



PLANNING COMMISSION MEETING AGENDA  
TUESDAY MARCH 15, 2022

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. January 18, 2022, Planning Commission Meeting
  - b. March 1, 2022, City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following action for the property located at 4390 Woodhill Drive and property associated with the home on 4363 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:
  - a. A minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4363 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.
5. **PUBLIC HEARING:** Kelly Brouwer (Applicant) requests that the City consider a relocation permit to bring in an existing home on the newly created 20-acre portion of the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN.
6. **PUBLIC HEARING:** Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:
  - a. Rezoning from AG-Agriculture to RR-Rural Residential.
  - b. A conditional use permit to allow a cluster development. Cluster developments have additional standards which require the preservation of open space within a development.
  - c. Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

7. Open/Misc.

8. Adjourn.

MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
SPECIAL MEETING  
JANUARY 18, 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. SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSION MEMBER

Butch Gardner was sworn in.

3. ROLL CALL

PRESENT: Commissioners Gardner, Dumas, Volkenant (all virtual), Alternates Tearse & Story

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: Thompson

VISITORS: Marvin Johnson, Brad Spencer, Mark & Melissa Gaalswyk, Lynn Betts (virtual), Linda Johnson (virtual), Lynda Franklin (virtual)

4. ELECTION OF OFFICERS

Gardner elected Thompson as Vice Chair.

Gardner congratulated Tom for excellent service for all these years. They will miss him. Tom appreciated working with all the Commissioners and staff.

5. Approval of Minutes:

a. December 21, 2022, Planning Commission Meeting

b. January 4, 2022, City Council Meeting Minutes (For Information Only)

**Motion by Volkanent to approve the December 21, 2021 Planning Commission minutes, second by Palmquist. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

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.

**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*

**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).**

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

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

- (h) *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.**

- (i) *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.**

- (j) *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.**

*(k) 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.

Kaltsas explained that this is a request for CUP to allow an accessory dwelling unit to be constructed with in the existing detached unit. It is zones as AG and is 22 areas in overall size. They originally requested a new detached structure but after further discussion they already had a detached accessory building so they would move forward to legalize the existing structure. This ordinance was created to allow for a mother-in-law type unit for family members only if they were clearly subordinate to the property. The applicant worked with the city to make sure that the existing unit that is there meets the criteria. This accessory dwelling unit meets all criteria and is architecturally compatible. They are mitigated from views. It is connected to existing septic system on the property and complies and meets requirements. If city wanted to approve this, they would follow all building permits required and do an inspection to make sure it is within requirements. They did have two of the adjacent property owners write letters of support for the applicants.

#### **PUBLIC HEARING OPENED**

Garnder said that this doesn't have any history of causing any commotion in the neighborhood. It seems pretty straightforward.

#### **PUBLIC HEARING CLOSED**

**Motion by Palmquist to approve the CUP for accessory dwelling unit, second by Tearse. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

**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.

#### ***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)*

***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)<br>150 ft (AG) | 75 ft (RR)<br>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),<br>14.75' (north side) |
| Street: 85' from centerline,<br>50' from prop. to centerline of street | 79'   |

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.
5. The applicant is proposing to reconstruct a series of existing retaining walls. The elevation of the existing and proposed home is relatively consistent. The property has an approximately 20-foot elevation change between the finished floor of the home and the OHWL of Lake Sarah. The City will review the proposed walls, grading and drainage in more detail should the requested variances be approved by the City.



***Neighbor Comments:***

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

***Recommendation:***

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:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow single-family home on the property.
  - b. The location of the proposed home is generally in the location of the existing home and adjacent properties.
  - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
3. City Council approval shall be subject to the applicant providing the City with an updated survey depicting the full proposed building.
4. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
5. The variance will permit a 3.25 foot reduction of the north and south side yard setbacks (14.75' instead of 18'), a 26 foot reduction to the lake setback (34' instead of 60') and a 6 foot reduction of the street setback (79' instead of 85') to allow the proposed new home to be constructed on the property. Any modification change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.

7. The applicant shall pay for all costs associated with the City's review of the requested variance.
8. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
9. The variance approval will be valid for one year from the date of City Council approval. Construction of the new home will be required to commence prior to expiration of the variance.
10. The City Council Resolution shall be recorded with the County.

Kaltsas explained the applicant is requesting variances from setbacks for a new home build. Applicant wants to tear down existing home on the property and reconstruct a new home. The existing home and detached garage would be tore down and the new home would have an attached garage. The lake side setback, street setback and side setbacks would all need to be considered. It was constructed prior to the current standards so PC would need to keep that in mind. This is a substandard lot of record. This lot is 70x150'. This new house would be a 2-story house with a walkout to the lakeshore. The retaining walls would be permitted separately. This would increase the side yard setbacks and clean up the setbacks that are in place currently, then maintain current setbacks from the lakeshore and front setback. They are looking to combine 2 structures into one. There were no public comments.

Gardner said this looked like a big improvement. Tearse asked to go back to the aerial view. He said the house on the right looks fairly new with similar side yard setbacks. He said this could be a real uptick, so if you don't approve this then what would happen. Kaltsas said these are the narrowest lots in the City.

#### **PUBLIC HEARING OPENED**

#### **PUBLIC HEARING CLOSED**

Gardner said this is a vast improvement. This doesn't violate the hard impervious surface coverage. Palmquist agreed that this was a dramatic improvement.

**Motion by Palmquist to approve the variance, second by Volkenant. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

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).

***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.

Kaltsas explained that this is a request from the applicants to combine 2 lots into one. One lot is 1.07 acres and the other is 0.44 acres for a 1.51 acre lot. The smaller lot was originally designated as an outlot, however a portion of the applicant's driveway is on this lot already. By combining the two lots it would bring the property into conformance with applicable standards since the existing home does not meet the applicable side yard setbacks on the North side.

Gardner asked if this has to go to Council for a subdivision/combination. Kaltsas said yes it would so that the City can certify it to the County. Palmquist asked if there were any easements for future access. Kaltsas said he has no easements on his title, but we could double check for Outlot A. Dumas asked if the property on the North side of the railroad is considered Independence. Kaltsas said yes. Tearse asked if he owns that lot. Kaltsas said yes, he does. The person to the North of the railroad owned it and he bought it from him.

**PUBLIC HEARING OPENED**

**PUBLIC HEARING CLOSED**

**Motion by Tearse to approve the request to allow lot combination but applicant should provide staff with evidence of no easements that would encumber it, second by Dumas. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

9. Open/Misc.

Commissioners wished a good farewell to Tom.

10. Adjourn.

**Adjourned at 8:20 p.m.**

Respectfully Submitted,

Amber Simon / Recording Secretary

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY MARCH 1, 2022 – 6:30 P.M.  
City Hall Chambers

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas

VISITORS: None

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

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

- a. Approval of City Council Minutes from the February 15, 2022, Regular City Council Meeting.
- b. Approval of Accessory Building Review Committee (ABRC) Minutes from the February 15, 2022, ABRC Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21068-21074 and Batch # 2; Checks Numbered 21075-21093).
- d. Large Assembly Permit for Tour-de-Tonka – To be Held on Saturday, August 6, 2022.
- e. Consider Approval of Prosecuting Attorney JPA and Court Data Services Subscriber Agreement Amendment.
  - i. **RESOLUTION 22-0301-01** – Resolution Approving State of Minnesota Joint Powers Agreements with the City of Independence on Behalf of its City Attorney

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

McCoy mentioned that last year Tour de Tonka only paid for half of the amount they were billed for and suggested approving it subject to payment. Spencer asked if there was a rational for not getting payment. McCoy said that the City received some payment but he has not followed up on that yet. Betts mentioned that we could collect an escrow payment. Spencer said we should just require payment on this one. Johnson said if they do not pay, we would not approve their assembly permit for next year.

**Motion by McCoy, second by Spencer to approve the Consent Agenda item D for Tour de Tonka Assembly Permit subject to payment. Ayes: Johnson, Spencer, Betts, Grotting and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

Johnson asked if the JPA is a new agreement or a renewal. Kaltsas said it is a renewal. We did this a couple of years ago also since they require it for our prosecuting attorneys to obtain information. Johnson asked if we would need to have another agreement with the police department as well that is similar to this. Kaltsas said he doesn't think so since the police will use this and prosecute through the city. Johnson confirmed that this agreement is for 5 years. Kaltsas said yes.

**Motion by Johnson, second by Spencer to approve the Consent Agenda item E for the JPA Agreement and court data services. Ayes: Johnson, Spencer, Betts, Grotting and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Grotting attended the following meetings:**

- LMCC
- Workshop

**Spencer attended the following meetings:**

- Workshop
- ABRC

**McCoy attended the following meetings:**

- Workshop (virtual)

**Betts attended the following meetings:**

- Drug Task Force Luncheon
- Workshop

**Johnson attended the following meetings:**

- Methodist Church Delano Love Inc.
- Drug Taskforce Dinner
- Workshop
- Baker Tilly Webinar Workshop (virtual)
- Sensible Land Use (virtual)
- Orono Healthy Youth (virtual)
- Citizens League (virtual)
- Senators Annual Picture at the Capital with former Senator Gen Olson
- Adele Rumpsa Funeral
- Orono School Board Meeting

**Kaltsas attended the following meetings:**

- None

7. Consider Approval of Resolution Reestablishing Precincts and Polling Places Following the State's Congressional and Legislative Redistricting.

- a. **RESOLUTION 22-0301-02** - Resolution Reestablishing Precincts and Polling Places Following Legislative Redistricting.

Johnson asked if the County Commissioner District was involved in the redistricting. Kaltsas said they were but he did not see the final county commissioner district map so nothing should have changed for us. Johnson said if anything were to change it would most likely be in the Plymouth and Brooklyn Park area that is growing so fast. Kaltsas said this is just a formality to reapprove our district and polling place.

**Motion by Spencer, second by Betts to approve Resolution 22-0301-02 Reestablishing Precinct and Polling Place. Ayes: Johnson, Spencer, Betts, Grotting and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

8. Open/Misc.

9. Adjourn

**Motion by Grotting, second by McCoy to adjourn at 6:45pm. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**



---

Respectfully Submitted,  
Amber Simon / Recording Secretary

DRAFT

## *City of Independence*

### **Request for a Minor Subdivision to Allow a Lot Line Rearrangement for the Properties Located at 2914 Lindgren Lane**

---

|                      |   |
|----------------------|---|
| <i>To:</i>           | Planning Commission   |
| <i>From:</i>         | Mark Kaltsas, City Planner  |
| <i>Meeting Date:</i> | March 15, 2022  |
| <i>Applicant:</i>    | Doug Campbell and Colleen Klaers  |
| <i>Owner:</i>        | Doug Campbell and Colleen Klaers  |
| <i>Location:</i>     | 4390 Woodhill Drive and Adjacent Property Associated with the Home on 4363 S Lake Sarah Drive |

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

Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following action for the property located at 4390 Woodhill Drive and property associated with the home on 4363 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4363 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.

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

The subject properties are located at 4390 Woodhill Drive and property associated with the home on 4363 S Lake Sarah Drive. The properties both have shoreland on Lake Sarah. There is an existing home and two accessory structures located on the 4390 Woodhill Drive property. The property associated with the home on 4363 S Lake Sarah Drive does not have any structures. The property is accessed from Lindgren Lane although the property has no direct frontage on the road. The property access is gained across the City's property. The property is approximately .36 acres. This property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: 4390 Woodhill Drive (PID No. 01-118-24-32-0015)

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

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

(After) 1.17 acres

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

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) 25.01 acres

(After) 24.41 acres

*4930 Woodhill Drive (small lot east of large lot)*



***Discussion:***

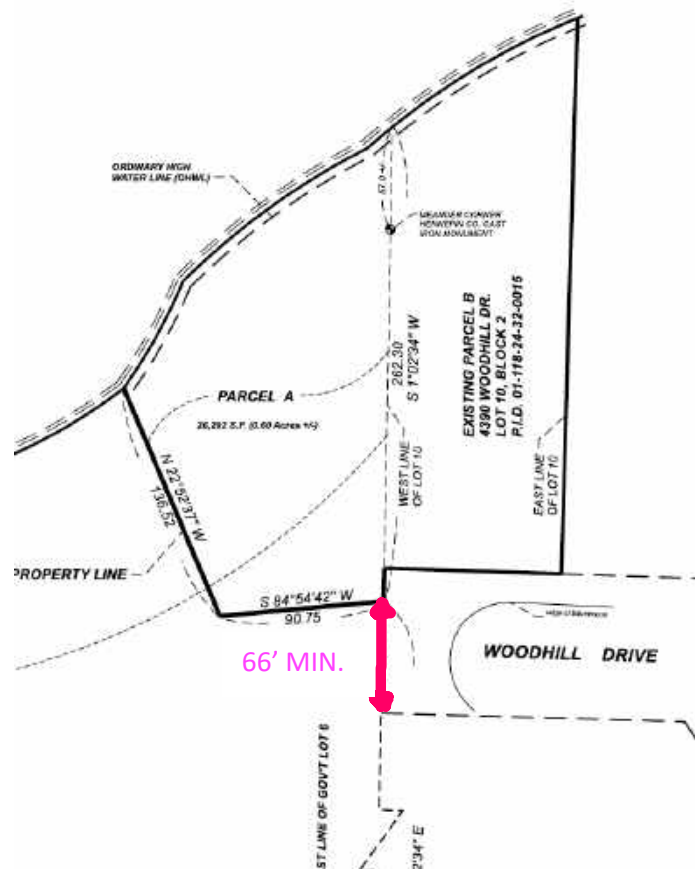
The applicants approached the City about the possibility of a lot line rearrangement to add acreage to the 4390 Woodhill Dr. property. The proposed minor subdivision would allow the 4390 Woodhill Dr. property to be brought closer to compliance with applicable lots size and public frontage requirements.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

Woodhill Dr. is considered legal non-conforming for not meeting all applicable requirements of the City's zoning ordinance.

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

4390 Woodhill Dr.

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



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

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

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

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

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

***Neighbor Comments:***

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

***Recommendation:***

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

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

***Attachments:***

1. Site Surveys – Depicting both the Before and After Conditions

**City of Independence**

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

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

*\*Please check all that apply*

**Request:**

Lot Line Rearrangement

**Site Address or Property Identification Number(s):**

Survey attached.

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

**Office Use Only**

Date

Application Amount

Application Check #

Escrow Paid

Escrow Check #

Date Accepted by Planner

Accepted By

City Planner

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

**Applicant Information:**

Name: Doug & Helen Campbell

Address: 4390 Woodhill Drive

City, State, Zip: Loretto, MN 55357

Phone: 612-239-3950

Email: doug@airborneathletics.com

Signature: Douglas B. Campbell  
Helen F. Campbell

**Owner Information (if different than applicant)**

Name: Randy & Colleen Klaers

Address: 4364 S. Lake Sarah Drive

City, State, Zip: Independence, MN

Phone: 612-749-2104

Email: colleenklaers@aol.com

Signature: Randy Klaers  
Colleen Klaers

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

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

**Application for Planning Consideration Fee Statement**

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

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

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

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



LEGAL DESCRIPTION:  
Lot 10, Block 2, INGMAN'S SOUTH SHORE ADDITION,  
Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

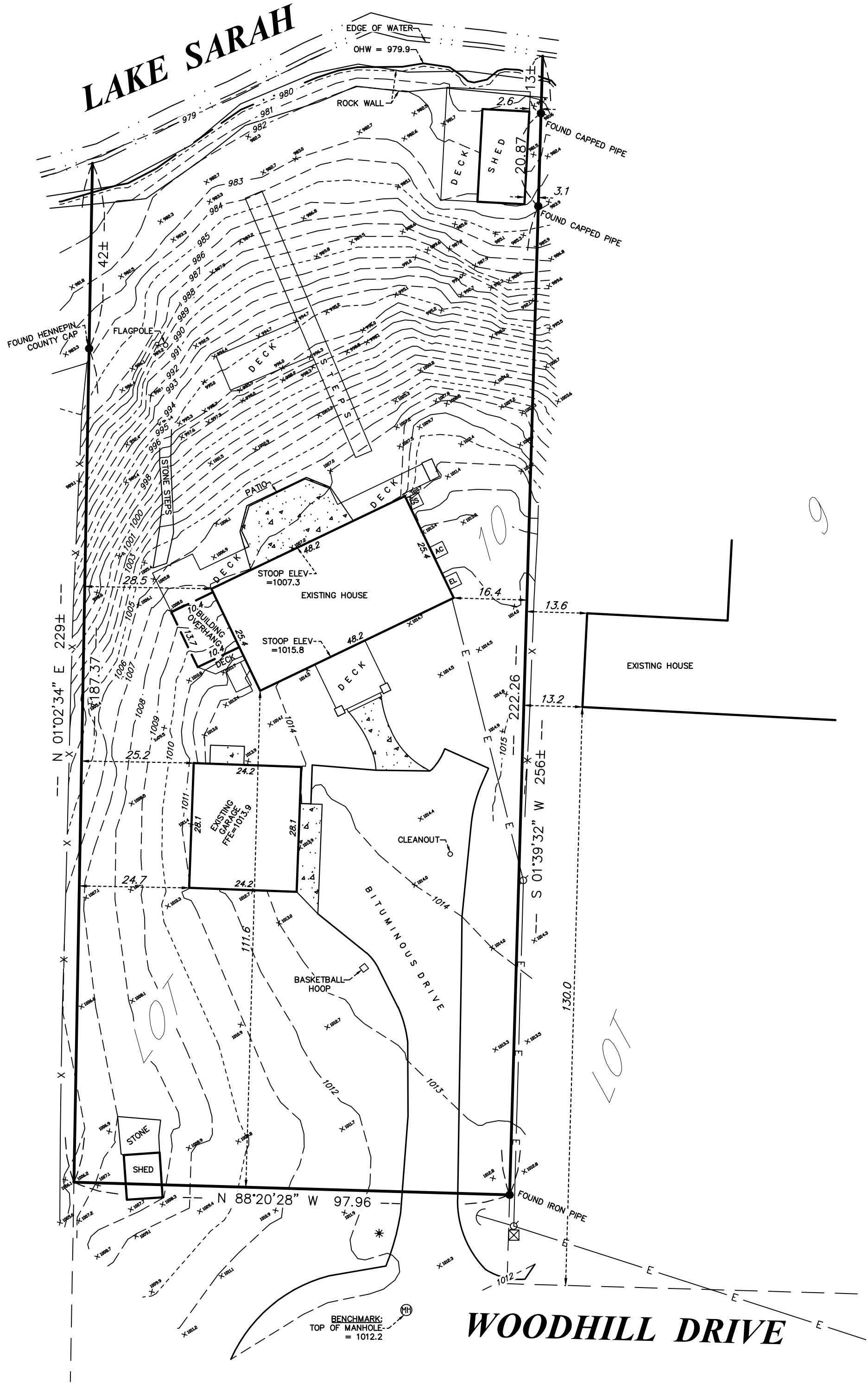
STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, as noted.

LEGEND

|  |                       |
|--|-----------------------|
|  | POWER POLE            |
|  | GUY WIRE              |
|  | MANHOLE               |
|  | TELEPHONE PED.        |
|  | AIR CONDITIONER       |
|  | ELECTRIC METER        |
|  | GAS METER             |
|  | LIGHT POLE            |
|  | FENCE LINE            |
|  | OVERHEAD UTILITY LINE |
|  | CONCRETE              |
|  | SPOT ELEVATION        |

| EXISTING HARDCOVER             |                |
|--------------------------------|----------------|
| House                          | 1,224 Sq. Ft.  |
| Front Deck/Walk                | 274 Sq. Ft.    |
| Driveway                       | 2,105 Sq. Ft.  |
| Garage                         | 679 Sq. Ft.    |
| Sheds                          | 275 Sq. Ft.    |
| Rear/Side Deck/Steps           | 600 Sq. Ft.    |
| Misc. Deck/Steps/Conc Pad      | 1,189 Sq. Ft.  |
| TOTAL EXISTING HARDCOVER       | 6,430 Sq. Ft.  |
| AREA OF LOT                    | 24,796 Sq. Ft. |
| PERCENTAGE OF HARDCOVER TO LOT | 25.9%          |



Advance  
Surveying & Engineering, Co.

17917 Highway No. 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7964  
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom

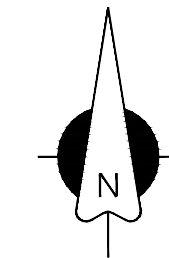
# 42379

LICENSE NO.

11/17/2020

DATE:

DRAWING ORIENTATION & SCALE



CLIENT /JOB ADDRESS

WOODCRAFT  
DESIGN BUILD  
ATTN: KENDALL  
HALME

4390  
WOODHILL DR  
INDEPENDENCE,  
MN

| DATE     | REVISION DESCRIPTION |
|----------|----------------------|
| 11/17/20 | MODIFIED HARDCOVER   |
|          |                      |
|          |                      |
|          |                      |
|          |                      |
|          |                      |
|          |                      |
|          |                      |

SURVEYED DATE:

11/04/2020

DRAFTED DATE:

11/08/2020

SHEET TITLE

EXISTING  
CONDITIONS

SHEET SIZE: 17 X 22

DRAWING NUMBER

201969 KDS

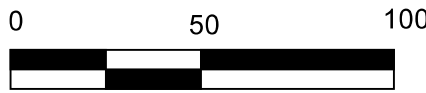
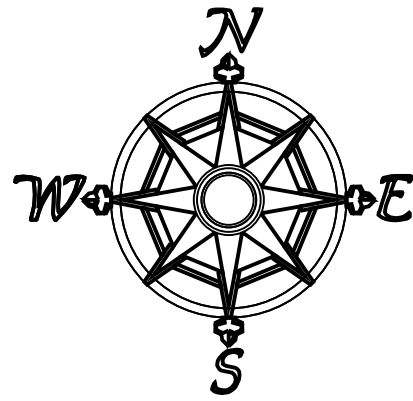
SHEET NUMBER

S1



PROPOSED LOT SPLIT  
(BEFORE)

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



LAKE SARAH

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

ORDINARY HIGH  
WATER LINE (OHWL)

MEANDER CORNER  
HENNEPIN CO. CAST  
IRON MONUMENT

SHORELINE  
(SOUTH EDGE OF CATTAILS)

EXISTING PARCEL DESCRIPTION:

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

Containing 25.01 Acres +/-

WEST LINE OF GOVERNMENT LOT 6

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

SOUTH LINE OF GOVERNMENT LOT 6

EAST LINE OF GOVT LOT 6

N 01°02'34" E


2,239.38

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

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

WOODHILL DRIVE

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

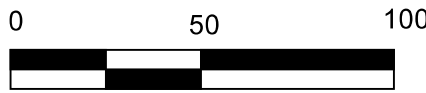
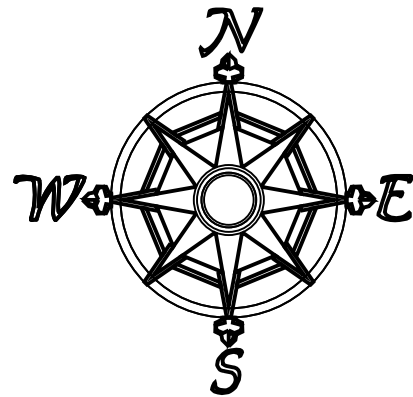
 22703 01/27/22  
Steven V. Ische License No. Date

  
PREMIER  
LAND SURVEYING, LLC

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

PROPOSED LOT SPLIT

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



LAKE SARAH

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

EXISTING PARCEL DESCRIPTION:

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

Containing 25.01 Acres +/-

PROPOSED PARCEL A:

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

Commencing at the Southeast corner of said Section 2; thence  
North 01 degree 02 minutes 34 seconds East, assumed bearing  
along the East line of the Southeast Quarter of the Southeast  
Quarter, and along the East line of said Government Lot 6 of  
said Section 2 a distance of 2,239.38 feet to the point of  
beginning; thence South 84 degrees 54 degrees 42 seconds  
West 90.75 feet; thence North 22 degrees 52 minutes 37  
seconds West 136.52 feet, more or less, to the shoreline of Lake  
Sarah; thence northeasterly along said shoreline to the East line  
of said Government Lot 6; thence South 01 degree 02 minutes  
34 seconds West, along the East line of said Government Lot 6,  
262.30 feet, more or less, to the point of beginning.

Containing 0.60 Acres +/-

To be combined with Parcel B:


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

REVISED: 01/26/22 - NEW PROPERTY LINE

REVISED: 01/25/22 - PARCEL B

REVISED: 11/02/21 - PARCEL A

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

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

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

ORDINARY HIGH  
WATER LINE (OHWL)

MEANDER CORNER  
HENNEPIN CO. CAST  
IRON MONUMENT

PARCEL A

26,202 S.F. (0.60 Acres +/-)

SHORELINE  
(SOUTH EDGE OF CATTAILS)

NEW PROPERTY LINE

WOODHILL DRIVE

edge of alluvium

EXISTING PARCEL B  
4380 WOODHILL DR.  
LOT 10, BLOCK 2  
P.I.D. 01-118-24-32-0015

EAST LINE OF GOV'T LOT 6

N 01°02'34" E

WEST LINE  
OF LOT 10

57.0 +/-

262.30

S 1°02'34" W

2,239.38

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

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

2,239.38

2,239.38

N 01°02'34" E

WEST LINE  
OF LOT 10

57.0 +/-

262.30

S 1°02'34" W

2,239.38

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

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

2,239.38

2,239.38

N 01°02'34" E

WEST LINE  
OF LOT 10

57.0 +/-

262.30

S 1°02'34" W

2,239.38

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

PREMIER  
LAND SURVEYING, LLC

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

## City of Independence

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

---

|                      |   |
|----------------------|---|
| <i>To:</i>           | Planning Commission   |
| <i>From:</i>         | Mark Kaltsas, City Planner  |
| <i>Meeting Date:</i> | March 15, 2022  |
| <i>Applicant:</i>    | Kelly Brouwer   |
| <i>Owner:</i>        | Kelly Brouwer   |
| <i>Location:</i>     | 1759 County Line Road PID No. 19-118-24-34-0003 (Near the intersection of County Line Road and Nelson Road) |

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

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

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

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

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

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 20 acres



1759 County Line Road (blue outline)



***Discussion:***

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

**800.09. Application for relocation permit.**

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

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

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

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

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

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

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

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

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

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

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission relating to the requested relocation permit.

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

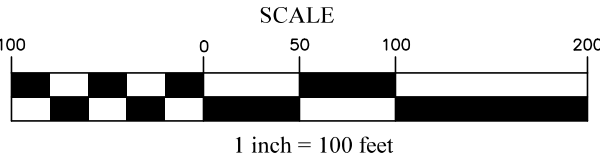
Site Plan

Prepared for:  
Steven and Kelly Brouwer



Legend

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



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

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

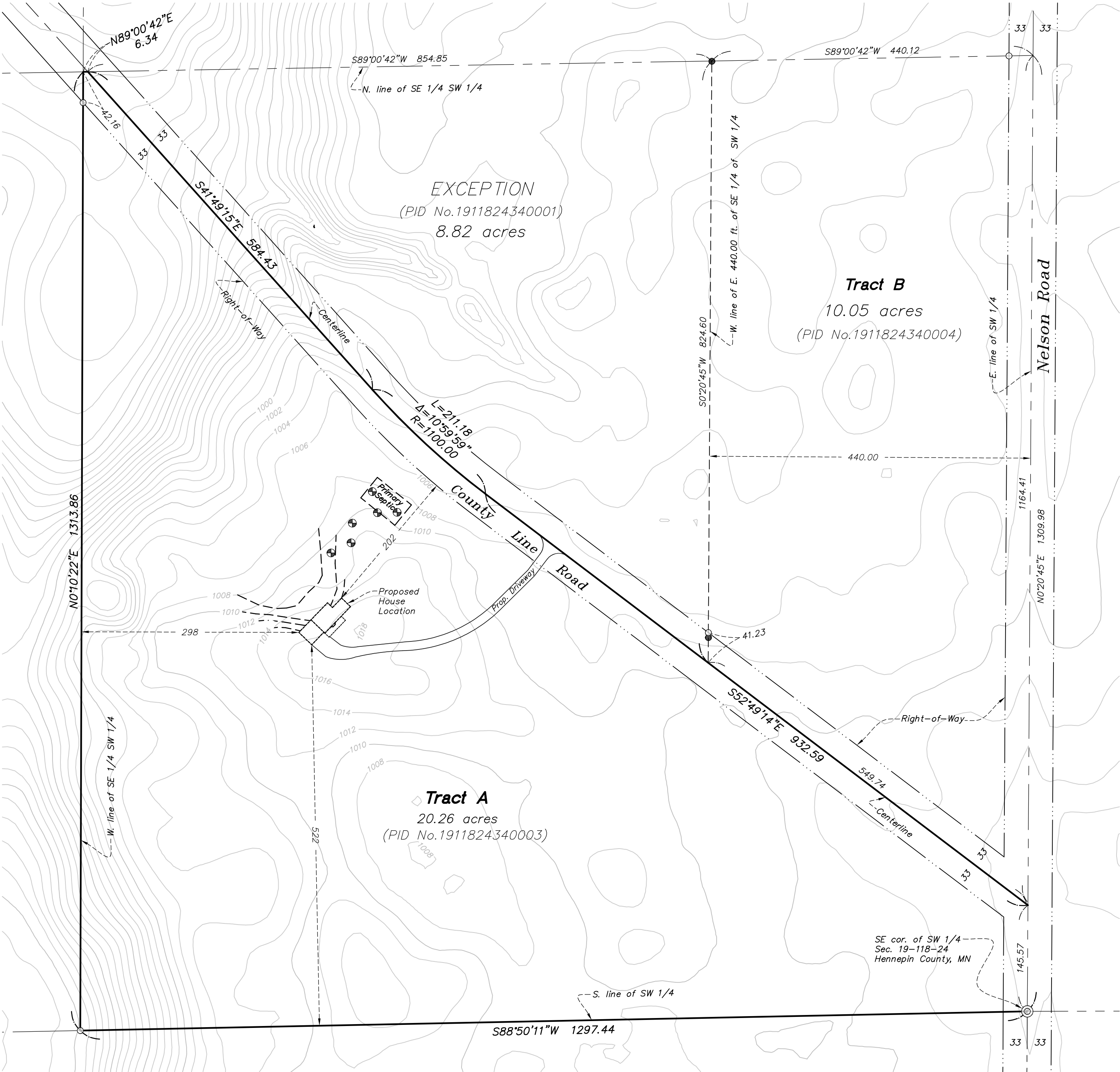
Tract A  
That part of the Southeast Quarter of the Southwest Quarter lying  
southerly of the center line of County Line Road, Section 19, Township  
118 North, Range 24 West, Hennepin County, Minnesota.

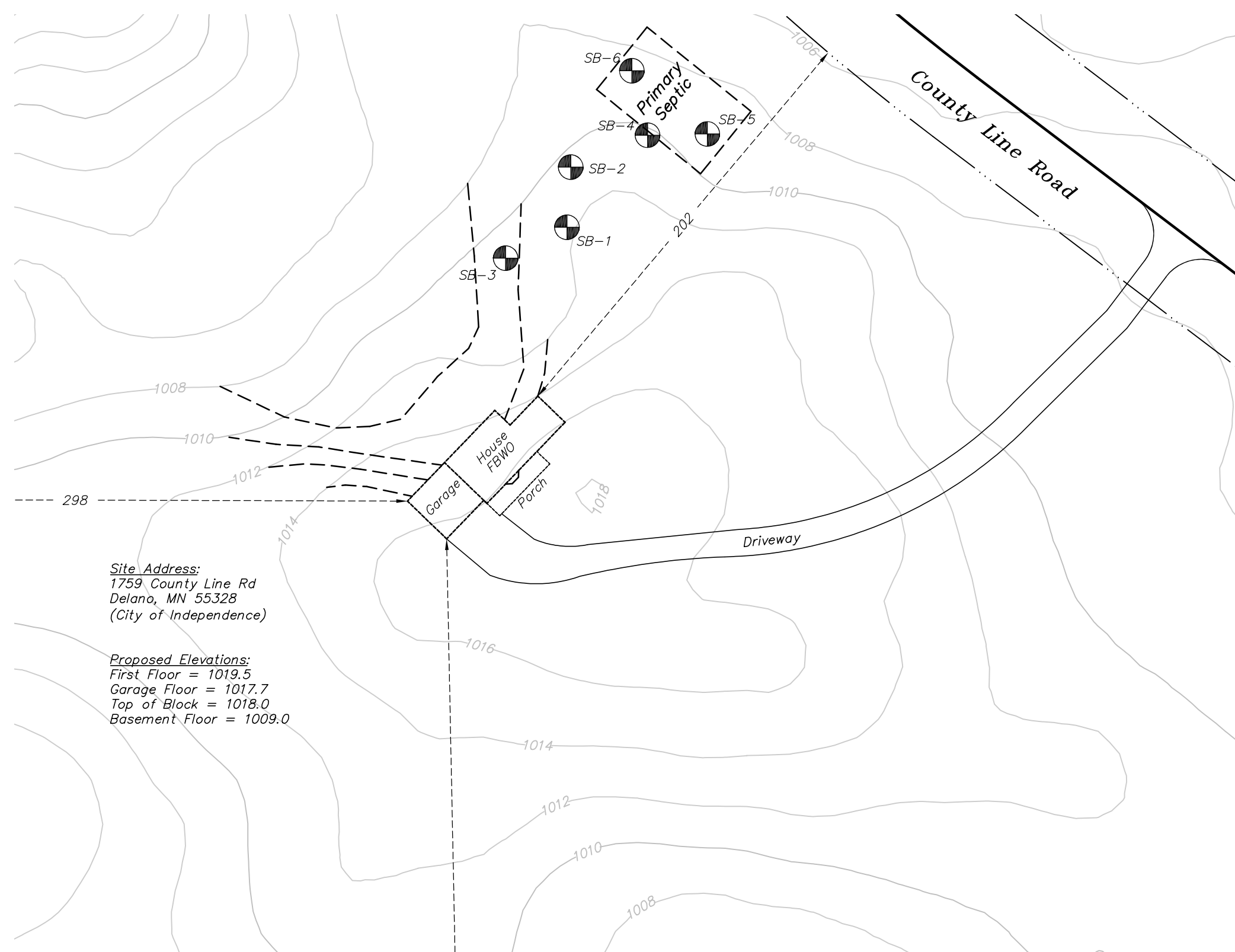
Subject to road right-of-way.  
Subject to any and all easements of record.

SCHOBORG  
LAND SERVICES  
INC.

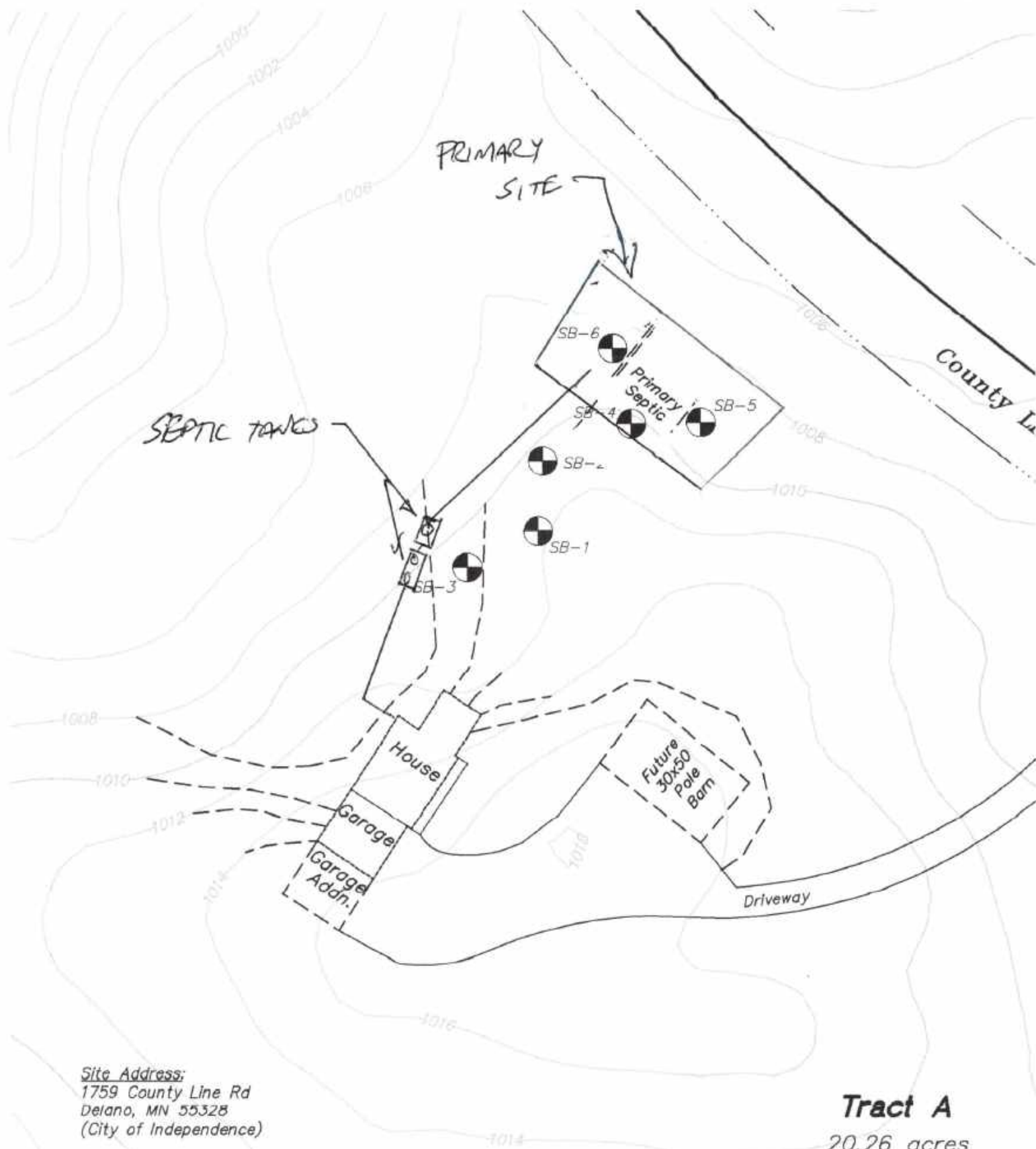
763-972-3221 8997 Co. Rd. 13 SE  
www.SchoborgLand.com Delano, MN 55328

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

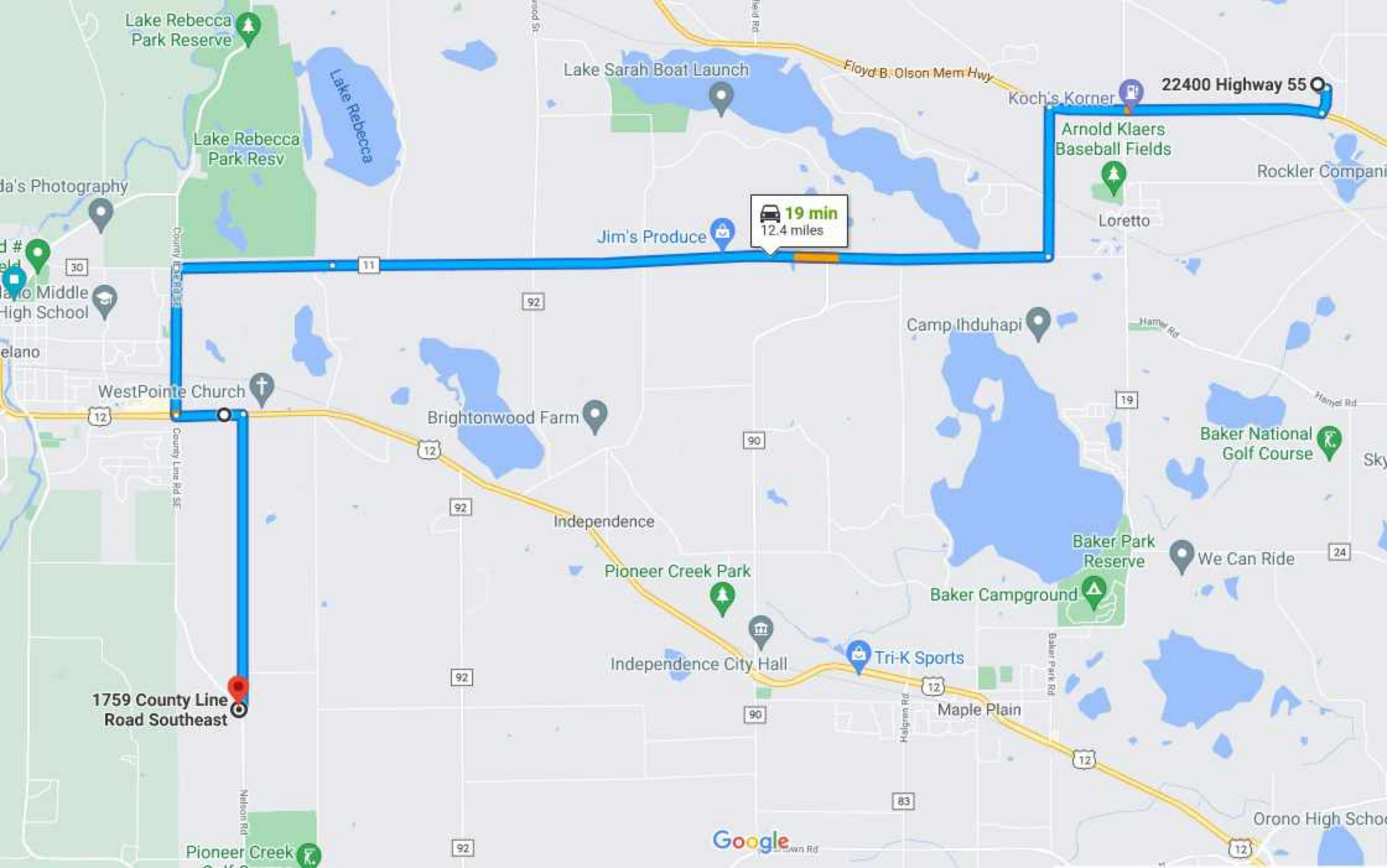


















## City of Independence

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

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* March 15, 2022  
*Applicant:* Tom Koch  
*Owner:* William P Koch Et Al Trustees  
*Location:* 5865 Koch's Crossing

***Request:***

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

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

***Property/Site Information:***

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

Property Information: **5865 Koch's Crossing**

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *~141 acres*





***Discussion:***

The City reviewed a concept plan for the subject property in late summer/fall of 2021. The applicant has now submitted an application for rezoning of the property from AG-Agriculture to RR-Rural Residential, a conditional use permit to allow a cluster subdivision and preliminary plat for a 33-unit subdivision developed across the 5 subject properties. The City provided

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

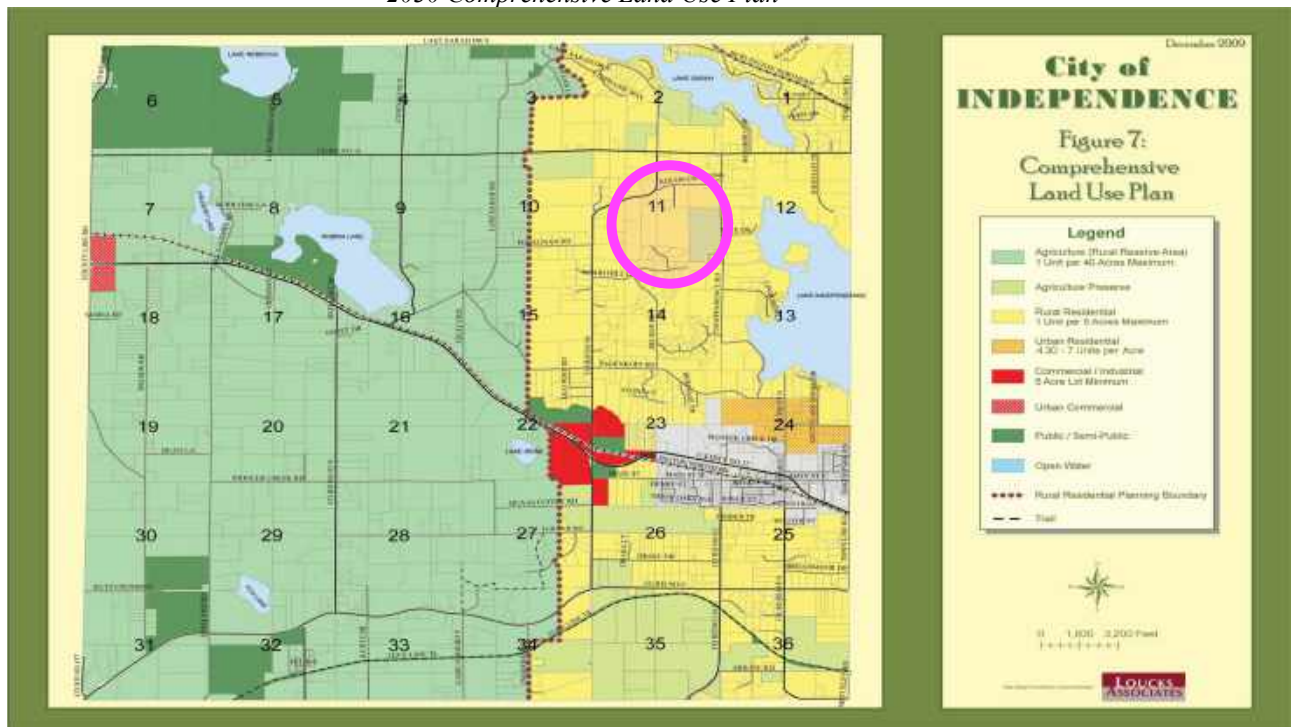
The following steps/sequencing and approvals will be required in order for the project to move forward.

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

### Comprehensive Plan/Rezoning

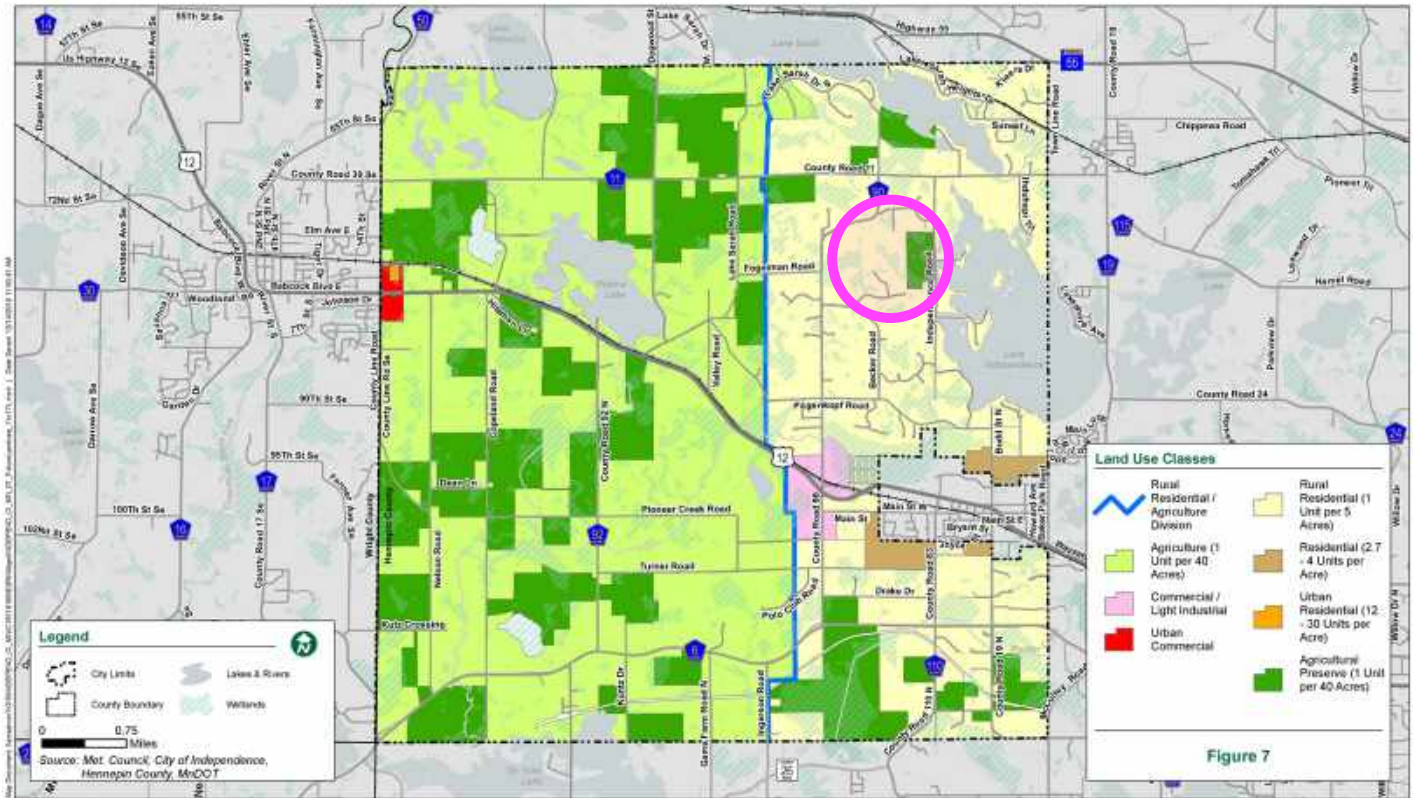
The City's adopted 2030 and proposed 2040 plan identify this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres.

*2030 Comprehensive Land Use Plan*



*DRAFT 2040 Comprehensive Land Use Plan*





### Proposed Cluster Subdivision

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

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

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

| Area of Lot<br>of Record | Maximum Number<br>of Lots Permitted |
|--------------------------|-------------------------------------|
| 7.59 acres or less       | One                                 |

7.6 through 12.59 acres

Two, plus one additional lot for each additional five acres

#### Lots Permitted Based on RR Zoning

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

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

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

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



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

#### Lots Permitted Based on Cluster Subdivision

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

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

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

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

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

**500.43. Minimum subdivision design standards.**

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

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

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

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

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

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

**500.75. Standards for variances.**

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

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

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



- The Independence subdivision ordinance requires that streets be extended through to adjacent properties unless there is a justification for not extending. The City does not currently stipulate a maximum length for cul-de-sacs. The City has several existing cul-de-sacs that exceed 2,000 LF throughout the City. For example, Polo Club Road is approximately 3,200 LF and has 15 homes on the road. Brei Kessel Rd. and Wood Hill Lane in combination are approximately 2,900 LF with 17 homes on the combined roads. Most recently, the City approved Hamilton Hills with a cul-de-sac length of 1,860 LF with 8 homes.
- There are many varying viewpoints relating to the development of cul-de-sacs, the maximum and minimum cul-de-sac lengths and similar factors that could be considered. The standard of practice most commonly accepted in the planning, public works, public safety and emergency services realm would support a connected community and subsequent transportation network. Connectivity of a transportation network within a community is generally recognized by associated professional disciplines to reduce the total number of trips taken on a given roadway, reduce travel speeds, increase emergency response times and increase maintenance and similar efficiencies. There are a wide array of factors and considerations that can also influence and change the aforementioned elements. Elements such as traffic calming devices (choke points in a road, speed table, design speeds etc.) can also be used to accomplish some of the items noted. Ultimately, the City should consider whether or not the current ordinance requirements are aligned with the vision for the development of Independence neighborhoods. Planning Commissioners should also provide input relating to the proposed road and whether or not the City should require traffic calming measures due to the proposed length.
- There are no other future road extensions proposed within this preliminary plat. The City should consider if any additional future road connections are needed to



allow the reasonable and orderly development of this portion of the City. Due to the existing wetlands and topography of the surrounding areas, it is unlikely that future roads would be beneficial to the southeast or southwest. There is a possible connection point that could be considered to the west near the location of Lots 3 & 4, Block 10 (see below).



4. The City recently revised the Cluster Subdivision section of the zoning ordinance to more clearly stipulate the minimum lot width for properties developed using the Cluster Subdivision standards. The minimum lot width now prescribed is 150 feet. All lots in the proposed development meet the minimum lot width of 150 feet. The average lot width within the development is 198 feet.
5. The City requires a minimum of 1.5 areas of buildable area for each lot. The applicant proposes several lots that have a minimum area of 1.5 acres including wetland buffer. The City would not permit development within the wetland buffer and would therefore not count it towards buildable area. There are several lots where it is not clear if the buffer is included in the minimum buildable lot area calculation. The applicant will need to verify that the following lots meet the minimum area, not including the wetland buffer:
  - Lot 1, Block 3
  - Lots 3, 4, 5, Block 5
  - Lot 1, Block 9

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

14. The City's engineering consultant has reviewed the plans and prepared a detailed review of the preliminary plat. The applicant will be required to make all applicable revisions to the plans based on the comments provided.
15. The proposed subdivision is subject to the City's Park dedication requirements. The City is not requesting any public park land within the development. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed Outlots. The standard park dedication requirement of \$3,500 ( $\$3,500 \times 33 = \$115,500$ ) per lot will be applicable to all newly developed lots.

***Neighbor Comments:***

The City has received a petition from neighboring property owners relating to the proposed development and field several verbal questions.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the request for Rezoning, Preliminary Plat, Conditional Use Permit for a Cluster Development. Should the Planning Commission make a recommendation to the City Council, the following findings and conditions should be included:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
  - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
  - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
  - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
  - d. The Applicant shall enter into a development agreement with the City for this development.
  - e. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.

- f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
  - g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
- 3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
- 4. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.
- 5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
- 6. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

***Attachments:***

- 1. EXHIBIT A
- 2. EXHIBIT B
- 3. Application
- 4. Preliminary Plat
- 5. Construction Plans
- 6. Detailed Engineering Review Letters



# EXHIBIT A

## High Level Comparison of Street Design Standards for Surrounding Communities

### Medina

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

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

### Minnetrista

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

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

### Orono

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

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

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

### Corcoran

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

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

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

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

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

### **Greenfield**

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

### **Watertown**

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

### **Delano**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

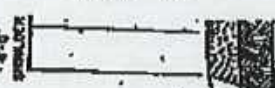




SET  
CON

BAC  
FASH

CL 2.45  
4'-0"



B L O C K

2

1

3

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

TEMPORARY  
CUL-DE-SAC

ROAD

R 575.0

R 275.0

SILT FENCE

BARRICADE

END OF PRI  
10+50

TEMPORARY  
EASEMENT

688

688

678

678

10

10

10

10

10

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

#### Briar Castle Road

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

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

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

#### RECOMMENDATION

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



PLANNERS  
ENGINEERS  
SURVEYORS  
DESIGNERS  
ARCHAEOLOGISTS

July 5, 1996

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

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

Dear Dan:

Our understanding of the project is as follows:

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

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

In addition, the following comments should be addressed.

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

Sincerely,

LOUCKS &amp; ASSOCIATES, INC.

Jeffrey A. Shopek, P.E.  
Principal Engineer

*for to Mark Gronberg 478-4435*  
*for to Jim Desrosier 934-0314*

\91103\jeff\breikess.doc

PLANNING COMMISSION  
CITY OF INDEPENDENCE  
MARCH 18, 1996

1. CALL TO ORDER

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

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

2. APPROVAL OF MINUTES

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

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

All ayes, motion declared carried.

3. TABLED - PETER ANDREA COMPANY - PRELIMINARY PLAT

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

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

Points of concern were:

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

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

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



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

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

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

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

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

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

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

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

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

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

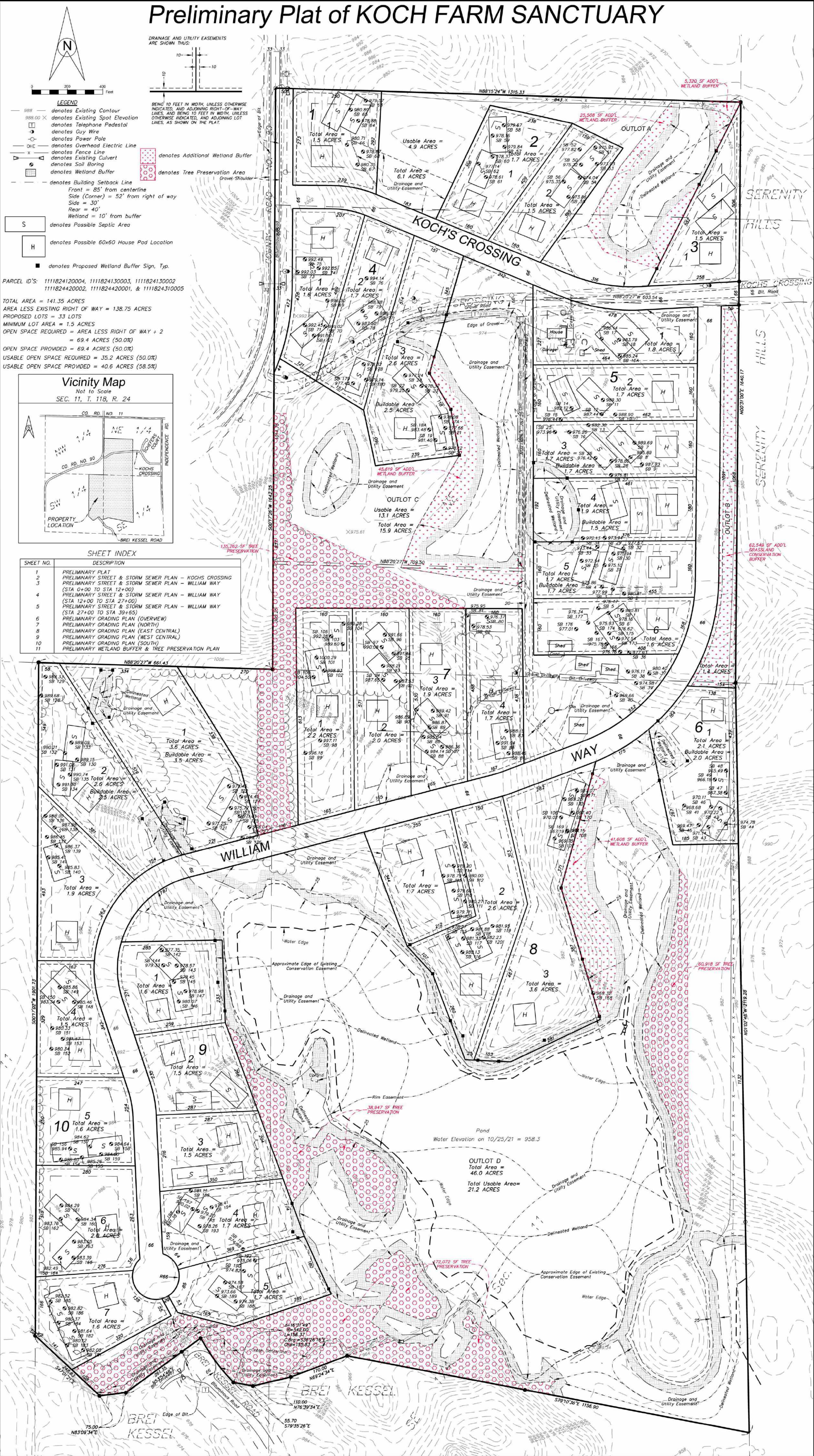
All ayes, motion declared carried.

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

All ayes, motion declared carried.



# Preliminary Plat of KOCH FARM SANCTUARY



**LEGEND**

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

**DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:**

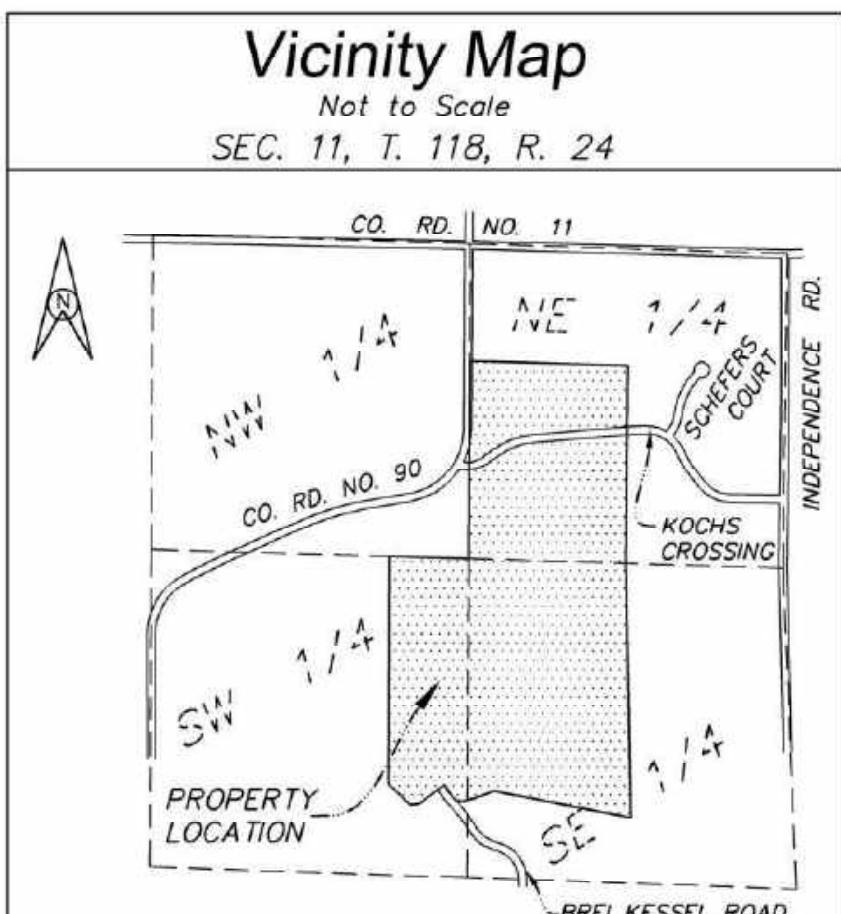
BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.

denotes Additional Wetland Buffer

denotes Tree Preservation Area

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

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



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

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

Revised:

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

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

Requested By:

**Tom Koch**

Date: 2-14-22

Drawn By: J.J.A.

Scale: 1"=100'

Checked By: P.E.O.

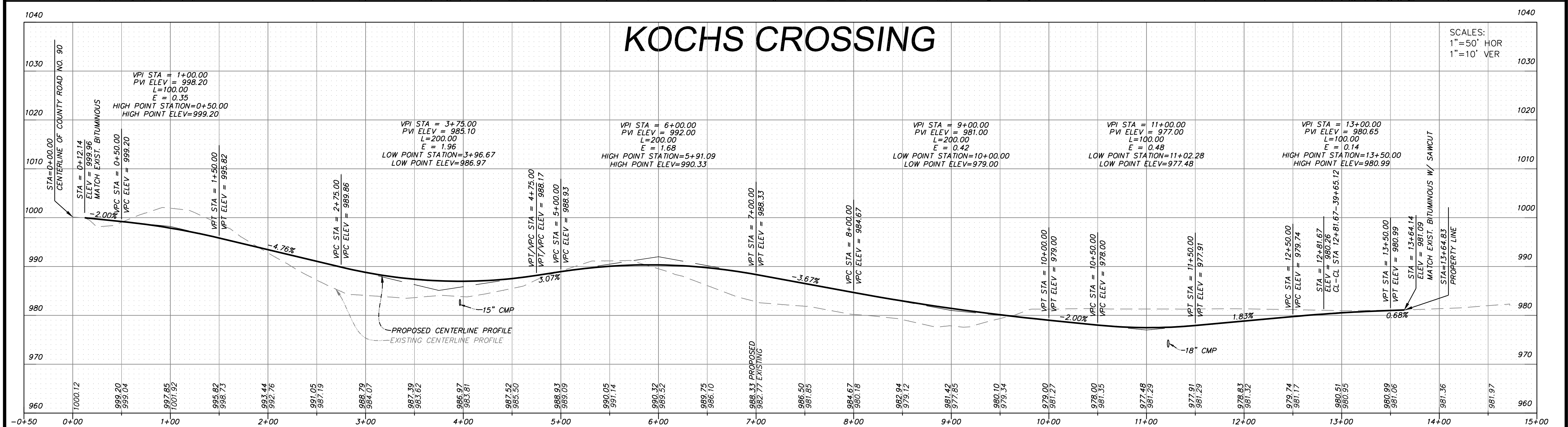
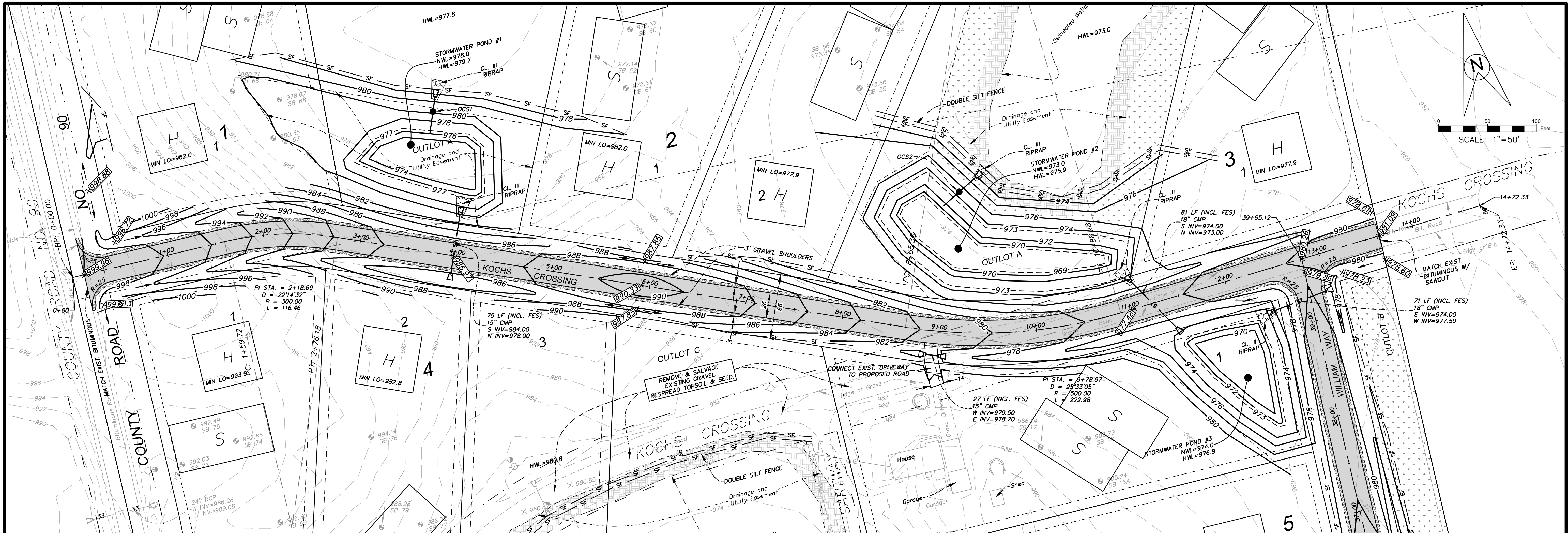
**OTTO ASSOCIATES**  
Engineers & Land Surveyors, Inc.

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

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

Project No. 18-0199



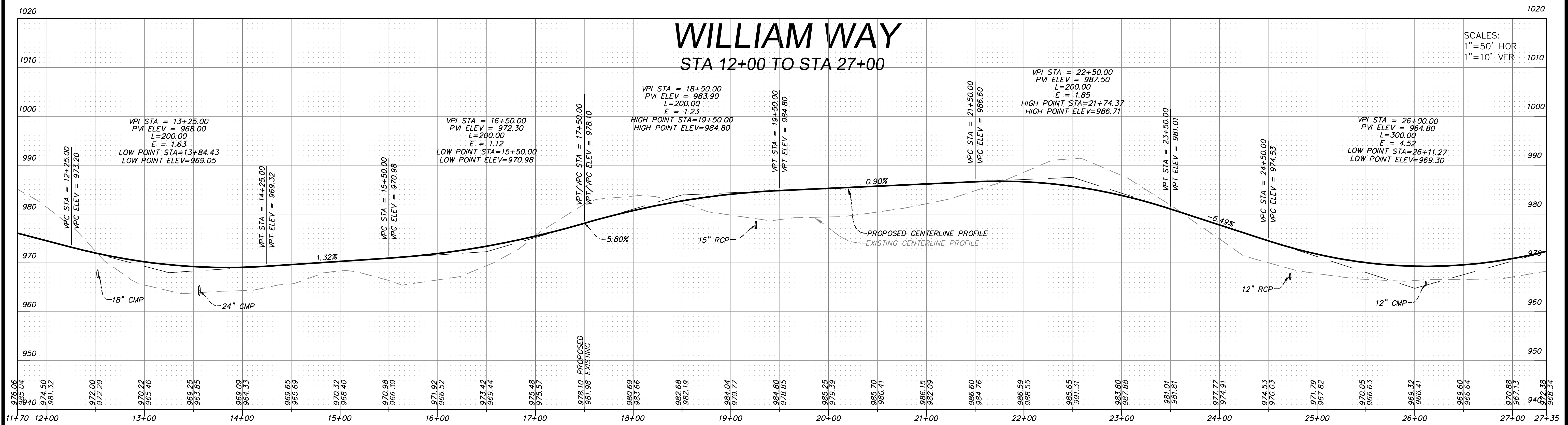
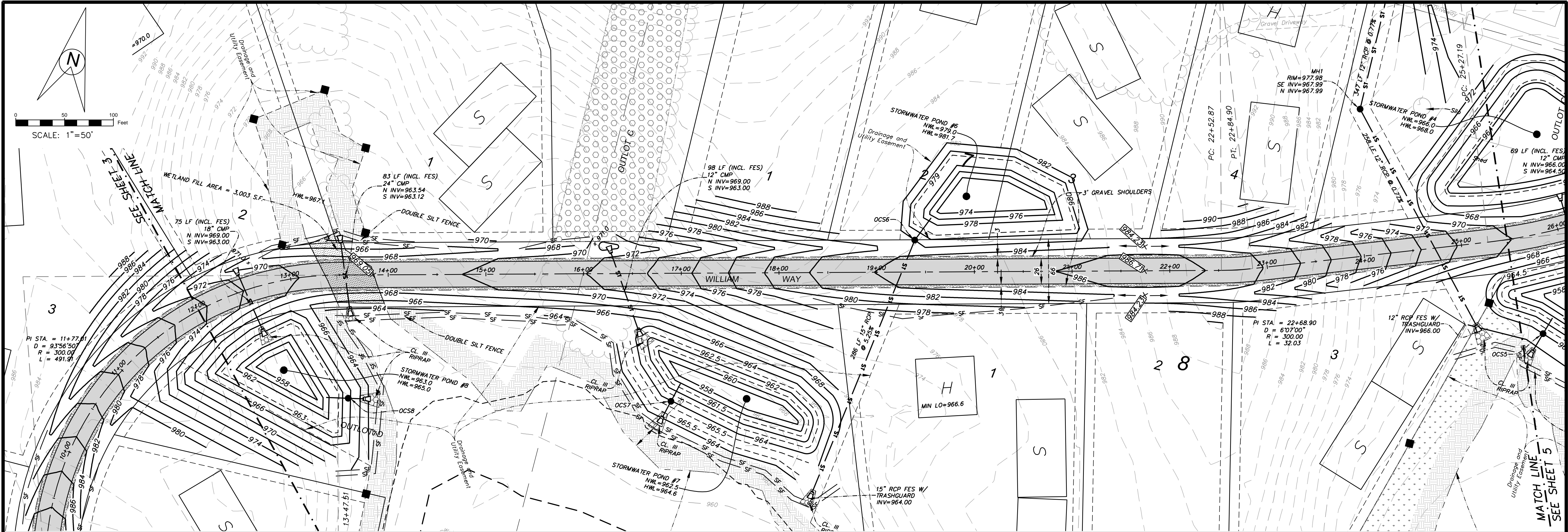


| REV. NO. | DATE | BY | DESCRIPTION | DESIGNED   | DRAWN  | DATE   | PROJECT NO. |
|----------|------|----|-------------|--|--------|--|-------------|
|          |      |    |             | P.E.O.   | T.J.B. |  | 18-0199     |
|          |      |    |             | CHECKED  |        |  |             |
|          |      |    |             | P.E.O.   |        |  |             |
|          |      |    |             | I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. |        | DATE: 2-14-22  |             |
|          |      |    |             | Paul E. Otto<br>License #40062   |        | Date: 2-14-22  |             |
|          |      |    |             | OTTO ASSOCIATES<br>Engineers & Land Surveyors, Inc.  |        | 9 West Division Street<br>Buffalo, MN 55313<br>(763)682-4727<br>Fax: (763)682-3522 |             |
|          |      |    |             | www.ottoassociates.com   |        | Koch Farm Sanctuary<br>Tom Koch<br>Independence, MN                                |             |
|          |      |    |             | PRELIMINARY STREET & STORM<br>SEWER PLAN - KOCHS CROSSING  |        | SHEET NO. 2 OF 11 SHEETS   |             |









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

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

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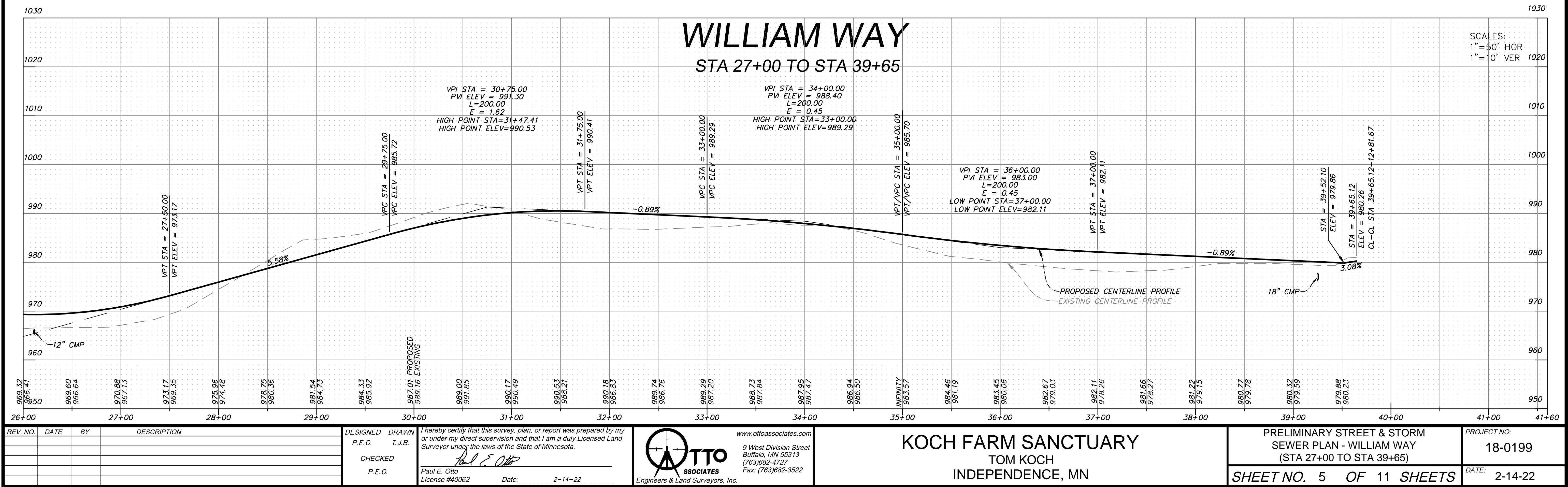
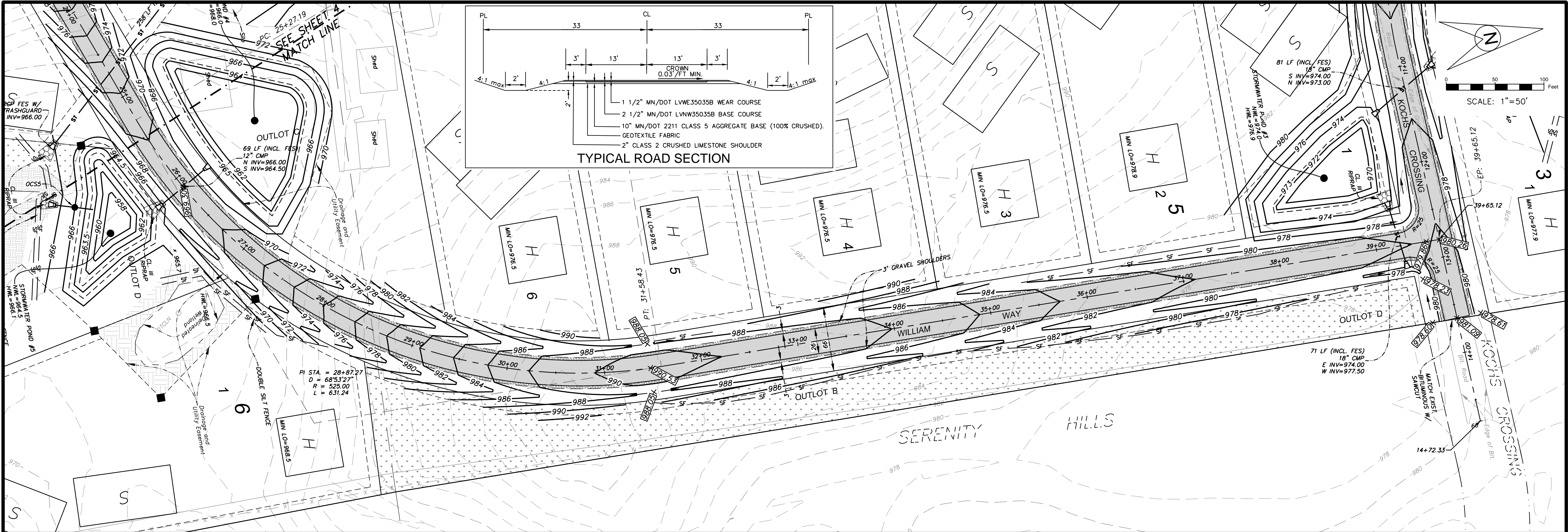
KOCH FARM SANCTUARY  
TOM KOCH  
INDEPENDENCE, MN

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

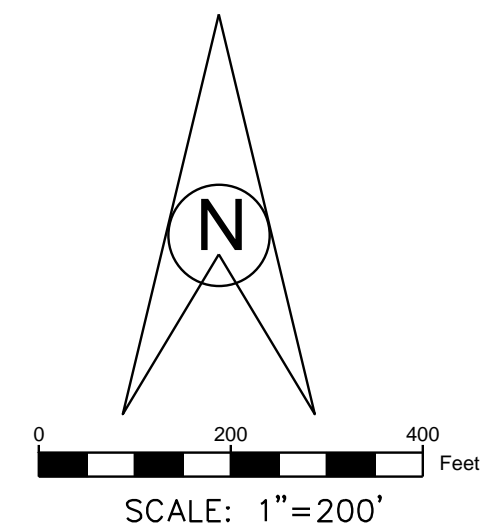
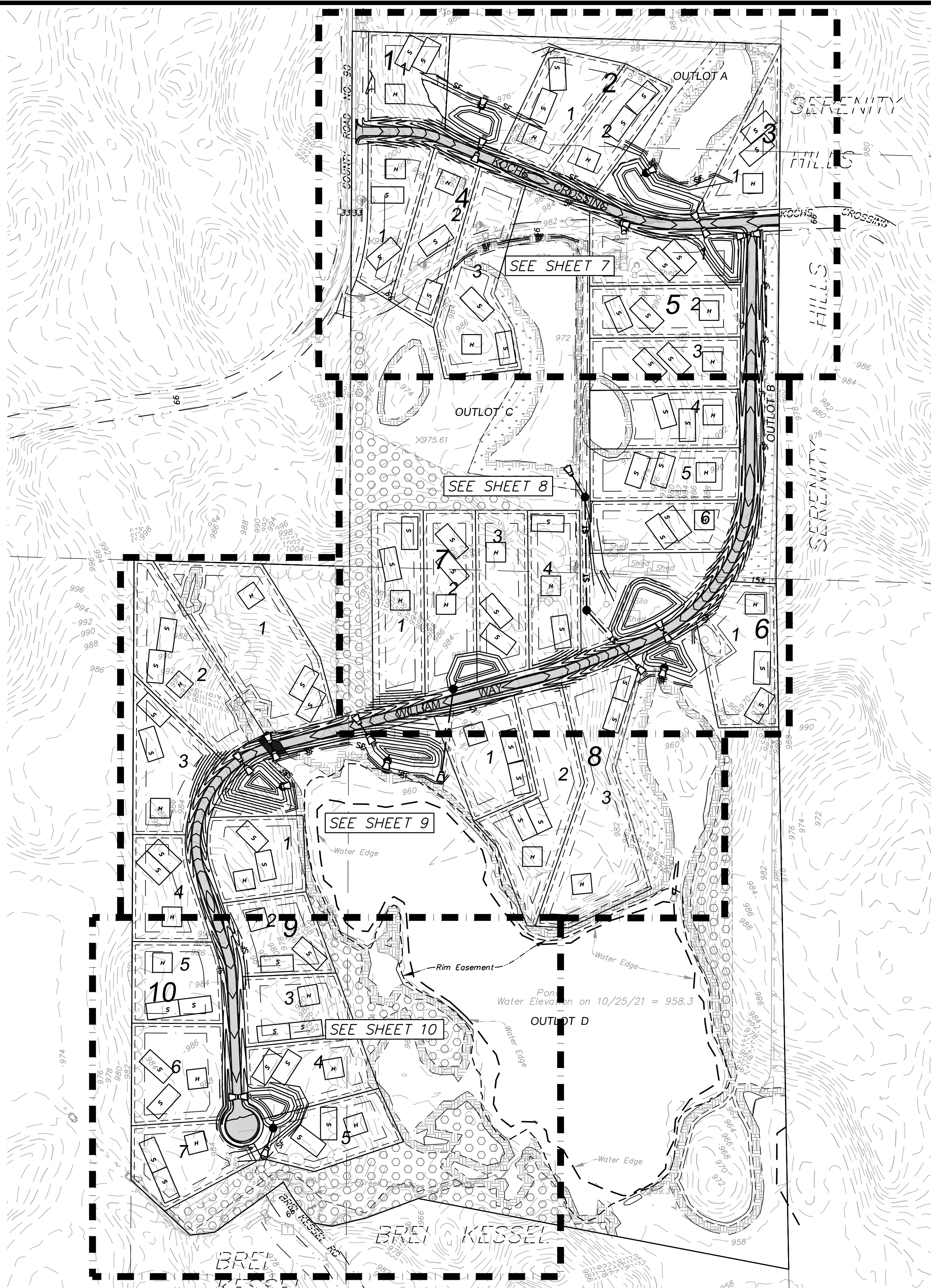
SHEET NO. 4 OF 11 SHEETS

DATE: 2-14-22

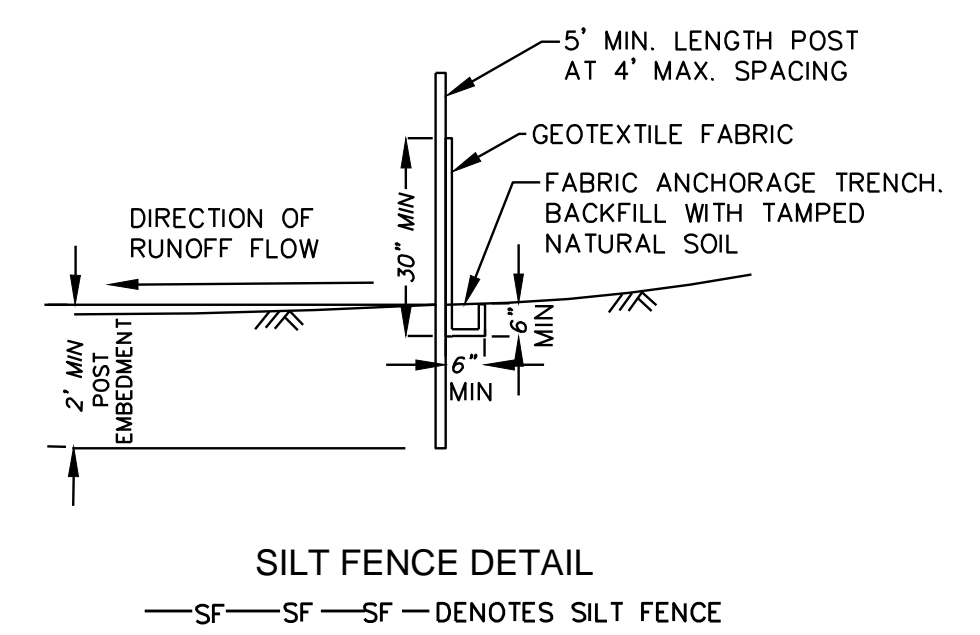






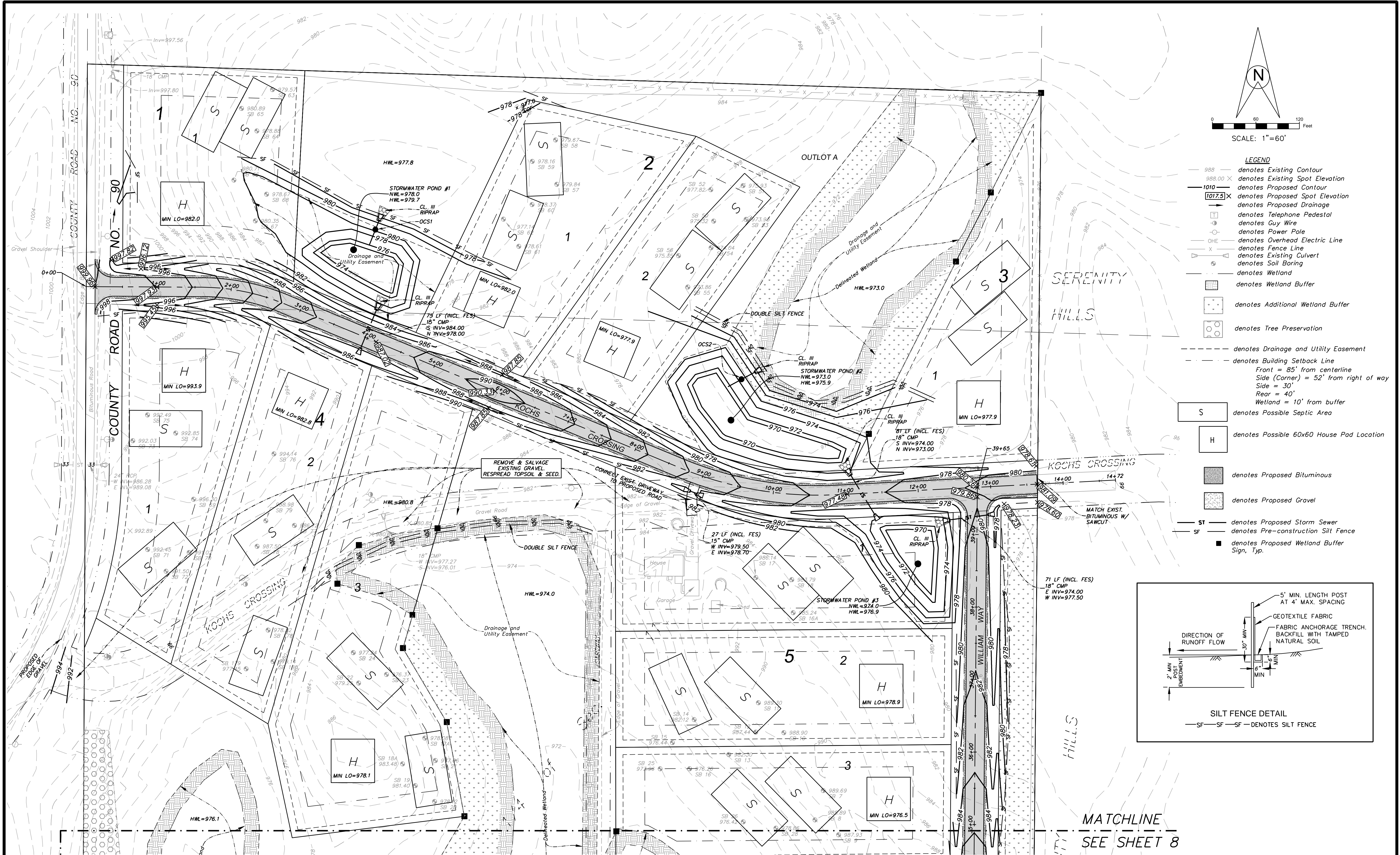


- LEGEND**
- 988 — denotes Existing Contour
  - 988.00 X denotes Existing Spot Elevation
  - denotes Proposed Contour
  - T denotes Telephone Pedestal
  - denotes Guy Wire
  - denotes Power Pole
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  - X denotes Fence Line
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  - denotes Wetland
  - denotes Wetland Buffer
  - denotes Additional Wetland Buffer
  - denotes Tree Preservation
  - denotes Drainage and Utility Easement
  - denotes Building Setback Line
    - Front = 85' from centerline
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    - Side = 30'
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  - H denotes Possible 60x60 House Pad Location
  - denotes Proposed Bituminous
  - denotes Proposed Gravel
  - ST — denotes Proposed Storm Sewer
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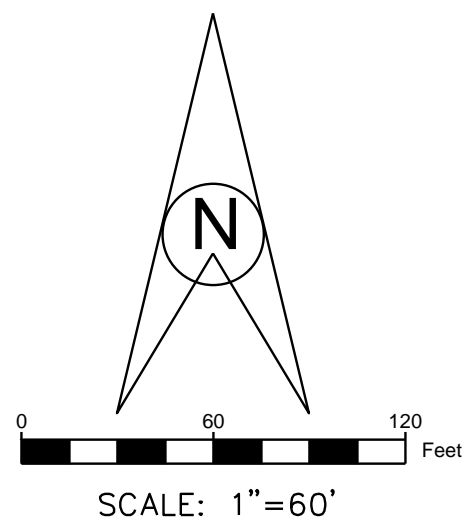
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| REV. NO.                 | DATE | BY | DESCRIPTION | DESIGNED<br>P.E.O. | DRAWN<br>T.J.B. | <div>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</div> <div></div> <div>Paul E. Otto<br/>License #40062      Date: 2-14-22</div> | <div><div>www.ottoassociates.com<br/>9 West Division Street<br/>Buffalo, MN 55313<br/>(763)682-4727<br/>Fax: (763)682-3522</div></div> <div>Engineers &amp; Land Surveyors, Inc.</div> | <div>KOCH FARM SANCTUARY</div> <div>TOM KOCH</div> <div>INDEPENDENCE, MN</div> | PRELIMINARY GRADING<br>PLAN (OVERVIEW) | PROJECT NO:<br>18-0199 |  |  |
|                          |      |    |             | CHECKED<br>P.E.O.  |                 |  |   |  |  |                        |  |  |
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| SHEET NO. 6 OF 11 SHEETS |      |    |             |                    |                 |  |   |  | DATE: 2-14-22                          |                        |  |  |



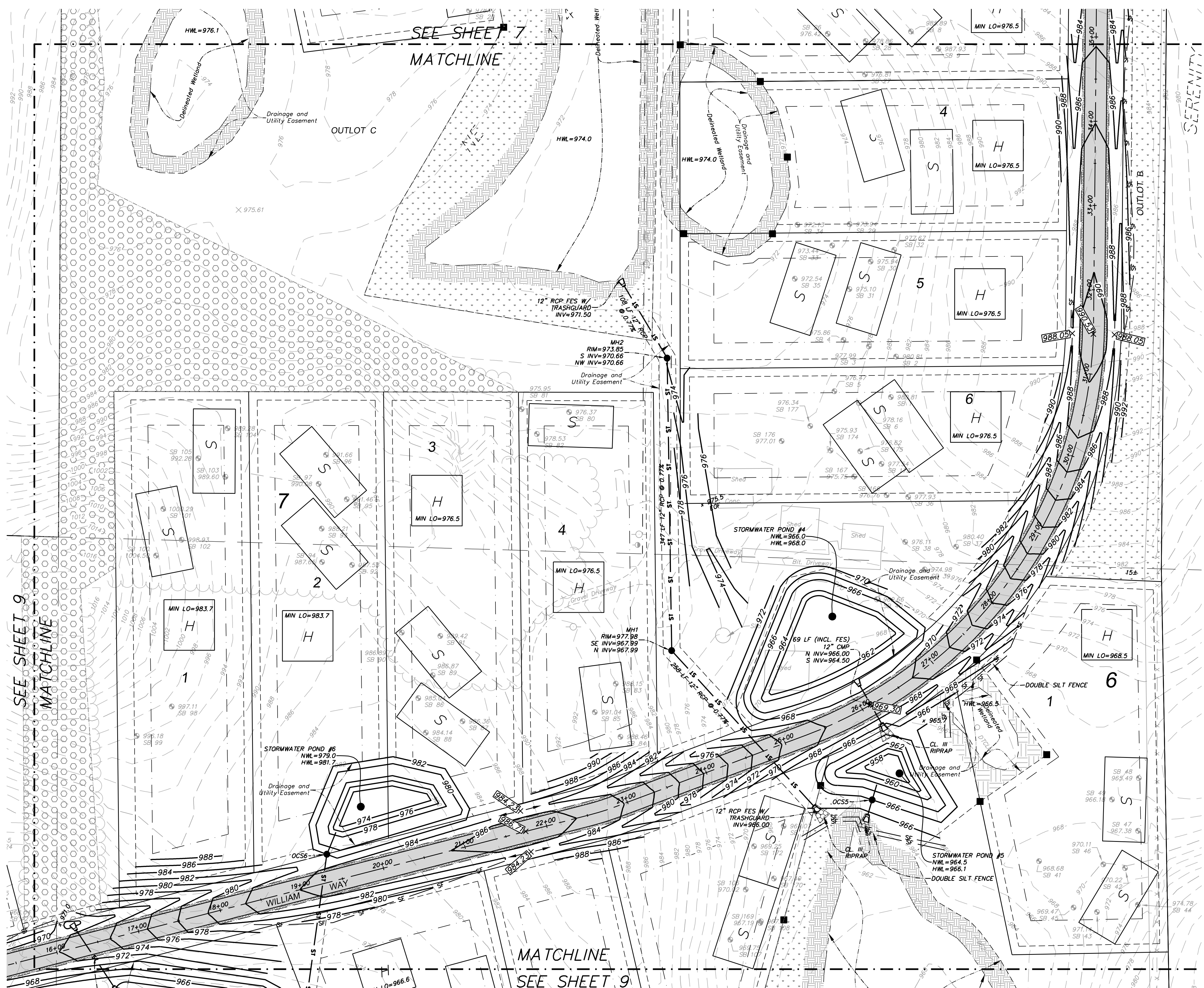
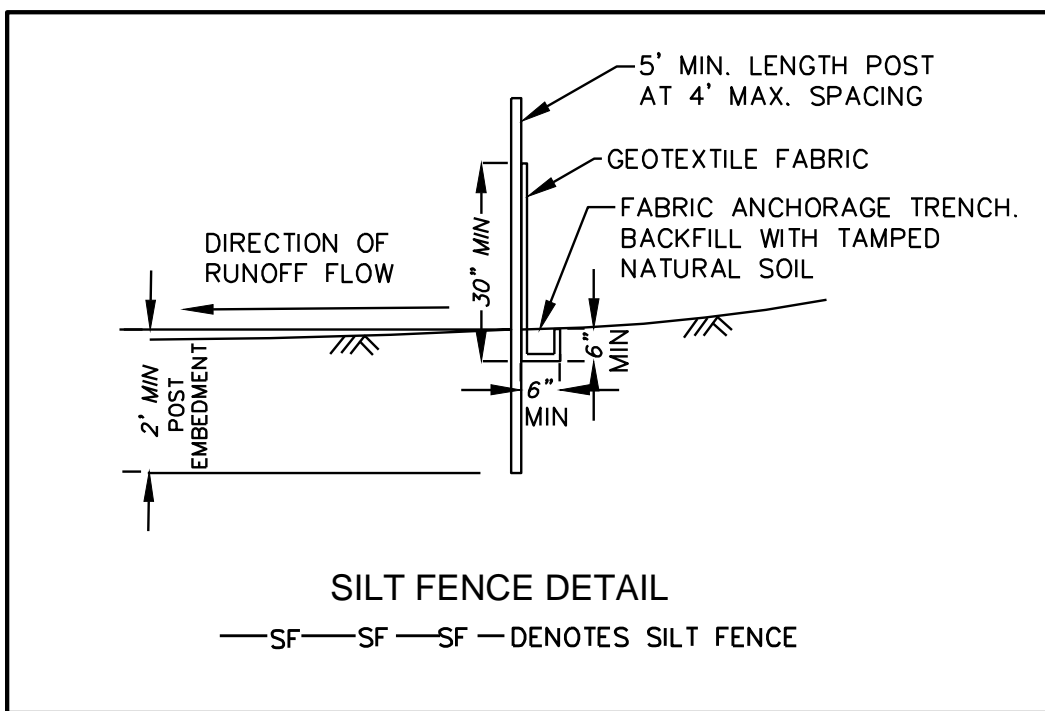


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| REV. NO. DATE BY DESCRIPTION |  |  |  | DESIGNED DRAWN<br>P.E.O. T.J.B. |  | I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.<br><i>Paul E. Otto</i><br>Paul E. Otto<br>License #40062 Date: 2-14-22 |  | www.ottoassociates.com<br>9 West Division Street<br>Buffalo, MN 55313<br>(763)682-4727<br>Fax: (763)682-3522 |  | Koch Farm Sanctuary<br>Tom Koch<br>Independence, MN |  | PRELIMINARY GRADING<br>PLAN (NORTH) |  | PROJECT NO:<br>18-0199 |  |
| CHECKED<br>P.E.O.            |  |  |  |                                 |  |   |  |  |  |   |  | SHEET NO. 7 OF 11 SHEETS            |  | DATE: 2-14-22          |  |





- LEGEND**
- 988 — denotes Existing Contour
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  - denotes Additional Wetland Buffer
  - denotes Tree Preservation
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Front = 85' from centerline  
Side (Corner) = 52' from right of way  
Side = 30'  
Rear = 40'  
Wetland = 10' from buffer
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| REV. NO. | DATE | BY | DESCRIPTION |
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|---|-----------------|
| DESIGNED<br>P.E.O.  | DRAWN<br>T.J.B. |
| CHECKED<br>P.E.O.   |                 |
| I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.<br><br>Paul E. Otto<br>License #40062<br>Date: 2-14-22 |                 |

**OTTO ASSOCIATES**  
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(763)682-4727  
Fax: (763)682-3522

**KOCH FARM SANCTUARY**  
TOM KOCH  
INDEPENDENCE, MN

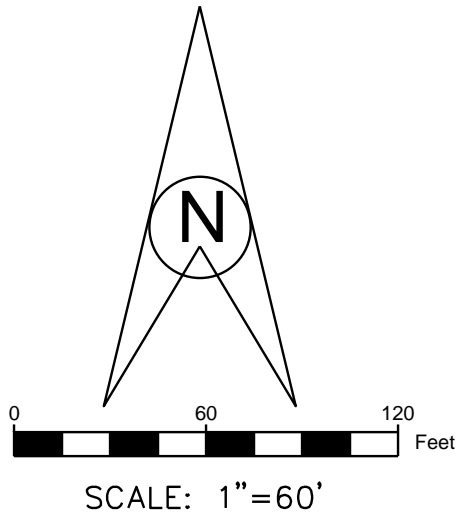
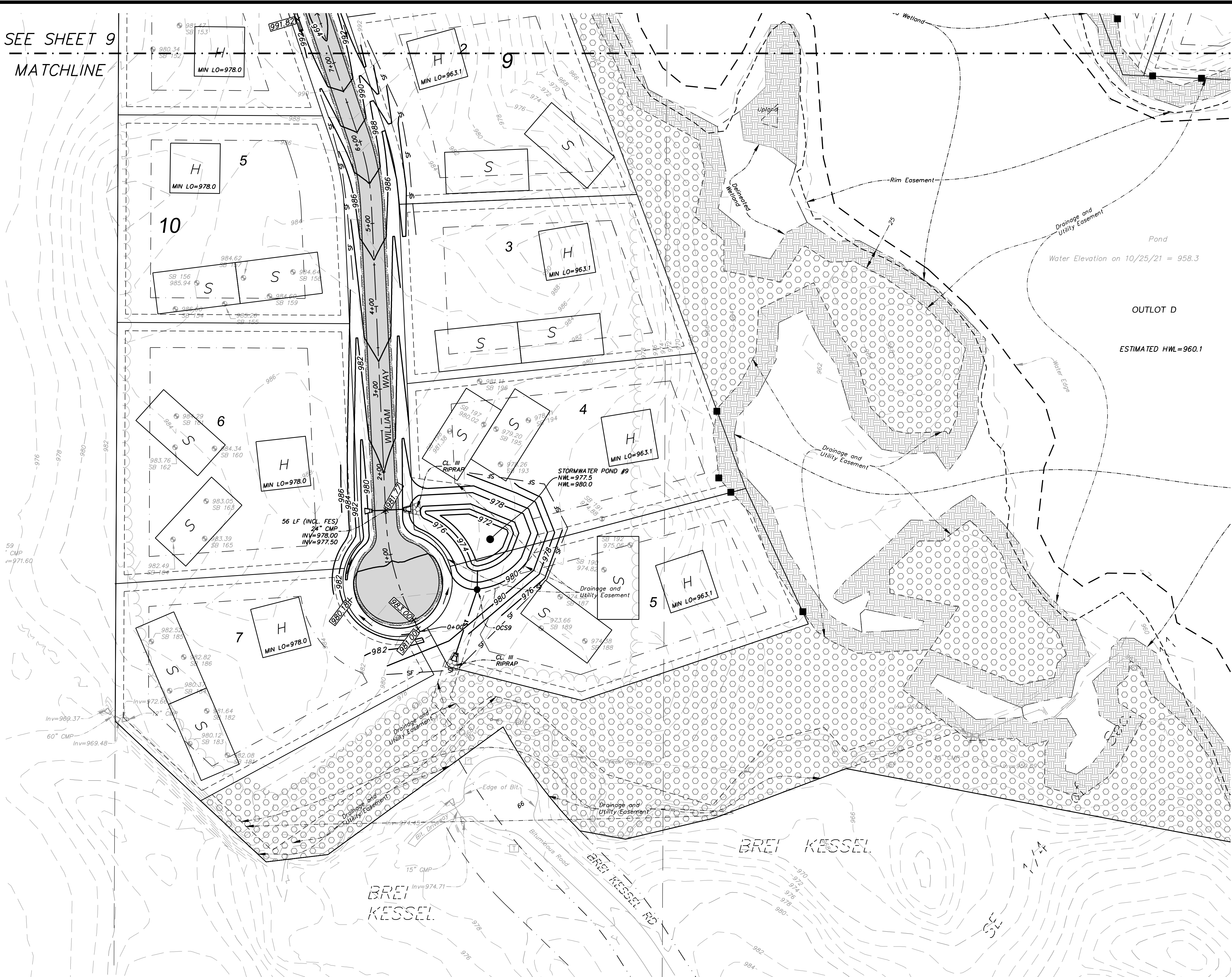
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| PRELIMINARY GRADING<br>PLAN (EAST CENTRAL) | PROJECT NO:<br>18-0199 |
| SHEET NO. 8 OF 11 SHEETS                   | DATE: 2-14-22          |



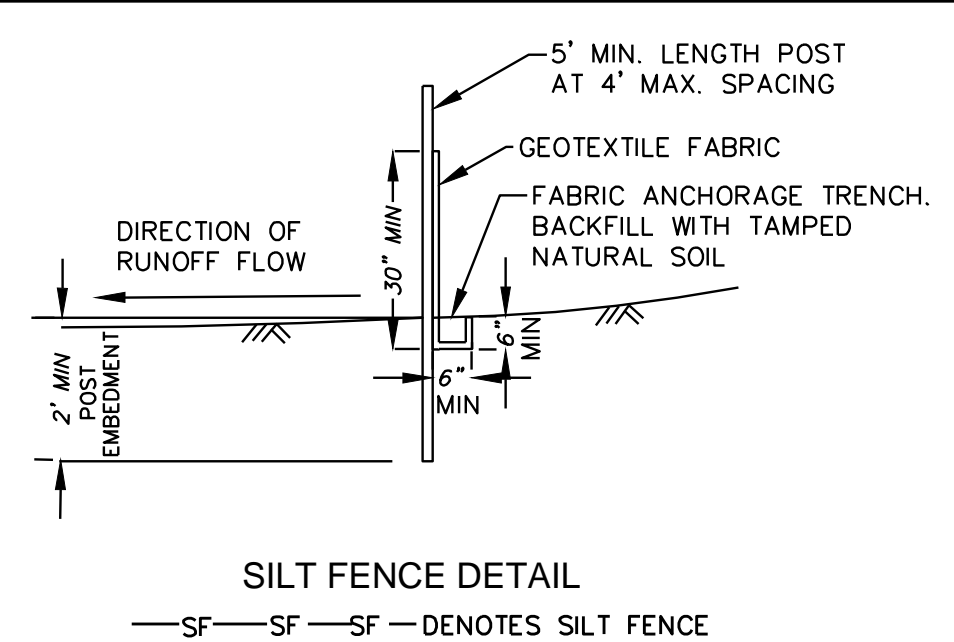




SEE SHEET 9  
MATCHLINE



- LEGEND**
- 988 — denotes Existing Contour
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| DESIGNED<br>P.E.O. | DRAWN<br>T.J.B. |
| CHECKED<br>P.E.O.  |                 |

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

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

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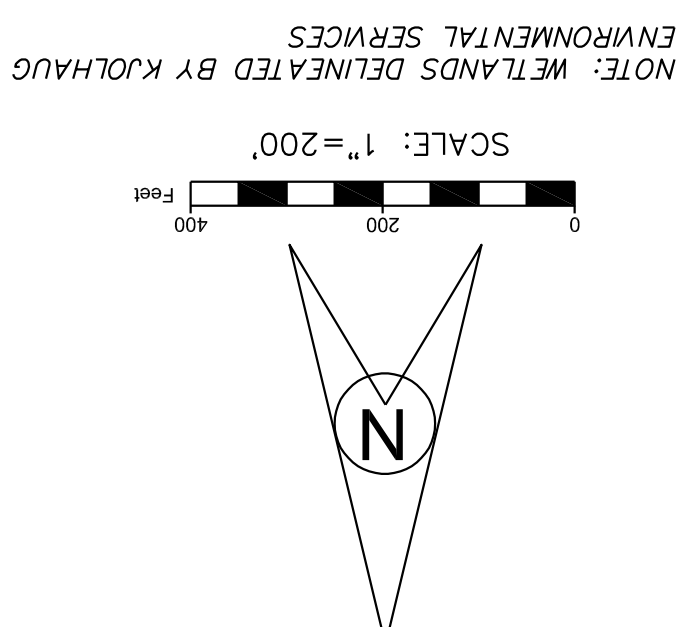
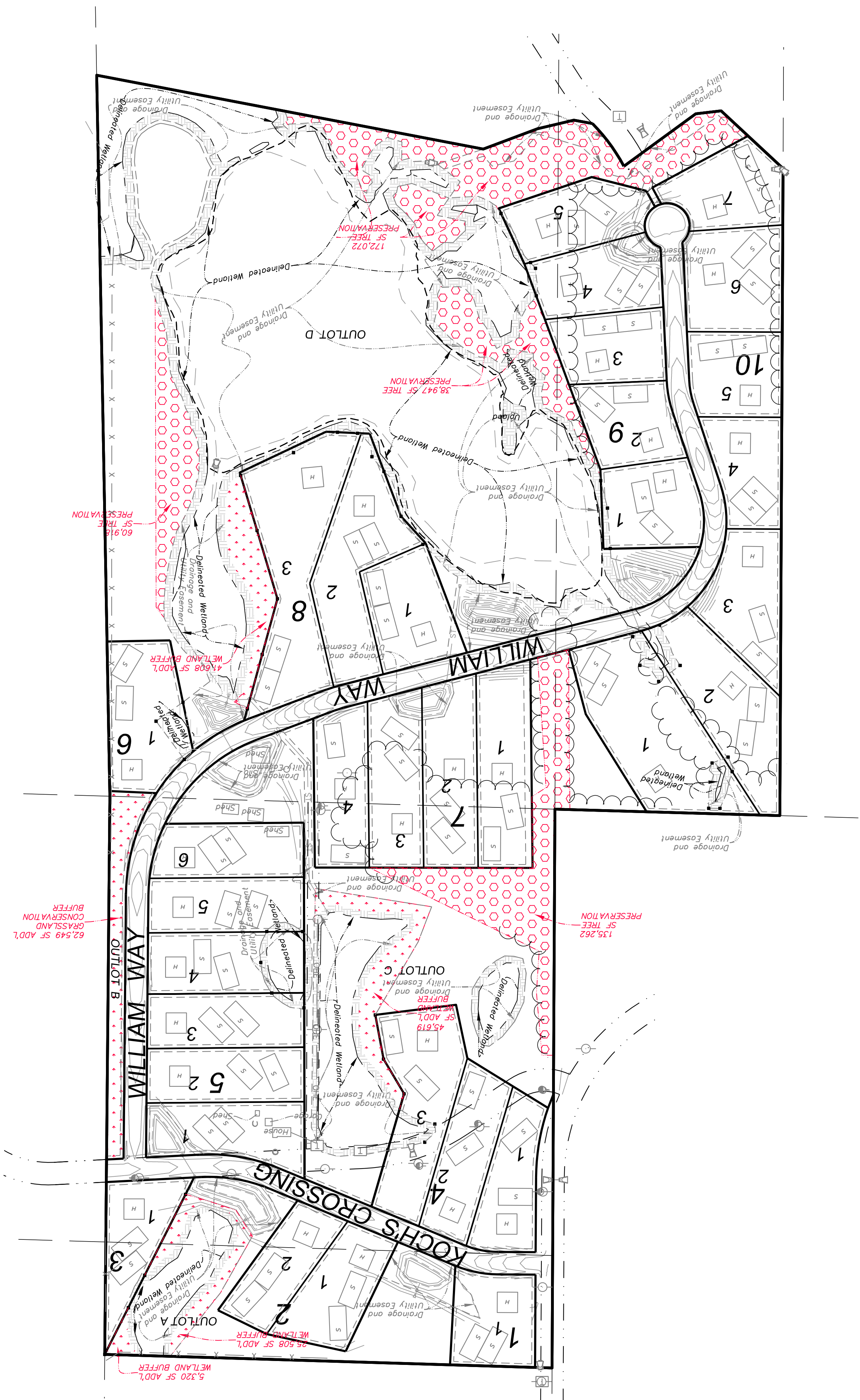
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**KOCH FARM SANCTUARY**  
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INDEPENDENCE, MN

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


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



[illegible]

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

*Paul E. Ohio*  
Paul E. Ohio  
License #40082 Date: 2-14-22

  
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


**Engineers & Land Surveyors, Inc.**

KOCH FARM SANCTUARY  
TOM KOCH  
INDEPENDENCE, MN

|  |                        |
|--|------------------------|
| WETLAND BUFFER & TREE<br>PRESERVATION PLAN | PROJECT NO:<br>18-0199 |
| SHEET NO. 11 OF 11 SHEETS                  |                        |
| DATE:                                      | 2-14-22                |

**LEGEND**

|   |   |
|---|---|
|  | denotes Existing Pedestal               |
|  | denotes Existing Power Pole             |
|  | denotes Existing Overhead Electric Line |
|  | denotes Existing Fence Line             |
|  | denotes Wetland                         |

|   |          |  |
|---|----------|--|
|  | <i>p</i> | denotes Possible Primary Septic Area   |
|  | <i>A</i> | denotes Possible Alternate Septic Area |
|  | <i>H</i> | denotes Possible House Pad Location    |



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March 7, 2022

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

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

Dear Mr. Kaltsas:

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

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



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

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

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

Sincerely,

**Bolton & Menk, Inc.**



**Andrew Budde, P.E.**  
Independence City Engineer

## MEMORANDUM

**TO:** Mark Kaltsas, Independence City Planner/Administrator

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

**FROM:** Shane Nelson, Water Resources Engineer

**DATE:** March 11, 2022

**RE:** Koch Farm – Water Resources Review

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

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

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



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

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