



CITY COUNCIL MEETING AGENDA
TUESDAY FEBRUARY 4, 2025

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 January 21, 2025, Regular City Council Meeting.

b. Approval of Accounts Payable; (Batch #1 - Checks No. 23391-23402 and Batch #2 - Checks No. 23403-23413).

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

6. City Council Acceptance of Council Member Resignation and Declaration of Vacancy.

a. **RESOLUTION No. 25-0204-01.**

7. Appointment and Swearing in of New Council Member Brad Fisher.

a. **RESOLUTION No. 25-0204-02** - Approval of City Council Member Appointment of Brad Fisher to the vacant City Council position.

8. William Stoddard (Applicant) and Motor Condos LLC (Owner) requests that the City consider the following action for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

a. **RESOLUTION No. 25-0204-03** – Considering approval of a variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

9. Tom Bren (Applicant) and Sarah Goullaud (Owner) requests that the City consider the following action for the properties located at 7104 Pioneer Creek Rd., Independence, MN (PID No. 19-118-24-14-0001 and 22-118-24-33-0001):

a. **RESOLUTION No. 25-0204-04** – Considering approval of a conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.



10. Consideration and Confirmation of Land Use Determination for the property located at 1985 County Road 90 N.
11. Open/Misc.
12. Adjourn.

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, January 21, 2025 – 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 Spencer at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, Betts, Grotting, McCoy

ABSENT: None.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,
WHPS Chief Kroells

VISITORS: See Sign-in Sheet.

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 December 16, 2024, Special City Council Meeting.
- b. Approval of City Council Minutes from the January 7, 2025, Regular City Council Meeting.
- c. Approval of Accounts Payable; (Batch #1 - Checks No. 23342-23376, Batch #2 - Checks No. 23378-23390). (Check #23377 was voided)
- d. Approval of Annual Criminal Prosecution Service Agreement with Carson, Clelland & Schreder.
- e. Maple Plain Fire Department December 2024 and 2024 Year End Reports (for information only).

Motion by Betts, seconded by McCoy to approve the Consent Agenda. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

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

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

Betts attended the following meetings:

- None

McCoy attended the following meetings:

- None

Grotting attended the following meetings:

- Public Works
- Fire Commission

Spencer attended the following meetings:

- WHPS part time officer interviews
- NW League
- Lake Minnetonka Cable Commission Executive Commission
- Maple Plain Fire Commission

Simon – None

Kaltsas – None

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the December 2024 Activity Report.

Chief Kroells stated that there were 4,707 incidents throughout 2024. In December there were 225 in Independence and 130 in Maple Plain. A few incidents from his recap are below: (See full report in Council Packet.)

Animal Complaint on December 6th - 8900 block of Dean Lane, Independence. Officer was dispatched to two dogs eating a dead deer carcass. Officer arrived on scene and found two white Great Pyrenees who we are familiar with from previous reports. Officer was unable to get ahold of the animal owner and the dogs were impounded to the animal shelter. Eventually, the animal owner reached out and was advised where his dogs were.

Arrest on December 11th - Intersection of County Road 6 and County Road 90, Independence. Officer was dispatched to multiple traffic complaints involving the same vehicle. Officer located the vehicle driving over 90-MPH and dangerously passing cars. Officer spoke to the driver and observed signs of impairment. He was ultimately arrested for DWI and provided an evidentiary breath test of 0.14. He also had two prior convictions and a B- Card restricting him from any alcohol use. He was transported to Hennepin County Jail where he was charged with 2nd degree DWI.

Welfare Check on December 12th - 100 block of Kuntz Drive, Independence. Officer was dispatched to an iPhone crash detection notification. Officer arrived on scene and spoke to the phone owner who advised she lost her phone the day prior and was unable to locate it. Ultimately, it was determined the phone was lost in the field and the manure spreader picked up the phone and tossed it hard enough to enable to crash detection system.

Arrest on December 13th - Intersection of County Road 92 and Cardinal Way, Independence. Officer was on routine patrol and observed a vehicle turn into the oncoming lane of traffic then corrected into the proper lane. Officer observed multiple lane violations and stopped the vehicle. They displayed signs of impairment and performed poor on Field Sobriety Tests. Driver was arrested for DWI and provided an evidentiary breath test of 0.21. Driver was transported to Hennepin County Jail to be charged.

Motorist Assist on December 19th - Intersection of Highway 12 and County Road 92, Independence. Officer was on routine patrol and observed a stalled vehicle on the shoulder. Officer approached the vehicle and found the driver asleep. Officer woke the driver and didn't observe signs of impairment. Driver advised he was waiting for the roads to be plowed before continuing with his drive. He was advised to find a parking lot.

Arrest on December 20th - Intersection of County Road 90 and Fogelman Road, Independence. Officer was on routine patrol and observed a vehicle with numerous lane violations. Officer stopped the vehicle and spoke to the driver. Driver displayed signs of impairment and provided a preliminary breath test of 0.17. Driver was placed under arrest for DWI. Due to the driver vomiting, an evidentiary breath test was not taken, and a search warrant was completed for a bodily fluid sample. Pending charges.

Arrest on December 23rd - 3200 block of County Road 92, Independence. Officer was dispatched to a single vehicle rollover crash. Officer arrived on scene and found the lone occupant trapped inside the overturned vehicle. The driver was able to open the sunroof and extricate herself. She refused a medical transport and officer observed signs of impairment. Preliminary breath test displayed 0.000. A search warrant was executed for a blood draw. Pending charges.

Assault on December 29th - 4100 block of Woodhill Drive, Independence. Officer was dispatched to a loud party complaint in the area. Officer arrived on scene and received information that an individual was assaulted earlier in the night and was at the emergency room. Officer arrived on scene and took statements from witnesses. It was determined the host of the party followed the victim outside after a verbal altercation and began punching and kicking the victim multiple times. The victim had severe swelling, abrasions, and bruises across his face. He sustained a broken nose and facial bone and was treated at the hospital. Incident still pending further investigation.

When going through Chief Kroells' reports, often we'll hear that drugs and alcohol are 9 out of 10 times the common denominator. Police wouldn't need to be called if drugs or alcohol weren't involved.

8. Annual Fee Schedule Adoption.

a. **RESOLUTION 25-0121-01** - Annual Fee Schedule Adoption.

Kaltsas – The City reviews its Fee Schedule annually relating to fees associated with permits, plan reviews, photocopies, sewer fees, or anything involving the City. We look at the cost to provide that service and effort needed to do that. One fee consistent is our quarterly sewer

charge. This is the only thing needing to be increased this year to keep up with the cost of providing that service. In 2017 and 2020 we did sewer rate studies to compare our cost to other cities in providing sewer service. I initiated a study with ABDO at the end of 2024. We are evaluating all 34 lift stations to proactively make improvements to those stations. The study is still in works. In 2nd quarter of 2025, we should be able to sit down and look ahead. I'm recommending a 3% increase to our Quarterly Sewer Charge to keep up with services, goods, and maintenance and helps to offset staff cost, too.

Betts – Will Bridgevine have any impact on sewer?

Kaltsas – It will yet it isn't all built out yet. We've received 13 building permits so far which is not even half built out. Once we do get all those up and running, it will help our overall rates. You will see that show up in some of the updates to rate study.

McCoy – The table in the packet has not been updated? Are we staying stable with our rates?

Kaltsas – It was started but it leveled off. We settled a lot of fees during Covid, but we are holding steady now. It's lower than we projected 5 years ago.

Motion by Grotting, seconded by McCoy to approve RESOLUTION 25-0121-01 for adopting the Annual Fee Schedule including the 3% quarterly sewer charge increase. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

9. Signature Authorization of Council Member Ray McCoy.

b. **RESOLUTION 25-0121-02** – Authorizing Council Member Ray McCoy as Signatory on City Accounts.

Spencer – The City must have two signers on all checks, but now that Johnson has retired, we need another signer.

Motion by Spencer, seconded by Betts to approve RESOLUTION 25-0121-02 authorizing Councilmember McCoy as Signatory on City Accounts. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

10. Open/Misc.

Kaltsas had worked with ABDO on year-end clean-up of accounts, and we discussed adopting a resolution to finalize some things. There was a balance in our city hall remodel fund, and we want to transfer and close out that fund of \$10,000. Council authorized mower and trade in existing one and use capital funds. RESOLUTION 25-0121-03

Motion by McCoy, seconded by Betts to approve RESOLUTION 25-0121-03 approving

fund transfer and capital equipment purchase. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

The council discussed the council's empty seat and the process to fill it. Since it'll be critical for everyone to be here, a workshop was scheduled for 7 am on Monday, January 27th, 2025. If anyone has expressed interest, we can talk about that then.

Kaltsas – At the Maple Plain Fire Commission meeting tonight, we recommended the approval for the Chief's newer vehicle.

Spencer: Chief Denneson found a 2010 Tahoe from the City of Minnetonka Fire Department with 15,000 miles on it, so with it just needing striping and a radio back in it for about \$16,000. Then they'd just sell the older Chief's vehicle. We may need to approve purchase of a newer vehicle.

Motion by Spencer, seconded by McCoy to approved purchase of the 2010 Tahoe and sell old chief vehicle. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Kaltsas – We're planning on having a joint meeting with Maple Plain and Independence Councils.

Kroells – I'll be retiring in April after 31 years. We posted the Chief position internally and externally and have 10 candidates' interviews next Tuesday and Wednesday. Following up to that I am inviting both councils to a presentation of the finalists on February 5th from 5-9pm. The top 3 candidates will be interviewed that night using score cards and sheets to rank them. Kroells will do a mock press release, so you can see how they handle it.

Kaltsas – No official action is being taken, but both councils will be present.

McCoy – When does the Police Commission meet to decide?

Kroells – We will get everyone back together by February 12th to pick top candidate.

McCoy can zoom in for this presentation.

11. Adjourn.

Motion by Betts, seconded by Grotting to adjourn the meeting at 7:02pm. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Meeting adjourned at 7:02 pm.

Respectfully Submitted,
Linda Johnson/ Recording Secretary

CITY OF INDEPENDENCE

01/22/25 2:09 PM

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***Check Detail Register©**

Batch: 012225AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Bank of Maple Plain					
23391	01/22/25	AWARDS BY CINDY LLC			
E 100-41500-200		OFFICE SUPPLIES	\$13.20	5332	Desk Plate
		Total	\$13.20		
23392	01/22/25	Big Bore BBQ			
E 100-45100-120		COMMUNITY EVENT CO	\$4,461.21	01.28.25	Food for community dinner
		Total	\$4,461.21		
23393	01/22/25	CITY OF MAPLE PLAIN			
E 100-42000-405		MISCELLANEOUS	\$2,851.38	01.15.25	OnSolve - CodeRed
		Total	\$2,851.38		
23394	01/22/25	DELTA DENTAL			
G 100-11505		MAPLE PLAIN AR	\$102.08	RIS00062042 MP Dental - Feb 2025	
G 100-11510		WHPS AR	\$1,202.36	RIS00062042 WHPS Dental - Feb 2025	
E 602-49450-131		CITY PAID BENEFIT ALL	\$63.01	RIS00062042 Sewer Dental - Feb 2025	
E 100-41500-131		CITY PAID BENEFIT ALL	\$302.43	RIS00062042 Admin Dental - Feb 2025	
E 100-42400-131		CITY PAID BENEFIT ALL	\$51.04	RIS00062042 Bldg Dental - Feb 2025	
E 100-43100-131		CITY PAID BENEFIT ALL	(\$95.94)	RIS00062042 PW Dental - Feb 2025	
		Total	\$1,624.98		
23395	01/22/25	HAKANSON ANDERSON ASSOC. INC.			
G 430-20469		Escrow - Otten	\$682.00	54469	Otten
E 200-41920-320		WATER RESOURCE STA	\$692.50	54469	Miscellaneous Water Resources
E 200-41920-320		WATER RESOURCE STA	\$118.00	54470	SWPPP Management
G 430-20443		Escrow - Bridgevine	\$145.00	54471	Bridgevine
		Total	\$1,637.50		
23396	01/22/25	HECKSEL MACHINE INC			
E 100-43100-220		MAINT.&REPAIR SUPPLI	\$150.00	112196	Repair Plow Truck
		Total	\$150.00		
23397	01/22/25	LEAGUE OF MN CITIES INS TRUST			
E 100-41000-361		INSURANCE	\$2,282.64	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 100-41500-361		INSURANCE	\$2,282.64	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26Prop/Cas Coverage Pre
E 100-41900-361		INSURANCE	\$7,228.36	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 100-41940-361		INSURANCE	\$5,706.60	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 100-42400-361		INSURANCE	\$2,282.64	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 100-43100-361		INSURANCE	\$11,413.20	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 100-45300-361		INSURANCE	\$5,706.60	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
E 602-49450-361		INSURANCE	\$1,141.32	01.16.25	Prop/Cas Coverage Premium 1/1/25-1/1/26
		Total	\$38,044.00		
23398	01/22/25	OXYGEN SERVICE COMPANY			
E 100-43100-223		MAINT.& REPAIR SUPPL	\$191.07	8797798	Cylinder Lease Renewal
		Total	\$191.07		
23399	01/22/25	PITNEY BOWES INC.			
E 100-41500-322		POSTAGE	\$53.54	01.22.25	Late Fee & Service Charge

CITY OF INDEPENDENCE

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***Check Detail Register©**

Batch: 012225AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$53.54		
23400	01/22/25	TEGRETE			
E 100-41940-401		MAINT.&REPAIR BLD CO	\$614.50	114737	Monthly Cleaning - Feb 2025
G 100-11510		WHPS AR	\$614.50	114737	Monthly Cleaning - Feb 2025
Total			\$1,229.00		
23401	01/22/25	VERIZON WIRELESS			
E 100-43100-321		COMMUNICATIONS (TEL	\$215.58	6103319064	PW Cell Phone 12/11-01/10
Total			\$215.58		
23402	01/22/25	WRIGHT HENNEPIN ELECTRIC			
E 100-43100-381		STREET LIGHTING	\$247.29	35031868530	Street Lights - Dec 2024
E 602-49450-380		ELECTRIC & GAS UTILIT	\$991.94	35031868530	Lift Station Security - Dec 2024
E 602-49450-380		ELECTRIC & GAS UTILIT	\$1,329.10	35031868530	Sewer Electricity - Dec 2024
Total			\$2,568.33		
10100			\$53,039.79		

Fund Summary

10100 Bank of Maple Plain

100 GENERAL FUND	\$47,876.92
200 WATER RESOURCE DEVELOPMENT	\$810.50
430 CITY PROJECTS AGENCY FUND	\$827.00
602 SEWER FUND	\$3,525.37
	\$53,039.79

CITY OF INDEPENDENCE

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*Check Detail Register©

Batch: 012925AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Bank of Maple Plain					
23403	01/29/25	BRUCE SATEK			
E 100-42400-331		CONFERENCE & TRAVE	\$63.00	01.21.25	Mileage
		Total	\$63.00		
23404	01/29/25	Carrie Solien			
E 100-45100-120		COMMUNITY EVENT CO	\$210.85	01.23.25	Reimbursement for Retirement Party Supplies
		Total	\$210.85		
23405	01/29/25	CENTER POINT ENERGY - PW			
E 100-41940-380		ELECTRIC & GAS UTILIT	\$21.00	274-1 01.22.2	4933 S Lakeshore Dr 12153274-1
E 100-41940-380		ELECTRIC & GAS UTILIT	\$812.35	544-6 01.22.2	City Hall Gas 5489544-6
E 100-41940-380		ELECTRIC & GAS UTILIT	\$1,772.24	712-3 01.22.2	1916 County Rd 90 5501712-3
		Total	\$2,605.59		
23406	01/29/25	JIMS EXCAVATING			
E 100-43100-220		MAINT.&REPAIR SUPPLI	\$625.00	INV-006606	Pumping/Disposal 2500 gallons
		Total	\$625.00		
23407	01/29/25	Mark Kaltsas			
E 100-41500-433		DUES & SUBSCRIPTION	\$217.04	12.18.24	Reimb for AI Chatbot Assistant App Purchase
		Total	\$217.04		
23408	01/29/25	NELSON ELECTRIC			
E 602-49450-210		OPERATING SUPPLIES/	\$2,203.00	3025	Replaced bad air relief valve
E 602-49450-210		OPERATING SUPPLIES/	\$1,000.00	3028	Rebuilt grinder pump
		Total	\$3,203.00		
23409	01/29/25	OLSEN CHAIN & CABLE, INC.			
E 100-43100-223		MAINT.& REPAIR SUPPL	\$274.05	724417	Annual Hoist Inspection
		Total	\$274.05		
23410	01/29/25	STANDARD INSURANCE COMPANY			
E 602-49450-131		CITY PAID BENEFIT ALL	\$17.33	01.17.25	Life Ins - Feb 2025 Sewer
E 100-41500-131		CITY PAID BENEFIT ALL	\$65.40	01.17.25	Life Ins - Feb 2025 Admin
E 100-42400-131		CITY PAID BENEFIT ALL	\$66.55	01.17.25	Life Ins - Feb 2025 Bldg
E 100-43100-131		CITY PAID BENEFIT ALL	(\$18.31)	01.17.25	Life Ins - Feb 2025 PW
		Total	\$130.97		
23411	01/29/25	WRIGHT COUNTY HIGHWAY DEPT.			
E 100-41500-433		DUES & SUBSCRIPTION	\$750.00	01.01.25	Hwy 55 Corridor Coalition - 2025
		Total	\$750.00		
23412	01/29/25	WRIGHT HENNEPIN ELECTRIC			
E 100-43100-381		STREET LIGHTING	\$36.75	35031881536	2500 County Rd 92 Street Light
E 602-49450-380		ELECTRIC & GAS UTILIT	\$21.15	35031881536	2930 Lake Sarah Rd Street Light
		Total	\$57.90		
23413	01/29/25	XCEL ENERGY			
E 602-49450-380		ELECTRIC & GAS UTILIT	\$117.07	912057304	51-0014868554-4 Lift Station 4933 S Lakeshore Dr
		Total	\$117.07		

CITY OF INDEPENDENCE

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***Check Detail Register©**

Batch: 012925AP

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
			10100	\$8,254.47	

Fund Summary

10100 Bank of Maple Plain

100 GENERAL FUND \$4,895.92

602 SEWER FUND \$3,358.55

\$8,254.47

City of Independence

Consideration of City Council Member Replacement

To: City Council

From: Mark Kaltsas, City Administrator

Meeting Date: February 4, 2025

Discussion:

The City Council accepted the resignation of Brad Spencer at the January 7, 2025, City Council Meeting. In accordance with state statute, Council must formally declare the vacancy. Staff has prepared the requisite resolution formally declaring the vacancy. Following this approval, Council can consider the appointment of the vacant Council seat. Council met to discuss the appointment and considered various residents that had expressed interest in serving on the City Council. It was determined by the City Council that Brad Fisher had previously served as a City Council Member for the City of Independence and would be able to fill the remainder of term without disruption.

Requested Action:

It is recommended that the City Council consider appointment of Brad Fisher to the remainder of the City Council term vacated by the resignation of Brad Spencer.

ATTACHMENTS: RESOLUTION No.s 25-0204-01 and 25-0204-02



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0204-01

A RESOLUTION ACCEPTING RESIGNATION AND DECLARING A VACANCY

WHEREAS, the Independence City Council has received the written resignation of Brad Spencer, effective on January 7, 2025.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA AS FOLLOWS:

1. The council accepts Council Member Spencer's resignation as described above.

The council declares that a vacancy exists on council effective on January 7, 2025.

This resolution was adopted by the City Council of the City of Independence on this 4th day of February 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0204-02

**RESOLUTION APPOINTING BRAD FISHER TO FILL THE CITY COUNCIL
VACANCY CREATED BY THE RESIGNATION OF BRAD SPENCER**

WHEREAS, Council member Brad Spencer submitted a resignation letter to the Independence City Council on Tuesday, January 7, 2025; and

WHEREAS, upon receipt of the resignation letter, the City Council approved a motion to accept his resignation and declare the office of council member vacant effective January 7, 2025; and

WHEREAS, pursuant to Minnesota Statute 412.02, when a vacancy exists in a city council member's office, the City Council must by resolution declare that the vacancy exists; and

WHEREAS, the City Council met on Monday, January 27th, 2025, to discuss the replacement and considered residents that had expressed interest in serving on City Council; and

WHEREAS, at the January 27th, 2025, City Council Meeting, City Council recommended appointing Brad Fisher to the City Council seat.

NOW, THEREFORE, be it resolved by the City Council of the City of Independence, Minnesota, that the City Council does hereby appoint Brad Fisher to replace City Council member Brad Spencer to the City Council seat effective February 4th, 2025

This resolution was adopted by the City Council of the City of Independence on this 4th day of February 2025, by a vote of _____ayes and_____nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

■City of Independence

***Request for a Variance to
Allow a Temporary Real Estate Sign
on the Property located at 9285 US Hwy 12***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 4, 2025
<i>Applicant:</i>	William Stoddard
<i>Property Owner:</i>	William Stoddard
<i>Location:</i>	9285 US Hwy 12

Request:

PUBLIC HEARING: William Stoddard (Applicant) and Motor Condos LLC (Owner) requests that the City consider the following action for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

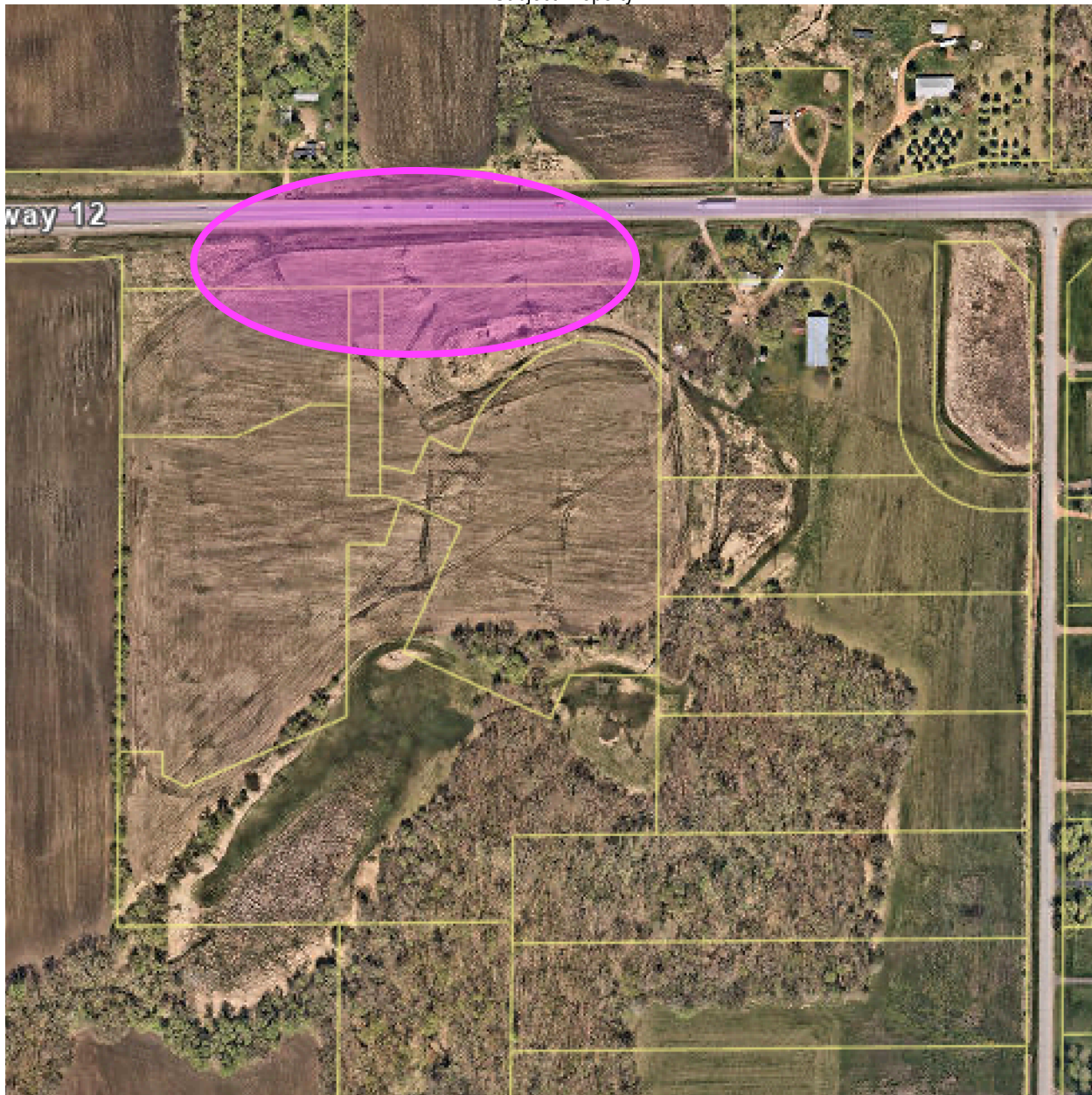
- a) A variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

Property/Site Information:

The property is located on the south side of US Hwy 12 just east of County Line Road. The property was recently subdivided as a part of the overall plat approved by the city. . The property has the following characteristics:

Property Information: 9285 US Hwy 12
Zoning: Urban Commercial
Comprehensive Plan: Urban Commercial
Acreage: ~26 acres

Subject Property



Discussion:

The applicant approached the City about the possibility of installing a temporary real estate sales sign on the subject property. The applicant noted that the recent ROW dedication for MNDOT as well as the future city street causes the available sign location to be set back a considerable distance from the edge of Hwy 12. Combined with the high speeds on Highway 12, the applicant noted that the visibility of a temporary real estate sign complying with applicable requirements would be limited.

The city allows temporary real estate signs to be a maximum of 32 SF (8' x 4'). It should be noted that permanent free-standing signs (actual business signs) are allowed to be a maximum of 80 SF. The applicant is asking the city to consider granting a variance for a temporary real estate sales sign that is 80 SF (8' x 10'). In addition to the square footage, the applicant is asking for a "V" shaped sign that would have two (2) surfaces. The city's ordinance limits temporary signs to one surface (can have text on both sides of the single surface).

The applicant has prepared several graphics depicting the proposed sign graphics and overall size. The applicant has also prepared several photo exhibits that show an allowed sign from various vantage points on Highway 12.

The criteria for granting a variance from the sign ordinance provisions are clearly delineated in the City's Zoning Ordinance (Section 550.13 subd. 5.) as follows:

Subd. 5. *Variances.* The planning commission may recommend, and the city council may grant variances from the literal provisions of this section in instances where the applicant for a variance has demonstrated that all of the following standards have been met:

- (a) Because of the physical surroundings, shape, topography or condition of the land involved, a hardship to the applicant would result if the strict letter of the section were carried out;
- (b) The conditions upon which the variance is based are unique to the applicant's land and not generally applicable to other property within the same zoning classification;
- (c) The hardship arises from the requirements of this section and has not been created by persons presently or formerly having any interest in the property;
- (d) A granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the land is located.

Subd. 6. *Conditions and restrictions.* Upon the granting of a variance the city council may impose conditions and restrictions with the spirit and intent of this section.

The applicant received approval for the development of the garage condominiums from the city and is in the process of initiating construction. The city has reviewed requested variance and agrees that this property unique characteristics (commercial zoning on Highway 12) that could be considered a hardship to the applicant if they have to comply with the 32 SF sign maximum. There are a few additional considerations that should be noted by the city:

- The 32 SF is generally an adequate size for the sale of individual lots or small residential developments. This size also is more visible on residential streets that have slower speeds and or common right of way widths.
- The requested variance is for a temporary real estate sign for a commercial development. The duration is limited to the time that units are for sale on the property. I would

recommend that the Planning Commission consider adding a condition that would limit the time permitted for the temporary sign to three (3) years with the ability to seek annual extensions directly from the City Council. The number of units available and the potential that it could take some time to sell all units

- The city may want to consider amending the sign ordinance to consider allowing larger temporary real estate signs.

The City will need to consider if the requested variance meets applicable criteria and can be supported.

Neighbor Comments:

The City has not received any comments or questions relating to the requested variance.

Planning Commission Discussion:

Commissioners discussed the variance and asked questions of staff and the applicant. Commissioners asked how far back the sign would be from the edge of Hwy 12. It was noted that the sign would have to be located approximately 75' from the edge of the pavement. Commissioners noted that the setback and speed on Hwy 12 warranted a larger sign. Commissioners also noted that the request is for a temporary sign. Commissioners recommended approval to the City Council.

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 550, Sign Regulations, in the City of Independence Ordinance.
2. The variance will include the following conditions:
 - a) The variance will allow an 80 SF temporary real estate sign with two (2) sides in a "V" configuration.
 - b) The temporary sign shall be constructed in accordance with all applicable zoning codes, other applicable standards.

- c) The temporary sign shall be installed in accordance with the approved plans attached hereto as Exhibit B.
 - d) The temporary sign shall be permitted for up to three (3) years from the date of City Council approval. The applicant can ask the City Council for additional one (1) year extensions prior to expiration of this approval.
3. The applicant shall pay for all costs associated with the review of the variance application.

Attachments:

- 1. Application
- 2. Sign Graphics
- 3. Photo Exhibits



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0204-03

**A RESOLUTION APPROVING A VARIANCE TO ALLOW A
TEMPORARY SIGN THAT EXCEEDS THE MAXIMUM SIZE ALLOWED
ON THE PROPERTY LOCATED AT 9285 HWY 12**

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 2020 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, William Stoddard (the “Applicant/Owner”) submitted an application for a variance to allow reduced setbacks on the property located at 9285 US Hwy 12 (PID No. 18-118-24-21-0001) (the “Property”); and

WHEREAS, the Property is zoned Urban Commercial -UC; 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 Urban Commercial lots; and

WHEREAS the Planning Commission held a public hearing on January 21, 2025, 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 William Stoddard 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. The speed of travel on Highway 12 reduces visibility and makes it difficult to read a sign meeting the requisite sign size.
 - b. The setback from the edge of the road resulting from the additional right of way dedicated by the owner decreases the signs visibility.
 - c. The proposed sign is temporary and will be removed once the proposed units have been sold.
3. The variance will include the following conditions:
 - a. The variance will allow an 80 SF temporary real estate sign with two (2) sides in a “V” configuration.
 - b. The temporary sign shall be constructed in accordance with all applicable zoning codes, other applicable standards.
 - c. The temporary sign shall be installed in accordance with the approved plans attached hereto as **Exhibit B**.
 - d. The temporary sign shall be permitted for up to three (3) years from the date of City Council approval. The applicant can ask the City Council for additional one (1) year extensions prior to expiration of this approval.
4. The applicant shall pay for all costs associated with the review of the variance application.
5. The City Council Resolution shall be recorded with Hennepin County.

This resolution was adopted by the City Council of the City of Independence on this 4th day of February 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B
(Sign Plans)



**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 12-06-2024

Applicant Information

Name: William James Stoddard
Address: 5705 Wood Duck Circle
Excelsior, Minnesota
55331
Primary Phone: 612 802 3666
Email: bill@ibill.us

Owner Information

Name: Motor Condos, LLC
Motor Condos, LLC
Address: 5705 Wood Duck Circle
Excelsior, Minnesota
55331
Primary Phone: 612 802 3666
Email: bill@ibill.us

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Building Plans, Construction Plans

Signature:



MOTOR CONDOS™ at INDEPENDENCE

MontegoBlu
DESIGN | SIGNS | WRAPS

Round 2_121224

BEN@MOTGOBLU.COM | 952.300.0149 | 304 WATER STREET | EXCELSIOR, MN 55331

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ORIGINAL FOR SALE SIGN



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MOCK UP TO SCALE



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SITE SIGN



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THANKS FOR THE OPPORTUNITY
Let's chat...



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“V” SHAPE



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■City of Independence

***Request for a Conditional Use Permit to Allow a Detached
Accessory Dwelling Unit (ADU) on the Property Located at 7104 Pioneer Creek Rd.***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 4, 2025
<i>Applicant:</i>	Tom Bren
<i>Owner:</i>	Sarah Goullaud
<i>Location:</i>	7104 Pioneer Creek Rd.

Request:

Tom Bren (Applicant) and Sarah Goullaud (Owner) requests that the City consider the following action for the properties located at 7104 Pioneer Creek Rd., Independence, MN (PID No. 19-118-24-14-0001 and 22-118-24-33-0001):

- a) A conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.

Property/Site Information:

The property is located on the north side of Pioneer Creek Rd and east of CSAH 92. The property has an existing home.

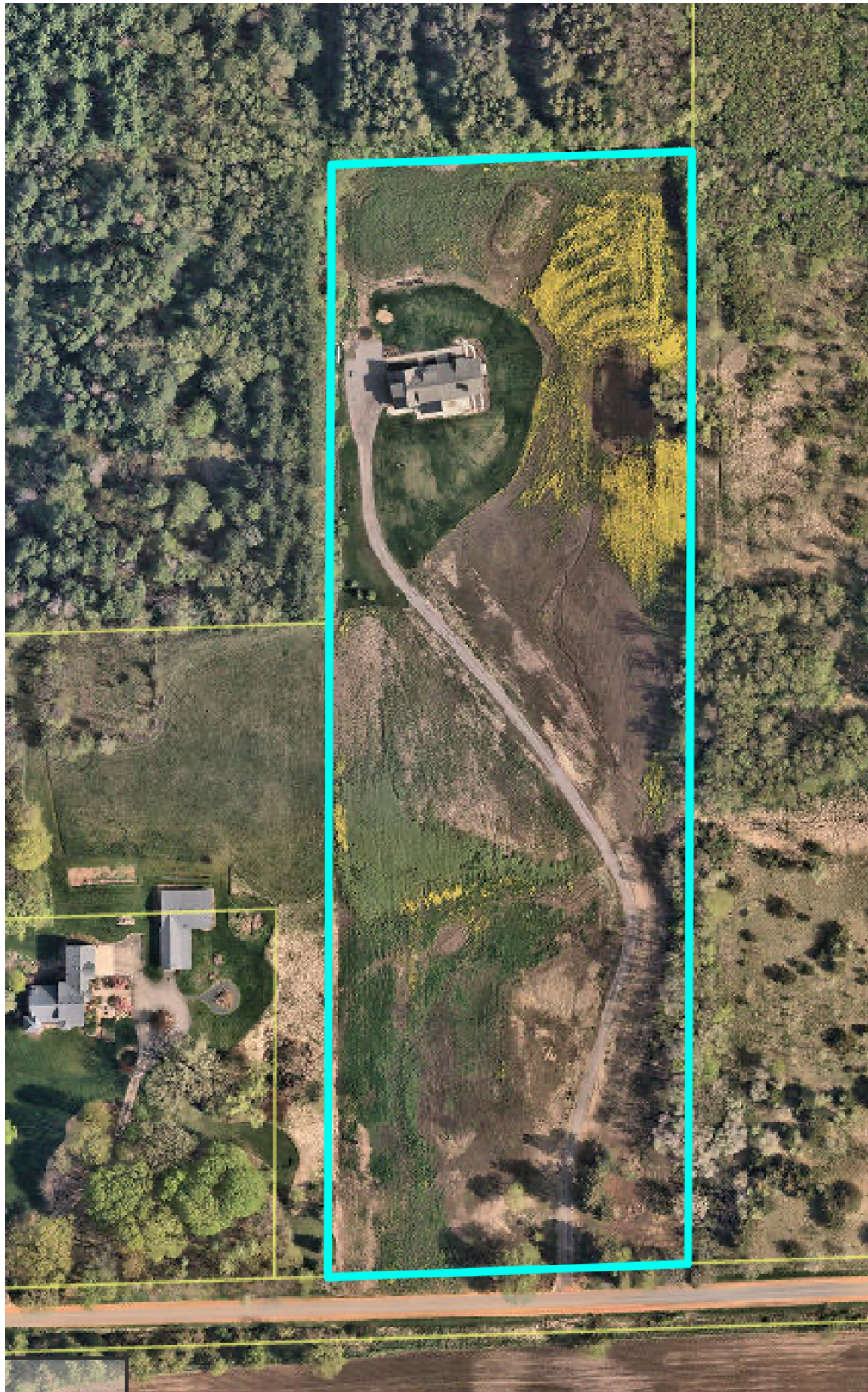
Property Information: **7104 Pioneer Creek Rd.**

Zoning: AG-Agriculture

Comprehensive Plan: AG-Agriculture

Acreage: 9.71 acres

7104 Pioneer Creek Rd. - Aerial



Discussion:

The applicant is seeking a conditional use permit to allow the construction of a new detached accessory dwelling unit (ADU) in the northwest corner of the property. The applicant discussed the requirements and proposed plans with staff. Accessory dwelling units are a conditional use within the AG-Agriculture zoning district.

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

An accessory dwelling unit must meet the following criteria:

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

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

The applicant is proposing to construct a detached accessory dwelling unit within a portion of a new detached accessory structure. The proposed accessory building would have a two (2) stall garage and also a main level living area (approximately 600 SF) and a second level loft (approximately 378 SF). The ADU would be 978 SF (2 floors) and the remainder of the proposed accessory structure is 700 SF (garage).

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

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

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

The proposed accessory dwelling unit would be separated from the single-family home as it is proposed to be located in a new detached accessory building.

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

The proposed accessory structure appears to be generally similar to the principal home on the property.

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

The principal structure has ~3,042 square feet of above ground space. The city allows 33% of 3,042 square feet which equals 1,004 square feet. The proposed ADU is 978 SF

which is less than the maximum square footage allowed. It should be noted that the remaining square footage is proposed to be used as storage/garage space.

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

The lot is 9.71 acres, and the city allows 2% of the total upland SF to be used for detached accessory structures (~339,768 x .02% = 6,795 SF). The total square footage of all accessory structures would be approximately 1,300 SF which is less than the maximum permitted.

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

The proposed structure includes permanent provisions for cooking, living and sanitation. The ADU would have a kitchen and bathroom along with a living space on the first level. The second level loft could be used for a bedroom or additional living space.

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

The proposed ADU has a combined living space that also would accommodate sleeping as well as an open loft area that could also be used for sleeping.

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

The applicant is proposing that the accessory dwelling unit may be occupied by a family member at some point in the future. The owner understands that it must be occupied only by relatives.

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

The applicant would need to connect the proposed ADU to the existing septic system on the property. The proposed connection and existing septic system would be reviewed by the city.

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

The city noted that this property cannot be subdivided at this time as no additional eligibilities exist. The location of the proposed accessory structure and subsequent ADU does not appear to impact the potential subdivision of this property in the future.

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

The proposed accessory structure will meet all applicable building codes

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

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

The location of the proposed accessory building and its proximity to the surrounding properties appears to mitigate potential impacts of the conditional use. The surrounding properties have limited visibility and or site lines to the existing property due to the elevation of the property and existing wooded areas. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

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

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

Consideration for the proposed conditional use permit should weigh the impact of having a detached accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the

construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

- Should the city consider an approval recommendation, the following conditions should be included:
 - The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City did receive one (1) verbal comment from an adjacent property owner. They wanted to make sure that the city reviewed the setbacks to the west and north property lines to ensure compliance with applicable setbacks.

Planning Commission Discussion:

Commissioners discussed the request and asked questions of staff and the applicant. Commissioners noted that the ADU was located close to the west (side) property line and confirmed it met applicable setbacks. The applicant noted that it was located in this area so that her family member would be located close to the gardens adjacent to the proposed ADU. Commissioners found that the criteria for approving the CUP have been met and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the requested conditional use permit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The ADU will be constructed in accordance with the approved plans shown on Exhibit B attached hereto.

5. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements.
6. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
7. The conditional use permit shall be recorded with Hennepin County.

Attachments:

1. Application
2. Site Survey (Existing/Proposed)
3. Building Plans/Elevations



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0204-04

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO
ALLOW A DETTACHED ACCESSORY DWELLING UNIT (ADU) ON THE
PROPERTY LOCATED AT 7104 PIONEER CREEK 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 2020 to guide the development of the community; and

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

WHEREAS Tom Bren (Applicant) and Sarah Goullaud (Owner) is requesting a conditional use permit to allow an attached accessory dwelling unit on the property located at 7104 Pioneer Creek Rd. (PID No. 09-118-24-14-0001) in the City of Independence, MN:

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

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

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

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

WHEREAS the Planning Commission held a public hearing on January 21, 2025, to review the application for a Conditional Use Permit, following mailed and published noticed as required by law; and

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

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

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The ADU will be constructed in accordance with the approved plans shown on **Exhibit B** attached hereto.
5. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements.
6. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
7. The conditional use permit shall be recorded with Hennepin County.

This resolution was adopted by the city council of the City of Independence on this 4th day of February 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

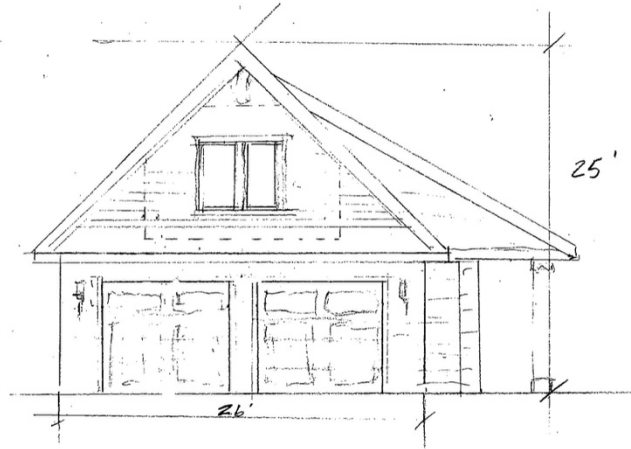
Mark Kaltsas, City Administrator

Exhibit A
(Legal Description)

LEGAL DESCRIPTION:

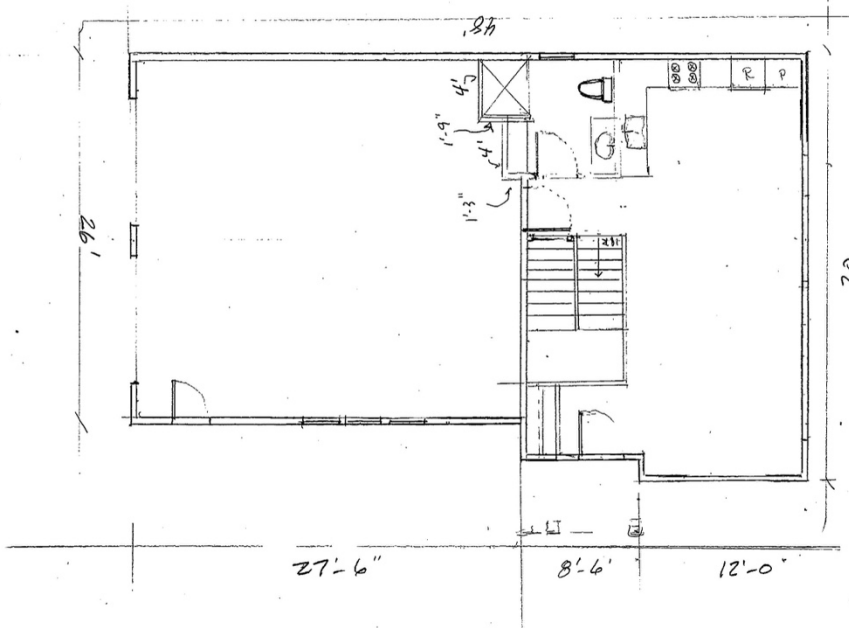
The South 1173 feet of the East 371.25 feet of the West 45 rods of the Southwest Quarter of Section 22, Township 118, Range 24, West of the 5th Principal Meridian, Hennepin County, Minnesota.

Exhibit B
(Approved Plan)



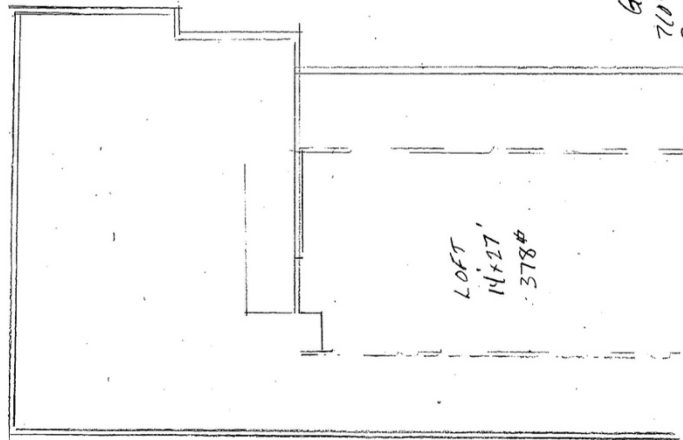
GOLLAND
7104 PIONEER RD
12-13-24

Pg 1



GOLLAND
7104
PIONEER CREEK RD
12-13-24

Pg 2



GONLAND
7104
PIONEER CR. RD
12-13-24



**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 12-13-2024

Applicant Information

Name: Tom Bren

Address: 7104 Pioneer Creek Rd
Independence, Minnesota
55359

Primary Phone: 612-759-5610

Email: tbren@thomasbrenhomes.com

Owner Information

Name: Sarah Goullaud

Address: 7104 Pioneer Creek Rd
Independence,
Minnesota 55359

Primary Phone: 612-581-2187

Email: sgoullaud@comcast.net

Property Address:

PID:

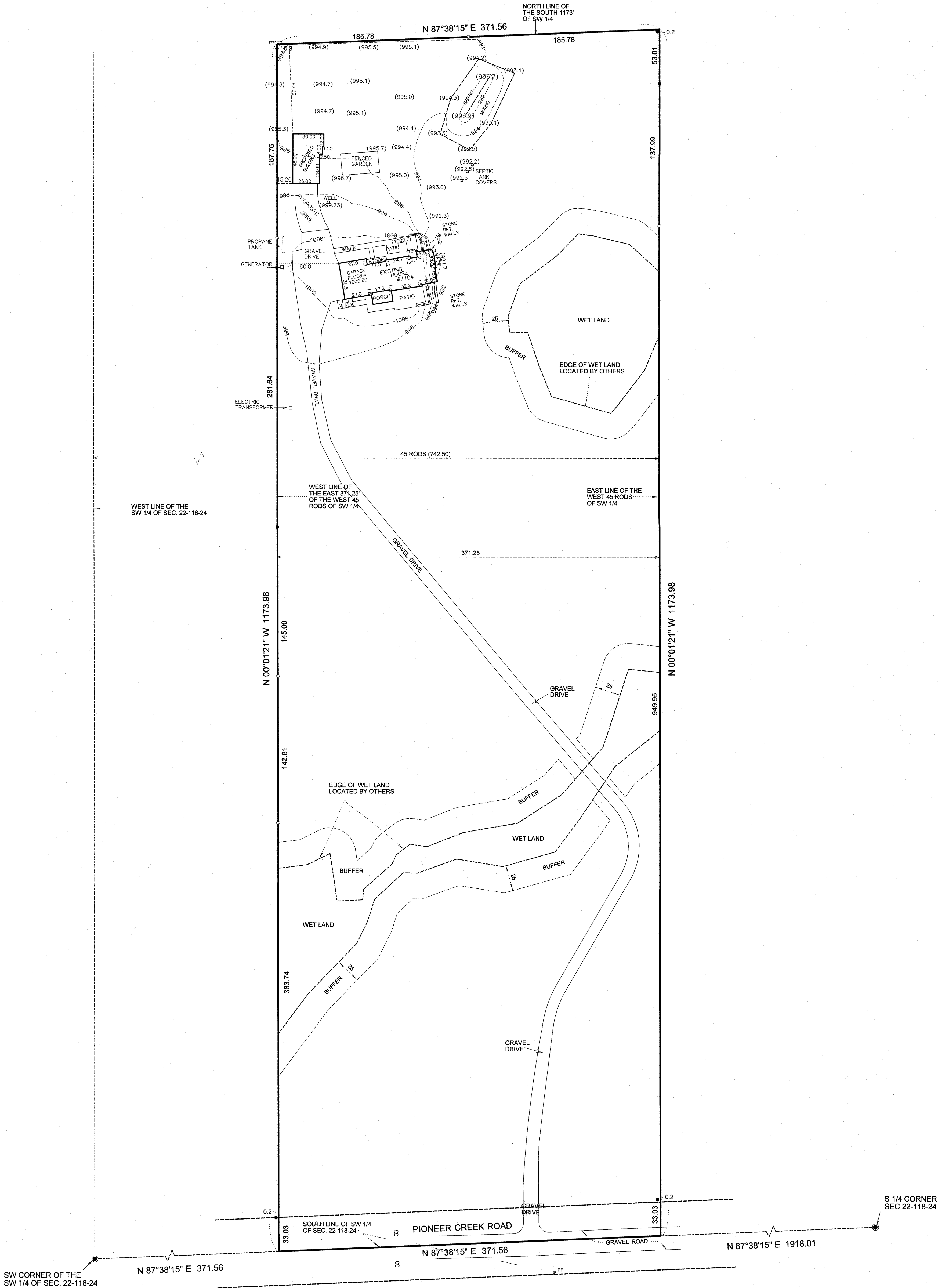
Planning Application Type: Accessory Building Review

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions),
Preliminary/Final Plan

Signature:

CERTIFICATE OF SURVEY FOR
THOMAS BREN HOMES
IN THE SW 1/4 OF SEC. 22-118-24
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION:
The South 1173 feet of the East 371.25 feet of the West 45 rods of the Southwest Quarter of Section 22, Township 118, Range 24, West of the 5th Principal Meridian, Hennepin County, Minnesota.

○ : Denotes set iron marker
● : Denotes found iron marker
● : Denotes found Henn. Co. CIM
(998.5) : Existing spot elevation
---998--- : Existing contour

This survey intends to show the boundaries of the above described property, a existing house, driveway, topography, wet lands located by Stantec, a proposed building, and proposed drive. It does not purport to show any other encroachments or improvements.

REVISIONS	
DATE	REMARKS
12-9-21	ADDED EXISTING FEATURES
6-13-22	ADDED PROPOSED HOUSE AND DRIVE
6-29-22	ADDED WET LAND BUFFERS
7-1-22	REVISED WET LAND BUFFERS
7-6-22	REVISED WET LANDS AND BUFFERS
12-12-24	EXISTING HOUSE, DRIVE, TOPO, PROPOSED BUILDING SHOWN

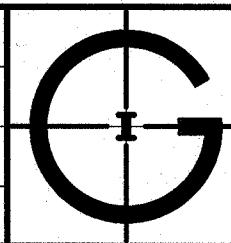
DESIGNED I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

DRAWN

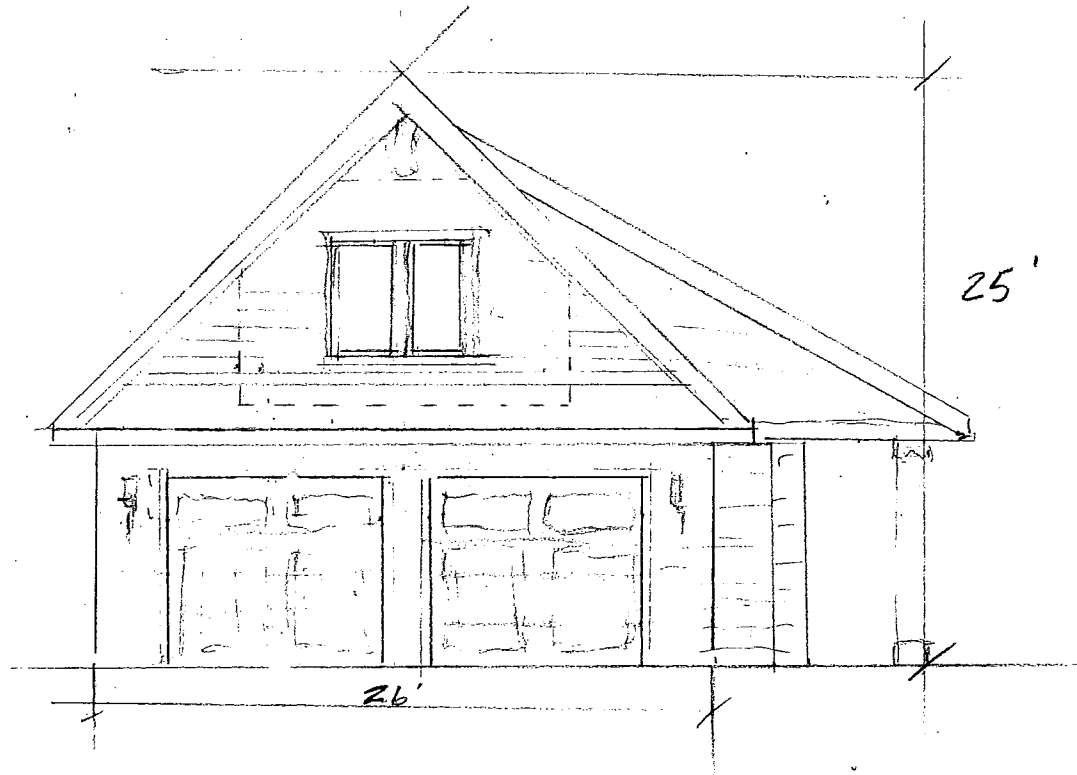
CHECKED

DATE 12-12-24 MINN. LICENSE NUMBER 12755

DATE 10-25-21
SCALE 1"=50'
JOB NO. 24-304
SHEET 24-304 OF 2 SHEETS

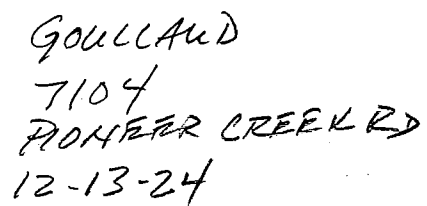


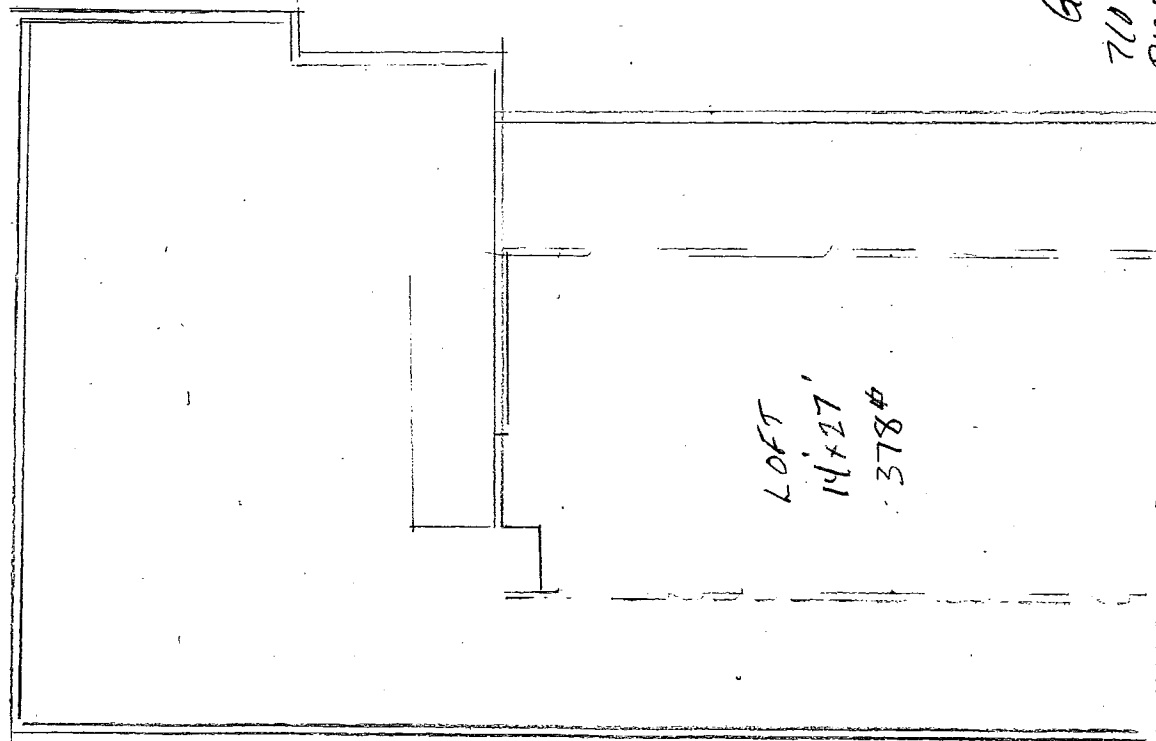
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



GONLLAND
7104 PIONEER RD
12-13-24

PG 1





GOLLAND
7104
PIONEER CR. RD
12-13-24

City of Independence

Consideration and Confirmation of Land Use Determination for the Property Located at 1985 County Road 90 N.

To: City Council

From: Mark Kaltsas, City Administrator

Meeting Date: February 4th, 2025

Discussion:

The city recently approved the site plan for two (2) new commercial buildings and the subsequent site improvements on the property located at 1985 CSAH 90 N. The property is zoned CLI-Commercial Light Industrial. The buildings were recently completed, and the owner is in the process of leasing space within both buildings.

A possible tenant has reached out to the city to confirm that their use is a permitted use within the CLI zoning district. The potential user (A-Gas, Inc.) is an international company that captures refrigerant gas for future re-use or safe destruction, preventing its harmful release into the atmosphere. The company would like to use the space for storage of recaptured refrigerant gas that would be recycled (re-use) or destroyed (not on this property). The city reviewed the request from both a building code and land use perspective. There were several issues noted that the city wanted to confirm relating to both building and zoning codes as follows:

Building Code:

The city confirmed that the occupancy rating of the building would allow the proposed use without additional modification to the structure or fire suppression requirements. Based on the information provided by the applicant, the city has determined that the proposed use will meet applicable building code requirements.

Zoning Code:

The property is zoned CLI – in the CLI zoning district, the city lists a variety of permitted uses. Storage and warehousing are permitted with the exception of toxic, explosive, hazardous or highly flammable products (see below).

530.13. Commercial-Light Industrial District established.

- Subd. 1. *Purpose.* The Commercial-Light Industrial District is established for the restricted purpose of providing for commercial-light industrial development compatible with the rural character of the city.
- Subd. 2. *Permitted uses.* The following uses are permitted in the Commercial-Light Industrial District. All permitted uses must be operated from, or in association with, a primary building.
- (a) Farm equipment sales;
 - (b) Retail sales;
 - (c) Commercial recreation;
 - (d) Device or office uses;
 - (e) Storage and warehousing, excluding the storage or warehousing of toxic, explosive, hazardous or highly flammable products;
 - (f) Wholesale businesses;
 - (g) Building material sales and storage, within enclosed buildings;
 - (h) Contractors' offices;
 - (i) Adult establishments licensed under section 1120 of this Code;
 - (j) Any other use determined by the city council to be similar in character to a permitted use.

It was noted that the city's zoning ordinance does provide definitions of hazardous, toxic, explosive. Staff discussed this provision with the potential business and asked for additional information relating to the refrigerant gas and whether or not it would be classified as toxic, explosive, hazardous or highly flammable. The potential business had a third-party engineer provide additional information relating to these issues. The engineer noted that the building code does define hazardous materials and provided a more detailed breakdown as follows:

Below is the definition of Hazardous Materials from the building code:

[F] HAZARDOUS MATERIALS. Those chemicals or substances that are *physical hazards* or *health hazards* as classified in Section 307 and the *International Fire Code*, whether the materials are in usable or waste condition.

Section 307 is Section that defines an H occupancy, which we addressed is not what you are, and they provide the Tables for the regulated classifications and quantities allowed before they space is considered an H or hazardous occupancy. Tables provided in the code, compressed gas is not listed and closest on the list would be "Inert Gas" which is noted as NA (Not Applicable) as it is not considered hazardous for code purposes and defining the occupancy.

The zoning code states that Storage and warehousing is allowed as long as it does not involve toxic, explosive, hazardous or highly flammable products. I don't consider the refrigerants as hazardous in the terms that the zoning code or the building code intend to address it.

Actual the definitions of Physical and health hazard may further show what we have is not defined as hazardous per the code. Refrigerants, compressed gas, nor inert gas is listed.

[F] PHYSICAL HAZARD. A chemical for which there is evidence that it is a combustible liquid, cryogenic fluid, explosive, flammable (solid, liquid or gas), organic peroxide (solid or liquid), oxidizer (solid or liquid), oxidizing gas, pyrophoric (solid, liquid or gas), unstable (reactive) material (solid, liquid or gas) or water-reactive material (solid or liquid).

[F] HEALTH HAZARD. A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals that are toxic or highly toxic, and corrosive.

Staff is seeking direction from the City Council relating to the interpretation of the zoning code and whether or not the proposed use of the building conforms to applicable criteria. The refrigerant is not considered flammable, explosive or highly toxic based on the common definition of each and in accordance with the building code. The city's ordinance does not provide specific information pertaining to the intent or definition of hazardous; however, it is defined in the building code. As noted, refrigerants are not listed as physical hazard or health hazard as defined.

Council has the ability to provide direction and or confirm an interpretation of the zoning code or determine that the proposed use is similar in character to other permitted uses. Staff is seeking direction and or confirmation that the use proposed is permitted in the CLI zoning district.

Requested Action:

Council is being asked to consider and confirm that the use proposed is permitted in the CLI zoning district.

SCALE: DESIGN BY:
AS SHOWN SJH
PLAN BY: CHECK BY:
VRB CRB

REVISIONS

NO.	DATE	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Brad A. Reifsteck
BRAD A. REIFSTECK

DATE: 10-14-2022 LIC. NO: 47930

SITE PLAN

SAM'S LANDSCAPING
INDEPENDENCE, MN

WSB PROJECT NO.
018085-000

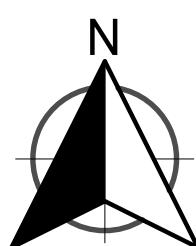
SHEET
CS101

Owner Contact:
1985 CO RD 90, LLC
3175 Hunter Drive
Medina, MN 55340
Ben Vandeputte
Ph. 763-478-0200
ben@samlandscape.com

Engineer Contact:
WSB
15574 Edgewood Dr
Baxter, MN 56425
Chris Sonmor, PE
Ph. 320-534-5964
CSonmor@wsbeng.com

EXISTING
BITUMINOUS
ENTRANCE

HENNEPIN COUNTY HIGHWAY NO. 90



0 40 80
H. SCALE IN FEET

LEGEND

- EXISTING PROPERTY LINE
- REJECT CURB
- PROPOSED CONCRETE SIDEWALK
- PROPOSED HEAVY DUTY BITUMINOUS
- PROPOSED BITUMINOUS
- PROPOSED TRUNCATED DOMES
- PROPOSED GRAVEL
- STALL COUNT

SITE PLAN NOTES

- SEE SHEET CJ001 FOR GENERAL NOTES, SHEET CE101 FOR EXISTING CONDITIONS, & SHEET CG101 FOR PROPOSED SURFACE ELEVATIONS.
- ALL EASEMENTS SHOWN ON EXISTING CONDITIONS PLAN
- REFER TO ARCHITECTURAL PLANS FOR BUILDING PROGRAMING, INTERIOR PARKING DESIGN AND FACADE TREATMENT.
- SEE LANDSCAPE PLANS FOR ADDITIONAL SITE PLAN FEATURES.
- DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVEMENT AND EXTERIOR FINISH FACE OF STRUCTURES UNLESS OTHERWISE NOTED.
- CROSS ACCESS AGREEMENT WILL BE EXECUTED WITH THE FINAL PLANS FOR SERVICE AND MAINTENANCE VEHICLE ACCESS
- REFER TO SHEET CG101 FOR PROPOSED SURFACE ELEVATIONS.
- SAW ALL CONCRETE CONSTRUCTION JOINTS, CLEAN THEM OF DEBRIS, BLOW THEM DRY AND IMMEDIATELY SEAL WITH JOINT SEALANT.
- PATCH EXISTING STREET PAVEMENTS TO MATCH EXISTING WHEN INSTALLING CURB AND DRIVEWAYS.
- REFER TO ARCHITECTURAL AND/OR STRUCTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS, STOOP AND RAMP LOCATIONS.
- SAW ALL CONCRETE CONSTRUCTION JOINTS, CLEAN THEM OF DEBRIS, BLOW THEM DRY AND IMMEDIATELY SEAL WITH JOINT SEALANT.
- REINFORCE ODD SHAPED PAVING PANELS WITH #3 BARS AT 24" EACH WAY. AN ODD SHAPED PANEL IS CONSIDERED TO BE ONE IN WHICH THE SLAB TAPERS TO A SHARP ANGLE WHEN THE LENGTH TO WIDTH RATIO EXCEEDS 3 TO 1 OR WHEN A SLAB IS NEITHER SQUARE NOR RECTANGULAR.
- THE CONTRACTOR SHALL CONSTRUCT ALL PAVEMENTS TO CONFORM WITH THE CORRECT LINES AND FINISHED GRADES AS INDICATED ON THE PLANS AND TO MATCH EXISTING PAVEMENT GRADES AT TIE-IN POINTS. NO PONDING OF WATER WILL BE ALLOWED.
- THERE ARE NO ENVIRONMENTAL FEATURES ON SITE THAT AFFECT SITE CAPACITY CALCULATIONS.

KEYNOTES

- NEW, SINGLE-STORY BUILDING.
- BITUMINOUS PAVEMENT. (SEE DETAIL 2/CS501)
- GRAVEL PAVEMENT. (SEE DETAIL 4/CS501)
- CONCRETE SIDEWALK. (SEE DETAIL 5/CS501)
- B.624 CONCRETE CURB AND GUTTER. (SEE DETAIL 1/CS501)
- ACCESSIBLE PARKING / CURB RAMP. (SEE DETAIL 7/CS501)
- EXISTING SEPTIC FIELD. (TO BE REMOVED)
- PROPOSED PRIMARY SEPTIC FIELD.
- PROPOSED RESERVE SEPTIC FIELD.
- EXISTING STRUCTURES. (TO BE REMOVED)
- INTEGRAL CURB AND SIDEWALK. (SEE DETAIL 6/CS501)
- HEAVY DUTY BITUMINOUS PAVEMENT. (SEE DETAIL 3/CS501)
- WETLAND TO BE IMPACTED 0.37 ac ONCE APPROVED. REFER TO WETLAND REPLACEMENT PLAN.
- INSTALL STOP SIGN PER CITY OF INDEPENDENCE/HENNEPIN COUNTY STANDARDS & PER PERMIT # UID 421/PERMIT #2019-A112.
- 20 FOOT WETLAND BUFFER

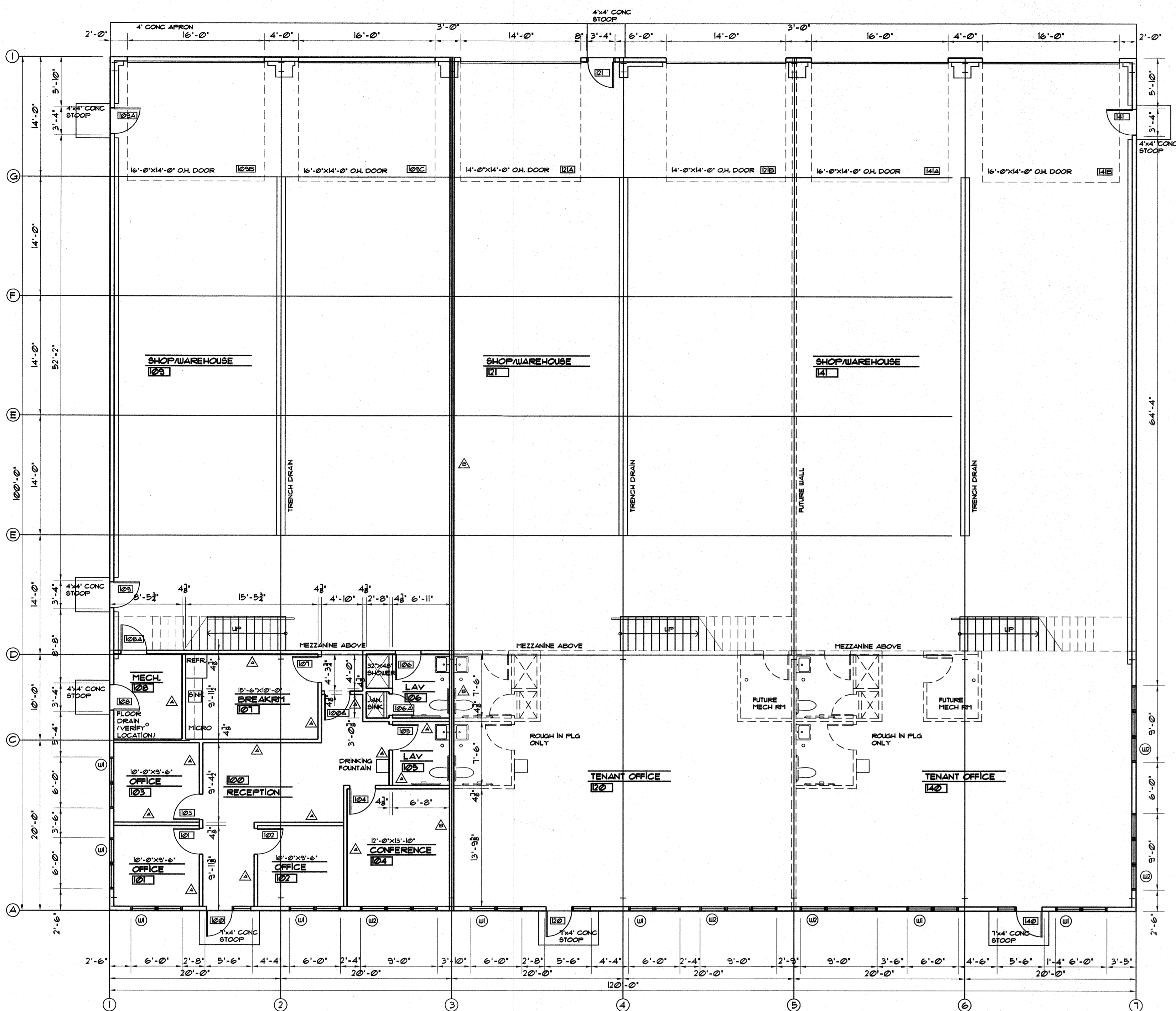
LAND USE SUMMARY

SITE AREA	7.56 AC.
PROPOSED BUILDING	24,000 SF
PROPOSED PARKING	69 TOTAL
IMPERVIOUS COVERAGE	53.0 %

THE PROPOSED STORMWATER FACILITY SHOWN HEREON HAS BEEN PRELIMINARILY SIZED TO TREAT A 60% IMPERVIOUS SITE.

REFERENCE SURVEY

EXISTING SITE INFORMATION WAS TAKEN FROM A CERTIFICATE OF SURVEY COMPLETED BY SCHOBORG LAND SERVICES, INC. DATED 09-05-2017, MOST RECENTLY REVISED 09/25/2018.



1
A1
SCALE: 1/8" = 1'-0"

TWO BUILDINGS TOTAL
NORTH & SOUTH
(MIRROR IMAGE)

BUILDING CODE REVIEW

BASED ON 2018 IBC
BASED ON 2020 MN BUILDING CODE
BUILDING TYPE IIB (CONCRETE AND STEEL CONSTRUCTION)
NO FIRE SPRINKLER SYSTEM INSTALLED
BUILDING IS 1 STORY W/ MEZZANINE AREAS

BUILDING IS MULTI TENANT BUILDING
NON-SEPARATED OCCUPANCY (1 HOUR FIRE SEPERATION BETWEEN TENANT SPACES)
B OCC. = 1052 SQ. FT.
A-3 OCC (ACCESS.) = 168 SQ. FT.
TOTAL SQ. FTG. = 1200 SQ. FT.

ALLOWABLE BUILDING AREA CALCULATIONS
BASE ALLOWABLE SQ. FTG. = 23,000 SQ. FT./FLOOR (B)
ALLOWABLE 3 STORIES
ALLOWABLE AREA = 23,000 SQ. FT.
ACTUAL AREA = 12,000 SQ. FT.

TENANT #1 WORK
OCCUPANT LOAD
B (OFFICE) 1052 TOTAL SQ. FT. / 150 PER OCC. = 8 OCC.
A-3 (MEETING RM) 168 SQ. FT. / 12 PER OCC. = 25 OCC.
S-2 (WAREHOUSE) 2780 SQ. FT. / 200 PER OCC. = 14 OCC.
B (MEZZANINE OFFICE) 1200 SQ. FT. / 150 PER OCC. = 8 OCC.
TOTAL OCC. LOAD = 55 OCC.
EXITS REQUIRED FROM TENANT SPACE (2) (3) PROVIDED
ONE EXIT REQ'D FROM MEZZANINE (LESS THAN 29 OCC.)

TENANT #2 NO WORK
FUTURE OFFICE/WAREHOUSE SPACE TOTAL 4,000 SQ. FT.
TENANT #3 NO WORK
FUTURE OFFICE/WAREHOUSE SPACE TOTAL 4,000 SQ. FT.

PLUMBING FIXTURE COUNT

OCCUPANT LOAD
TOTAL OCC LOAD = 55 OCC.
FIXTURES REQ'D BY CODE

B OCC. REQUIRES 1 TOILET/25 OCC. FOR FIRST 50 & 1 PER 50 BEYOND
TOILETS REQ'D (2)

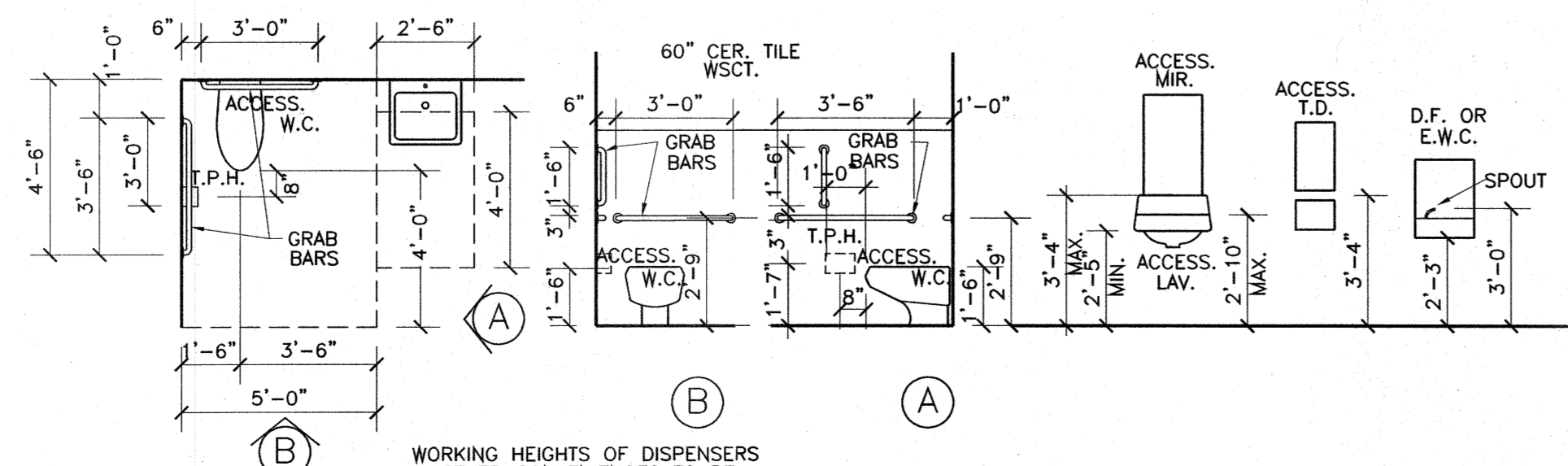
B OCC. REQUIRES 1 SINK/40 OCC. FOR FIRST 80 & 1 PER 80 BEYOND
SINKS REQ'D (2)

TOTAL TOILETS REQUIRED (2) TOTAL SINKS REQ'D (2)
TOTAL TOILETS PROVIDED (3) TOTAL SINKS PROVIDED (3)

WALL TYPES

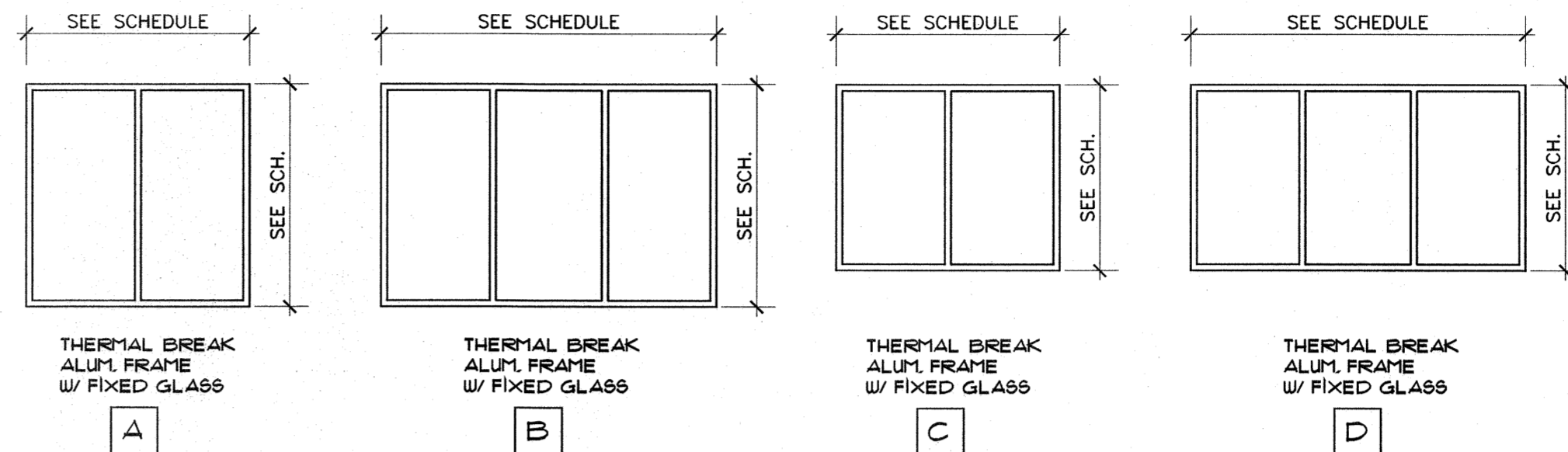
A 3" METAL STUDS @ 24" O.C.
8" GYP BD EA. SIDE (FULL THICK SOUND BATTS)
WALL TO CEILING

B 6" METAL STUDS @ 24" O.C.
8" GYP BD EA. SIDE (FULL THICK SOUND BATTS)
WALL TO CEILING
(1 HOUR FIRE WALL) TENANT SEPERATION

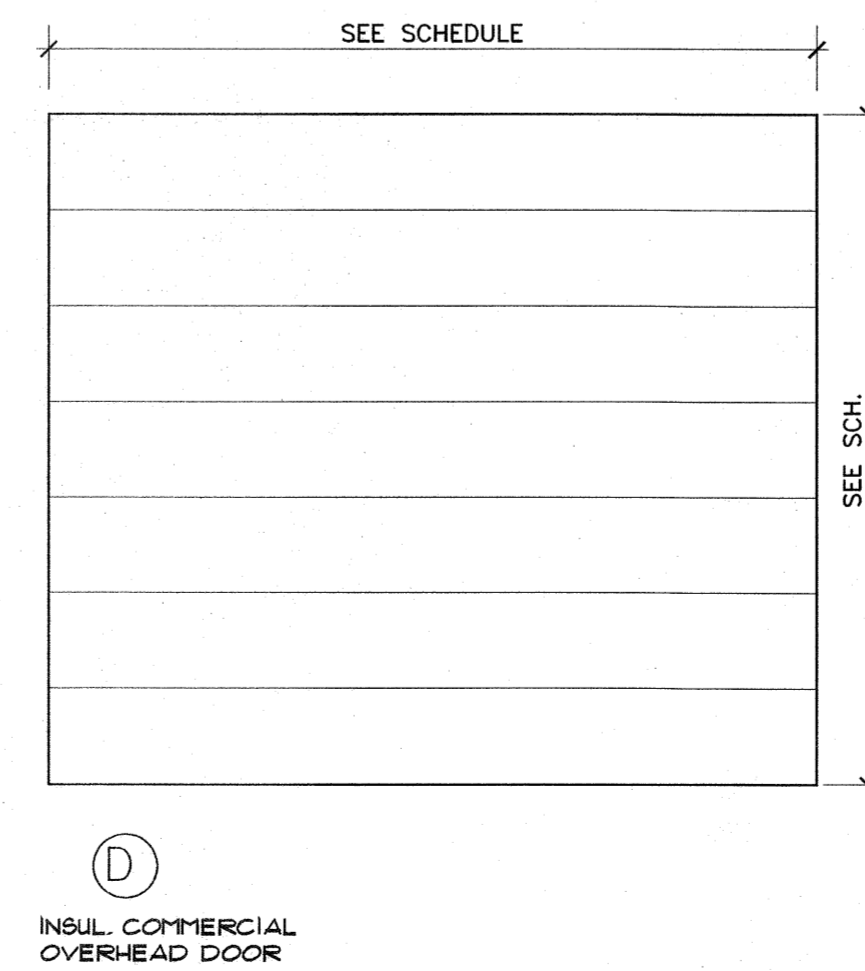
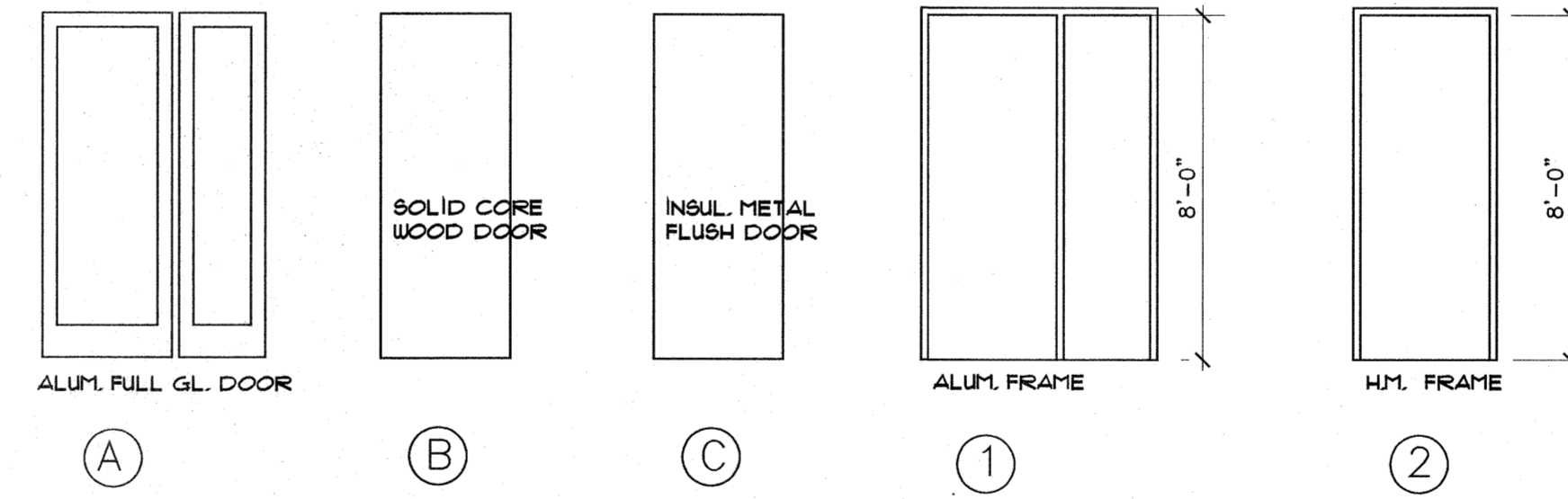


WORKING HEIGHTS OF DISPENSERS
& OTHER CONVENIENCES TO BE
3'-4" A.F.F. UNLESS OTHERWISE NOTED.
VERIFY FIX'TS. & TOILET/BATH ACCESSORIES
APPLICABLE TO THIS PROJECT.

WINDOW SCHEDULE						
WIDW #	SIZE	FRAME TYPE	ELEV			REMARKS
W1	6'-0"X 6'-0" (2 PANELS)	ALUM.	A			
W2	9'-0"X 6'-0" (3 PANELS)	ALUM.	B			
W3	6'-0"X 5'-0" (2 PANELS)	ALUM.	C			
W4	9'-6"X 5'-0" (3 PANELS)	ALUM.	D			



DOOR SCHEDULE						
DOOR #	SIZE	DOOR TYPE	FRAME TYPE	RATING	HDWE TYPE	REMARKS
100	3'-0"X 8'-0" DR W/ 24" SIDELITE	A	1		2	
100A	3'-0"X 8'-0"	B	2		4	
101	3'-0"X 8'-0"	B	2		3	
102	3'-0"X 8'-0"	B	2		3	
103	3'-0"X 8'-0"	B	2		3	
104	3'-0"X 8'-0"	B	2		4	
105	3'-0"X 8'-0"	B	2		5	
106	3'-0"X 8'-0"	B	2		5	
106A	2'-6"X 8'-0"	B	2		1	
107	3'-0"X 8'-0"	B	2		4	
108	3'-0"X 8'-0"	C	2		1	
108A	3'-0"X 8'-0"	C	2		1	
109	3'-0"X 8'-0"	C	2		1	
109A	3'-0"X 8'-0"	C	2		1	
109B	16'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS
109C	16'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS
110	3'-0"X 8'-0" DR W/ 24" SIDELITE	A	1		2	
111	3'-0"X 8'-0"	C	2		1	
112A	14'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS
112B	14'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS
140	3'-0"X 8'-0" DR W/ 24" SIDELITE	A	1		2	
141	3'-0"X 8'-0"	C	2		1	
141A	16'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS
141B	16'-0"X 14'-0" O.H. DOOR	D	2X BUCKS		3	ALUM. UNRAFFED JAMBS



HARDWARE SCHEDULE

HARDWARE GROUP 1		ENTRANCE LOCK DOOR CLOSER 1 1/2 PAIR BD HINGES
HARDWARE GROUP 2		HARDWARE BY DOOR SUPPLIER INCLUDE PADDLE LATCH RELEASE
HARDWARE GROUP 3		OFFICE LOCK 1 1/2 PAIR BD HINGES
HARDWARE GROUP 4		PASSAGE SET 1 1/2 PAIR BD HINGES
HARDWARE GROUP 5		PRIVACY LOCK DOOR CLOSER 1 1/2 PAIR BD HINGES
HARDWARE GROUP 6		HARDWARE BY DOOR SUPPLIER
HARDWARE GROUP 1		STOREROOM LOCK DOOR CLOSER 1 1/2 PAIR BD HINGES

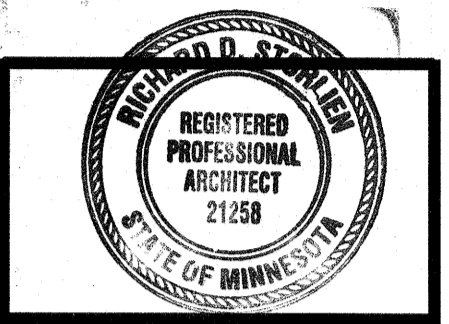
ALL HARDWARE TO BE "ADA" COMPLIANT
LEVER HANDLES

RDS ARCHITECTS

4900 HWY 169 SUITE 303
NEW HOPE MN. 55428
612-810-9628
763-550-2919 fax

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

Richard D. Storlien
Name: Richard D. Storlien
Reg. No. 21258
Date: 10/19/23



OFFICE/WAREHOUSE BUILDING FOR:

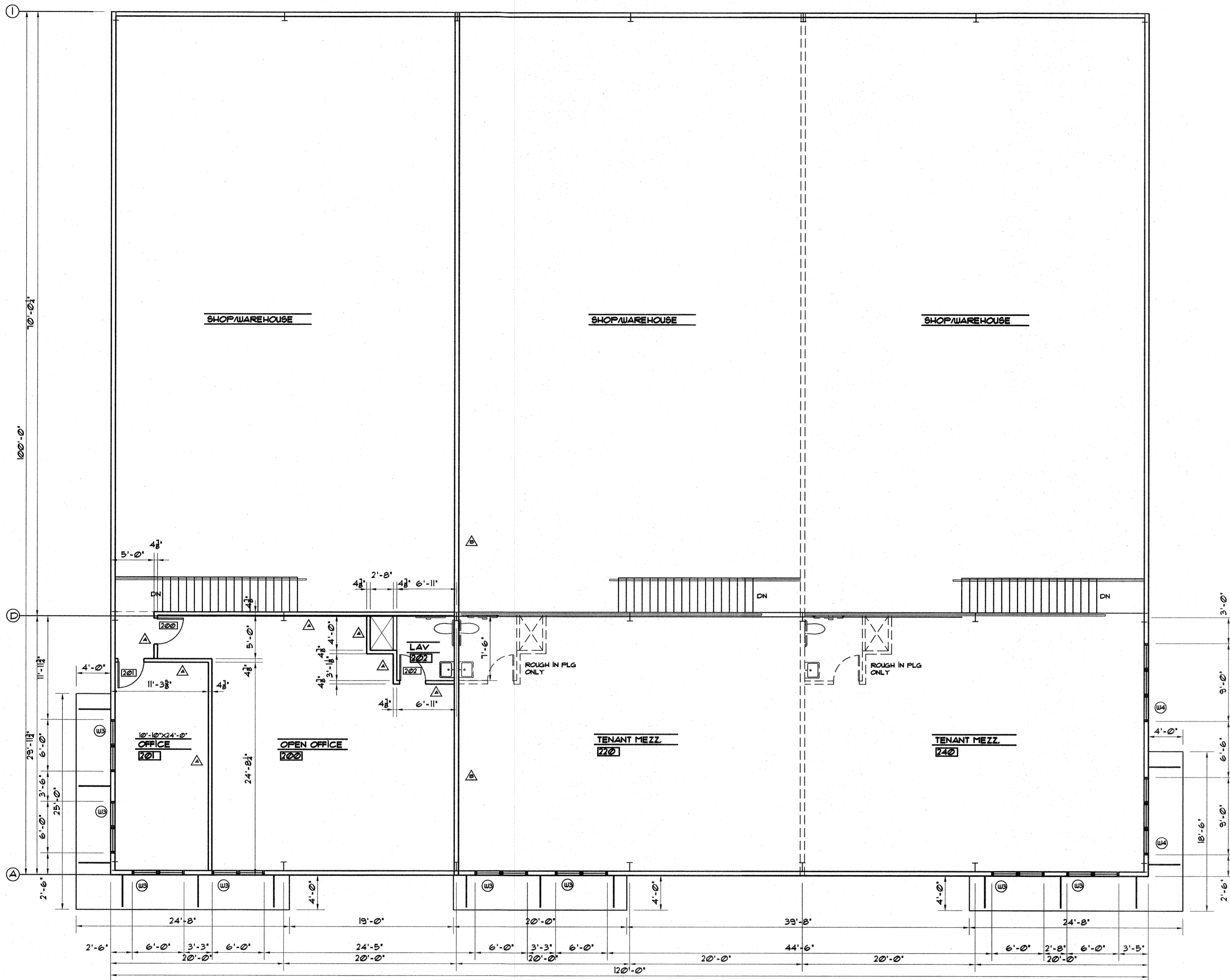
SAM'S LANDSCAPE

COUNTY RD 90
INDEPENDENCE, MINNESOTA

ISSUE
OCTOBER 19, 2023

REVISIONS

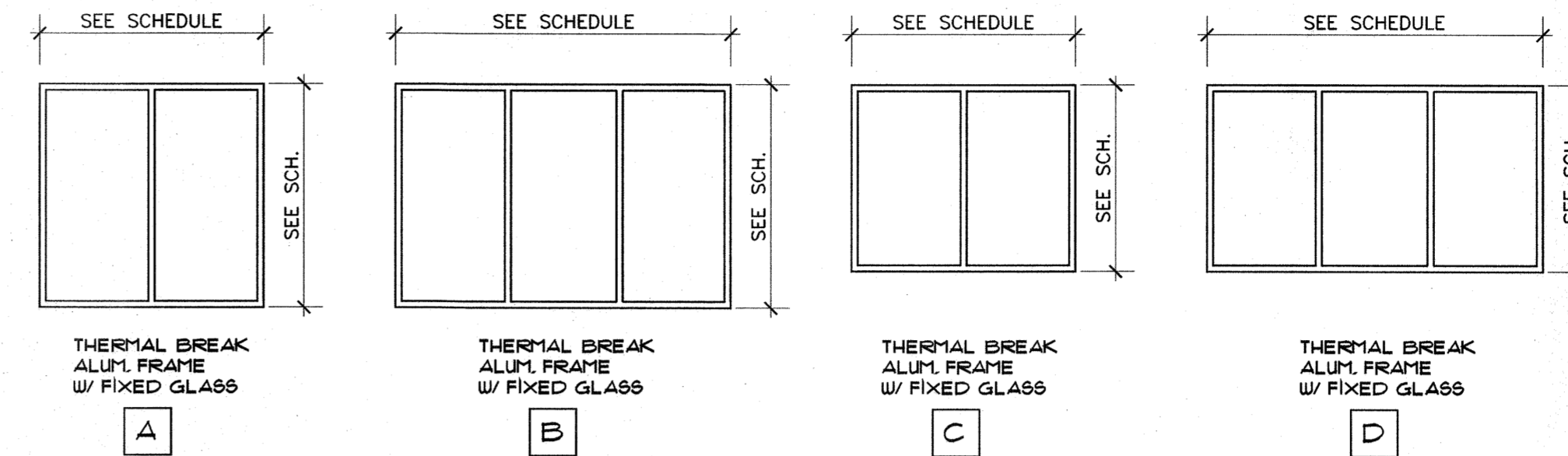
JOB #222494
SHEET #
A1
OF A3



MEZZANINE FLOOR PLAN (NORTH BLDG.)
SCALE: 1/8" = 1'-0"

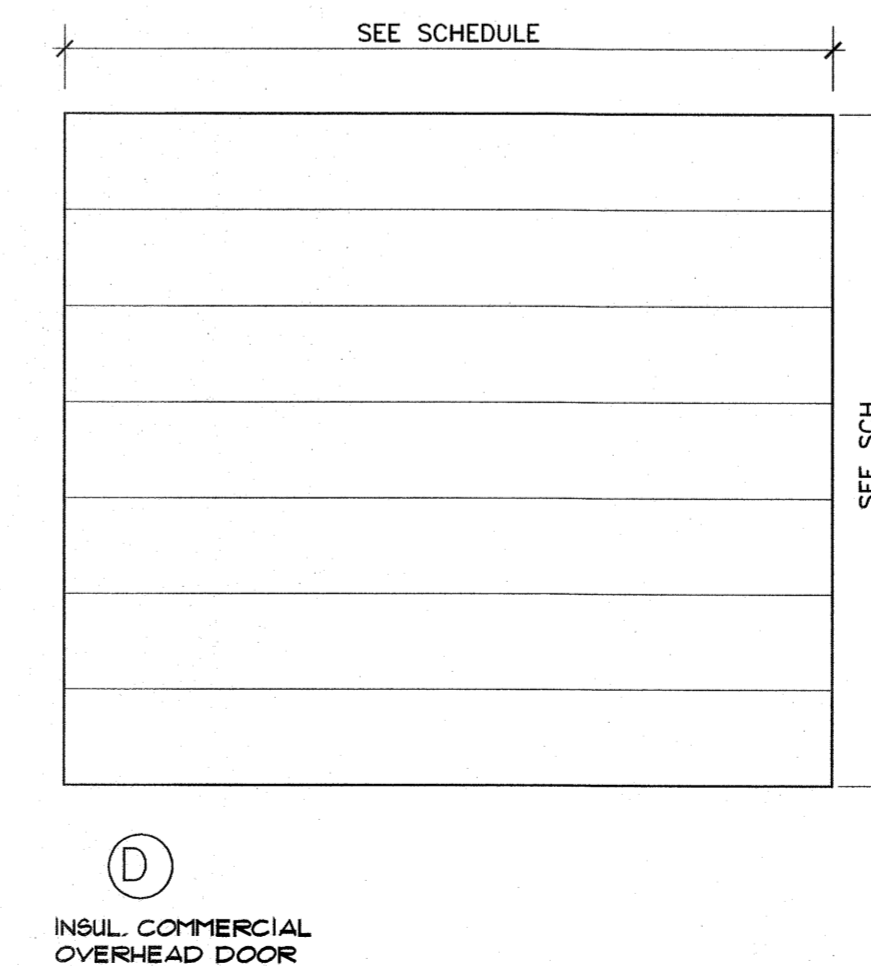
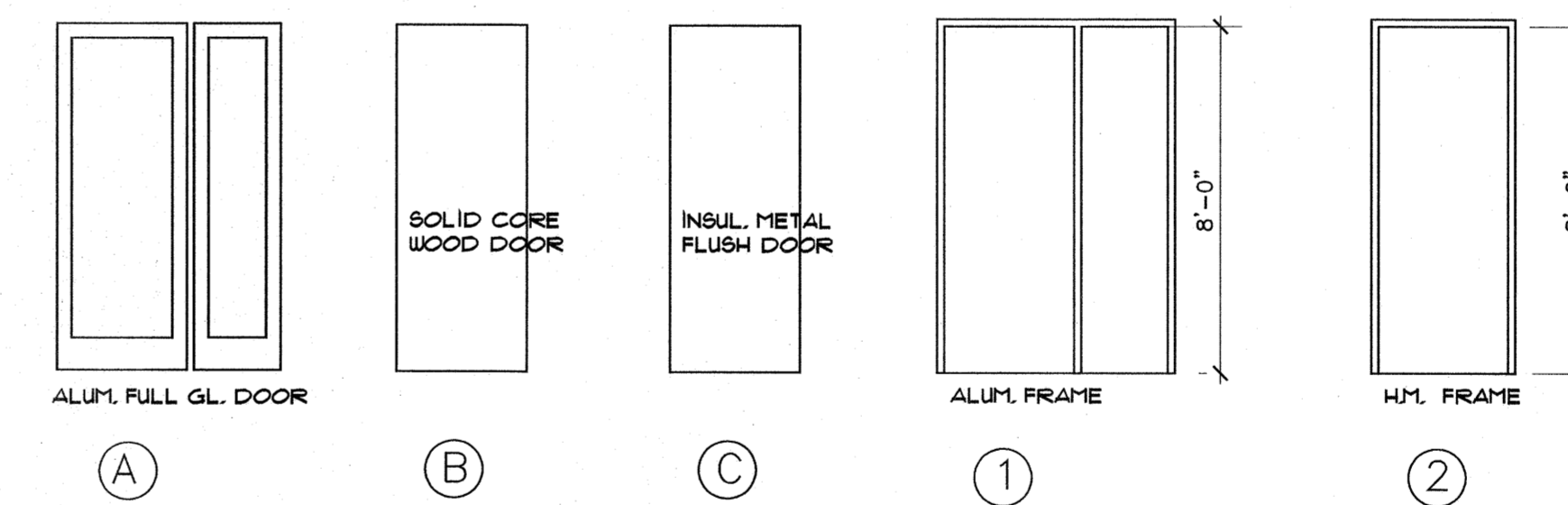
TWO BUILDINGS TOTAL
NORTH & SOUTH
(MIRROR IMAGE)

WINDOW SCHEDULE					
WDW #	SIZE	FRAME TYPE	ELEV		REMARKS
W1	6'-0" X 6'-0" (2 PANELS)	ALUM.	A		
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W3	6'-0" X 5'-0" (2 PANELS)	ALUM.	C		
W4	3'-6" X 5'-0" (3 PANELS)	ALUM.	D		



DOOR SCHEDULE					
DOOR #	SIZE	DOOR TYPE	FRAME TYPE	RATING	HW/LE TYPE
100	3'-0" X 8'-0" DR W/ 24" SIDELITE	A	1		2
100A	3'-0" X 8'-0"	B	2		4
101	3'-0" X 8'-0"	B	2		3
102	3'-0" X 8'-0"	B	2		3
103	3'-0" X 8'-0"	B	2		3
104	3'-0" X 8'-0"	B	2		4
105	3'-0" X 8'-0"	B	2		5
106	3'-0" X 8'-0"	B	2		5
106A	2'-6" X 8'-0"	B	2		1
107	3'-0" X 8'-0"	B	2		4
108	3'-0" X 8'-0"	C	2		1
108A	3'-0" X 8'-0"	C	2		1
109	3'-0" X 8'-0"	C	2		1
109A	3'-0" X 8'-0"	C	2		1
109B	16'-0" X 14'-0" O.H. DOOR	D	2X BUCKS		3 ALUM. WRAPPED JAMBS
109C	16'-0" X 14'-0" O.H. DOOR	D	2X BUCKS		3 ALUM. WRAPPED JAMBS
120	3'-0" X 8'-0" DR W/ 24" SIDELITE	A	1		2
121	3'-0" X 8'-0"	C	2		1
121A	14'-0" X 14'-0" O.H. DOOR	D	2X BUCKS		3 ALUM. WRAPPED JAMBS
121B	14'-0" X 14'-0" O.H. DOOR	D	2X BUCKS		3 ALUM. WRAPPED JAMBS
140	3'-0" X 8'-0" DR W/ 24" SIDELITE	A	1		2
141	3'-0" X 8'-0"	C	2		1
141A	16'-0" X 14'-0" O.H. DOOR	D	2X BUCKS		3 ALUM. WRAPPED JAMBS
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HARDWARE GROUP 1	ENTRANCE LOCK DOOR CLOSER 1 1/2 PAIR BB HINGES
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HARDWARE GROUP 6	HARDWARE BY DOOR SUPPLIER
HARDWARE GROUP 7	STOREROOM LOCK DOOR CLOSER 1 1/2 PAIR BB HINGES
ALL HARDWARE TO BE "ADA" COMPLIANT LEVER HANDLES	



RDS

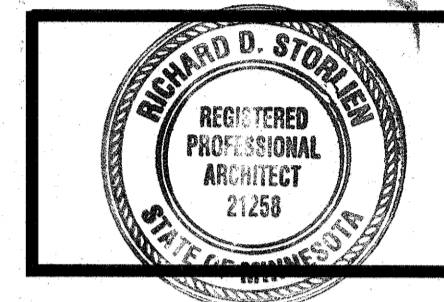
ARCHITECTS

4900 HWY 169 SUITE 303
NEW HOPE MN. 55428
612-810-9628
763-550-2919 fax

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

Richard D. Storlien

Name: Richard D. Storlien
Reg. No. 21258
Date: 10/19/23



OFFICE/WAREHOUSE BUILDING FOR:

SAM'S LANDSCAPE

COUNTY RD 90
INDEPENDENCE, MINNESOTA

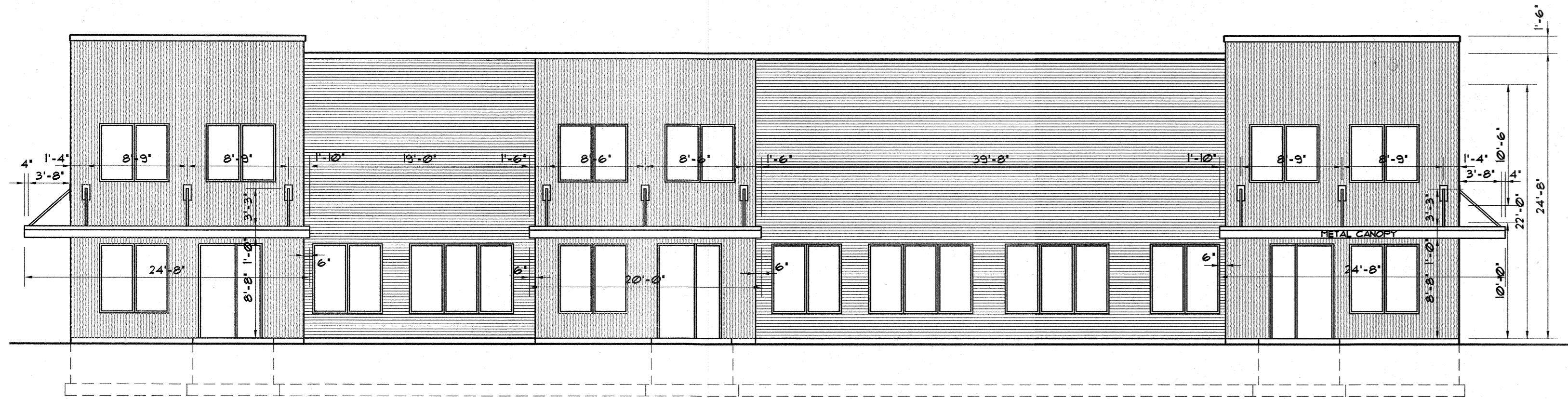
ISSUE
OCTOBER 19, 2023

REVISIONS

JOB #222494
SHEET #

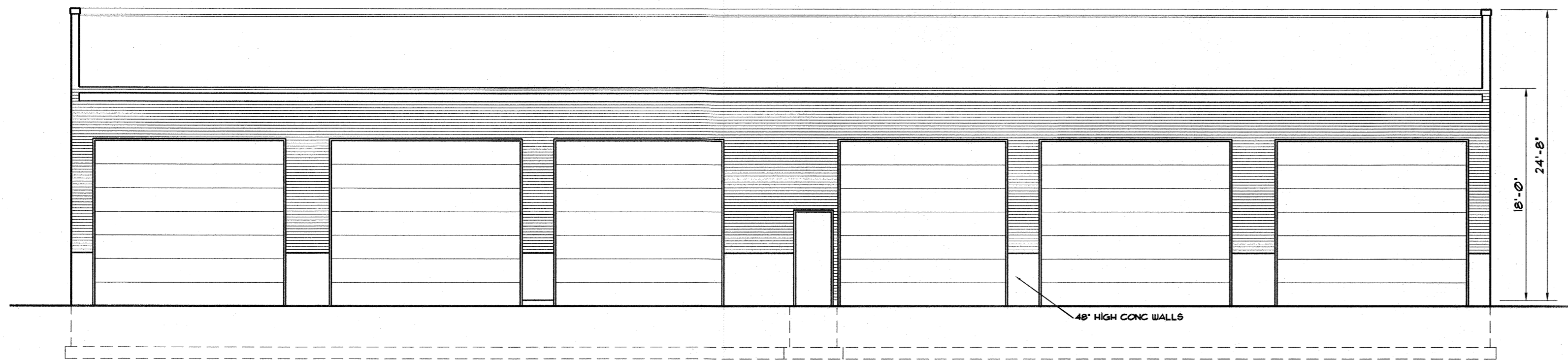
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OF A3



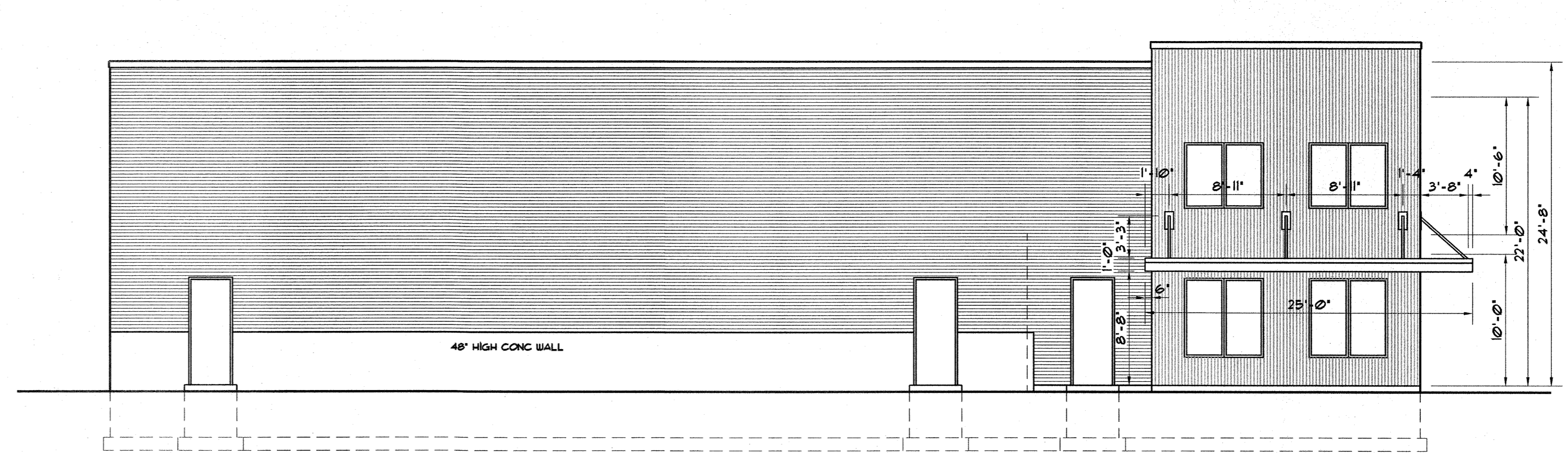
1 EAST ELEVATION
A3

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



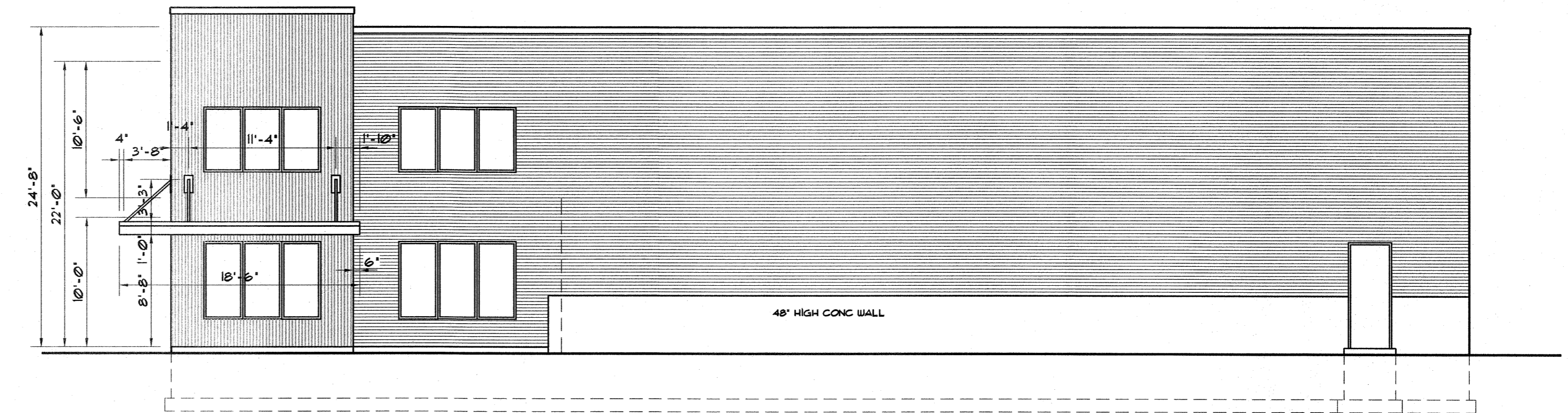
3 WEST ELEVATION
A3

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



2 SOUTH ELEVATION
A3

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



4 NORTH ELEVATION
A3

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

RDS ARCHITECTS

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Richard D. Storlien
Name, Richard D. Storlien
Reg. No. 21258
Date, 10/19/23

RICHARD D. STORLIEN
REGISTERED
PROFESSIONAL
ARCHITECT
21258
STATE OF MINNESOTA

OFFICE/WAREHOUSE BUILDING FOR:
SAM'S LANDSCAPE
COUNTY RD 90
INDEPENDENCE, MINNESOTA

ISSUE
OCTOBER 19, 2023
REVISIONS

JOB #222492
SHEET #
A3
OF A3