



PLANNING COMMISSION MEETING AGENDA  
TUESDAY JANUARY 18, 2022

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Swearing in of Newly Appointed Planning Commission Member
3. Roll Call
4. Election of Officers
5. Approval of Minutes:
  - a. December 21, 2022, Planning Commission Meeting
  - b. January 4, 2022, City Council Meeting Minutes (For Information Only)
6. **PUBLIC HEARING:** Mark Gaalswyk (Applicant/Owner) are requesting the following action for the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:
  - a. A conditional use permit to allow an accessory dwelling unit to be constructed within the existing detached accessory structure.
7. **PUBLIC HEARING:** Robert Knight (Applicant/Owner) is requesting the following action for the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) in the City of Independence, MN:
  - a. A variance for a reduced side yard setback to allow a new home to be constructed on the subject property in place of the existing home.
8. **PUBLIC HEARING:** 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. 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).
9. Open/Misc.

10. Adjourn.

MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
SPECIAL MEETING  
DECEMBER 21, 2021 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Thompson at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Thompson, Gardner, Dumas, Volkenant. Alternate Tearse  
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner  
ABSENT: Story, Palmquist  
VISITORS: Marty Chelstrom, The Dotens, Charlie Johnson, Adam Young (virtual), Mayor Marvin Johnson, Council Member Steve Grotting, Tom Koch, Paul Otto (called in), Lynda Franklin (virtual)

3. Approval of Minutes:

- a. November 16, 2021, Planning Commission Meeting
- b. December 7, 2021, City Council Meeting Minutes (For Information Only)

**Motion by Thompson to approve the November 16, 2021 Planning Commission minutes, second by Volkenant. Ayes: Thompson, Gardner, Dumas, Volkenant. Alternate, Tearse. Nays: None. Absent: Story. Abstain: None. Motion Approved.**

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

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

**Request:**

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

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

**Property/Site Information:**

The property is located on the east side of County Road 90 just south of the intersection of County Road 90 and Main Street. The property has an existing commercial building and parking lot. The property has the following characteristics:

Property Information: 1470 County Road 90 Zoning: CLI - Commercial Light Industrial Comprehensive Plan: Commercial Light Industrial Acreage: 4.77 acres

**UPDATE:**

Following consideration by the Planning Commission at the last meeting, the applicant has revised the site plan and building plans for further consideration. The revised site plan now includes an 8-foot-tall berm along a portion of the north and east property lines and associated evergreen landscaping. The applicant is also proposing to install evergreen trees along the east side of the proposed building where a berm cannot be realized due to the proposed stormwater infiltration area.

The applicant has also provided an updated building plan. The updated plan proposes a stone wainscoting and also a board and batten steel siding on the west side of the building. The north, south and east sides are proposed to have more typical corrugated steel panels. There are several considerations that should be noted by the Planning Commission:

- The applicant has provided a link to the proposed board and batten steel siding and noted that it has a different look and feel than standard corrugated metal siding.
- The proposed landscaping plan now provides 24 evergreen trees. In the initial report, it was estimated that approximately 22 trees would be required to screen the proposed building.



- The City completed a review of the proposed stormwater management plan and has several comments that will need to be reviewed and additional information submitted to address the comments. It was generally found that the site and proposed mitigation areas can accommodate the proposed improvements, but the infiltration areas may need to be modified to function as filtration basins.

Staff is seeking additional direction from the Planning Commission relating to the proposed site plan review, variance and conditional use permit based on the revised site plan and building elevations.

**Discussion:**

The applicant is seeking site plan approval to allow a detached accessory building to be constructed on the subject property. The proposed accessory structure is 11,200 SF (140' x 80') and would be used for storage by the property owner. The building would be located to the east side (rear) of the existing commercial building on the property. In order for the City to consider allowing the development of a detached accessory building, there are several processes and additional requests that would have to be considered as follows:

- All expansion and or new construction on CLI – Commercial Light Industrial properties require site plan review and approval by the City. The proposed accessory building and associated improvements initiate the requirement for site plan review and approval.
- The applicant is proposing to construct the new detached accessory building with steel siding that does not meet the applicable design standards for buildings in the CLI – Commercial Light Industrial zoning district. The applicant is seeking a variance to allow the construction of an accessory building not meeting the applicable design standards.
- The existing site currently exceeds the maximum allowable impervious surface coverage (30%). The applicant is proposing to increase the impervious surface coverage by approximately 10% in the proposed condition. The maximum allowable impervious surface coverage for commercial properties can be increased to a maximum of 75% as a conditional use permit.

Subd. 7. *Lot coverage.* Impervious lot coverage shall not exceed 30 percent of the lot area. Lot coverage of up to 75 percent may be allowed by conditional use permit provided stormwater run-off and surface drainage is no greater than pre-development rates for one-, ten- and 100- year storm events. Stormwater treatment ponding is required for all developments.

The subject property is zoned CLI – Commercial Light Industrial. Storage and warehousing is a permitted use within the district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are

several provisions within the commercial standards that are applicable to the proposed building expansion.

**530.23. - Building design requirements.**

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

**530.17. - Site development standards.**

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lotline.
- (c) Rear yard setback: 20 feet from rear lotline.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). For this reason, accessory structures are treated the same as principal buildings.
  - a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
    - (1) Brick;
    - (2) Natural stone or stone veneers;
    - (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
    - (4) Glass curtain wall panels;
    - (5) Stucco or synthetic stucco;
    - (6) Exterior insulation and finish systems (EIFS).

The applicant has prepared building elevations which show the proposed exterior of the new building. The primary material proposed is standing seam metal which is not

consistent with the existing principal building. The principal building is constructed of pre-formed concrete panels. The applicant is asking the City to consider allowing the proposed accessory building to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

The applicant is proposing new building mounted lighting as depicted on the building elevations. The City will need to confirm that the proposed lighting meets the applicable standards. The applicant will need to submit lighting cut sheets and a photometric plan with a revised submittal.

2. Site Design and Parking Requirements - The applicant is proposing to construct a bituminous driveway to access the proposed building off of the existing parking lot.

For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. For industry and manufacturing, the City requires: one space for every 350 square feet. The total existing building square footage is approximately 29,000 square feet. The City does not have an exact breakdown of the interior uses but has considered a breakdown of 50% wholesale and warehousing and 50% industry and manufacturing (14,500/14,500). This would equate to 8 parking spaces for wholesale and warehousing and 41 spaces for industry and manufacturing (total of 49 spaces). The existing site has 92 parking spaces. The proposed new building would add 11,200 square feet of warehouse space and require an additional 6 parking spaces for a total of 55 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:
- Front yard setback: 100 feet from centerline of road.
  - Side yard setback: 20 feet from side lotline.
  - Rear yard setback: 40 feet from rear lot line.
  - Setback from boundary of agricultural or rural residential district: 100 feet.

The proposed new accessory storage building does not meet all applicable setbacks. The proposed setbacks are as follows:

- Front yard setback: N/A
- Side yard setback: 20 feet from side lotline.
- Rear yard setback: 40 feet from rear lot line.
- Setback from boundary of agricultural or rural residential district: 40 feet.

The applicant is seeking a variance from the setback from a boundary of an AG/RR zoning district. The property to the east is zoned RR-Rural Residential. The requisite setback is 100 feet. The requested variance is to allow a 60 foot reduction in the setback to 40 feet. In an effort to mitigate the potential impacts, the applicant is proposing to

provide a proposed berm and landscape screen.

4. Landscaping/Screening – The applicant has provided a landscape plan for the proposed accessory building. The City has the following standards relating to screening and landscaping of commercial properties:

*Subd. 5. Landscape standards.*

- (a) *Setback areas must be landscaped and maintained as a protective buffer and may not be used for parking, internal driveways, off-street loading, storage; nor may any structure or building be placed thereon, other than a fence.*
- (b) *Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in the protective buffer.*
- (c) *Minimum landscape requirements for each curbed island must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree). The curbed island must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in a curbed island.*
- (d) *When a commercial or industrial development is located adjacent to any "R" zone, an eight-foot opaque fence or wall must be erected to provide screening of the commercial or industrial use.*

*Subd. 6. Lot screening. All commercial-light industrial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation.*

There is limited landscaping on the existing site. The proposed landscaping is comprised of an earthen berm and 12 evergreen trees in the northeast corner of the property. The size of the trees would need to be further defined by the applicant. The City requires a minimum of 1 tree per 40 lineal feet of property line. The City looked at the eastern perimeter of the property (north, south and east property lines up to the eastern edge of the building) which is approximately 875 LF (see below). If the City took that measurement divided by 40, 22 trees would be required to be planted. The property to the south is zoned commercial and the properties to the east and north are zoned RR-Rural Residential.

The City requires a minimum of 6' ht. evergreen trees. In addition to landscaping, the City requires properties adjacent to residential zoning districts to be screened with an 8-foot opaque fence. No fencing is currently proposed by the applicant. The City will need to provide additional direction relating to the proposed landscaping/screening and whether or not it meets the intent of the landscaping/screening requirements provided in the ordinance.

5. Storm Water Management –The applicant is asking the City to consider additional impervious surface on the property. As a result, the applicant has provided a proposed stormwater management plan that includes three infiltration/retention basins. The City is in the process of completing a review of the proposed stormwater management plans. The plan will need to comply with all applicable standards relating

to storm water.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 217,797 square feet. Thirty (30) percent of the total site area would allow 65,339 square feet of impervious coverage. The total existing impervious surface area today is 101,404 square feet or 46.6% impervious coverage. The proposed new building and associated site improvements would add an additional 20,707 square feet of impervious surface for a total of 122,111 square feet or 56.1%. This total exceeds the maximum coverage area permitted.

*Subd. 7. Lot coverage. Impervious lot coverage shall not exceed 30 percent of the lot area. Lot coverage of up to 75 percent may be allowed by conditional use permit provided stormwater run-off and surface drainage is no greater than pre-development rates for one-, ten- and 100-year storm events. Stormwater treatment ponding is required for all developments.*

The applicant is proposing to establish three infiltration/retention basins that would offset the additional impervious surface proposed. The City would need to find that the impacts of the additional impervious surface is adequately being mitigated by the applicant.

In addition to the site plan review, the City's ordinance has established criteria for consideration in granting a variance.

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

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

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

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

*Subd. 3. The City Council shall not grant a variance to permit a use that is not*

*allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from County Road 90. The neighboring residential property to the east has a similar steel sided pole barn.
- c. The applicant can screen the proposed building with new landscaping and berming to further mitigate any visual impacts from the surrounding properties.
- d. The proposed building addition will meet all other requisite requirements for this property.

The applicant would like to construct a new accessory building for the purpose of storing equipment inside on the property. The applicant currently utilizes approximately 4,000 SF inside of the existing building and has 5 employees. The applicant anticipates that this building would eventually be heated and could house additional office/shop space for their business. The City has had discussions relating to the use of steel siding on buildings constructed in the CLI zoning district. This site is somewhat different than the other properties that we have considered in that this building abuts residential properties on two sides. The proposed accessory building will require a variance from the building materials requirements, setback requirements and impervious surface requirements. The City will need to provide direction relating to the proposed building and requested actions. The City could provide direction and or have additional discussion relating to all three actions and whether or not additional mitigation measures could be used to reduce impacts on surrounding properties.

***Neighbor Comments:***

The City has not received any written or verbal comments regarding the proposed site plan review.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission relating to the site plan review, a variance and conditional use permit. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval, variance and conditional use permit request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the

City of Independence Zoning Ordinance.

2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 56.1% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a more detailed landscape plan prior to consideration by the City Council. The plan shall provide more detail relating to the type and size of the proposed trees.
5. The variance will allow the construction of a new building using exterior materials (steel panels) in accordance with the approved building elevations attached hereto as Exhibit C.
6. The setback variance will allow the proposed accessory building to have a reduced setback of 60 LF so that the required setback would be 40 LF from the rear property line.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
  - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
  - b. The additional landscaping will provide a buffer between the existing residential properties and the proposed accessory building.
  - c. The variance will allow the expansion of a commercial business in the City's CLI zoning district. The City's approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City's applicable standards. The applicant shall submit cut sheets and a photometric plan to the City prior to obtaining building permit approval.
12. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.

13. The Applicant shall pay for all costs associated with the City's review of the requested site plan, variance and conditional use permit approval.
14. The resolution shall be recorded against the property.
15. The applicant shall pay all applicable fees associated with the City processing the application for site plan review, variance and conditional use permit.

Kaltsas explained this a CUP for a variance for unauthorized building materials. The applicant has provided updated landscaping plans. He has provided an 8' tall berm including stone wainscoting and board & batten steel siding. There was a public hearing held at the last meeting, so this is just for further review.

Thompson asked if there was a re-notice for this. Kaltsas said that because there was a public hearing held at the last meeting with notifications, that has been satisfied. Thompson asked if there were any other changes outside of the materials used and landscaping. Kaltsas said it is the same size shed and same setbacks. Gardner asked if this is the last commercial strip. Kaltsas said there is one more South of this property. Gardner asked how big of a pocket the commercial zoning is going to turn into in this area. Kaltsas said the land on the West is all fill, so it will not be able to get septic there. Thompson asked if they should make a condition of the variance and specific materials used. Kaltsas said yes. Thompson said it seems to fulfill the spirit of what the commission is going for. Tearse said he agrees. Dumas said he liked the screening.

**Motion by Volkenant to approve Charlie Johnson and HardKnocks LLC with the changes proposed, with the exception of the infiltration system, second by Thompson. Ayes: Thompson, Gardner, Dumas, Volkenant. Alternate, Tearse. Nays: None. Absent: Story. Abstain: None. Motion Approved.**

5. **PUBLIC HEARING:** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:
  - a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
  - b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.

***Property/Site Information:***

The subject property is located along the east side of County Road 90 just north of US Hwy 12. There is an existing home and two (2) detached accessory structures located on the property.

There is an existing wetland that borders the entire east side of the property. The property has the following site characteristics:



Property Information: **2076 County Road 90 (PID No. No. 23-118-24-23-0001)**  
Existing Zoning: *CLI-Commercial-Light Industrial*  
Comprehensive Plan: *CLI-Commercial-Light Industrial Acreage: 10.23*

**UPDATE:**

The applicant has revised the site plan and building plans based on discussion by the Planning Commission at a previous meeting. The revised plans show an area on the west side of the proposed new building and existing building that would be paved (bituminous). To the east of the existing and proposed building, the applicant is proposing to cut out several interior planting areas and use a recycled concrete as surfacing for this area. The applicant is proposing to include the employee parking (9-spaces) to the east side of the proposed new building.

The applicant has also revised the building plans to show a brick wainscot along the western facing side of the proposed building. The remaining facades of the proposed and existing building are proposed to be sided with typical post frame steel panels. There are several considerations that should be noted by the Planning Commission:

- Hennepin County has confirmed that they would allow a second access to the south that does not exceed 22' in width.
- The total impervious surface of this property is approximately 71,000 SF/16% of total site area. Maximum allowed for property within the CLI zoning district is 30%.
- The outdoor storage area is located on the east side of the site. There is limited visibility to this area from the surrounding property due to the extensive wetlands on the east and north side of the property. Typically, the City would require outdoor storage areas to be screened using a combination of fencing and landscaping.
- The proposed building meets applicable setbacks.
- A landscape plan has not been submitted to the City by the applicant. There are several areas that would typically require screening and planting:
  - New buildings and uses must be screened from adjacent residential zoning districts. The property to the north and east is zoned residential.
  - New buildings must meet minimum landscaping requirements. This includes one (1) 2.5-inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line. There is some existing landscaping (approximately 6 evergreen trees) along the west property line (CSAH 90).
- No stormwater analysis has been provided for this site. A portion of the area that

is proposed to be resurfaced is already covered in a gravel surface. The increased area is being evaluated to determine if additional stormwater mitigation measures will be required.

- There are nine (9) designated employee parking spaces shown on the plan and located on the east side of the building. The applicant has noted that the proposed employee parking spaces will accommodate their current parking need.

Staff is seeking additional direction from the Planning Commission relating to the proposed site plan review and variance based on the revised site plan and building elevations.

***Discussion:***

The applicant approached the City about the possibility of adding an additional building to the subject property. The applicant currently operates a landscape business on the property. There are two existing buildings located on the property. The property was rezoned from A- Agricultural to CLI-Commercial/Light Industrial in 2013. At that time the City considered and approved a new building to be constructed on the property. That building and associated site improvements were never constructed. The applicant would like the City to again consider allowing the construction of a new building on the property. The proposed building does not meet all applicable requirements pertaining to the exterior building materials for new buildings in the CLI zoning district.

The applicant is proposing to locate the new building along the south property line in an effort to utilize the high side of the property. The City's zoning ordinance has the following setback requirements for properties zoned CLI-Commercial Light Industrial:

*Subd. 3. Setbacks. All buildings and structures must meet or exceed the following setbacks:*

- |   |   |
|---|---|
| <i>(a) Front yard setback</i>   | <i>100 feet from centerline of road</i> |
| <i>(b) Side yard setback</i>  | <i>20 feet from side lot line</i>       |
| <i>(c) Rear yard setback</i>  | <i>20 feet from rear lot line</i>       |
| <i>(d) Setback from boundary of agricultural<br/>100 feet or rural residential district</i> |   |

The applicant is proposing to construct a 5,760 SF commercial building. The proposed building would meet applicable building setbacks for CLI properties.

Front Yard:	131' from CL
Side Yard:	21' from south property line
Rear Yard:	N/A

The proposed building would be used for equipment storage. The building would have garage doors on the west and north sides to provide access into the building. The building is proposed to be sided with steel and would have a steel roof. The existing building on the property is comprised of steel siding and predates the City's current architectural standards for CLI properties.

New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development there are several provisions within the commercial standards that are applicable to the proposed building.

530.23. - Building design requirements.

Subd. 1. Standards established. Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. Applicability. The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.
  - a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
    - (1) Brick;
    - (2) Natural stone or stone veneers;
    - (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
    - (4) Glass curtain wall panels;
    - (5) Stucco or synthetic stucco;
    - (6) Exterior insulation and finish systems (EIFS).

The proposed building would not meet the applicable building materials standards established by the City. The applicant has prepared several illustrative images which shows the proposed exterior elevations of the building. The City has discussed the building material requirement with the applicant and provided examples of local buildings that meet all applicable requirements. Due to the cost of complying with the building material requirements, the applicant is requesting a variance to allow the construction of the building as proposed. The applicant also noted that the existing building located on the site is constructed of similar materials. The applicant would also like the City to consider allowing the existing building to be resided with new steel to match the proposed building. The applicant has noted that the existing building is in need of being resided due to the condition

of the existing steel.

The issue of building materials has come up several times in the last few years. The City allowed PTS Products to add onto the existing building using steel siding to match the existing siding. The City has had a handful of similar inquiries relating to both principal and accessory buildings that would be constructed in the CLI zoning district. The City has had the architectural materials standards in place since 2006. It is anticipated that the City will consider similar commercial building requests in the near future based on current applications. Staff would like to have a discussion and obtain direction relating to building material requirements for properties located within the CLI zoning district. There are several considerations that could be considered for this discussion:

- Could the City consider different material and architectural requirements for front or public facing building facades?
- Could the City consider accessory buildings different than principal buildings?
- The City has both compliant and non-compliant buildings located on property that is zoned CLI within the City.

In order for the City to consider approval of a new building that does not meet the applicable architecture material standards, a variance is required.

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

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

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

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

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

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed*

*under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011- 08)*

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

Consideration of the criteria for granting a variance:

- a. The applicants are proposing to use the property in a manner generally deemed to be consistent with the Commercial Light Industrial district. The applicants have located the building to meet the side yard setbacks for Commercial Light Industrial property.
- b. The character of the surrounding area is a commercial. The adjacent property has buildings that are constructed out of steel.

Site plan requirements are summarized as follows:

1. All new buildings must be constructed of approved materials. Approved materials are generally, brick, stone, decorative masonry block and similar materials.
2. Driveways and parking areas must be paved and defined by a concrete curb.
3. Adequate parking must be provided for all new uses.
4. New buildings and uses must be screened from adjacent residential zoning districts.
5. New buildings must meet minimum landscaping requirements. This includes one (1) 2.5 inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line.

The proposed building and associated site improvements have been reviewed in additional detail.

- (1) The applicant is proposing to pave both existing access points into the site. The northern access point is the primary access; however, the applicant has approval to utilize the southern access driveway for the new building from Hennepin County. Both access points will need to meet the City's requirements for drive aisle width. The plan currently shows a narrower drive aisle than required. The applicant will need to revise the plans so that the proposed drive aisles are a minimum of 25 feet.
- (2) It should be noted that the City requires bituminous pavement and concrete curb and gutter for all commercial developments. The City previously granted a variance for this property to not require concrete curb and gutter when a similar site plan review was considered in 2013. The applicant has noted that they would like to leave the existing gravel parking and loading areas in place and pave just the entrance driveways along with three parking spaces (see image below). This site is somewhat unique in that there is an existing building and site improvements that do not meet all applicable criteria of the City. The City will want to consider to what extent the site should be brought into compliance with applicable standards.
- (3) The City has identified an employee parking need that exceeds the three proposed spaces. The applicant did not provide employee information to the City, but it has been

identified that there are approximately 10-12 employee vehicles on site during normal business hours. Staff is seeking the direction of the Planning Commission relating to the proposed pavement, parking spaces and lack of curb and gutter.

- (4) The applicant will be required to submit a grading plan to the City detailing the proposed site improvements and building elevations. The City will want to review the grading plan to ensure that drainage from the bituminous pavement and proposed building does not impact the adjacent property and is mitigated prior to running into the adjacent wetland.
- (5) The applicant had previously installed a berm and landscape screening along the County Road 90 right of way (see image provided in this report). There is an existing evergreen tree row located along the south property line. Staff is seeking additional direction from the Planning Commission relating to the adequacy of the existing landscaping berm and plantings.
- (6) The total impervious surface coverage for this property cannot exceed 30% of the total lot area. The lot is 445,628 SF. The total impervious surface coverage in the proposed condition is 43,008 SF. The proposed existing and proposed improvements would comprise approximately 10% impervious surface coverage.

***Neighbor Comments:***

There have been no other written or verbal comments provided to the City.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the request for a Variance and Site Plan Approval 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 proposed Site Plan approval request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures, in the City of Independence Zoning Ordinance.
3. Any change in use shall be subject to the City review and approval. Additional parking requirements may be required to be added to the site plan approval should the building change uses.
4. The applicant shall submit a site grading and construction plan and receive City approval prior to issuance of a building permit for the proposed improvements. The plan shall indicate the dimensions of the parking and driveway areas. The proposed dimensions shall meet the minimum ordinance requirements.
5. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the

approved building elevations attached hereto as Exhibit C. The existing building will be permitted to be resided used matching steel panels.

6. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
  - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
  - b. The character of the surrounding area is commercial or guided for commercial development.
7. The Applicant shall pay for all costs associated with the City’s review of the requested variance and site plan approval.
8. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.

Kaltsas explained that this is a request for a variance to allow for steel siding and site plan review of a new building site. The property is CLI and 10 acres in overall size. There are two detached structures on the site currently. The applicant approached the city a few months ago, it was reviewed and it was tabled with suggestions to improve the materials used.

The proposed building would be on the South side of the site with 2 bituminous driveways. Planning commission thought there needed to be more concrete and more screening and employee parking. The revised site plan includes increased bituminous driveways, additional landscape areas and recycled concrete. Along the front facing side would be bituminous paving with wainscoting. There would be wainscoting on the sides as well. They do have existing landscaping. On the south side it has a heavy evergreen screening. The wetland is expansive between the subject property and the Stone Court area. Impervious surface area is not an issue on this site.

This was re-noticed and Adam Young was present virtually.

Thompson asked if one of the driveways is going away. Kaltsas said the Northern driveway would be closed off and there would be one single one and one more on the South side. Thompson said there is no stormwater plan and no landscaping plan submitted. Kaltsas said the stormwater doesn’t trigger additional storm water management. He did suggest a buffer to redirect some of the stormwater and to review those plans. Dumas asked who reviews that. He said that concrete is a replacement for limestone and is imperviable. He asked what the enhancements are. Where is the wainscoting being added from previous review. Kaltsas said it is just on the west facing end of the building.

Thompson said that the stonework does wrap around the corner and the west facing side is 90% garage door area. Thompson said maybe there should be windows added to the garage doors to upgrade it since that is what most people will see. Kaltsas said we are setting a precedent. He asked if the board and batten should be an acceptable material to the ordinance. Kaltsas pointed out that the last project they reviewed was an accessory building, not the primary building. He said they could start to differentiate. This one is bigger and is 2 pole barns. Dumas said that they should require better screening on this plan. Kaltsas mentioned that the applicant was looking to upgrade

the other accessory building as well and asked the planning commission to keep that in mind when choosing the material for the buildings.

#### PUBLIC HEARING OPENED

Adam Young asked if they had any questions for him. Thompson said that the board and batten is an upgrade, screening is important, storm water review and infiltration. He asked what the feedback was. Adam said that he sent Kaltsas a plan showing a stucco look along with the brick wainscoting. It is a very secluded area so screening doesn't seem necessary. Dumas asked how far the houses are away. Volkenant said discussing the Schoning property, which was more than a block away, he couldn't see anything. Kaltsas said it is about 1,000 feet from Stone Court. Thomson recapped the brick wainscoting, stucco, infiltration pond, connected driveway, crushed concrete, site plan all came with good feedback. If Adam is willing to go along with this. Adam said yes. Gardner asked if the water could runoff into the pond. Kaltsas said a lot of the surface is gravel. He would also like to clarify color, confirm the brand and make of stucco and bring it to Council, best management practice for water runoff. Adam said it would be dark grey/light grey and match the stucco to the color. Kaltsas said there is a landscaped buffer and berm on the property already. He can work with the applicant on the small evergreens in the front of the lot. Dumas asked if there are a lot of trees around the creek. Adam said yes. Volkenant said it is so wet back there would not grow.

#### PUBLIC HEARING CLOSED

Thompson said if we want to move forward tonight we will have to review water management, infiltration, improved west facing façade with wainscoting.

**Motion by Thompson to grant site plan review and variance new and existing buildings will be allowed with upgraded façade and adding water management, second by Volkenant. Ayes: Thompson, Gardner, Dumas, Volkenant. Alternate, Tearse. Nays: None. Absent: Story. Abstain: None. Motion Approved.**

#### 6. PUBLIC HEARING: Zoning Ordinance Amendment Consideration.

- a. Subdivision Standards – Rural Residential Cluster Development Standards.
- b. Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

##### **Request:**

Subdivision Standards – Rural Residential Cluster Development Standards

- Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.



The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments.

Following consideration and discussion relating to several recent subdivisions, City Council directed the Planning Commission to review and consider possible changes to a few key standards. The Planning Commission reviewed the ordinances and discussed possible amendments at their last meeting. The following proposed language changes are presented for further consideration:

1. **Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit:** The current Cluster Development standard requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. Planning Commission recommended that the City consider clarifying that the calculation be taken with the exception of State, County and Existing City right of way. New streets that would be required to serve the proposed lots would not be excluded from the calculation.
  - a. In addition to the density calculation, Planning Commissioners discussed the minimum lot width for lots developed under the cluster development provisions. Commissioners recommended a minimum of 150 feet.
  - b. One additional point of clarification has been brought to the City’s attention and pertains to the provision in the ordinance designating steep slopes. The cluster development standards (b, 6.) designates slopes in excess of 10% as “steep”. The City defines steep slopes in the Shoreland Overlay section of the ordinance (505.05, subd. 33) as slopes having an average of 12% or greater. Staff is seeking direction from the Planning Commission relating to the question of steep slopes and whether or not the City should make it consistent with other areas of the ordinance?
2. **Section 530.05 Rural Residential District established., Subd. 3. Density:** Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. The Planning Commission recommended keeping the density “bonus” and then going to a straight calculation for each additional 5 acres of property.
  - a. **Ownership of the Outlots created within a development.** There has been questions and discussion historically about the ownership, allowable use and maintenance of the Outlots and open space created in cluster developments. Commissioners recommended that the City enter into an agreement with the developer designating the City’s ability to assess the property owners in the development for maintenance of the Outlot should the HOA not maintain them to an acceptable level. The current ordinance language has been amended to clarify this point.

#### **Cluster Developments:**

*Subd. 6. Cluster development conditional use permit. Cluster development is a conditional use in the rural residential district, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this code.*

- (a) Purpose. The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:
- (1) Protect natural features in common open space.
  - (2) Improve the arrangement of structures, facilities and amenities on a site.
  - (3) Preserve the rural character of the community.
- (b) Criteria. A cluster development is a residential development in which a number of single family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.
- (1) The development parcel must be 40 or more acres in size;
  - (2) A minimum of 50% of the gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, development must be preserved as open space, recreational space or agricultural use;
  - (3) A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;
  - (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
  - (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
  - (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of 12% or other physical impediments;
  - (7) Lots within the development must have a minimum of 150 feet of frontage on a on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.

\*\*\*RENUMBER REMAINING\*\*\*

- (8) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (9) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;
- (10) All utilities must be placed underground;

- (11) *All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;*
- (12) *A development agreement must be entered into with the city.*

### **Rural Residential Developments:**

#### **530.07. Physical standards.**

Subd. 1. Construction. All construction in the Rural Residential District must meet the following physical standards:

- (a) Minimum lot area (Added, Ord. No. 2010-01):<sup>a</sup> 2.50 acres buildable land.
- (b) Minimum lot frontage on an improved public road or street:

Lot Area	Minimum Frontage
2.50—3.49 acres	<sup>b</sup> 200 feet
3.50—4.99 acres	<sup>b</sup> 250 feet
5.00—10.00 acres	<sup>b</sup> 300 feet

<sup>a</sup> A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of ~~ten~~ twelve percent or other physical impediments.

\*\*\*SUBD. 2 Remains\*\*\*

Subd. 3. Density. *Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)*

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
<u>7.6 acres and more</u>	<u>One additional lot for every five additional acres.</u>
<del>7.6 through 12.5 acres</del>	<del>Two</del> 12.6
<del>through 17.5 acres</del>	<del>Three</del>
<del>17.6 through 22.5 acres</del>	<del>Four</del>
<del>22.6 through 27.5 acres</del>	<del>Five</del>
<del>27.6 through 32.5 acres</del>	<del>Six</del>
<del>32.6 through 37.5 acres</del>	<del>Seven</del>
<del>37.6 through 42.5 acres</del>	<del>Eight</del>
<del>42.6 through 47.5 acres</del>	<del>Nine, plus one addn. lot for every five addn. acres of land.</del>

**Planning Commission Consideration/Action:**

Staff is seeking direction and a recommendation from the Planning Commission relating to the proposed ordinance amendments. Should the amendments be recommended for approval to the City Council, staff will prepare the requisite ordinances.

Kaltsas explained that this item has been discussed in previous meetings on the standards for subdivisions. We have had a couple property owners questioning the ordinance standards and after being asked for the city to review these standards, we will review. He stated that there is a question on how the gross acreage is calculated for the purpose of cluster development density. They must have 50% open space preserved and 50% of that open space must be useable. Does the open space include new streets that would be platted in the development or if they could be excluded? Historically the City had interpreted taking out state, county, or city ROW. The direction from PC was that the newly ROW was not to be excluded. Also, the minimum lot width of lots developed in a cluster development was brought to question. Serentiy Hills had an exception. He asked if we still want a 200' lot width or do we want a narrower lot size. Commissioners were comfortable with the number of 150'. Lastly, steep slopes are set at 10% and shoreland is 12%. He asked if we should make this consistent. In the Comp Plan, steep slopes are referring to erosion. If you get greater than 12% range, you can start to see erosion during peak events. It is an environmental concern. Tom Koch and Otto suggested that the City doesn't worry about steep slopes anymore since we have better tools and techniques now. RR standards for straight subdivision the density table is 1:5 for RR but they get a bonus in the table up to 42.6 acres. After 42.6 acres there is a penalty. He asked if they should leave the bonus but take away the penalty.

**PUBLIC HEARING OPENED**

Paul Otto asked what the purpose of slopes is? He said that 10% seems really conservative and hard to meet in the city of Independence. It makes it difficult for walkout homes. He doesn't want to see sites so cramped. Slopes are more necessary along the lakeshores, but in farmland it doesn't seem necessary. He said that 150' frontage is nice, but it can hinder them on a building site. There could be a smaller neck to get to a bigger buildable pad area and what is the best spot to build on a property. Gardner asked how many cities around us have a max slope of 10-15% range. He said the only city he knows of that has slopes is Medina.

Marty Chelstrom on Brei Kessel said that Providence has a minimum of 200' frontage and what the driving force is to reduce this. This sets a precedent. Gardner said they don't want to condense the lots, but to make cul-de-sacs work, you have to scoot them back. Thompson said this doesn't change the minimum lot size just the dimensions. All that is changing is the shape of the lot, but the square footage remains the same. Marty said he liked that Providence had 200'. Marty said there was no public hearing notice for this planning meeting. Kaltsas said that these are recorded and are live for viewing.

Marty asked about 25% buildable lots for cluster space. What determines what is usable? Kaltsas said it is preservation of space that is not a pond, lake or wetland. It is usable for the residents of the neighborhood. If you take away wetland of an owner's land, you have less buildable space. It is to preserve open space. Kaltsas explained that there is a finger that goes out on the East side of the pond, that would be a buildable area in a regular city. That would really disrupt people's views if something was built there. Gardner asked if Marty is suspicious of trading wetland for buildable lots. Marty said not really. He just wants to maintain character in the expansive frontages.

Thompson said that 200x300 standard versus 150x400. Kaltsas asked do you like more space in the front or more space in the back? Marty said it is more aesthetic to have a larger frontage than larger lot behind the house. He said he has a lot of signatures that prefer to not increase density. Thompson said we are already on the naughty list for density and hitting targets. We are still at the outer bounds at what kind of density levels we can have.

Tom Koch has the property at Koch's Crossing. He said if we adopt the 200' lot frontage, it's so difficult to do these lots we want. They can't have a cluster with 200'. The slopes make it very difficult for us as well. It would have to go to 15-20%. Our lots are rectangular and now Otto is having to try to make them trapezoid or odd shaped lots. He suggested the slope should be between 15-20%. Marty said he has no opinion on grading.

#### PUBLIC HEARING CLOSED

Gardner said the individual things that we need to discuss are excluding the ROW to just get into the ordinance. They just need clarification. #7 is new. Thompson said we can talk about the 150' and it seems appropriate. Dumas said he agreed. Dumas said that regarding slopes, it adds a lot to lots and the slopes he has at his house are greater than the 10%. It limits the walkouts for basements. We can address the erosion to provide adequate erosion control. Thompson asked about leaving the shoreland district alone and remove the slope requirement from the rest of the language. Are there still checkpoints regarding building permits/wetland permits to allow building areas. Kaltsas said this is most likely a relic for farmland and septic sites and ag land would not be an issue. Thompson said you couldn't create a new lot. Kaltsas said you can't have a lot that is separated by slopes that are greater than 12%. You have to have 1.5 contiguous buildable. Paul Otto is trying to hit this. He has to jog a lot line around to pull more land in to get to the 1.5/ Lot lines are hard to draw to jog around the contiguous lots. It disrupts the lot lines.

Gardner said he has been in the excavating all his life and this is the first he has ever heard of this. If this has much negativity, it is useless except shoreland. It should be taken out of the RR standards.

Thompson said the density table is the next issue. Kaltsas said 7.6 is the threshold. Its 7.6 + 5. Thompson said the first line should be less than 7.5 acres, lots permitted equals one and 7.6 or more.

Gardner brings up the memorializing HOA. Kaltsas said there is a sunset on HOAs. Unless it is active it goes away. Thompson said there was good public feedback on how we incorporate public access and park dedication and how does it relate to cluster development. Gardner recommends a topic of HOAs in the near future. Cluster out-lots are always a good discussion on who maintains.

Marty said lot frontages desire to connect cluster with neighborhood that is different than mine. This impacts us in a lot of ways. Koch's will affect the Brei Kessel lots negatively. Gardner said when Bill Koch was in here wanting to capitalize on his lot, he was wondering how to connect through.

**Motion by Thompson for zoning for section 530 for additions and deletions. Slopes be deleted, minimum lot frontage marker A delete regarding slopes as well as Subd. 3 changing record of lot table to read less than 7.6 acres, second by Dumas. Ayes: Thompson, Gardner, Dumas, Volkenant. Alternate, Tearse. Nays: None. Absent: Story. Abstain: None. Motion Approved.**

Thompson said to clarify, the others would remain as written.

7. Open/Misc.

Dumas noted that in the previous minutes, it has Dumas as listed as absent.

8. Adjourn.

**Motion by Thompson, second by Volkenant to adjourn at 9:24 p.m.**

Respectfully Submitted,

Amber Simon / Recording Secretary

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY JANUARY 4, 2022 – 6:30 P.M.  
City Hall Chambers

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. Swearing in of Newly Elected Council Members

Beth Horner swore in Lynn Betts. Brad Spencer was not present tonight so he will be sworn in next time.

4. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, McCoy and Grotting

ABSENT: Spencer

STAFF: City Administrator Kaltsas, Assistant to Administrator  
Horner

VISITORS: Anita Volkenant, Bob Volkenant, Matt and Joe Timm

5. \*\*\*\*Consent Agenda\*\*\*\*

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

- a. Approval of City Council Minutes from the December 21, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Checks as listed).
- c. Agriculture Preserve Application -421 Ingerson Road.
- d. Approval of Pay Application Request #13 from Rochon Corporation for work completed on the 2020 City Hall Project.

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

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

## 7. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

### **Grotting attended the following meetings:**

- Planning

### **McCoy attended the following meetings:**

- None

### **Betts attended the following meetings:**

- None

### **Johnson attended the following meetings:**

- Planning
- Breakfast with Representative Phillips

### **Horner attended the following meetings:**

- None

### **Kaltsas attended the following meetings:**

- None

## 8. Peg Timm - Request to Discuss Property Issues with City Council (7290 County Road 6)

Peg Timm's sons Joe and Matt are here to speak on Peg's behalf. They live on 7290 County Road 6. Joe said in 2014 Keating put a berm on his property. This radically altered their property and use their property the way they would enjoy. There is no ordinance for berms in the ordinance and no height restrictions on berms. The berm has caused issues with how the water moves in the Timm's property until the berm was put in. Joe asked the Council to acknowledge that the berm was not done according to the city's ordinances and not done in a way that was reasonable or neighborly. They asked that the city make an ordinance for size and for appropriate drainage. He asked for changes to be made to the berm, so the use of their property be more enjoyable.

Johnson asked if they received the letter from the Hakanson group. Kaltsas said that the city asked Hakanson and Anderson to go to the property to review this issue. Johnson asked if this is Pioneer Creek or Minnehaha watershed. Kaltsas said PSCW. Johnson said there are some trade-offs with the watersheds. This property is one property to the East of Minnehaha.

Johnson said there are a lot of other issues. Betts said there are two separate issues. McCoy asked what the two colors are on the map of the property provided. Joe said the blue and yellow line is where the berm was supposed to be on the property. The red is where it actually is and it's 35' across. Johnson asked if the addition to the berm was done without a grading permit. Matt Timm said there was a spot that was meant for drainage and since then it was regraded, and the hole was covered. Hakanson Anderson agreed there was an issue. Grotting asked if there was no berm there, would there be standing water. He asked how would taking away the berm get rid of the water. Joe said look at the bobcat. Matt asked if they are going to refute what we say or are



you willing to believe us. The muck is gravel. Johnson said 2018 was the wettest years we had in history. Matt asked if it would be helpful to offer other pictures.

Betts said this whole area changed when the polo area came. The pasture is gone and became a lake. They broke a drain tile when they were digging a basement behind the Timm's property. We can't do anything about that. I think this has exacerbated your problem. The maps to all the drain tile lines are most likely destroyed. Grotting said that the last thing the city council wants to do is take action on something that we don't know enough about. Matt said it's acknowledged by Hakanson there is an issue. Keatings actions were illegal to move dirt the way he did without a permit. Grotting said there is a lot of flat ground with your belongings, and he asked if they have moved that off of his property. Matt said that there is now a fence. Grotting said there was draining to the North and South. Betts asked what the purpose of the berm was and if Keating had a problem on his property that he felt he had to put up a berm. Matt said he drained the water from the wetland to across the street. He asked why this a foot or two from our property. Johnson asked where the water was coming from that was pumping. Timm boys said it was from the wetlands. Grotting said he obviously put the berm there to block his view of Timm's shed.

McCoy asked about the creek that runs East to West behind that flows out to the West. Before the berm was established on the N, it flowed in a NE direction. Grotting said there is no elevation change there. Betts said if it's blocked it has no where to go. Johnson asked how the water is being diverted. Joe said when the water comes down it has to choose which way to go. Johnson said the high point is where the house is. Matt said it's pooling onto our property in the flat part. Johnson asked why they don't build a drainage ditch to flow the water South. Grotting said he is talking about a swale. Johnson said there are some major flaws in the CUP that they are violating. Betts said that the other berm done without a permit did this cut off the drainage. Matt said this blocked it off. Betts asked if Keating had to take out the part of the berm that was done without a permit would that help the situation. Matt said I can't say if that would make a difference. Betts said this was a dry year compared to the previous years. She asked when these pictures were taken. December 2018. Grotting said the last drainage problem, the downstream resident had to do a swale or trench along the property line. Matt said we should be considered the upstream residents since the water used to flow to his property. He said they have tried working with Keating. People shouldn't have to do this with neighbors. There should be an ordinance. Grotting said that Hakanson said that in the corner, if that berm was opened that would solve 70% of the problem and to have it drain to the South it would resolve 30% of the problem. Bob Vose said that the 2019 report from Hakanson, the solutions are good ideas. I don't read the letter as saying the berm has caused the water issue. In fact, one of their solutions is a survey drainage before and after the berm. The gap in the berms that were filled doesn't change anything. He said there are issues with both property owners, and you can't pick and choose to go after one and not the other. This is usually an issue between property owners that is resolved with a lawsuit. The city is taking this seriously even though they don't need to.

Betts asked if there needs to be a maximum height of berms. Kaltsas said we don't have a maximum height for berms. Usually, it is the commercial that we are trying to screen from the residential to block all visual. Betts said we should pursue this a little more. The ground settles under a berm so will there be a berm be in the same condition in 10 years. If it cuts out sunlight and scenery, then we should consider limitations. McCoy said in the December 2018 Hakanson report it says that the water does drain North off the Timm property. They admitted that was wrong when they went out physically. There was a sub watershed that was not identified originally. That sets the tone that the berm is holding up the water. Vose said that the report basically said that they know a little better about how the water works now than in their initial report. They are not rendering an opinion of it but they are saying that they could find out. Matt said that Hakanson admitted that they were incorrect in their initial findings. The location of the berm isn't where it was approved to go. Grotting said don't wait around for Keating to do something to get your life working again. Joe said we can only spend so much money. Matt said all we are asking is for the city to acknowledge Hakanson Anderson would come out and look and see if we are nuts or to see if there is an issue here. Joe said let us know what you need from us. It would be nice to put in a

French drain but that is expensive. Grotting said you want a swale, not a French drain because those don't work in this climate. Johnson said if you can't work with the neighbors, you've got to work with what you've got, but in his opinion, he suggested doing something to fix it and get it behind them. Matt asked Johnson if he doesn't see any issues with what has been done here. Johnson said he's not saying that. There are several issues with the Tim's property that need to be dealt with and the CUP that was issued to them that are in violation. Betts asked about the orange contour line. She asked if there was any way that you could drain the water to the West or is this higher elevation. Johnson said we see an elevation of 1,012 and it is flat so it's not draining anywhere. McCoy said if you drain it to the West then you're draining it to into someone else's property. Betts asked if a culvert would work. Johnson suggested that the person who wrote the letter from Hakanson come to talk about the report. Kaltsas said that person is no longer with Hakanson, but we should take the letter from Hakanson and have another discussion about this. There are financial implications to the city. There was a civil dispute between the neighbors.

Johnson said lets lay this on the table and try to get further information from Hakanson. Timm's said thank you.

9. Annual City Council Appointments.

e. **RESOLUTION 22-0104-01 - Annual Organizational Appointments.**

f. **RESOLUTION 22-0104-02 - Approval of Planning Commission Appointments.**

No changes from anyone. Betts said that Steve has done a lot for the City with LMCC. Grotting said this is more independent from LMCC. Johnson said he appreciates all the work Grotting has been doing. Johnson acknowledged Joe Baker's work on PSCWMC.

**Motion by Johnson, second by McCoy to approve Resolution 22-0104-01. Ayes: Johnson, Grotting, McCoy and Betts. Nays: None. Absent: Spencer. Abstain. None. MOTION DECLARED CARRIED.**

**Motion by Grotting, second by Betts to reappoint Robert Gardner to the Planning Commission, Resolution 22-0104-02. Ayes: Johnson, Grotting, McCoy and Betts. Nays: None. Absent: Spencer. Abstain. None. MOTION DECLARED CARRIED.**

10. Annual Fee Schedule Adoption.

a. **RESOLUTION 22-0104-03 - Considering the Annual Update to the City's Fee Schedule.**

Johnson confirmed with Kaltsas that the only change is the sewer fee. Kaltsas said MetCouncil fee is flat so no increase for the 8<sup>th</sup> year in a row.

**Motion by McCoy, second by Grotting to approve Resolution 22-0104-03. Ayes: Johnson, Grotting, McCoy and Betts. Nays: None. Absent: Spencer. Abstain. None. MOTION DECLARED CARRIED.**

11. Zoning Ordinance Amendment Consideration.

- a. **ORDINANCE 2022-01:** Considering an amendment to the City's Subdivision Standards and Rural Residential Cluster Development Standards as follows:

Considering amendments to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments. In addition, the City is considering establishing a minimum lot width for Cluster developments as well as modifying slope steepness to be consistent with other areas of the zoning and subdivision ordinances.

Kaltsas said this is between cluster and RR. The city has two districts, AG and RR. In RR the city allows a 1:5 zoning in how we determine density. The density table doesn't equate to 1:5. One lot for the first 7.599 acres that you own and at 7.6 we allow an additional lot. At 47.5 the table stopped, and the language stated that you get one additional lot for every 5 acres after that. Between 42.5 and 47.5 there was a penalty if you owned greater than 47.5 acres. It was recommended that the penalty be eliminated by allowing 1:5 to begin after 7.6 acres. The bonus would remain in place and won't penalized a landowner that owns over 47.5 acres.

Within the RR we allow a cluster development as a CU. A cluster development was a way the city looked at preserving a larger amount of space within the public open space. It is not unique to Independence. The cluster development standards are that if you can preserve 50% of the property as open space and 50% of that 50% as usable space, you could receive a density bonus.

A resident asked the city how 50% calculation is made regarding gross acres. The question was if the calculation will include or exclude new roads. Planning discussed it and it was recommended that we should amend the 50% should exclude ROW, existing roads, and county roads. Any new roads would be included.

The last piece was lot frontage for cluster development. The standard frontage is 200 lineal feet for RR lots. We allow 50' frontage on a cul-de-sac. The question was if we would allow a lesser number. This came up on the Scheffers development and some relief was offered for them. Planning said that 150' frontage was reasonable reduction but still was a reasonable size lot. There was also a question about slope and if a 10% slope needs to be maintained. Shoreline is 12%. Planning asked that we eliminate slope altogether. This is just in RR.

Johnson asked what the wording "or other physical impediments" means in the ordinances. Kaltsas said it could be rock formation or something else you would want to preserve. Or a substation and public utility easement. He said elimination of the 10% slope would take that out.

McCoy asked about the dedication of gross acreage. He asked what if they put a trail on the public ROW like Providence. If that would that be eligible for reduction of gross acreage because its public use. Kaltsas said it would be ore of a park dedication. Betts asked wasn't that unique because it was a

narrower road. Kaltsas said it's a wider road. McCoy said it is common to put bike paths along the city ROW. It would be separate from park dedication. That portion should count towards gross acreage. Johnson said what if Koch's want a sidewalk on each road. That's public use. As the city develops, we may need to consider this. On Budd St, where there is higher density, you would want to put sidewalks in. Kaltsas said it has to be public, beyond just the subdivision, and an easement dedication to the public. This was a unanimous vote by the planning commission.

**Motion by Betts, second by McCoy to approve New ORDINANCE 2022-01. Ayes: Johnson, Grotting, McCoy and Betts. Nays: None. Absent: Spencer. Abstain. None. MOTION DECLARED CARRIED.**

McCoy said he appreciates the Planning Commission's work on this and others.

12. Meeting Date/Time Change for the February 1, 2022, Regular City Council Meeting resulting from of the 2022 Precinct Caucus.

Kaltsas said that they could meet earlier on February 1 to keep the date the same.

**Motion by Johnson, second by Grotting to meet at 5:00pm on February 1, 2022. Ayes: Johnson, Grotting, McCoy and Betts. Nays: None. Absent: Spencer. Abstain. None. MOTION DECLARED CARRIED.**

13. Open/Misc.

14. Adjourn.

**Motion by McCoy, second by Grotting to adjourn at 8:08 p.m. Ayes: Johnson, McCoy, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Amber Simon / Recording Secretary

## City of Independence

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

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 18, 2022
<i>Applicant:</i>	Mark Gaalswyk
<i>Owner:</i>	<b>Mark Gaalswyk</b>
<i>Location:</i>	2855 Copeland Road

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

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

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

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

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

Property Information: **2855 Copeland Road**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *22 acres*



2855 Copeland Road - Aerial



***Discussion:***

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

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

An accessory dwelling unit must meet the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>a</sup> *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.*

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

The location of the existing accessory building and its proximity to the surrounding properties does mitigate potential impacts of allowing a portion of the space to be used as an accessory dwelling unit. The surrounding properties are similar in character and have similar sized detached accessory buildings. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building



regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

As proposed, the accessory dwelling unit appears to meet all applicable criteria established in the zoning ordinance. In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit

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

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

Consideration for the proposed conditional use permit should weigh the impact of having an accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

Should the CUP to allow an accessory dwelling unit be considered by the City, it is suggested that the following conditions be noted by the City:

- The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City.

- The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

***Neighbor Comments:***

The City has not received any written or oral comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

***Recommendation:***

The Planning Commission is being asked to consider the application for a CUP to allow an accessory dwelling unit. Should the Planning Commission recommend approval of the requested conditional use permit, the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The conditional use permit will be issued subject to the following items being completed:
  - a. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City.
  - b. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

***Attachments:***

1. Application
2. Site Pictures
3. Site Survey

4. Proposed Accessory Dwelling Unit Floor Plan
5. Interior Pictures



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

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

**Owner Information**

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

Property Address:

PID:

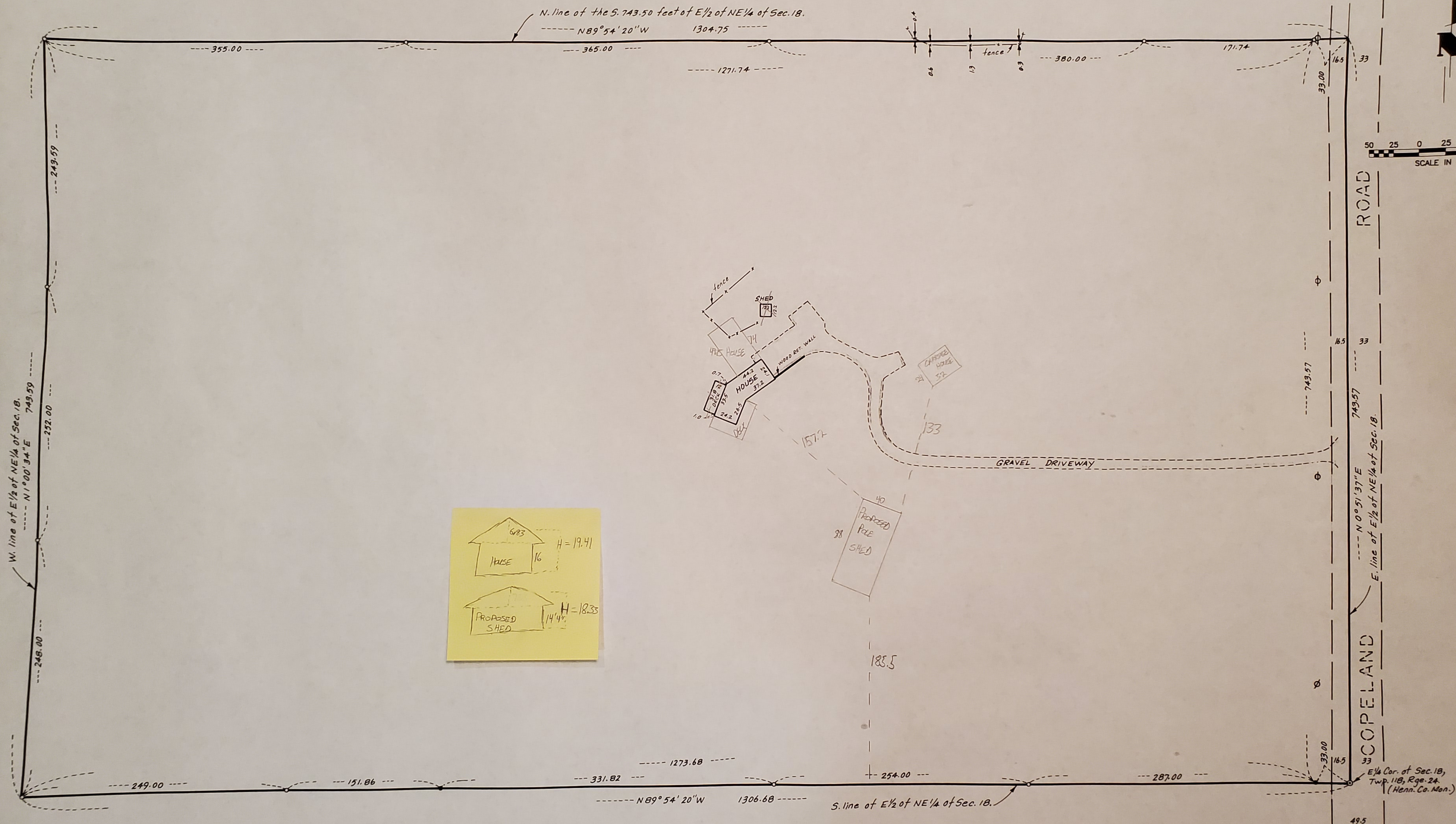
Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:





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

#### DESCRIPTION

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

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

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

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



November 30, 2021

City of Independence, MN

Planning Application / Conditional Use Permit Request

**RE Property:**

2855 Copeland Road

Independence MN, 55359

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

Zoned: Agricultural

**To Whom It May Concern:**

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

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

**“Accessory dwelling unit” definition compliance:**

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

*510.05 Subd. 2*

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

*(Amended, Ord. No. 2011-09)*

*(a)*

*Physically attached to or within a single-family dwelling unit or within a detached <sup>a</sup> accessory building that has a principal structure on the parcel; and*

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

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

*(b)*

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

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

*(c)*

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

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

*(d)*

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

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

*(e)*

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

*(Amended, Ord. No. [2017-03](#), § 1)*

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

*(f)*

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

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

*(g)*

*Has permanent provisions for cooking, living and sanitation; and*

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

*(h)*

*Has no more than two bedrooms; and*

OWNER RESPONSE: the Carriage House has 1 bedroom.

(i)

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

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

(j)

*Uses the existing on-site septic system <sup>b</sup> or an approved holding tank; and*

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

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

(k)

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

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

(l)

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

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

#### **Conditional Use Permit application compliance:**

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

##### *520.09. - Procedure for conditional use permits*

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



*520.11. - Criteria for granting a conditional use permit*

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

*520.13. - Conditions and restrictions*

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

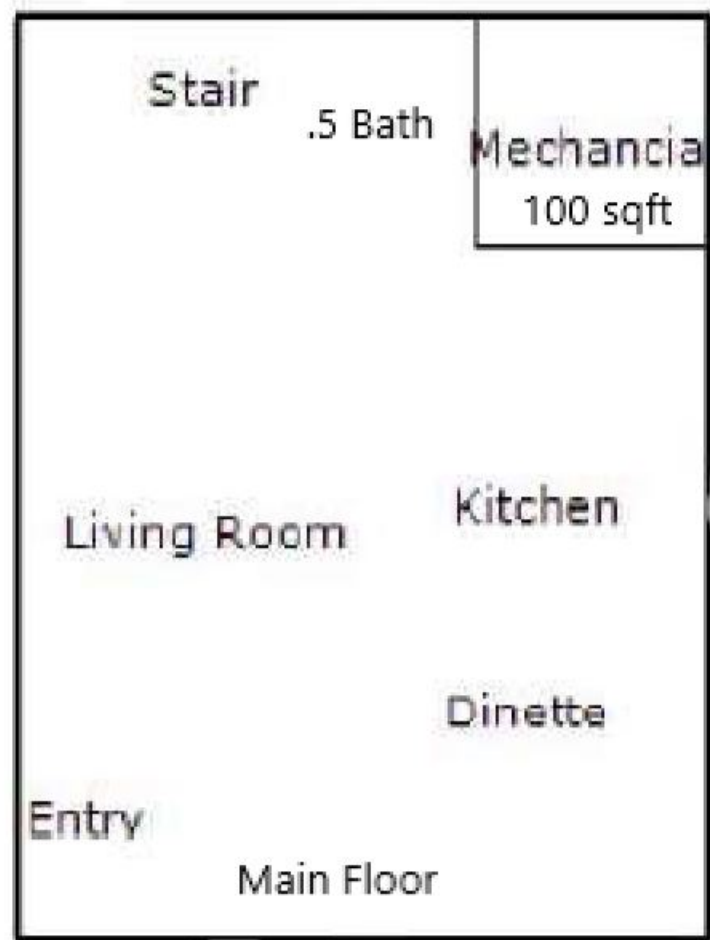
Please let me know if there are any additional questions or concerns with this application.

Sincerely,

Mark Gaalswyk; Melissa Gaalswyk

651-895-9332

22x29 = 638 sqft



17x29 = 493 sqft









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

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To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	January 18, 2022
Applicant:	Robert Knight
Owner:	Robert Knight
Location:	4672 Lake Sarah Drive S

***Request:***

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

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

***Property/Site Information:***

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

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



4672 Lake Sarah Drive S (blue outline)



***Discussion:***

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

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

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

- (a) such use is permitted in the zoning district;
- (b) the lot of record is in separate ownership from abutting lands, and can meet or exceed 60% of the lot area and setback requirements of this section; and
- (c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.

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

Subd. 2. Lot standards.

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

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

The existing home has the following setbacks:

Lake: 36'  
Side: 1.3' (south side), 21' (north side)  
Street: 132' to centerline of street

The detached garage has the following setbacks:



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

The detached deck has the following setbacks:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

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

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

- ### EXISTING HOME ON PROPERTY



A hand-drawn site plan showing the layout of existing and proposed structures. The plan includes several rectangular buildings and a circular feature. Elevation data is provided for various points on the site. Red dashed lines and arrows indicate the relationship between existing and proposed structures.

**EXISTING STRUCTURES** (indicated by red dashed lines and arrows):

- Structure 1: Elevation  $+1001.9$
- Structure 2: Elevation  $+1002.6$
- Structure 3: Elevation  $+1002.5$
- Structure 4: Elevation  $+1002.3$
- Structure 5: Elevation  $+1002.7$
- Structure 6: Elevation  $+1002.5$
- Structure 7: Elevation  $+1002.6$
- Structure 8: Elevation  $+1002.7$
- Structure 9: Elevation  $+1002.8$
- Structure 10: Elevation  $+1002.9$
- Structure 11: Elevation  $+1002.8$
- Structure 12: Elevation  $+1002.7$
- Structure 13: Elevation  $+1002.6$
- Structure 14: Elevation  $+1002.5$
- Structure 15: Elevation  $+1002.4$
- Structure 16: Elevation  $+1002.3$
- Structure 17: Elevation  $+1002.2$
- Structure 18: Elevation  $+1002.1$
- Structure 19: Elevation  $+1002.0$
- Structure 20: Elevation  $+1001.9$
- Structure 21: Elevation  $+1001.8$
- Structure 22: Elevation  $+1001.7$
- Structure 23: Elevation  $+1001.6$
- Structure 24: Elevation  $+1001.5$
- Structure 25: Elevation  $+1001.4$
- Structure 26: Elevation  $+1001.3$
- Structure 27: Elevation  $+1001.2$
- Structure 28: Elevation  $+1001.1$
- Structure 29: Elevation  $+1001.0$
- Structure 30: Elevation  $+1000.9$
- Structure 31: Elevation  $+1000.8$
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- Structure 166: Elevation  $+987.3$
- Structure 167: Elevation  $+987.2$
- Structure 168: Elevation  $+987.1$
- Structure 169: Elevation  $+987.0$
- Structure 17

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

Staff is seeking a recommendation from the Planning Commission for the requested Variance. Should the Planning Commission Recommend approval of the variance, the following findings and conditions should be considered:

- 4672 Lake Sarah Drive S Variance Request

Page 7

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

***Attachments:***

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



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

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

**Owner Information**

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

Property Address:

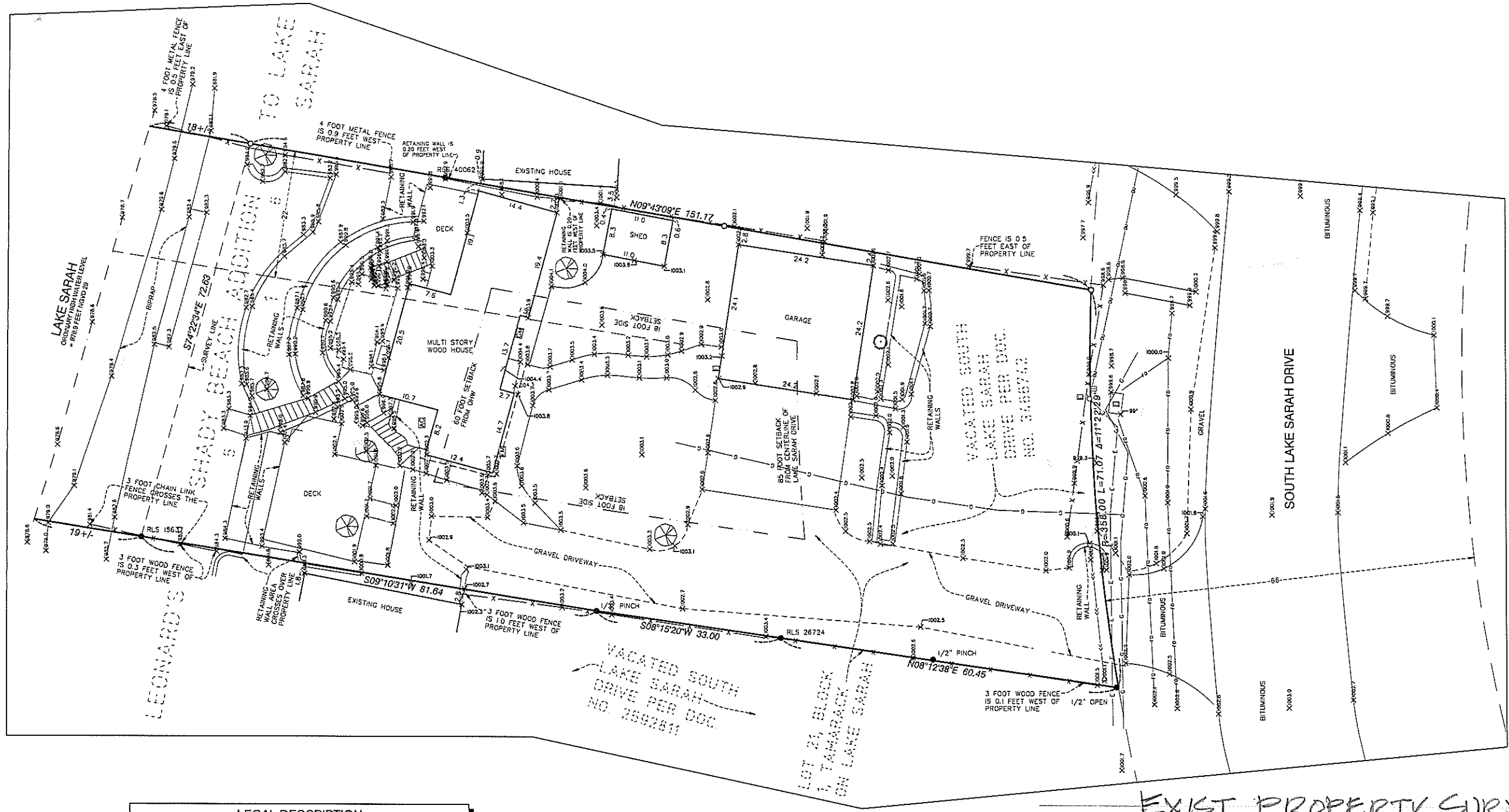
PID:

Planning Application Type: Variance, Site Plan Review

Description:

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

Signature:



### LEGAL DESCRIPTION

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

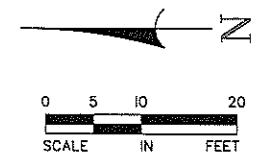
Parcel 2: Lot 21, Block 1, TAMARACK ON LAKE SARAH, according to the recorded plat thereof, Hennepin County, Minnesota.

### NOTES

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

### LEGEND

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



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



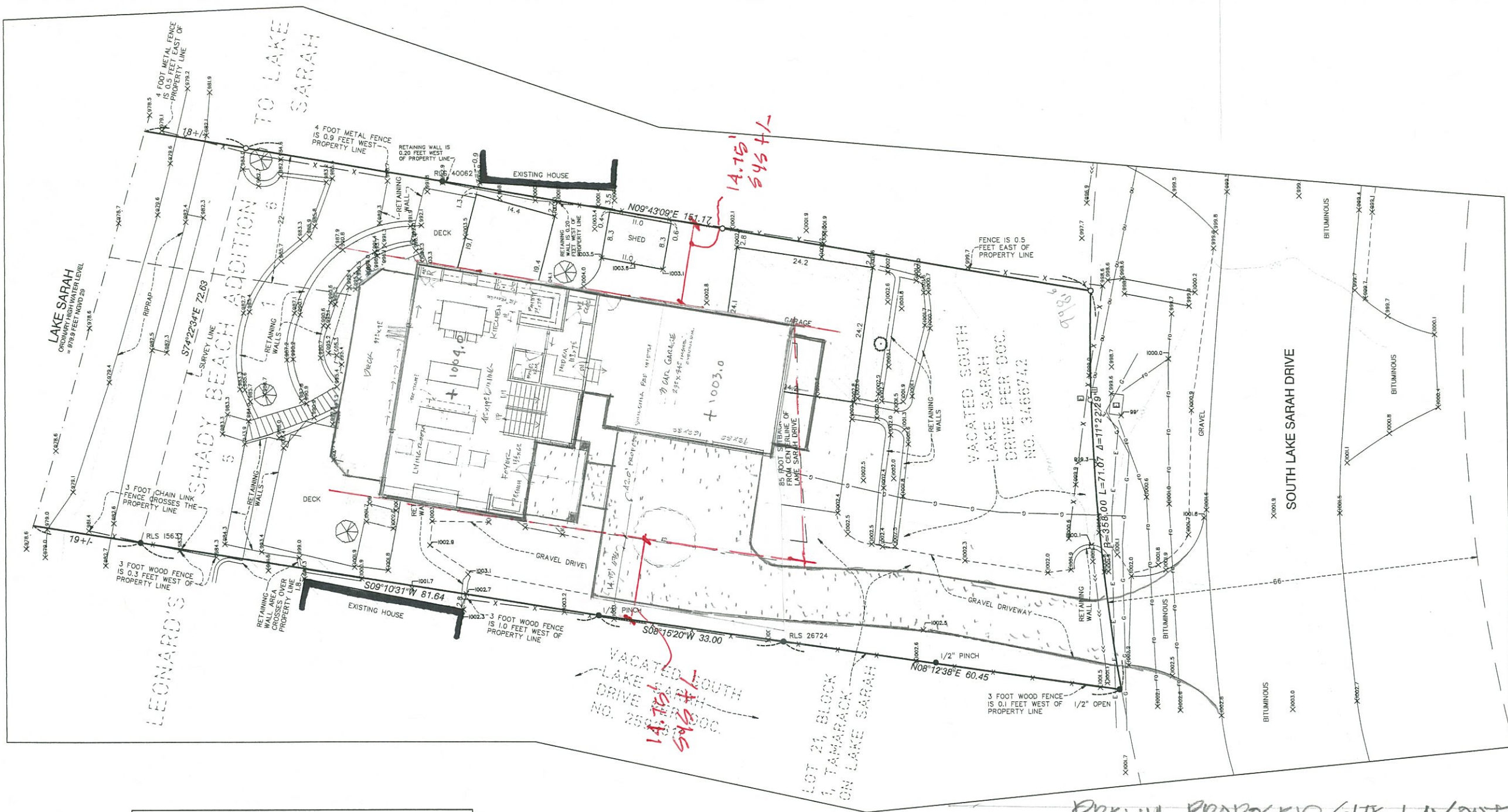
733 Marquette Ave, Ste 700  
Minneapolis, MN 55402  
612.758.3080 MAIN  
612.758.3099 FAX  
www.alliant-inc.com

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.  
DENNIS B. OLMEAD  
Print Name  
Signature  
Date  
License Number

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

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





### LEGAL DESCRIPTION

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

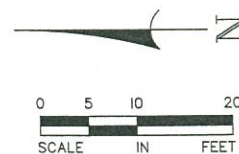
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- Property is zoned Rural Residential District

### LEGEND

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



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

10.8.21

NIRDI



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

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

DENNIS B. OLMSTEAD

Print Name

Signature

Date

License Number

### CERTIFICATE OF SURVEY

4372 LAKE SARAH DRIVE SOUTH  
MAPLE PLAIN, MINNESOTA

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



12.4.21

TO: ROB KNIGHT & SARAH LINDBERG

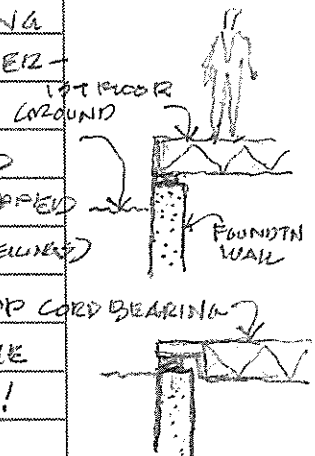
RE: 4672 LK SARAH DR, S. INDEPENDENCE

ROB & SARAH -

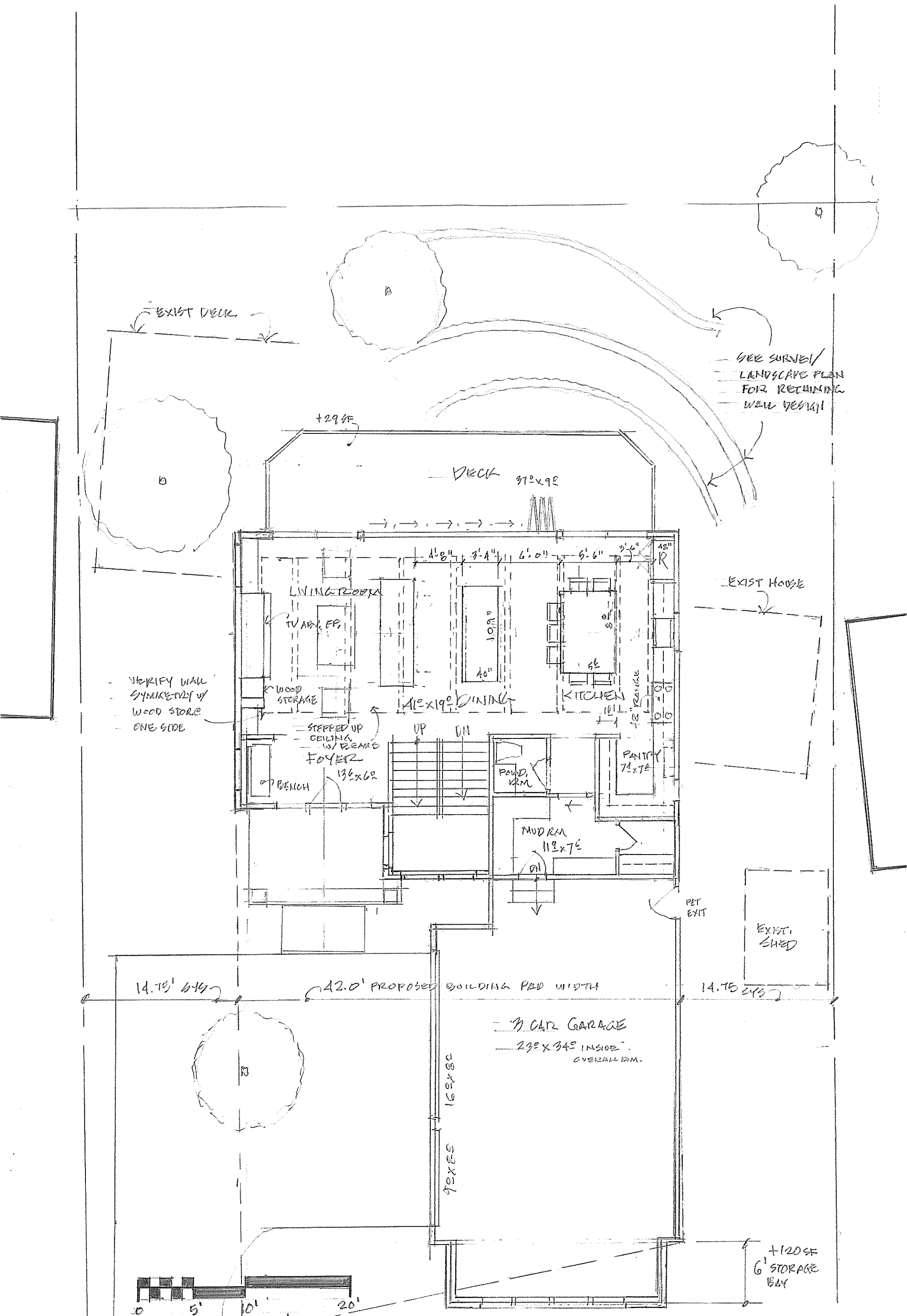
I'VE COMPLETED THE REVISIONS & ENHANCED THE DRAWINGS FOR THE VARIANCE SUBMISSION. HERE ARE SOME FOLLOW UP ITEMS:

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

Thanks!  
BEN

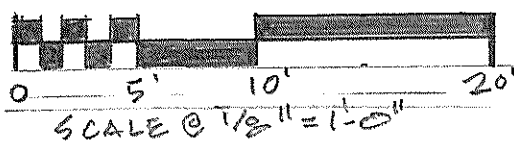
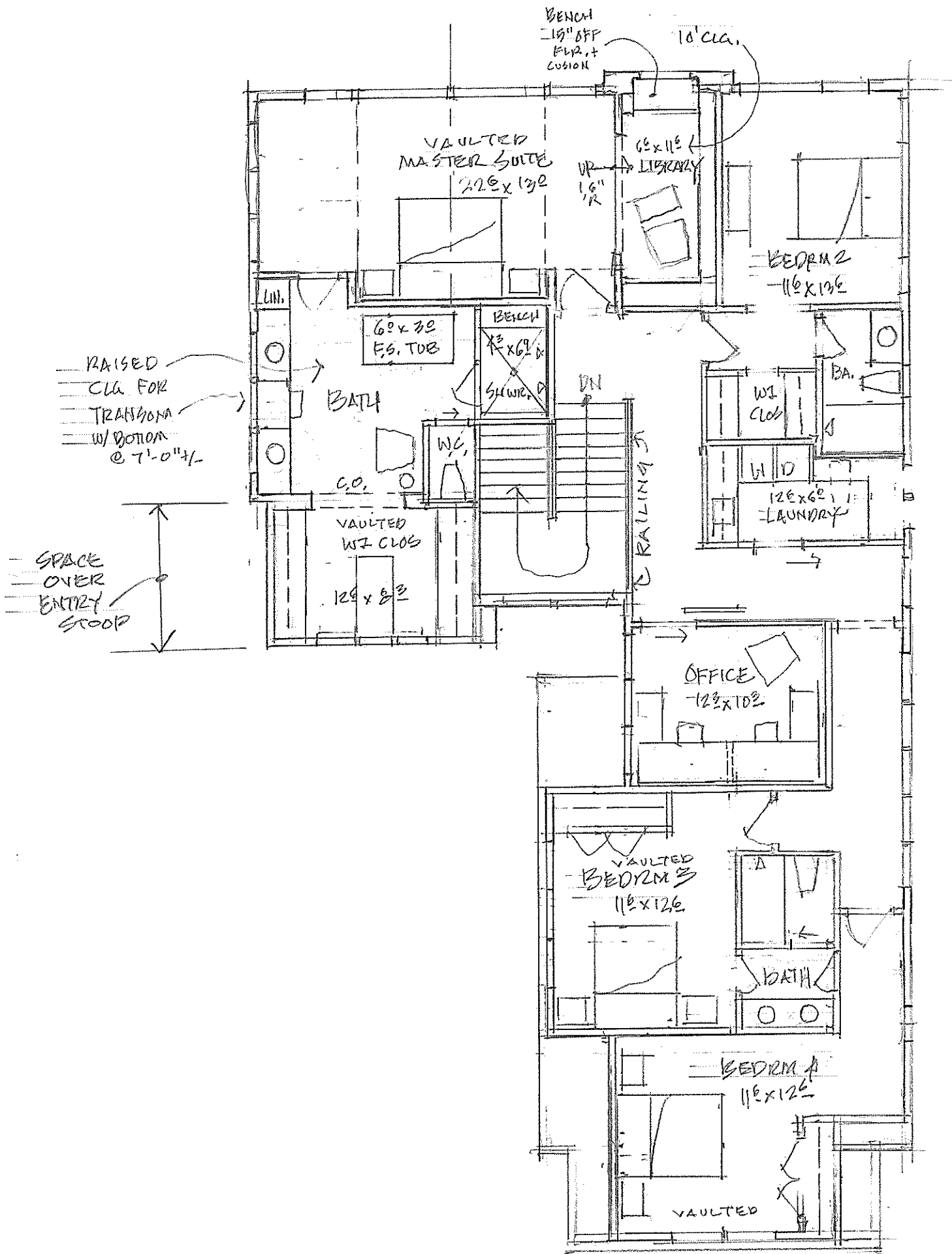






10126.21 11.17.21  
10.8.21  
NRDI 12/4/21

1ST FLOOR PLAN KNIGHT LAKE HOME  
1/8" = 1'-0" 1292 SF +/- 4672 LAKE SARAH DR. S, INDEPENDENCE



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

2120 SF  
 (EXCLUDES STAIR SF)

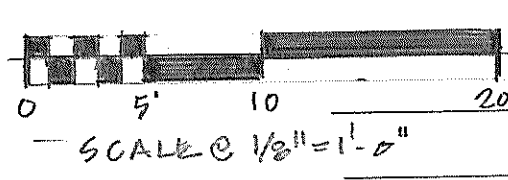
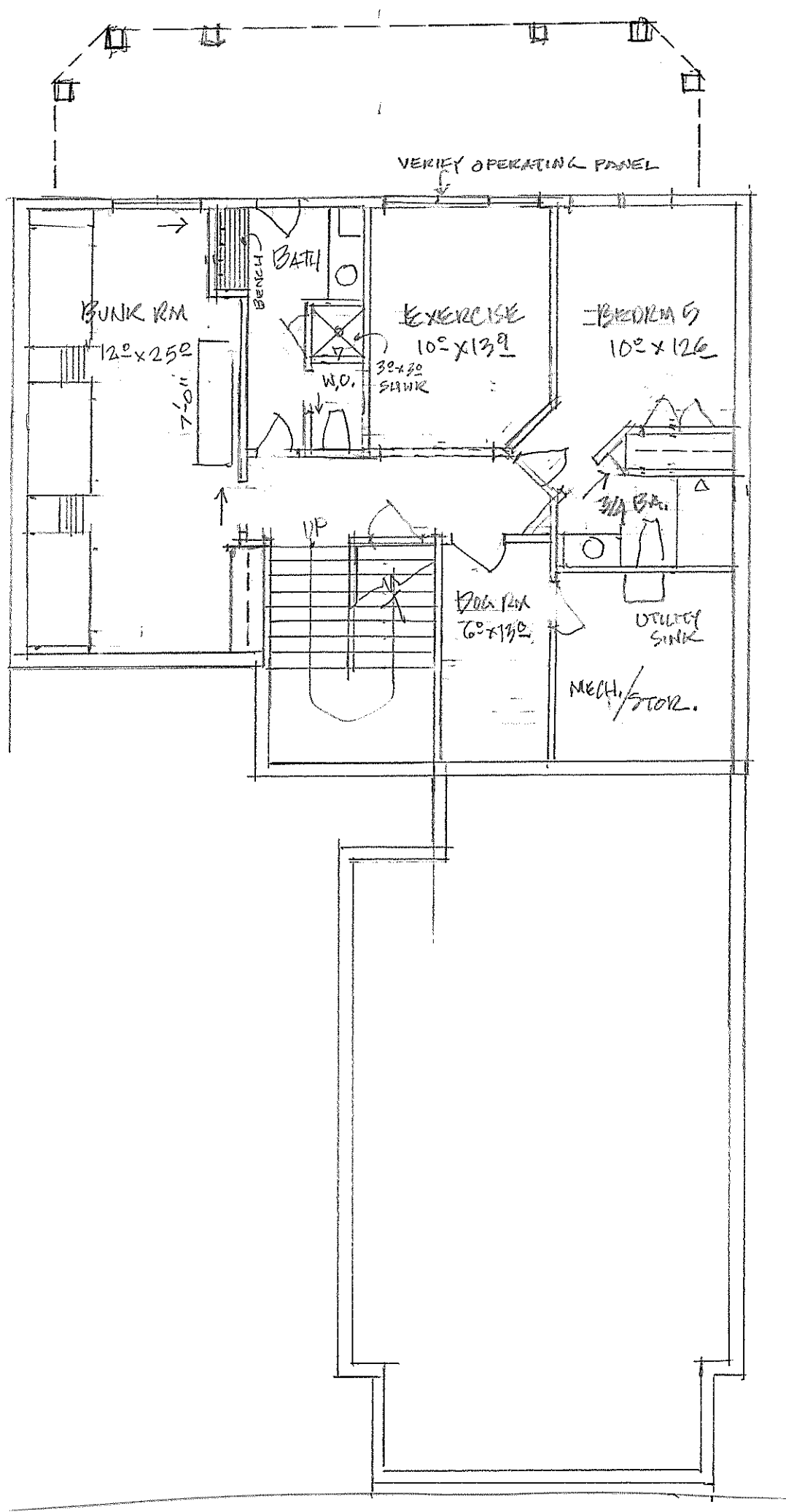
KNIGHT LAKE HOME

4672 LAKE SARAH DR. INDEPENDENCE

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 11.17.21

NREDI

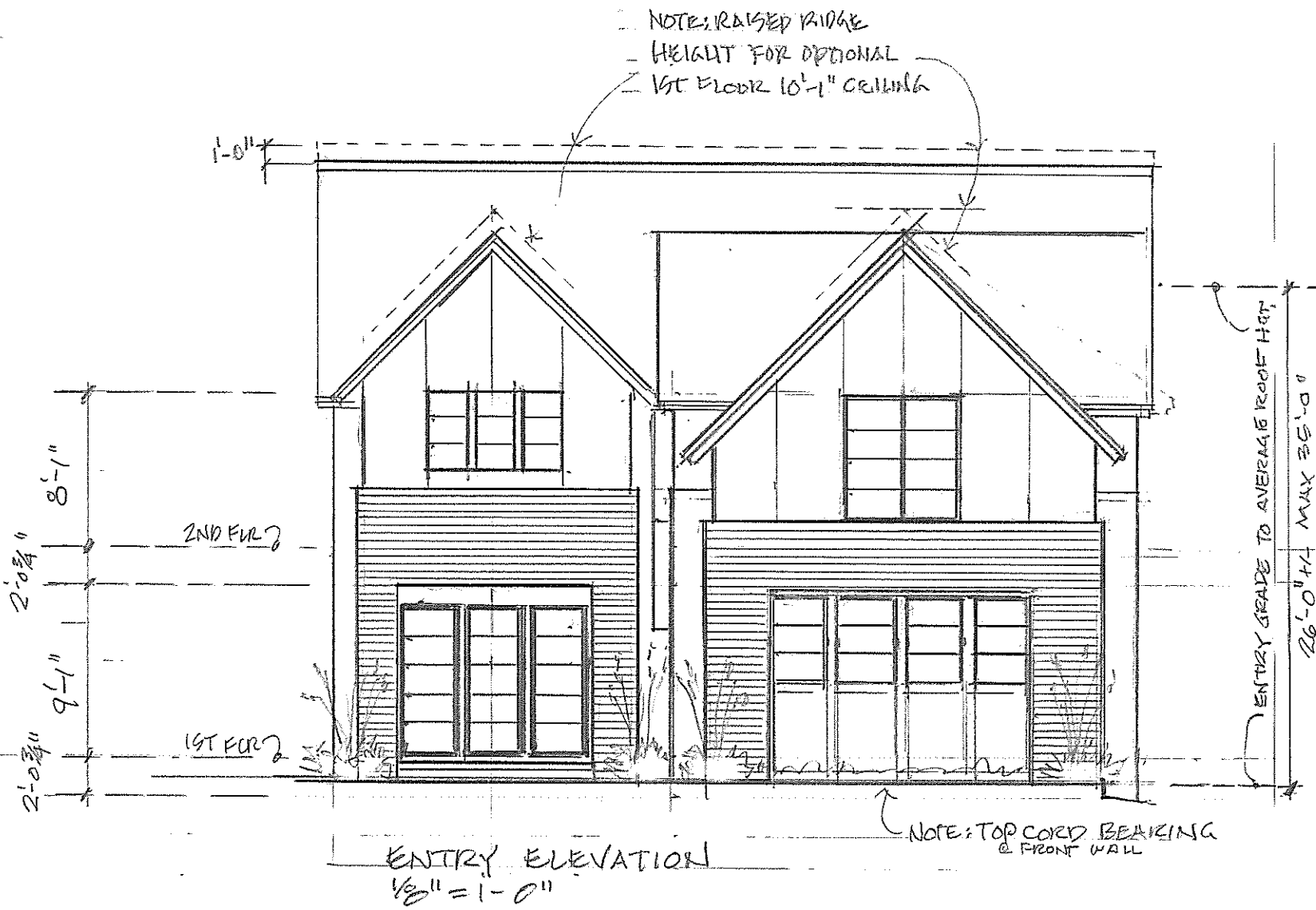
-110  
-36  
1242 - 146  
1146



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

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

12.4.21  
11.17.21  
NIRDI

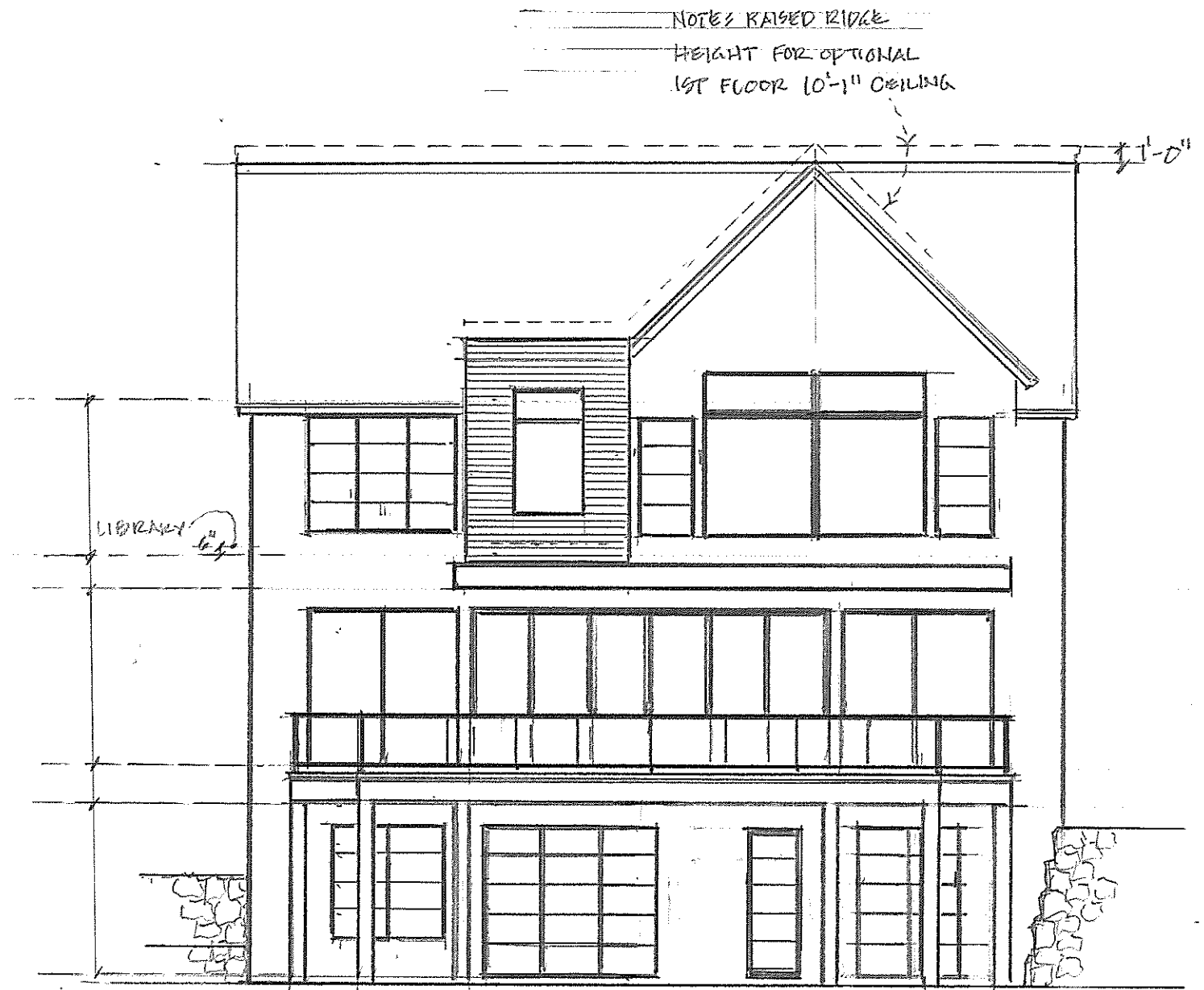


# KNIGHT LAKE HOME

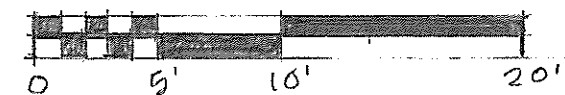
4672 LAKE SARAH DR, S, INDEPENDENCE

11/29/21 12/4/21

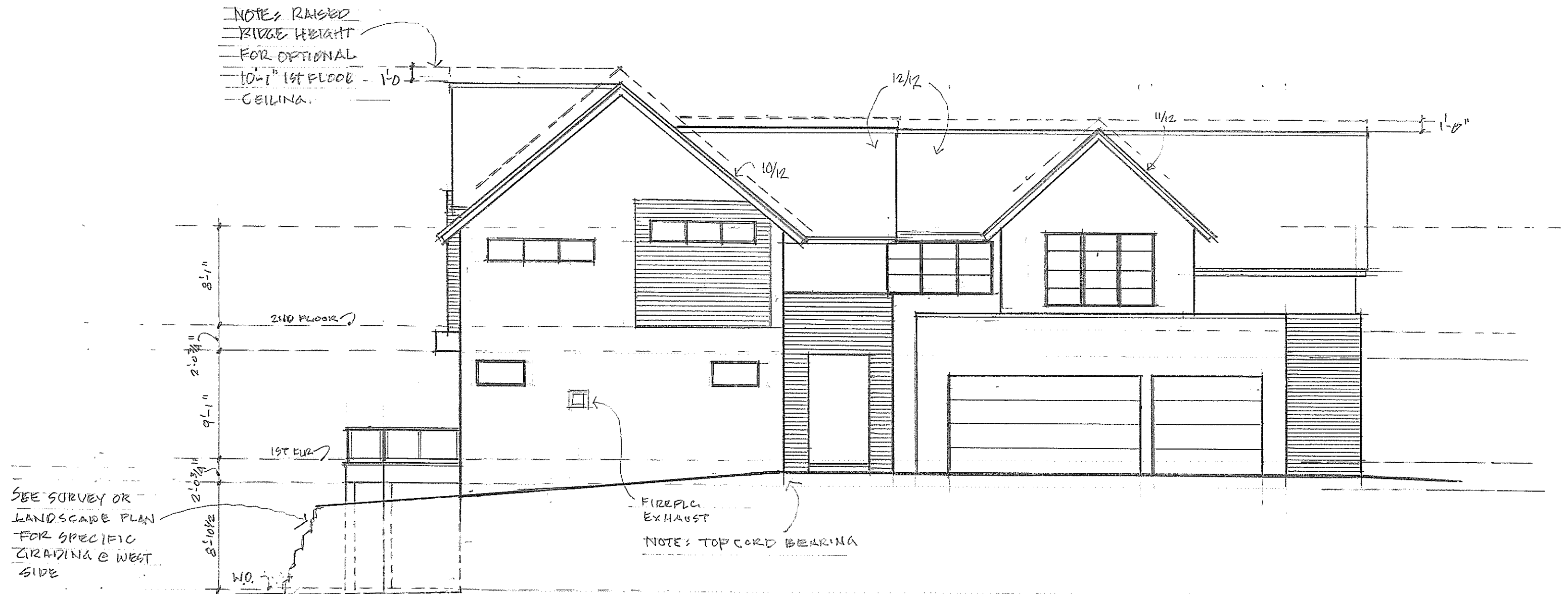
NRDI



# LAKE ELEVATION 1/8" = 1'-0"



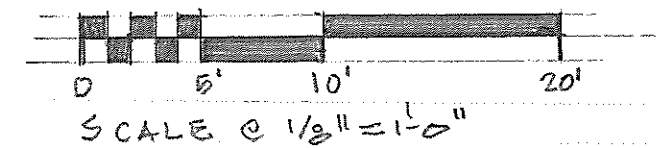
SCALE @ 1/8" = 1'-0"



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

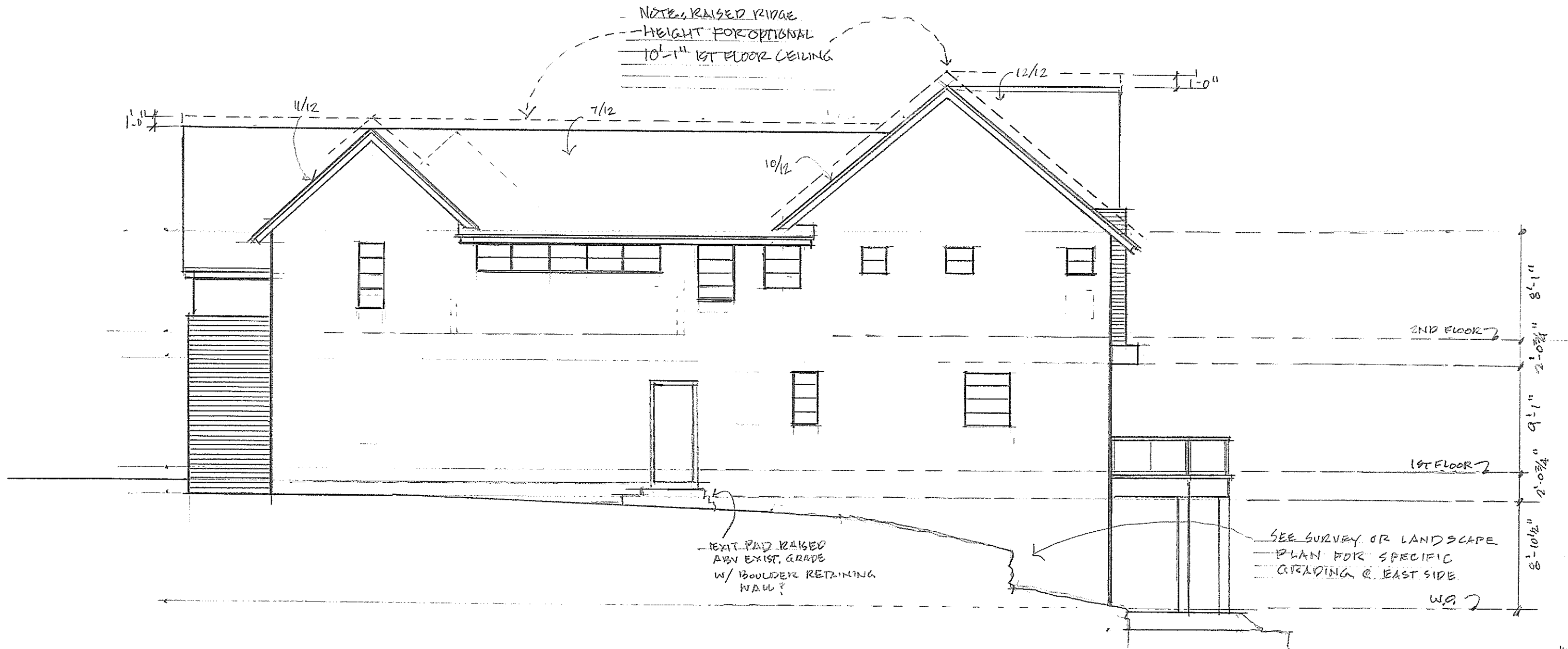
KNIGHT LAKE HOME

4672 LAKE SARAH DR, S. INDEPENDENCE



12/4/21  
 11/29/21

NRDI



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

KNIGHT LAKE HOME

4672 LAKE SARAH DR. S. INDEPENDENCE

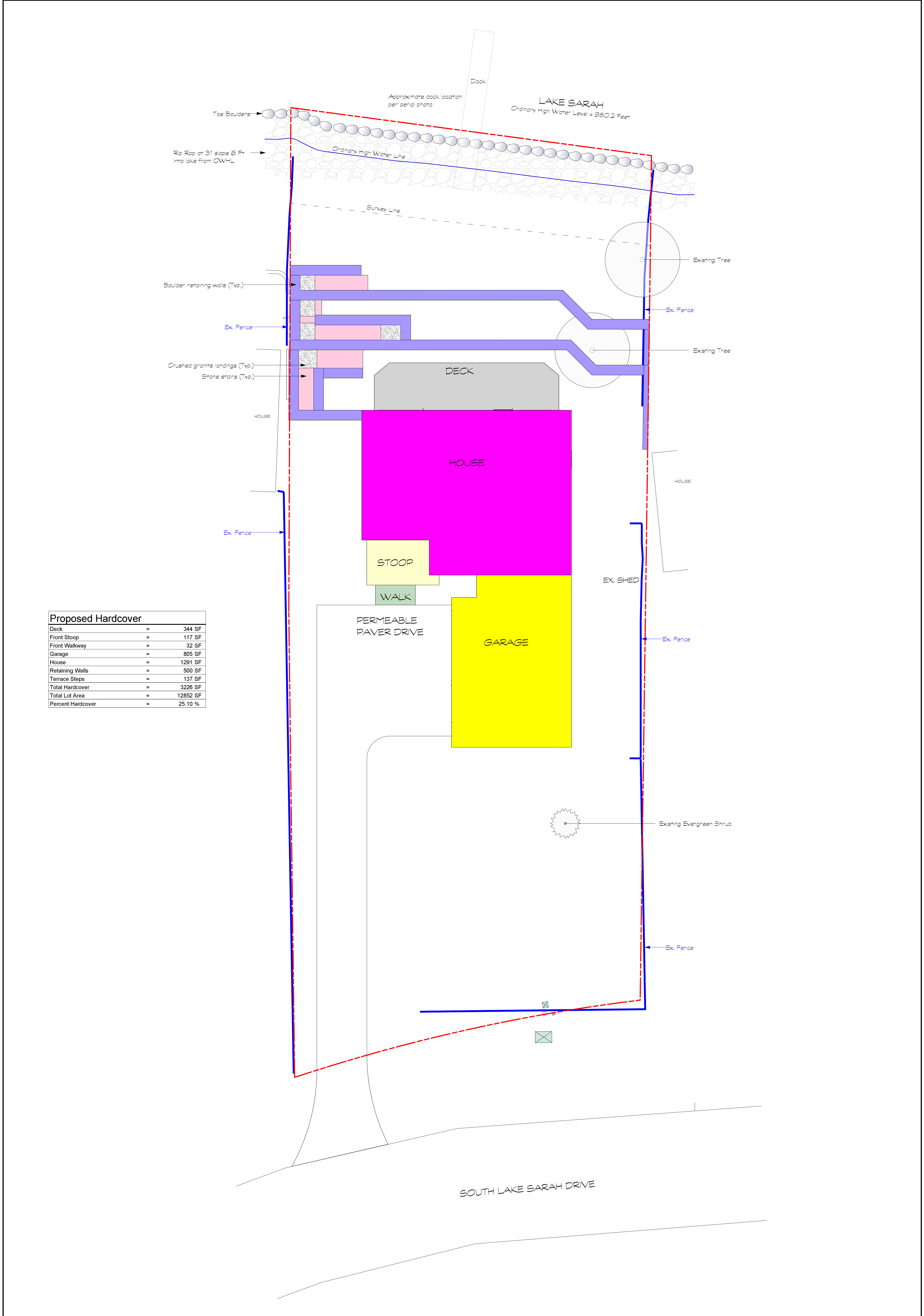
SCALE @ 1/8" = 1'-0"

12.4.21  
 NRDI









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

## City of Independence

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

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 18, 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*

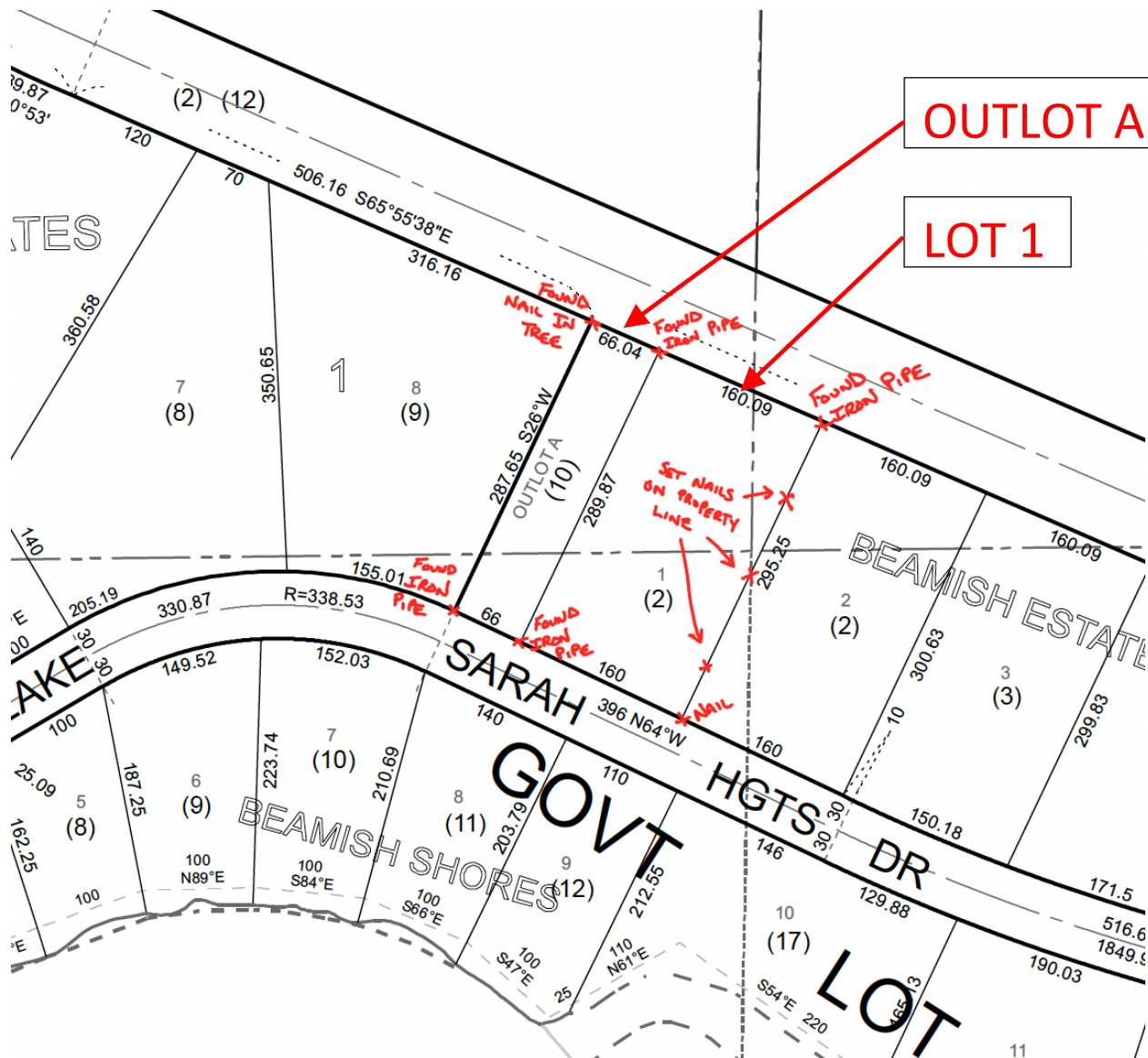
Acreage (After):                             *1.51 acres*





***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 2<sup>nd</sup> 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 a plat map of the proposed properties and found the property pins. An official survey with the before and after conditions and legal descriptions would need to be submitted prior to City Council consideration of the minor subdivision.
5. The requisite drainage and utility easements would need to be dedicated to the City. 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.

***Neighbor Comments:***

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

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the requested Subdivision with the following findings:

1. The proposed subdivision for 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. Plat Map
2. Application



**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*



