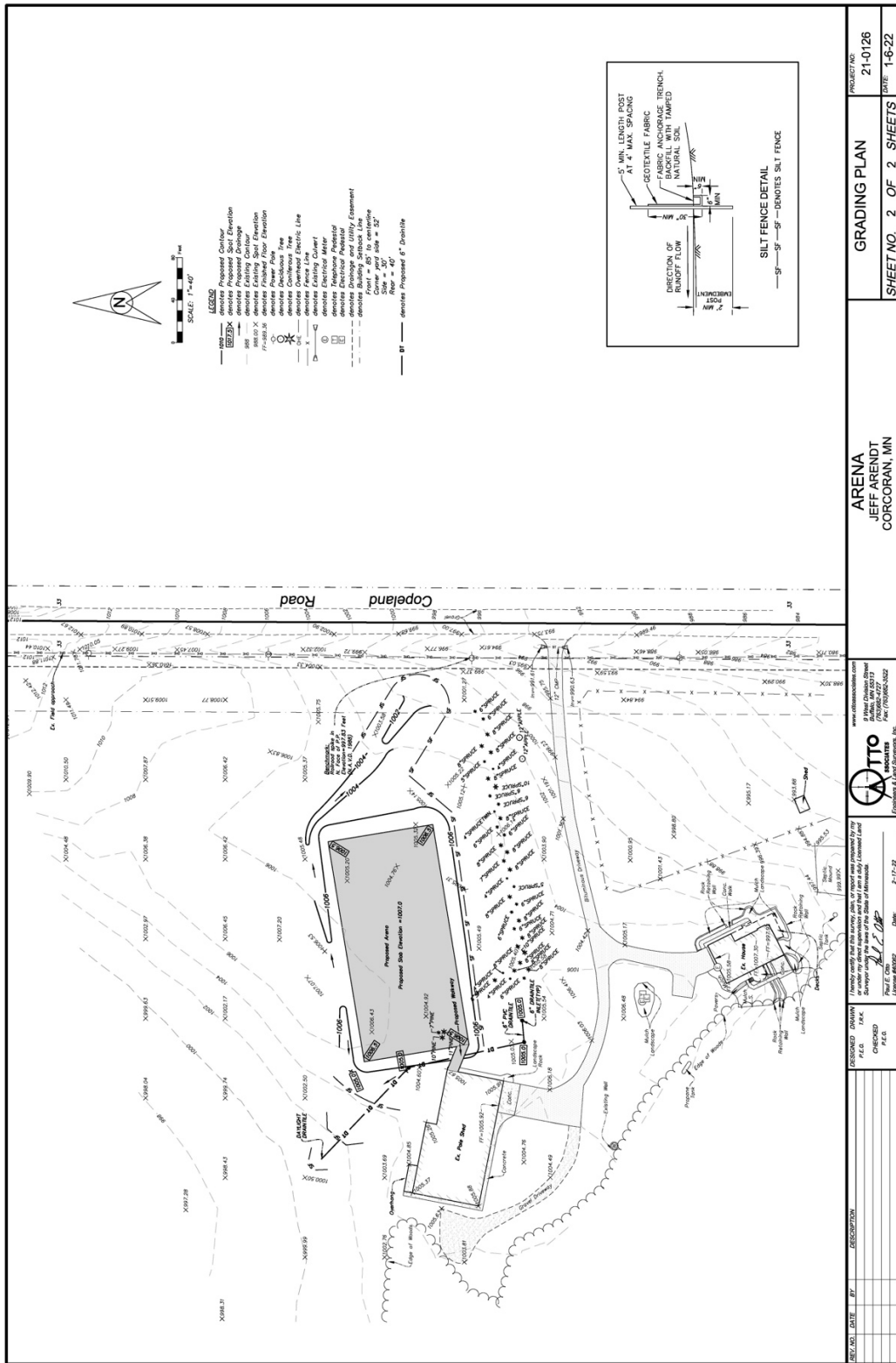
PROPERTY DESCRIPTION

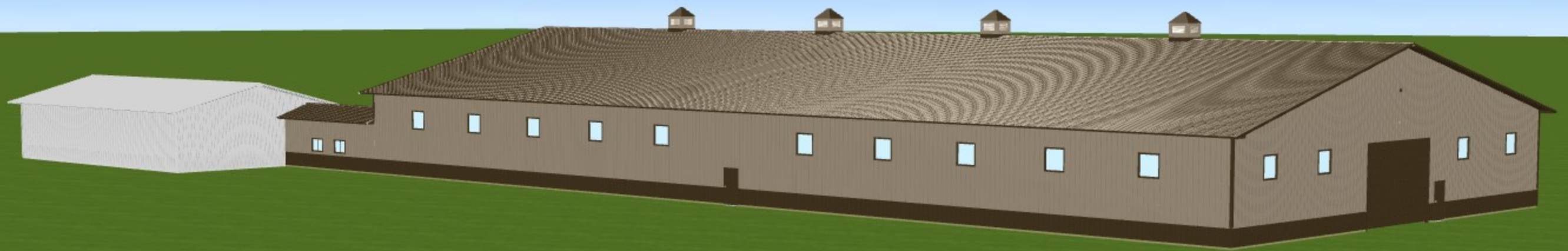
That part of the Southwest Quarter of the Southeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, that lies East of the West 436.00 feet thereof.

AND

The Southeast Quarter of the Southeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

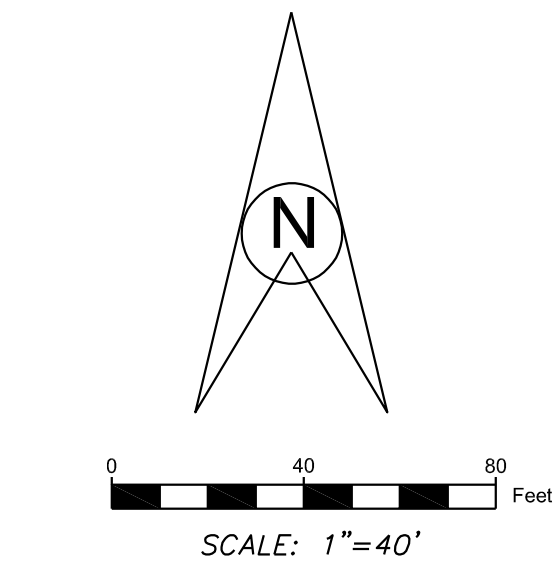
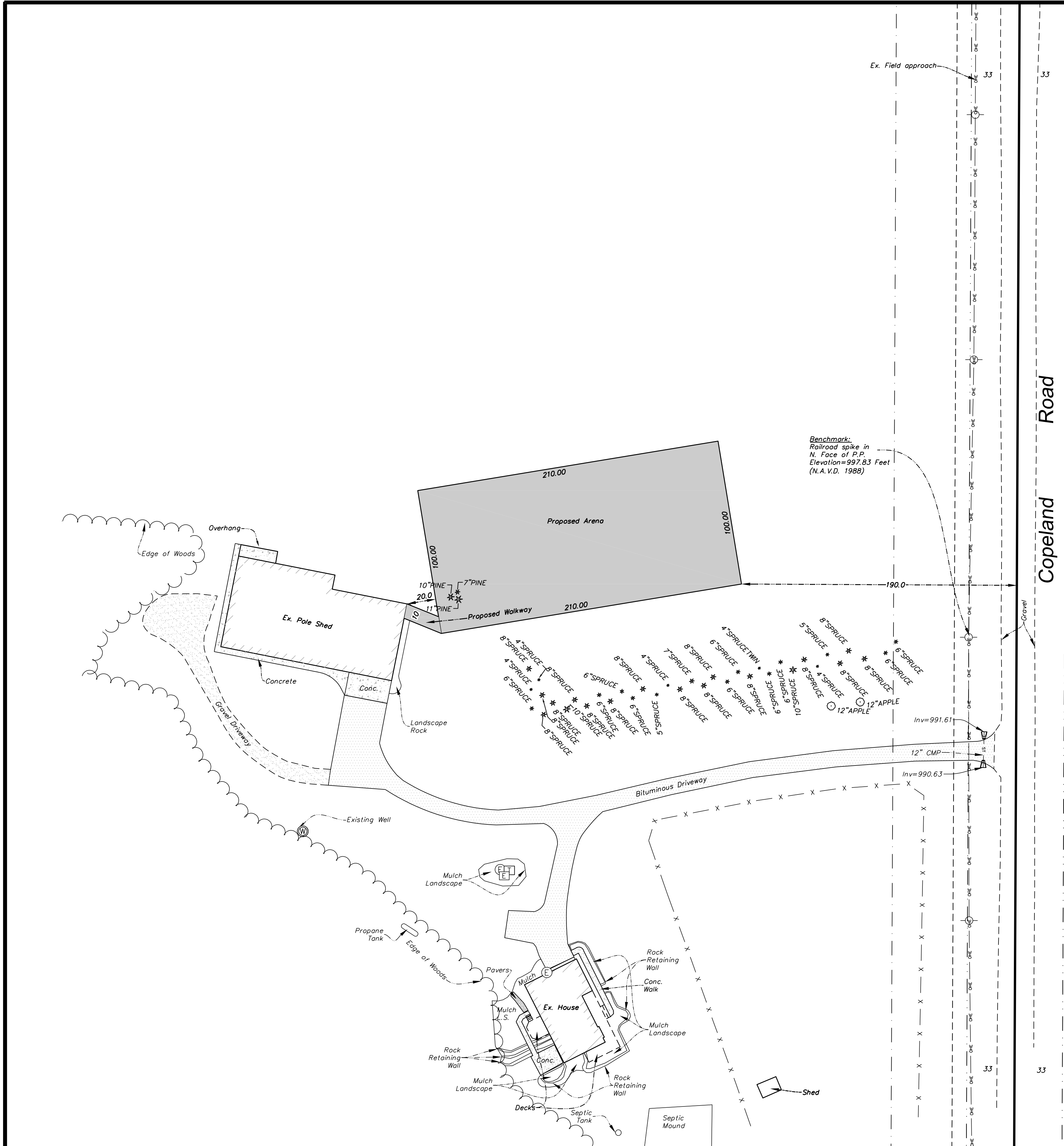
(Proposed Improvements)





\$360,487
CONTRACT

1,563
HOURS



- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 X denotes Existing Spot Elevation
 - FF=989.36 denotes Finished Floor Elevation
 - denotes Power Pole
 - denotes Deciduous Tree
 - ★ denotes Coniferous Tree
 - OHE — denotes Overhead Electric Line
 - X — denotes Fence Line
 - ▽ denotes Existing Culvert
 - Ⓢ denotes Electrical Meter
 - Ⓣ denotes Telephone Pedestal
 - ⓔ denotes Electrical Pedestal
 - - - denotes Drainage and Utility Easement
 - · - · - denotes Building Setback Line
- Front = 85' to centerline
Corner yard side = 52'
Side = 30'
Rear = 40'

EXISTING HARDCOVER CALCULATIONS:		
Area of Lot =	2,950,165.43	S.F.
	AREA	
Existing House	2,133	S.F.
Pole Shed	7,166	S.F.
Concrete	1,834	S.F.
Shed Overhang	212	S.F.
Decks	613	S.F.
Shed	141	S.F.
Pavers	51	S.F.
Bituminous Drive	9,388	S.F.
TOTAL	21,537	S.F.
% HARDCOVER	0.7	%

PROPOSED HARDCOVER CALCULATIONS:		
Area of Lot =	2,950,165.43	S.F.
	AREA	
PROPOSED ARENA	21,000	S.F.
PROPOSED WALKWAY	256	S.F.
Existing House	2,133	S.F.
Pole Shed	7,166	S.F.
Concrete	1,834	S.F.
Shed Overhang	212	S.F.
Decks	613	S.F.
Shed	141	S.F.
Pavers	51	S.F.
Bituminous Drive	9,388	S.F.
TOTAL	42,793	S.F.
% HARDCOVER	1.5	%

PROPERTY DESCRIPTION
That part of the Southwest Quarter of the Southeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, that lies East of the West 436.00 feet thereof.

AND

The Southeast Quarter of the Southeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
P.E.O.	T.R.K.
CHECKED	
P.E.O.	

I hereby certify that this survey, plan, or report was prepared by my 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: 2-17-22

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

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

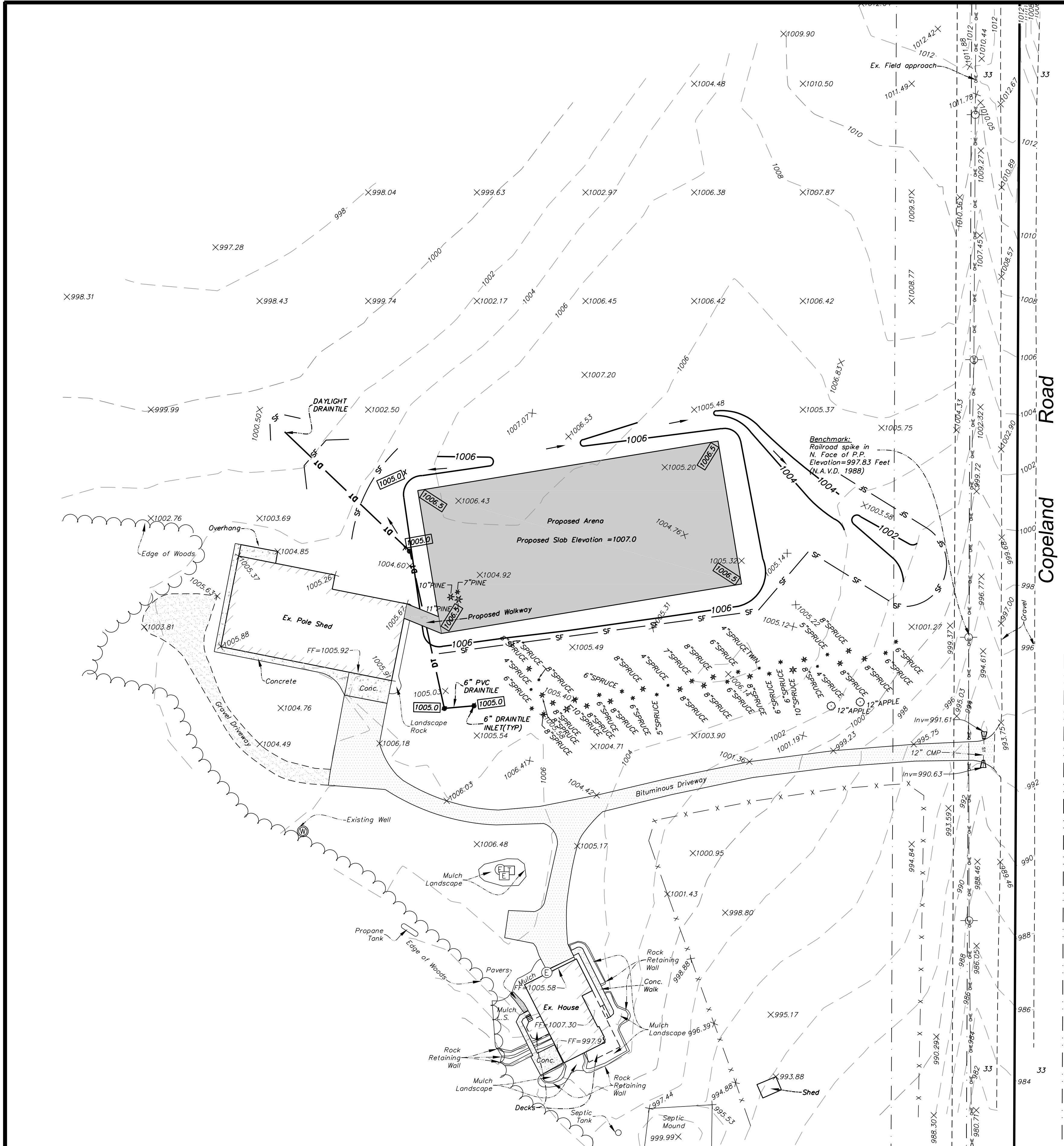
ARENA
JEFF ARENDT
CORCORAN, MN

SITE PLAN

SHEET NO. 1 OF 2 SHEETS

PROJECT NO:
21-0126

DATE: 1-6-22



N

0

40

80

Feet

SCALE: 1"=40'

LEGEND

1010

denotes Proposed Contour

1017.5 X

denotes Proposed Spot Elevation

denotes Proposed Drainage

988

denotes Existing Contour

988.00 X

denotes Existing Spot Elevation

FF=989.36

denotes Finished Floor Elevation

denotes Power Pole

denotes Deciduous Tree

denotes Coniferous Tree

OHE

denotes Overhead Electric Line

X

denotes Fence Line

denotes Existing Culvert

denotes Electrical Meter

denotes Telephone Pedestal

denotes Electrical Pedestal

denotes Drainage and Utility Easement

denotes Building Setback Line

DT

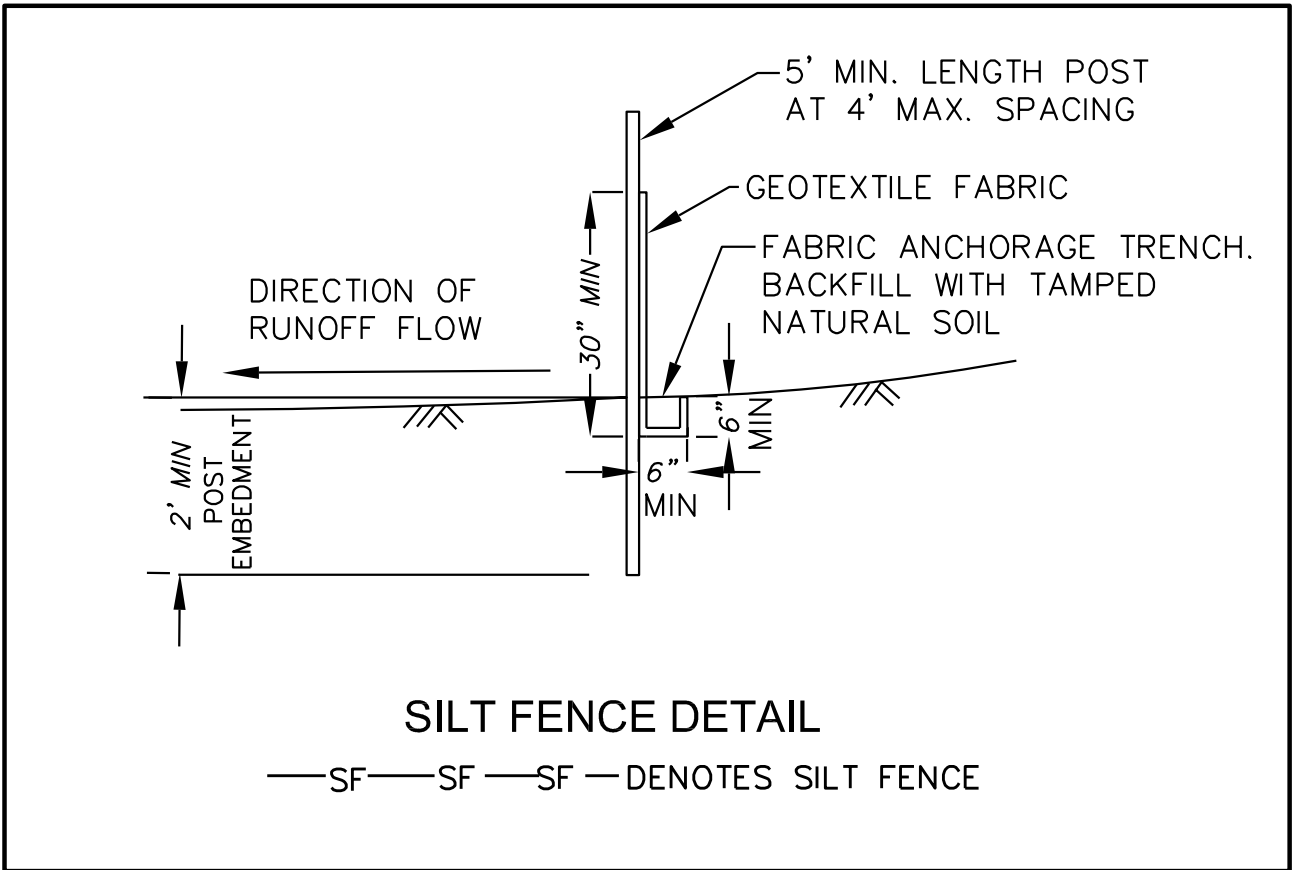
denotes Proposed 6" Draintile

Front = 85' to centerline

Corner yard side = 52'

Side = 30'

Rear = 40'



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
P.E.O.	T.R.K.
CHECKED	
P.E.O.	

I hereby certify that this survey, plan, or report was prepared by my 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: 2-17-22

OTTO

Engineers & Land Surveyors, Inc.

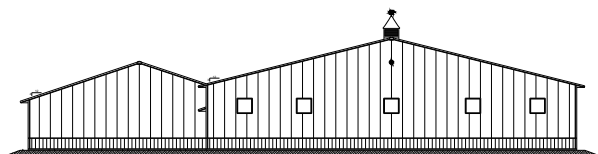
www.ottoassociates.com

9 West Division Street
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(763)682-4727
Fax: (763)682-3522

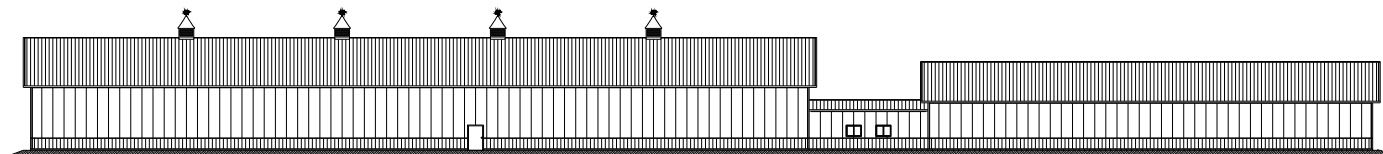
ARENA
JEFF ARENDT
CORCORAN, MN

GRADING PLAN
SHEET NO. 2 OF 2 SHEETS

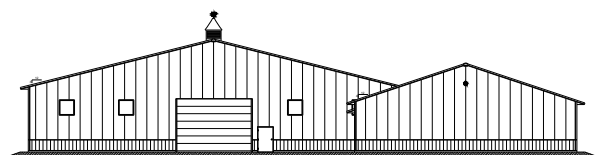
PROJECT NO:
21-0126
DATE:
1-6-22



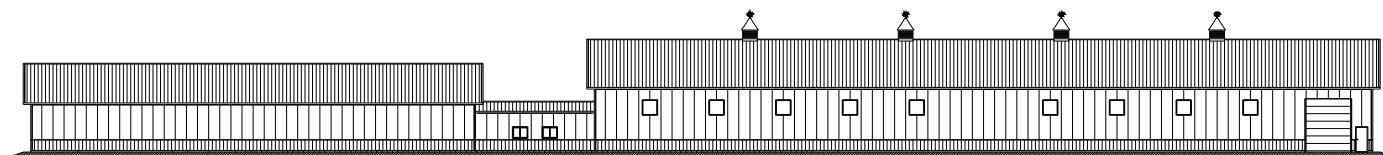
Right Elevation



Top Elevation



Left Elevation



Bottom Elevation

Customer Signature



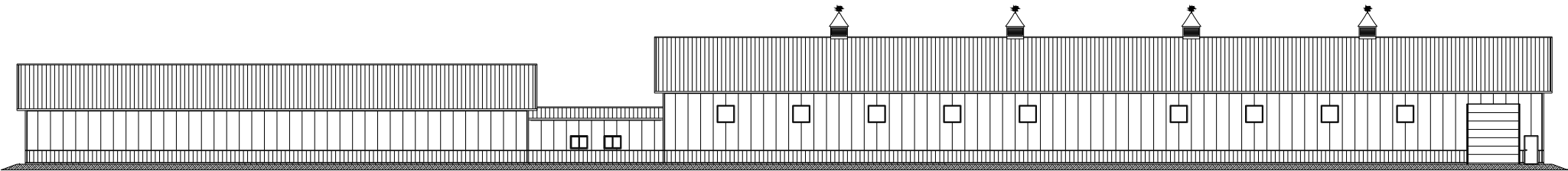
**Wick
Buildings®**

BRAD RADTKE AND ASSOCIATES, LLC
 Brad Radtke
 10694 Grover Av Sw
 Howard Lake, MN 55349

WickBuildings.com
 Date: 1-19-2022
 Time: 3:56 PM
 DO NOT SCALE

Jeff Arendt 100' x 210'
 100'-0" x 210'-0" x 16'-4" ICH

Jeff Arendt
 1665 Copland Rd
 Independence, MN 55359



Bottom Elevation

Customer Signature



**Wick
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WickBuildings.com

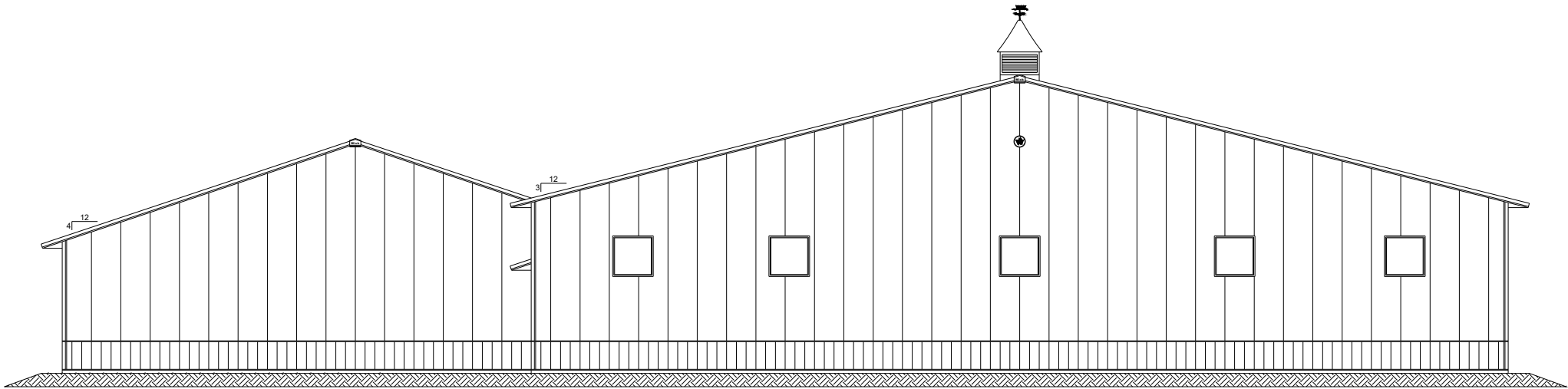
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Right Elevation

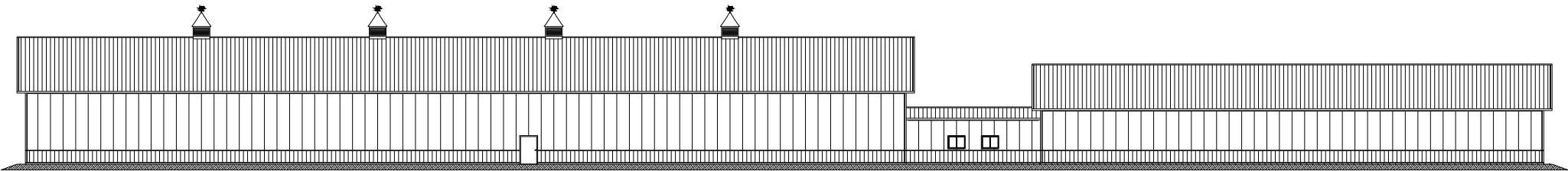
Customer Signature



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Top Elevation

Customer Signature



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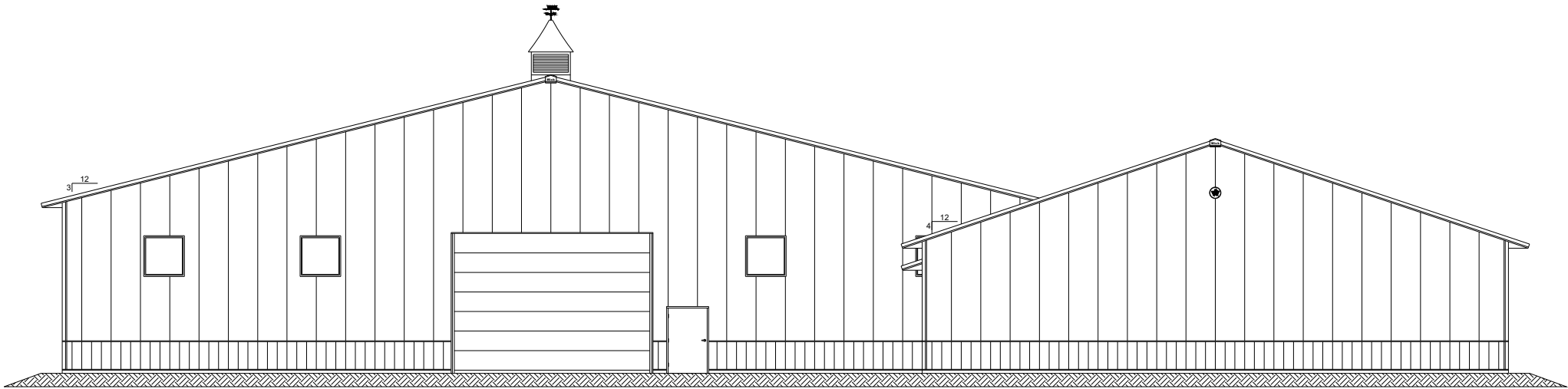
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 Independence, MN 55359



Left Elevation

Customer Signature



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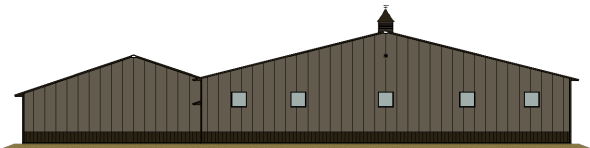
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Time: 3:56 PM

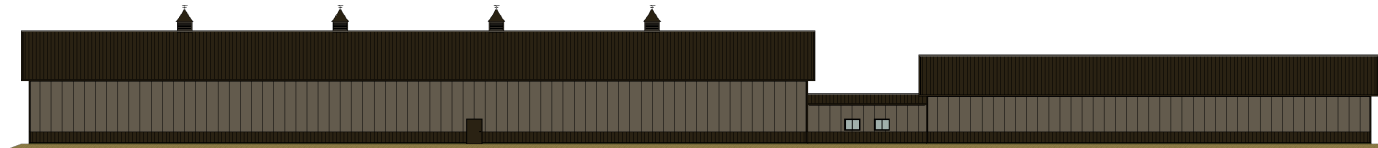
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 100'-0" x 210'-0" x 16'-4" ICH

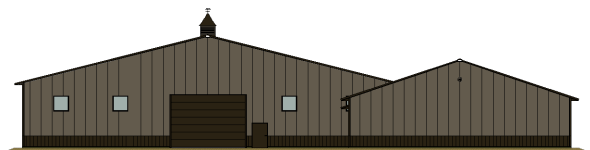
Jeff Arendt
 1665 Copland Rd
 Independence, MN 55359



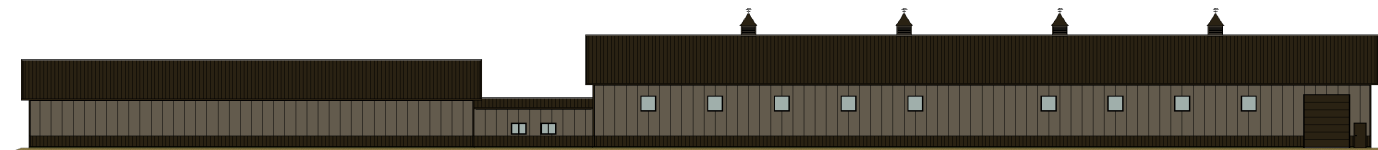
Right Elevation



Top Elevation



Left Elevation



Bottom Elevation

Customer Signature



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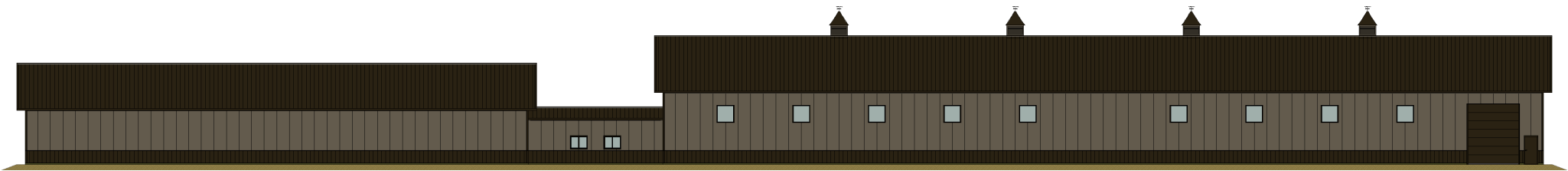
Date: 1-19-2022

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DO NOT SCALE

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Jeff Arendt
 1665 Copland Rd
 Independence, MN 55359



Bottom Elevation

Customer Signature

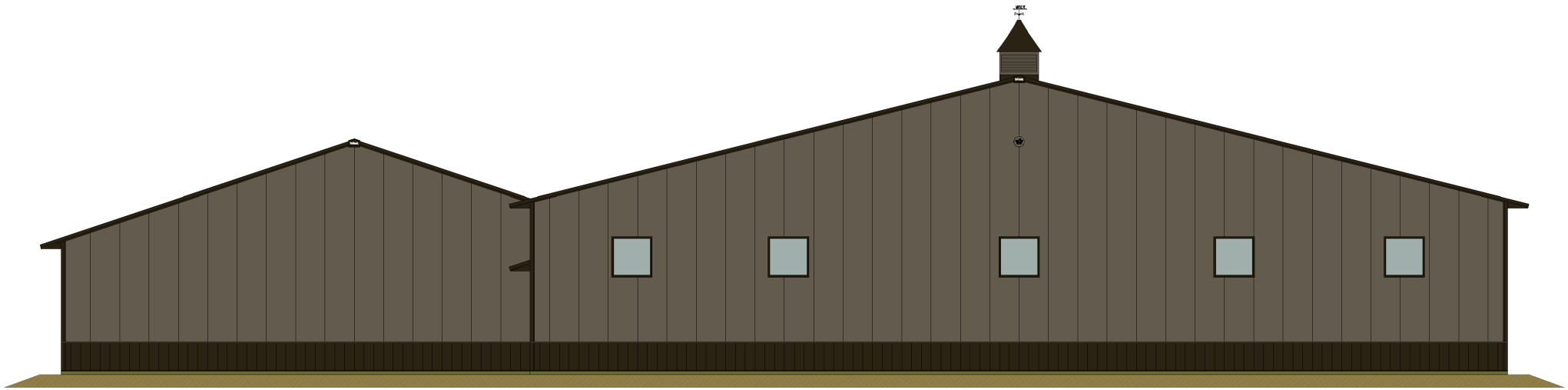


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BRAD RADTKE AND ASSOCIATES, LLC Brad Radtke 10694 Grover Av Sw Howard Lake, MN 55349	WickBuildings.com
	Date: 1-19-2022
	Time: 3:57 PM
	DO NOT SCALE

Jeff Arendt 100' x 210'
100'-0" x 210'-0" x 16'-4" ICH

Jeff Arendt
1665 Copland Rd
Independence, MN 55359



Right Elevation

Customer Signature

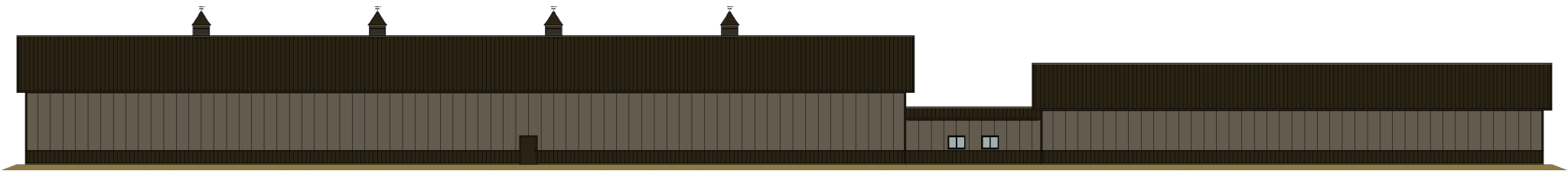


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 Independence, MN 55359



Top Elevation

Customer Signature



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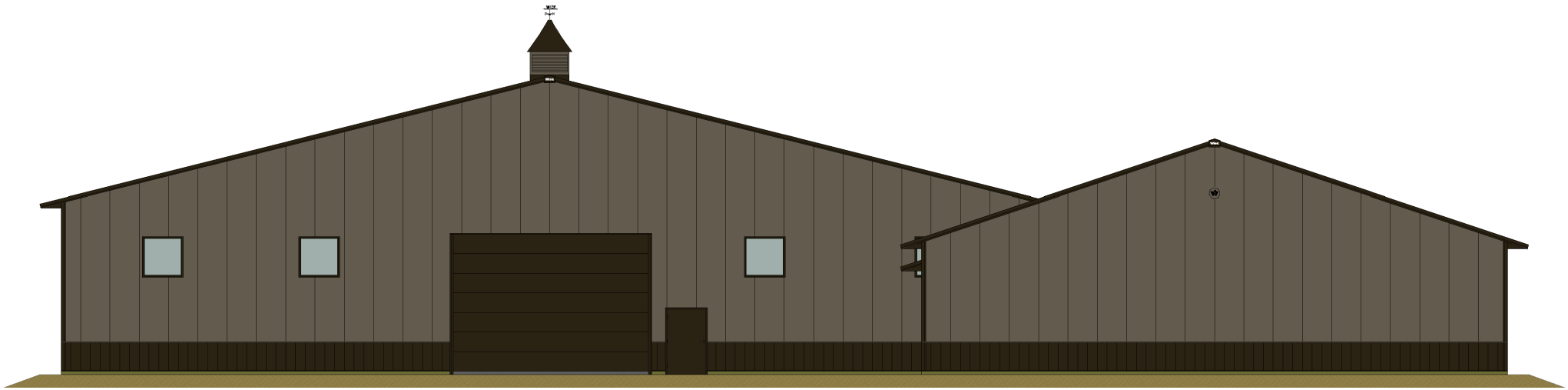
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Time: 3:57 PM

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Jeff Arendt
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Independence, MN 55359



Left Elevation

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 100'-0" x 210'-0" x 16'-4" ICH

Jeff Arendt
 1665 Copland Rd
 Independence, MN 55359

City of Independence

Request for a Variance from the Side Yard Setback for the Property Located 190 County Road 92 N.

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	May 3, 2022
<i>Applicant:</i>	Derek Onischuk
<i>Owner:</i>	Derek Onischuk
<i>Location:</i>	190 County Road 92 N.

Request:

Derek Onischuk (Applicant/Owner) is requesting that the City consider the following action for the property located at 190 County Road 92 N. (PID No. 32-118-24-44-0003) in Independence, MN:

- a. A variance for a reduced side yard setback to allow the construction of an addition to the existing home located on the property.

Property/Site Information:

The subject property is located at 190 County Road 92 N. The property is on the east side of County Road 92 N., south of County Road 6 and just south of the Luce Line Trail. There is an existing home on the subject property.

Property Information: ***190 County Road 92 N.***

Zoning: *AG – Agriculture*

Comprehensive Plan: *AG - Agriculture*

Acreage: *11.25 acres*

190 County Road 92 N. (blue line)



Discussion:

The applicant is seeking approval to construct a four-season porch on the north side of the existing home. The applicant approached the City about the potential to encroach into the side yard setback along the north property line. The existing home is currently located approximately 30 feet off of the north property line. The City requires a side yard setback of 30 feet for properties zoned AG-Agriculture. The proposed four-season porch addition would encroach into the side yard setback approximately 22 feet with a remaining building setback of 8 feet from the property line.

The resulting variance to the side yard setback would be 22 feet. The required setbacks for properties zoned AG-Agriculture are as follows:

Front Yard Setback:

Required: 85 feet from centerline or 51 feet from the ROW

Existing: ~200 from front property line

Rear Yard Setback:

Required: 40 feet

Existing: ± 775 feet

Side Yard Setback (South Side):

Required: 30 feet

Existing: ±395 feet

Side Yard Setback (North Side):

Required: 30 feet

Existing: 30 feet

Proposed: 8 feet (variance of 22 feet)

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the AG-Agriculture District.

- b. The character of the surrounding area is residential. The proposed screen porch addition is generally in keeping with the residential uses on properties in the surrounding area.
- c. The property is located south of the Luce Line Trail. There is a sliver of private property located north of the subject property; however, it is likely not buildable as there would be no way to locate a structure on the portion of property directly north due to requisite setbacks. The area north of the existing structure is wooded and generally screened from the view of any surrounding structures.
- d. The applicant is noting that the interior configuration of the existing home better accommodates the expansion of a four-season porch to the south as proposed.

There are several additional items that could be considered by the City:

- 1. Staff discussed alternative options for locating the screen porch in compliance with applicable setbacks with the applicant. The applicant noted that the general interior configuration of the home would best support the proposed porch location.
- 2. The applicant could locate a detached accessory structure on this property in the general location of the proposed screen porch up to the requisite setbacks (15 feet).

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. The existing home is located against the south property line setback with no room to expand to the north. Due to the configuration of the house on the property and the interior layout there are some limitations to add this type of addition without impacting function of the existing structure/use. The setback of the proposed porch from County Road 92 N. and the natural screening and buffering that exists between this and the surrounding properties appear to help mitigate the potential impacts.

Planning Commission Discussion:

Planning Commissioners reviewed the request for a variance and asked questions of staff and the applicant. Commissioners asked about the location and for more clarification on the potential use of the adjacent property to the north. Staff noted that the adjacent property had limited potential use for a structure in the general area north of the subject home. Commissioners confirmed that the adjacent property owner had been notified and whether they had made any comments. Staff noted that no comments had been provided to the City relating to this application. Commissioners found the location of the proposed addition, the limitations on the ability to expand the house to the south or east, the limitations on the use of the property to the north and the interior configuration of the existing home all contributed to meeting the criteria for granting a variance and recommended approval to the City Council.

Public Comments:

The City has not received any written or verbal correspondence at the time this report was prepared.

Recommendation:

The Planning Commission recommended approval of the request for a variance with the following findings and conditions.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a) Residential use of the property and the subsequent home is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
 - b) The location of the proposed addition in relation to the surrounding properties mitigates potential impacts.
 - c) The building architecture and interior home configuration make it difficult to add onto the home without significant disruption to the existing structure.
 - d) There are physical limitations surrounding the existing home to the east and south which limit the potential areas to expand the home.
 - e) The proposed four-season porch would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 22-foot reduction of the requisite north side yard setback (30-foot setback required, 8 feet new setback) to allow the expansion of the home as depicted on the site plan and building plans attached hereto as **Exhibit B**.
4. The variance applies only to this request and proposed plan and does not establish a new side yard setback for any other improvements, structures or expansion of the existing structure.

5. Any modification, change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The Applicant shall pay for all costs associated with the City's review and recording of the requested variance.

Attachments:

1. **RESOLUTION NO. 22-0503-02**
2. Application
3. Survey
4. Porch Plans/Elevations



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0503-02

**RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE
TO ALLOW A REDUCED SIDE YARD SETBACK
FOR THE PROPERTY LOCATED AT 190 COUNTY ROAD 92 N**

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, Derek Onischuk, (the “Applicant/Owner”) submitted an application for a variance to allow a reduced side yard setback on the property located at 190 County Road 92 N. (PID No. 32-118-24-44-0003) in Independence; and

WHEREAS, the Property is zoned AG-Agriculture; and

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

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

WHEREAS the Planning Commission held a public hearing on April 19, 2022, to review the application for a variance, following mailed and published noticed as required by law; and

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

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

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a) Residential use of the property and the subsequent home is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
 - b) The location of the proposed addition in relation to the surrounding properties mitigates potential impacts.
 - c) The building architecture and interior home configuration make it difficult to add onto the home without significant disruption to the existing structure.
 - d) There are physical limitations surrounding the existing home to the east and south which limit the potential areas to expand the home.
 - e) The proposed four-season porch would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 22-foot reduction of the requisite north side yard setback (30-foot setback required, 8 feet new setback) to allow the expansion of the home as depicted on the site plan and building plans attached hereto as **Exhibit B**.
4. The variance applies only to this request and proposed plan and does not establish a new side yard setback for any other improvements, structures or expansion of the existing structure.
5. Any modification, change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The Applicant shall pay for all costs associated with the City's review and recording of the requested variance.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of May 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

Boundary Description (supplied by client)

That part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 118 North, Range 24 West of the 5th Principal Meridian, lying North of the South 862.00 feet of said Southeast Quarter of the Southeast Quarter, EXCEPT that part of said Southeast Quarter of the Southeast Quarter described as follows: Beginning at the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence South along the West line of said Southeast Quarter of the Southeast Quarter a distance of 100 feet; thence Northeasterly to a point in the North line of said Southeast Quarter of the Southeast Quarter distant 445 feet East of said Northwest corner; thence westerly along said North line to the point of beginning; ALSO EXCEPT that part of the West 270 feet of said Southeast Quarter of the Southeast Quarter lying North of a line described as follows: Commencing at the point of intersection of the southerly right-of-way line of the Luce Line Trail (formerly the Minnesota Western Railway) with the West line of said Southeast Quarter; thence Southerly along said West line a distance of 294 feet to the point of beginning of the line being described; thence deflecting left 90 degrees to the East line of said West 270 feet, and there ending, EXCEPT road, Hennepin County, Minnesota.

EXHIBIT B (Site Plan)

Building Permit Survey

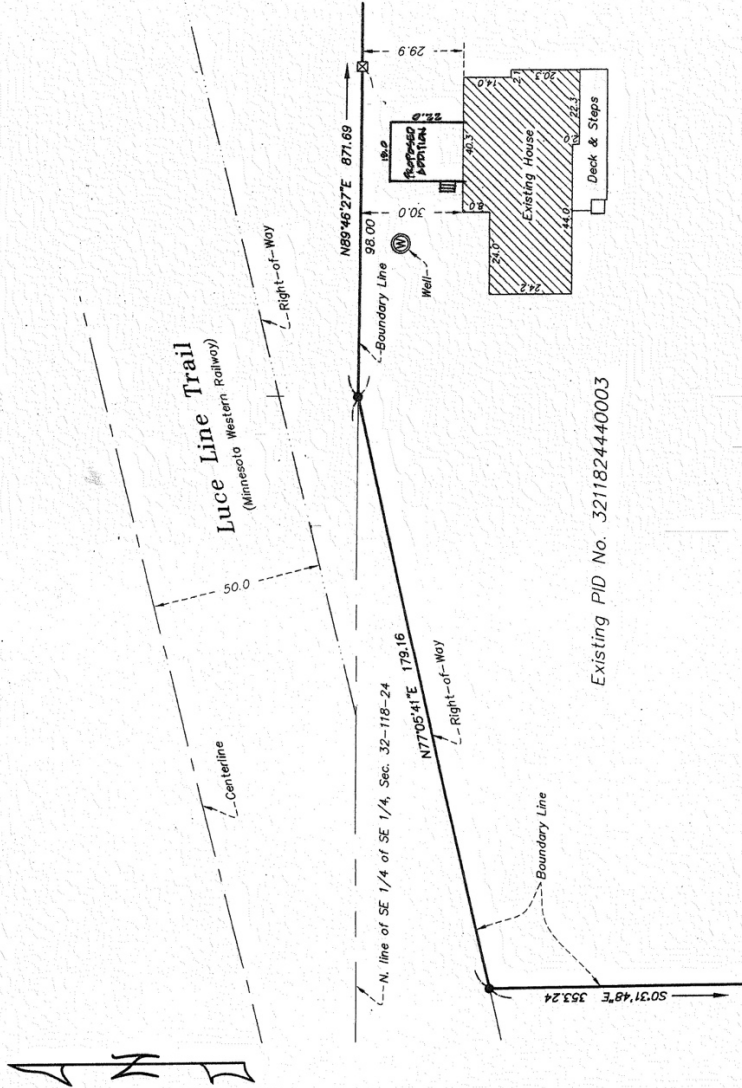
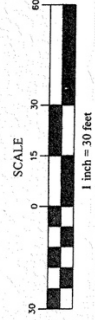
Prepared for:
Derek Onischuk

Site Address:
19100 Co. Rd. 13 N.
Delano, MN 55328

Boundary Description (supplied by client):
That part of the Southeast Quarter of the Southeast Quarter of Township 116 North, Range 24, West of the 5th Principal Meridian, containing 862.00 feet of said Southeast Quarter of the Southeast Quarter, EXCEPT that part of said Southeast Quarter of the Southeast Quarter described as follows: Beginning at the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence South along the West line of said Southeast Quarter, a distance of 100 feet; thence Northwesterly to a point in the West line of said Southeast Quarter of the Southeast Quarter distant 445 feet East of said Northwest corner; thence westerly along said North line to the point of beginning; ALSO EXCEPT that part of the West 270 feet of said Southeast Quarter of the Southeast Quarter lying North of a line described as follows: Beginning at the intersection of the southerly right-of-way line of the Luce Line Trail (formerly the Minnesota Western Railway) with the West line of said Southeast Quarter; thence Southerly along said West line a distance of 294 feet to the point of beginning of the line being described; thence deflecting left 90 degrees to the East line of said West 270 feet, and there ending, EXCEPT road, Hennepin County, Minnesota.

Note:
This survey is intended to show only a portion of the subject property and does not indicate its entirety. This survey does not purport to show all improvements on the subject property.

Legend
● Found Iron Monument
☒ Set Lath



Existing PID No. 321182440003

Bearings based on assumed datum.

**SCHOBORG
LAND SERVICES
INC.**

763-972-3221
www.SchoborgLand.com
8987 Co. Rd. 13 SE
Delano, MN 55328

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

Paul B. Schoborg
Paul B. Schoborg

Date: FEBRUARY 19 2021 Registration No. 14700

Job Number: 9224
Survey Date: 2/17/21
Drawing Name: onischuk.dwg
Drawn by: DMS
Revisions:



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Derek Onischuk

Address: 190 Count Rd 92 N
Independence, Minnesota
55359

Primary Phone: 6122450305

Email: deliciousdsbbq@outlook.com

Owner Information

Name: Derek Onischuk

Address: 190 Count Rd 92 N
Independence, Minnesota
55359

Primary Phone: 6122450305

Email: deliciousdsbbq@outlook.com

Property Address:

PID:

Planning Application Type: Variance

Description:

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

Signature:

Building Permit Survey

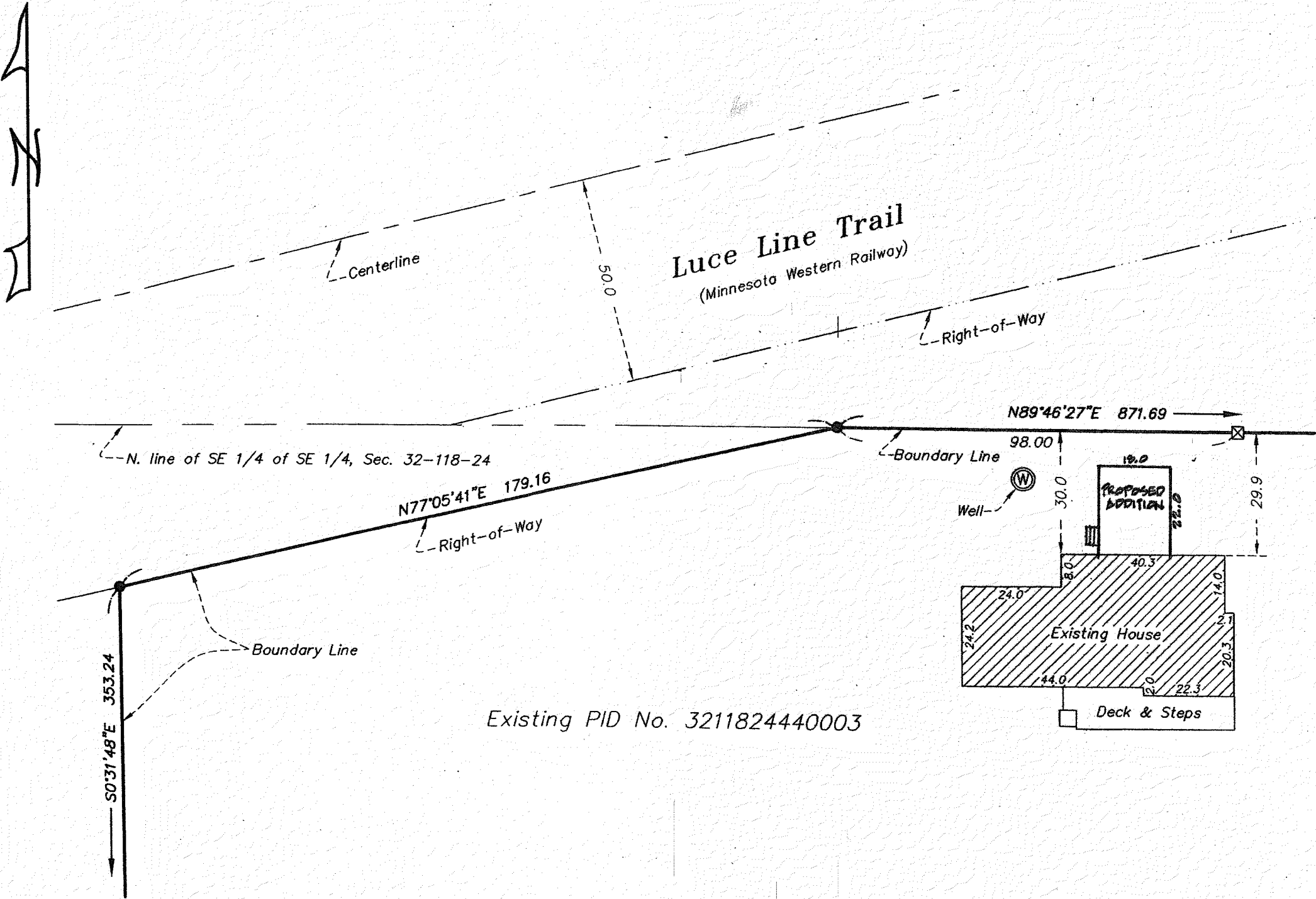
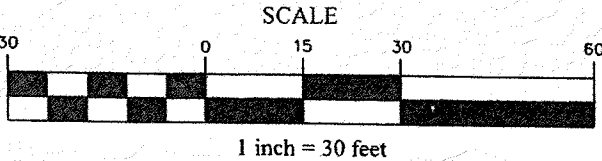
Prepared for:
Derek Onischuk

Site Address:
190 Co. Rd. 92 N.
Minnetrista, MN 55359

Boundary Description (supplied by client)
That part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 118 North, Range 24 West of the 5th Principal Meridian, lying North of the South 862.00 feet of said Southeast Quarter of the Southeast Quarter, EXCEPT that part of said Southeast Quarter of the Southeast Quarter described as follows: Beginning at the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence South along the West line of said Southeast Quarter of the Southeast Quarter a distance of 100 feet; thence Northeasterly to a point in the North line of said Southeast Quarter of the Southeast Quarter distant 445 feet East of said Northwest corner; thence westerly along said North line to the point of beginning; ALSO EXCEPT that part of the West 270 feet of said Southeast Quarter of the Southeast Quarter lying North of a line described as follows: Commencing at the point of intersection of the southerly right-of-way line of the Luce Line Trail (formerly the Minnesota Western Railway) with the West line of said Southeast Quarter; thence Southerly along said West line a distance of 294 feet to the point of beginning of the line being described; thence deflecting left 90 degrees to the East line of said West 270 feet, and there ending, EXCEPT road, Hennepin County, Minnesota.

Note:
This survey is intended to show only a portion of the subject property and does not indicate its entirety.
This survey does not purport to show all improvements on the subject property.

- Legend
- Found Iron Monument
 - ⊠ Set Lath



Existing PID No. 3211824440003

Bearings based on assumed datum.

SCHOBORG
LAND SERVICES
INC.

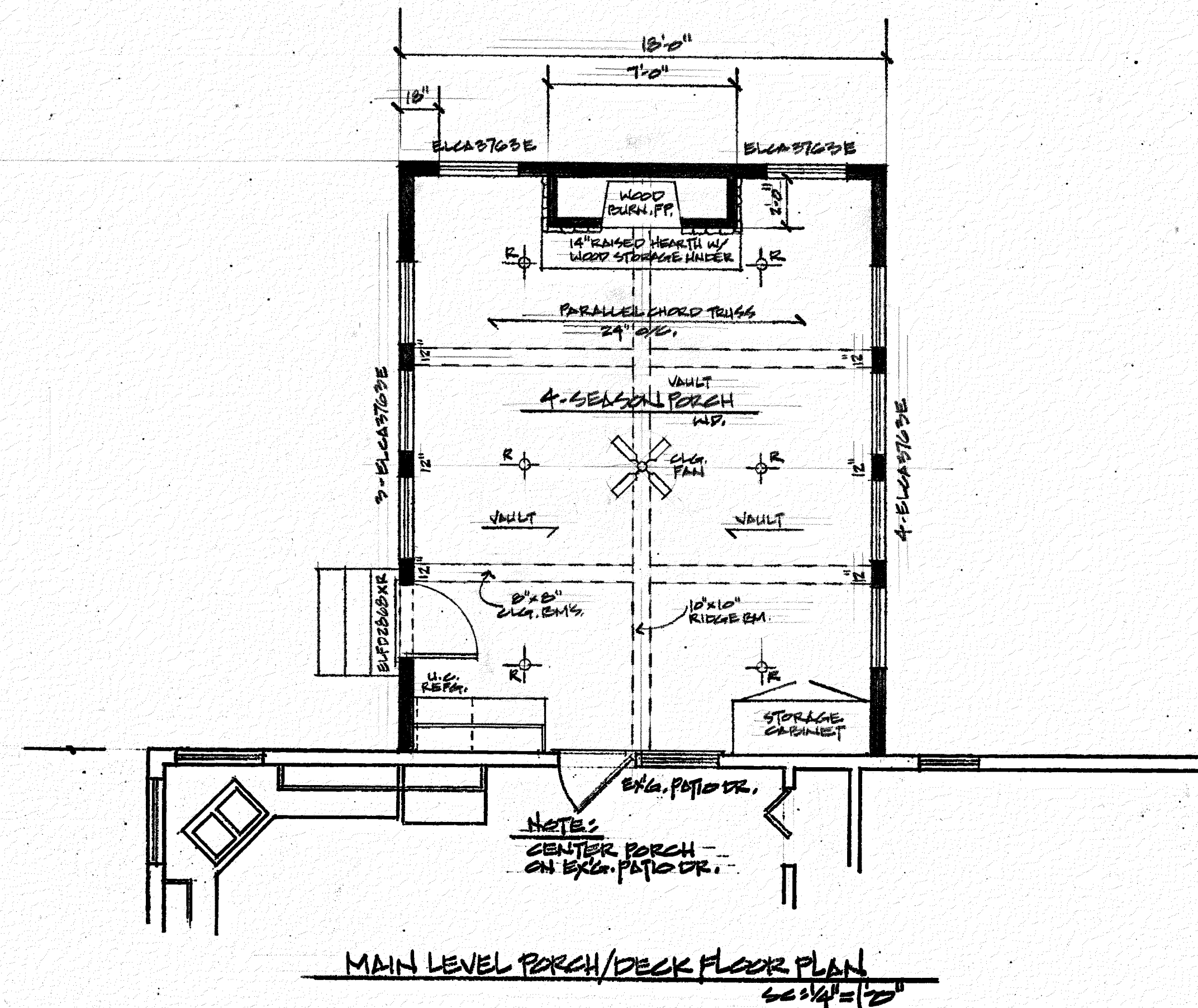
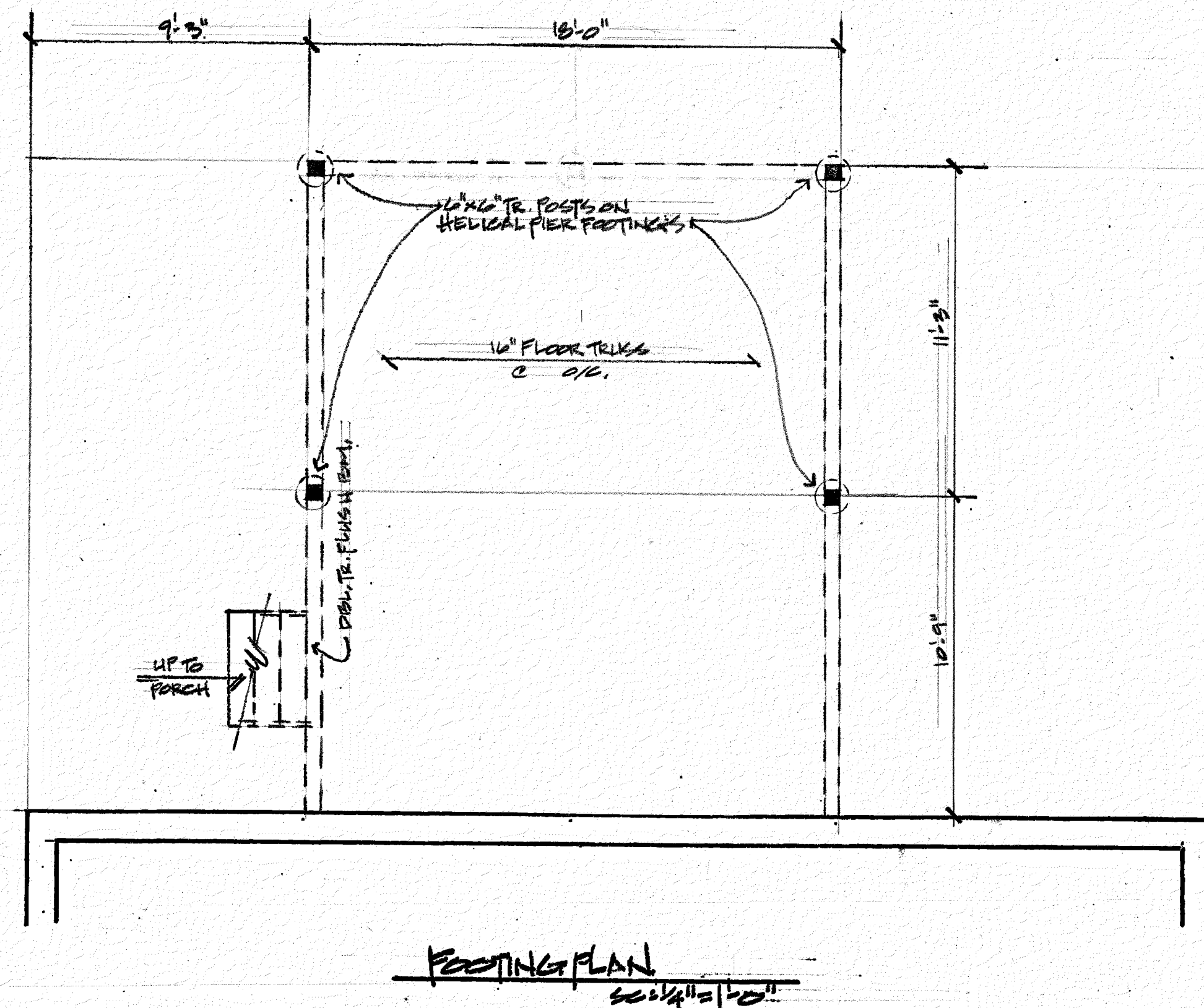
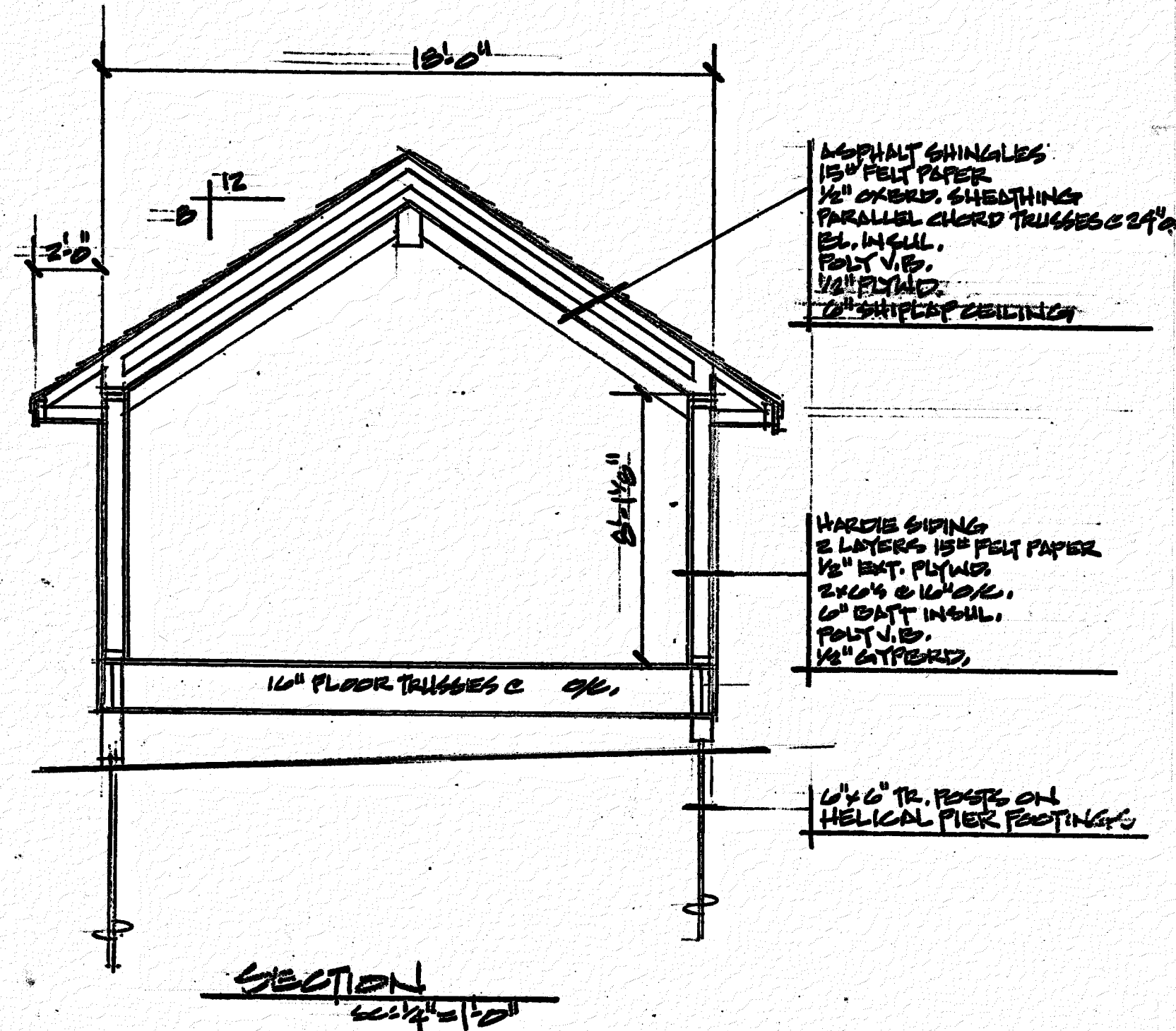
763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

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

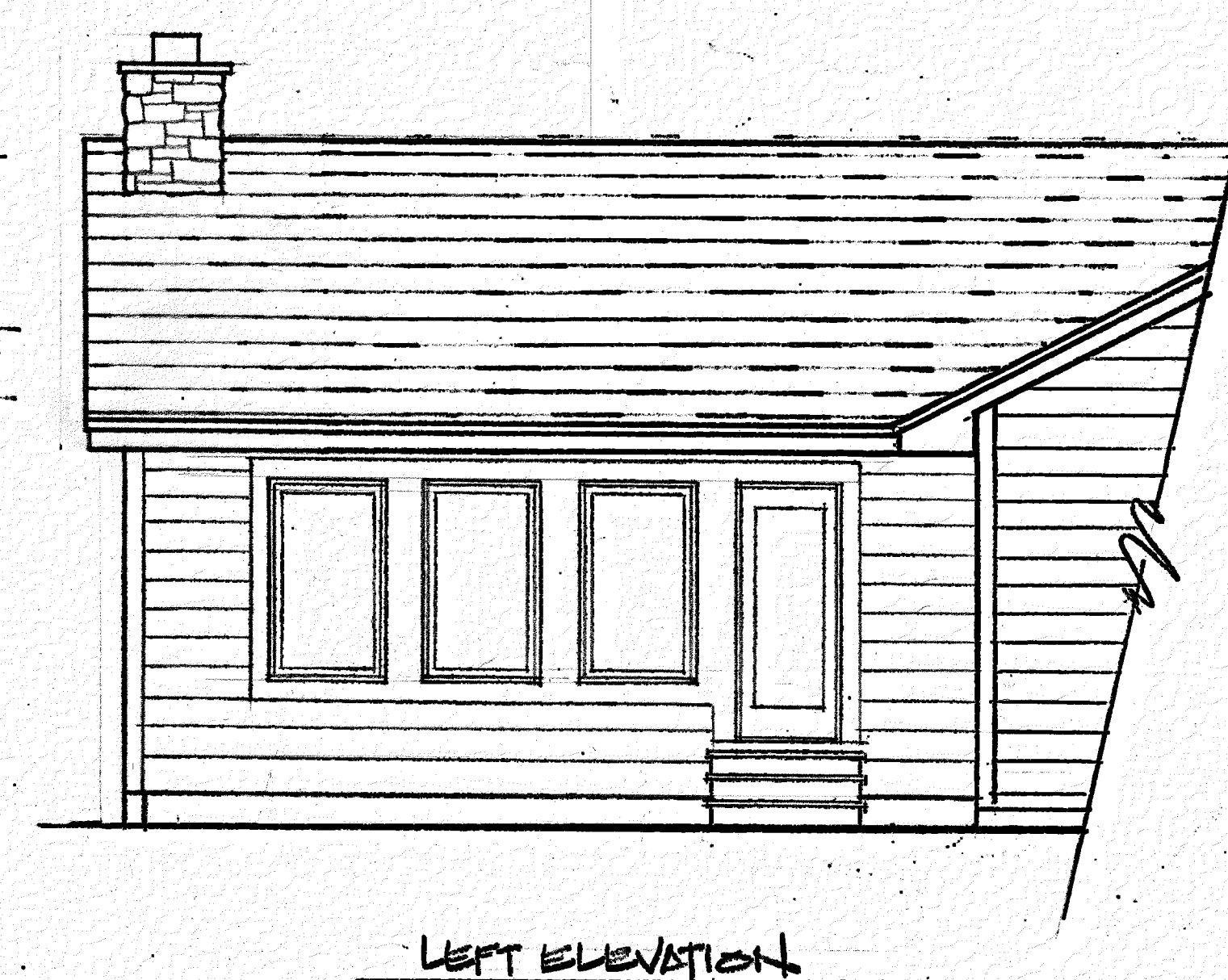
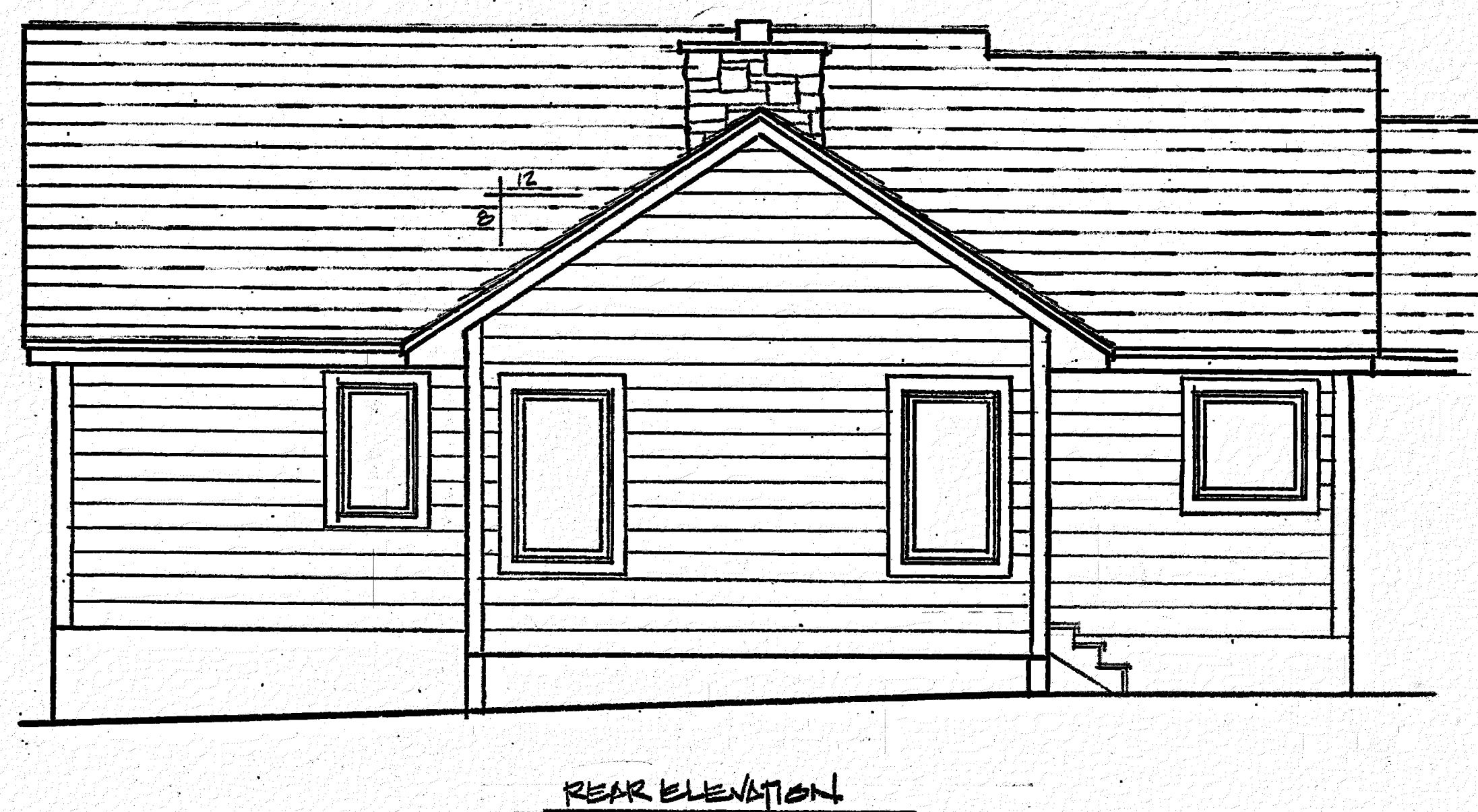
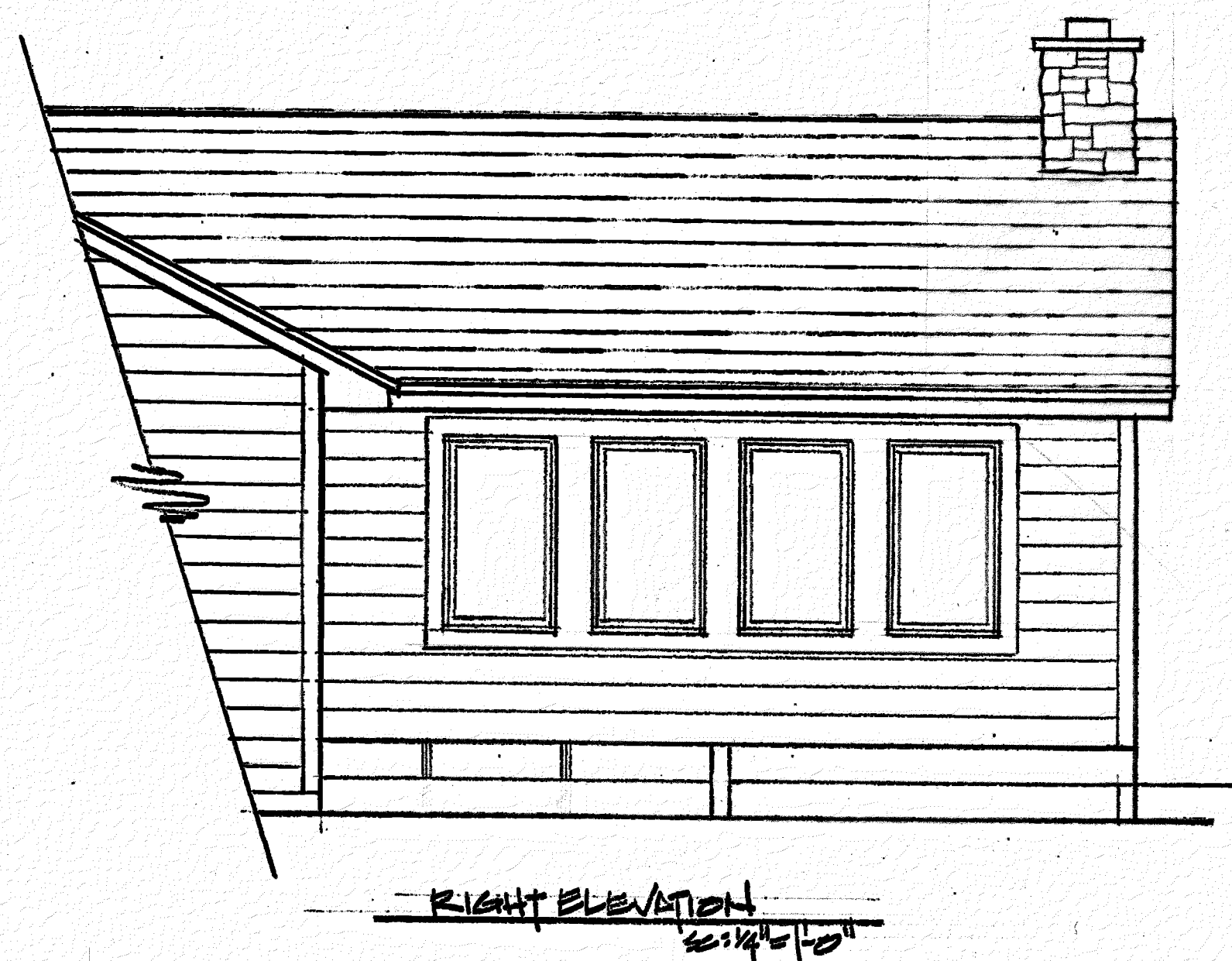
Paul B. Schoborg
Paul B. Schoborg

Date: FEBRUARY 19 2021 Registration No. 14700

Job Number:	9224
Survey Date:	2/17/21
Drawing Name:	onischuk.dwg
Drawn by:	DMS
Revisions:	



- Marvin elevate casement windows and door.
- Hardie siding.
- Wood burning fireplace w/ thin cut stone to ceiling, 14" raised limestone hearth w/ wood storage below, reclaimed wood mantle.
- 5" white oak character grade wood floor.
- 6" white shiplap ceiling.
- 3" paint grade hookstrip casing.
- 5" paint grade hookstrip base.
- Ceiling beams by distressed City Millwork.
- Dry bar w/ enameled base cabinet and upper, granite top and under counter refg.
- Storage cabinet enameled.
- Ceiling fan and six recessed lights.
- Wood steps down to grade.



DEREK ELLIEN
CHASCHUK
190 CITY RD. #2 H.
INDEPENDENCE, MN

City of Independence

Request for a Minor Subdivision to Allow a Lot Combination for the Property located at 5398 Lake Sarah Heights Dr.

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	May 3, 2022
<i>Applicants:</i>	Michael Mitchell
<i>Owners:</i>	Michael Mitchell
<i>Location:</i>	5398 Lake Sarah Heights Dr.

Request:

Michael Mitchell (Applicant/Owner) is requesting the following action for the property located at 5398 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0002) in the City of Independence, MN:

1. A minor subdivision to allow the combination of the subject property with the adjacent property to the northwest (PID No. 01-118-24-22-0010).

Property/Site Information:

The subject property is located along Independence Road just north of Lindgren Lane. There are currently four tax parcels on this property due to the location of the section line which separates school districts. The property has access onto Lake Independence. The property has the following site characteristics:

Property Information: 5398 Lake Sarah Heights Dr.

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage (Before): *Lot 1* – *1.07 acres*

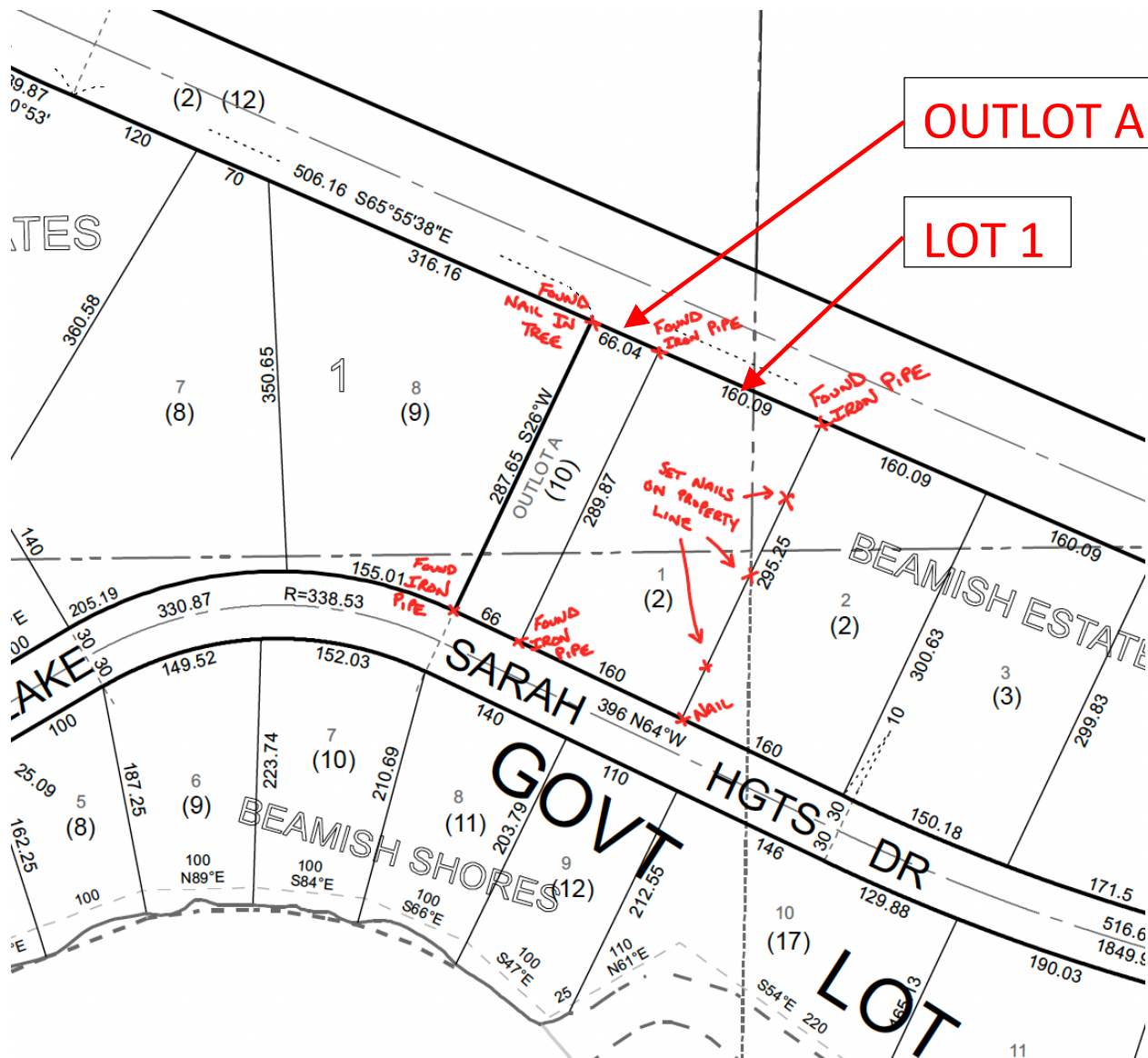
Outlot A – *.44 acres*

Acreage (After): *1.51 acres*



Discussion:

The applicant approached the City last year about the possibility of acquiring the adjacent property and combining it with their existing property. The City reviewed the original Beamish Shores 2nd Addition Plat and noted that the parcel appeared to have been preserved by the original developer at the time of the initial plat for a future right of way connection to the property to the north. The property is 66 feet wide and originally platted as an Outlot. The applicant noted that their driveway has historically been located on the adjacent property and that they actually believed that they owned more of the property (see aerial). The City looked at this property and the property to the north and believes that creating a railroad crossing (future public road) at this location would be difficult and likely not feasible.



There are several unique aspects of this property that should be noted by the City during consideration of the application:

1. The Outlot by itself would not accommodate an independence structure (new home) without significant setback variances and would be out of character with the surrounding properties.
2. The applicant's existing home does not meet the applicable side yard setbacks on the north side (adjacent to the Outlot). The combination of the two properties would bring the property into conformance with applicable standards.

3. A portion of the existing driveway is located across the property lines between the two properties.
4. The applicant has provided an official survey with the before and after conditions and legal descriptions but will need to provide for the requisite D&U easements.
5. The requisite drainage and utility easements would need to be dedicated to the City prior to recording the subdivision. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.

The proposed subdivision to allow a lot combination appears to meet all applicable standards of the City's zoning and subdivision ordinance. The combined lot will fit into the surrounding area and have minimal impacts on the surrounding properties.

Planning Commission Discussion:

Planning Commissioners reviewed the request for a lot combination and asked questions of staff and the applicant. Commissioners asked if the access was still needed by the adjacent property to the north of the railroad tracks and it was noted that it would be difficult to make that connection in the future and that the Outlot was privately owned. It was noted that the existing home on the property does not meet applicable setbacks against the Outlot and the driveway serving this home encroaches onto the Outlot. Commissioners found the request to meet applicable criteria and recommended approval to the City Council.

Neighbor Comments:

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

Recommendation:

The Planning Commission recommended approval of the requested Minor Subdivision with the following findings:

1. The proposed minor subdivision allowing a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The applicant shall submit an official survey with the before and after conditions and legal descriptions prior to City Council consideration of the minor subdivision.

3. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.
4. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
6. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Attachments:

- 1. RESOLUTION NO. 22-0503-03**
2. Plat Map
3. Survey
4. Application



**CITY OF INDEPENDENCE
RESOLUTION NO. 22-0503-03**

**A RESOLUTION APPROVING A MINOR SUBDIVISION
TO ALLOW A LOT COMBINATION FOR THE PROPERTY
LOCATED AT 5398 LAKE SARAH HEIGHTS DRIVE**

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 and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Michael Mitchell (the “Applicant/Owner”) has submitted a request for a minor subdivision for the property located at 5398 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0002) in the City of Independence, MN; and

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Michael Mitchell for a minor subdivision to allow a lot combination per the City’s subdivision and zoning regulations with the following conditions:

1. The proposed minor subdivision allowing a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. City Council approval of the rural view lot subdivision is subject to the following:
 - a. The applicant shall submit an official survey with the before and after conditions and legal descriptions prior to City Council consideration of the minor subdivision.
 - b. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval

This resolution was adopted by the City Council of the City of Independence on this 3rd day of May 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A

(Legal Description of Property)

*Lot 1, Block 1 and Outlot A, BEAMISH ESTATES SECOND ADDITION,
according to the recorded plat thereof, Hennepin County, Minnesota.*



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Michael A Mitchell

Address: 5398 Lake Sarah Heights Dr
Independence, Minnesota
55359

Primary Phone: 7632862456

Email: mikeonthelake58@gmail.com

Owner Information

Name: Michael A Mitchell

Address: 5398 Lake Sarah Heights Dr
Independence, Minnesota
55359

Primary Phone: 7632862456

Email: mikeonthelake58@gmail.com

Property Address:

PID:

Planning Application Type: Rezoning

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

Mike Mitchell

CERTIFICATE OF SURVEY
FOR
MIKE MITCHELL

PROPERTY DESCRIPTION
Lot 1, Block 1 and Outlot A, BEAMISH ESTATES
SECOND ADDITION, according to the recorded
plat thereof, Hennepin County, Minnesota.

Address: 5398 Lake Sarah Heights Drive, Independence, MN



GRAPHIC SCALE IN FEET

- DENOTES IRON MONUMENT FOUND
- ▲ DENOTES SPIKE FOUND
- ⊠ DENOTES LATH ON LINE (FOUND)

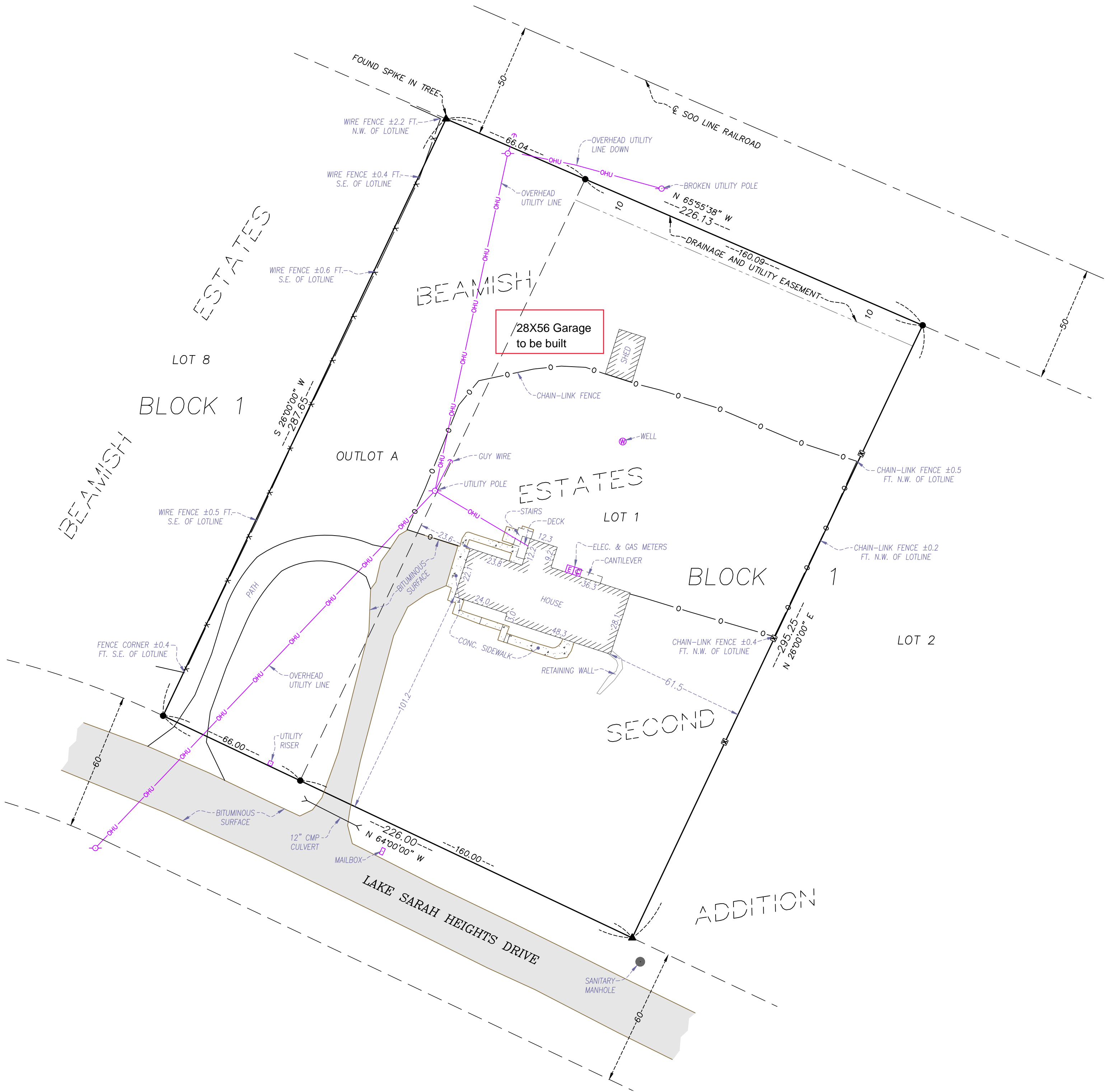
SURVEYORS NOTES:

- THIS SURVEY IS PROVIDED ONLY FOR USE BY THE CLIENT NAMED HEREON.
- TITLE DOCUMENTATION WAS NOT PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS / ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON.
- DUE TO SNOW COVER ON SITE AT TIME OF SURVEY FIELD WORK, FEATURES MAY EXIST WHICH ARE NOT SHOWN HEREON.

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

Date 03/14/2022
Trace C. McCoy
License No. 44531

 708 1ST AVENUE NE, #1 BUFFALO, MN 55313 PH. 763.682.1781 WWW.MEYERROHLIN.COM	REVISIONS	_____
	SHEET 1 OF	1 SHEETS
	DRAWN BY AAN	DATE 03/14/2022



City of Independence

Request for a Minor Subdivision to Permit a Lot Line Rearrangement Necessary for the Highway 12/County Road 92 N. Project

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	May 3, 2022
<i>Applicants:</i>	Hennepin County
<i>Owners:</i>	Kimberly Gayle Reed
<i>Location:</i>	2510 County Road 92 N.

Request:

Hennepin County (Applicant) is requesting the following minor subdivisions relating to the Highway 12/County Road 92 improvement project in Independence, MN:

- a. 2510 County Road 92 N. (PID No. 16-118-24-33-0003)

Property/Site Information:

The subject property is generally located at the intersection of County Road 92 N. and Highway 12. The property has the following site characteristics:

Property Information: **2510 County Road 92 N.**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Discussion:

Hennepin County has been working on the acquisition of properties associated with the Highway 12/CSAH 92 realignment and overpass project. The properties have now been acquired by the County, but a formal approval of the actual subdivision is still required by the City. The City reviewed and approved a number of properties in the fall of 2021. There was one additional property that was identified that was left out of the previous approvals and is required to be formally approved by the City. The subdivision is unique in that the property being broken off will be used for right of way (combined with the existing right of way) for the state highway or county road. No new property is being created as a result of the requested subdivision.

A portion of parcel at 2510 County Road 92 N. was acquired in fee through condemnation as part of the safety improvements at County Road 92 where it intersections with U.S. Highway 12. MnDOT requires that property that abuts their highways be acquired in fee. Hennepin County did the acquisition, Independence is also a partner in the project.

The City has reviewed the requested subdivision and found it to be in keeping with the reviewed property acquisitions necessary to construct the new road improvements. The detail of the subdivision is provided on the attached survey.

Other Considerations:

1. The City does not have an administrative or other process for considering the subdivision of property. All subdivisions are required to go through the requisite process.
2. No new parcels are being created as a result of the proposed subdivisions.
3. No new non-conformities are being created as a result of the proposed subdivision. The frontage requirements, applicable setbacks and minimum lot sizes are not being compromised in the after condition as a result of the proposed subdivisions.

Summary:

The requested minor subdivision of the subject property does not appear to create any adverse conditions in the after condition. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Planning Commission Discussion:

Planning Commissioners reviewed the request for a minor subdivision and found it to meet all applicable criteria. Commissioners noted that the approval of this subdivision would not create any new lots. Commissioners recommended approval of the minor subdivision as requested.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed subdivisions.

Recommendation:

The Planning Commission recommended approval of the requested Minor Subdivision with the following findings and conditions:

1. The proposed Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Minor Subdivision is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivisions which includes the following:
 - Prepare the requisite documents and legal descriptions needed to record all documents with Hennepin County.
3. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

Attachments:

1. **RESOLUTION NO. 22-0503-04**
2. Application
3. Proposed Minor Subdivision Survey Exhibit



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0503-04

**A RESOLUTION APPROVING MINOR SUBDIVISIONS TO ALLOW A LOT LINE
REARRANGEMENT FOR THE FOLLOWING PROPERTY:
2510 County Road 92 N. (PID No. 16-118-24-33-0003)**

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 and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Hennepin County (Applicant) has submitted a request for minor subdivision to allow a lot line rearrangement for the following property located in the City of Independence:

- 2510 County Road 92 N. (PID No. 16-118-24-33-0003); and

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

WHEREAS, the Property is zoned AG-Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on April 19, 2022, to review the application for a minor subdivisions, 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

Hennepin County for a minor subdivision to allow a lot line rearrangement per the City's subdivision and zoning regulations with the following conditions:

1. The proposed minor subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the minor subdivision is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivisions which includes the following:
 - Prepare the requisite documents and legal descriptions needed to record all documents with Hennepin County.
3. The Applicant shall execute all applicable documents to allow recording of the minor subdivisions within six months from the date of the City Council approval.

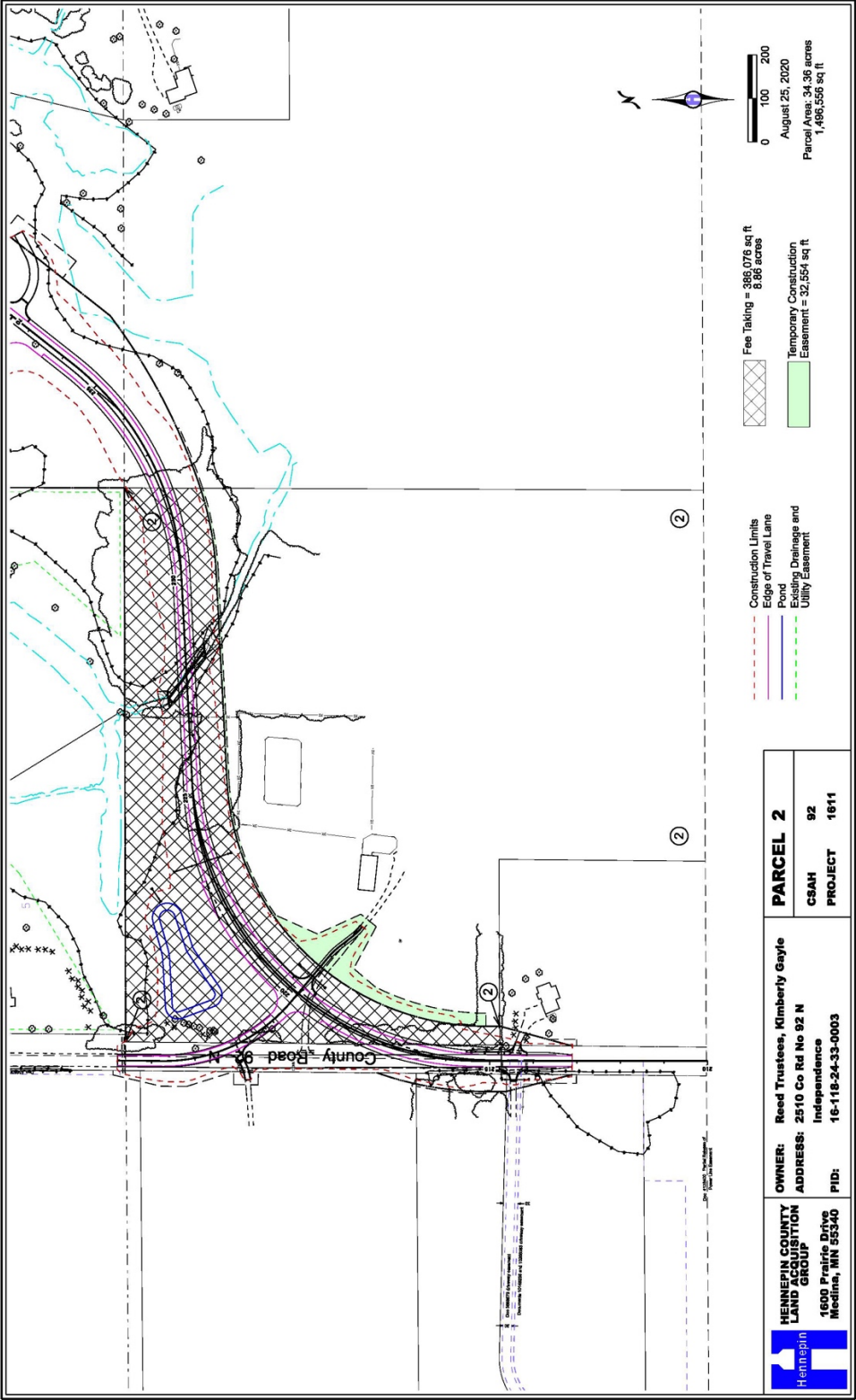
This resolution was adopted by the City Council of the City of Independence on this 3rd day of May 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description of Property)





**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Hennepin County

Address: 1600 Prairie Drive
Medina, Minnesota
55340

Primary Phone: 612-596-0328

Email: jane.heins@hennepin.us

Owner Information

Name: Kimberly Gayle Reed,
Trustee

Address: 2510 County Road 92 North
Independence, Minnesota
55359

Primary Phone: 612-865-4035

Email: smokeypondfarm@gmail.com

Property Address:

PID:

Planning Application Type: Subdivision

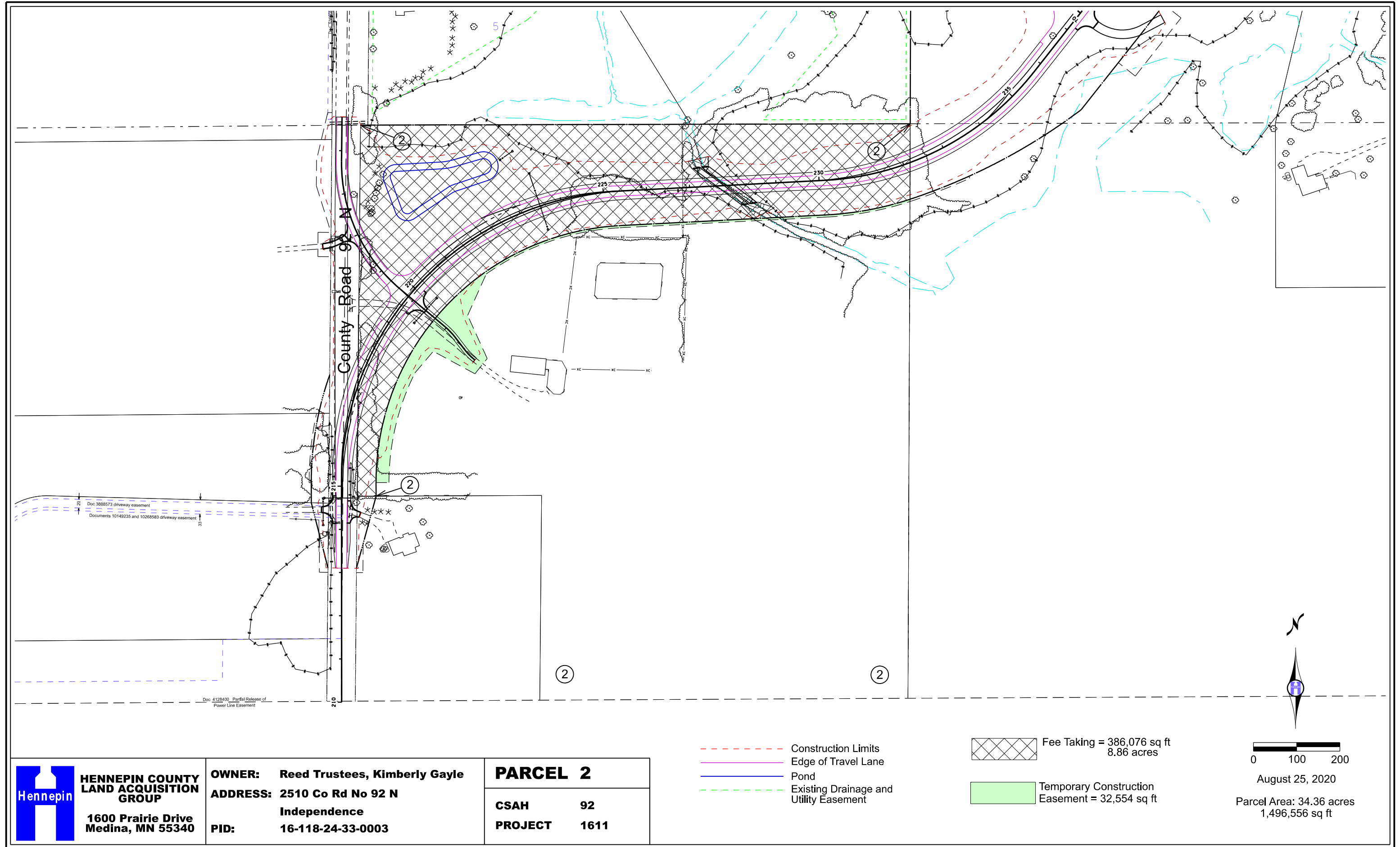
Subdivision Type: Minor Subdivision (3 lots or less)

Description:

Supporting Documents: Site Survey (Proposed Conditions)

Signature:

Jane Heins



**HENNEPIN COUNTY
LAND ACQUISITION
GROUP**
**1600 Prairie Drive
Medina, MN 55340**

OWNER: Reed Trustees, Kimberly Gayle
ADDRESS: 2510 Co Rd No 92 N
Independence
PID: 16-118-24-33-0003

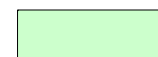
PARCEL 2

CSAH 92
PROJECT 1611

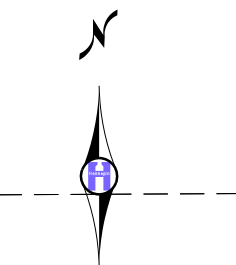
- Construction Limits
- Edge of Travel Lane
- Pond
- - - Existing Drainage and Utility Easement



Fee Taking = 386,076 sq ft
8.86 acres



Temporary Construction
Easement = 32,554 sq ft



August 25, 2020
Parcel Area: 34.36 acres
1,496,556 sq ft