

PLANNING COMMISSION MEETING AGENDA TUESDAY SEPTEMBER 20, 2022

7:30 PM REGULAR MEETING

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes:
 - a. August 16, 2022, Planning Commission Meeting
 - b. September 6, 2022, City Council Meeting Minutes (For Information Only)
- 4. **PUBLIC HEARING:** Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the property generally located at and adjacent to 8590 County Road 92 N (PID No.s 32-118-24-23-0001, 32-118-24-22-0003, 32-118-24-22-0002, 32-118-24-13-0002, 32-118-24-12-0003 and 32-118-24-12-0004) in the City of Independence, MN:
 - a. A conditional use permit amendment to allow the development of a new 18- hole golf course and associated site improvements on the subject properties.
- <u>PUBLIC HEARING</u>: Don Hamilton (Owner/Applicant) requests that the City consider the following actions for the property located at 5687 County Road 6, Independence, MN (PID No. 35-118-24-11-0003):
 - a. Rezoning of the property from AG-Agriculture to RR-Rural Residential consistent with the Comprehensive Plan.
 - b. A minor subdivision to allow a rural view lot subdivision.
 - c. A variance to allow the maximum square footage of detached accessory structures to exceed the allowable maximum. The existing buildings associated with the original farm site are proposed to remain after the proposed subdivision.
- <u>PUBLIC HEARING:</u> Nicholas Mozena (Applicant/Owner) requests that the City consider the following action for the property located at 1187 County Road 92 N., Independence, MN (PID No. 29-118-24-14-0003):
 - a. A variance to permit a reduction to the rear yard setback allowing an existing detached accessory structure to remain in its current location.

- 7. Concept Plan Submittal for the Property Located at 9285 Highway 12 (PID No. 18-118-24-21-0001). William Stoddard (Applicant) and John Zeglin (Owner) are asking the City to provide feedback relating to the proposed concept development of the subject property. The Applicant is proposing to develop the property into office warehouse, garage condominiums and rural residential lots on the subject property.
- 8. Open/Misc.
- 9. Adjourn.

MINUTES OF A MEETING OF THE INDEPENDENCE PLANNING COMMISSION MEETING TUESDAY AUGUST 16, 2022

7:30 PM REGULAR MEETING

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Gardner at 8:15pm.

2. <u>ROLL CALL:</u>

PRESENT: Commissioners Dumas, Gardner, Thompson, Story-1st Alternate, Tearse, & Usset-2nd Alternate STAFF: City Administrator Kaltsas and City Administrator Assistant Simon ABSENT: Volkenant VISITORS: See Sign-in Sheet

3. APPROVAL OF MINUTES:

a. July 19, 2022, Planning Commission Meetingb. August 2, 2022, City Council Meeting Minutes (For Information Only)

Motion by Dumas to approve the July 19, 2022, Planning Commission minutes, second by Tearse. Ayes: Dumas, Gardner, Thompson, Story-1st Alternate, Tearse, & Usset-2nd Alternate. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

4. <u>**PUBLIC HEARING:**</u> Russel Gilberg (Applicant) and David Vandeneinde (Owner) requests that the City consider the following action for the property located at 840 Wild Oak Trail, Independence, MN (PID No. 27-118-24-33-0003):

a. A conditional use permit to allow a ground mounted solar array on the subject property.

Request:

Russel Gilberg (Applicant) and David Vandeneinde (Owner) requests that the City consider the following action for the property located at 840 Wild Oak Trail, Independence, MN (PID No. 27-118-24-33-0003):

a. A conditional use permit to allow a ground mounted solar array on the subject property.

Property/Site Information:

The property is located at the end of Wild Oak Trail which is north of CSAH 6. The property has an existing home, a detached accessory structure. The property has the following characteristics:

Property Information: **840 Wild Oak Trail** Zoning: *Agriculture* Comprehensive Plan: *Agriculture* Acreage: *3.66 acres*

Discussion:

The applicant is seeking approval to construct a ground mounted solar system on the subject property. Ground mounted solar systems require a conditional use permit in all zoning districts of the City. Ground mounted solar systems have the following requirements:

Subd. 5. Ground-mounted solar energy systems shall conform to the following standards:

(a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.

(b) Ground-mounted systems shall be located only in rear or side yards.

(c) Ground-mounted systems shall not be located in the Shoreland Overlay District.

(d) Ground-mounted systems shall be wholly screened from view from the public right-of-way and

adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.

(e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.

(f) Ground-mounted systems shall be setback 40 feet from the rear yards.

(g) Ground-mounted systems shall be setback 30 feet from the side yards.

(h) Ground-mounted systems shall have a maximum area of 500 SF.

(i) The maximum height for any component of the system shall be 15 feet.

(j) Ground-mounted systems shall be in compliance with any applicable local, state and federal

regulatory standards, including building, electrical and plumbing codes.

(k) Ground-mounted systems and their support structures shall be designed by a certified

professional to meet applicable professional standards for the local soil and climate conditions.

The proposed ground mounted solar system would be located in the side yard to the east of the existing barn located in the northeast corner. The proposed solar system would be comprised of one ground mounted array. The total square footage of the two arrays would be 488 SF. This would be less than the 500 feet maximum SF permitted. The arrays would be setback approximately 38 feet from the north property line (side yard). The required setback is a minimum of 30 feet.

The proposed ground mounted system would be approximately 11 feet to the top of the highest portion of the panels (height is variable based on angle). The maximum height allowed for any component of the proposed system is 15 feet. The City requires systems to be wholly screened from view of the public right of way and adjacent residential structures. There are currently no residential structures located near the proposed location. The proximity of the proposed ground mounted system to the nearest residence and or public right of way is ~550 feet and is protected from view by existing vegetation or elevation. No screening is proposed along the north or east property lines. One additional consideration relating to screening is that the panels will be oriented to face south. This will help to mitigate glare and or other visual impacts to surrounding properties as there is a significant wooded area to the south of the subject property.

The applicant has also provided the City with an updated site plan and image of the solar system. 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.

The City has discussed the proposed ground mounted solar system with the applicant. It was noted that the proposed ground mounted solar system would offset approximately 85% of the applicant's current power consumption. The applicant also stated that if the ordinance relating to ground mounted solar allows for more area in the future, he would encourage consideration for a provision that allows expansion of the proposed system without additional review. The proposed ground mounted solar system appears to meet all applicable standards provided for in the zoning ordinance. The size of the system and its proximity to the surrounding property appears to adequately mitigate potential visual impacts. Given the location of the property at the end of Wild Oak Trail, the orientation of the proposed solar system and its relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment.

Neighbor Comments:

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

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit and amendment with the following findings and conditions:

- 1. The proposed conditional use permit and amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
- 2. The conditional use permit will allow a ground mounted solar system to be located on the subject property and in accordance with the approved site plan attached hereto as EXHIBIT A.
 - a. The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
- 3. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit.

Kaltsas – It meets the 500 sq ft maximum in the ordinance. Located on the end of Wild Oak Trail on NE side of the cul-de-sac. SFD and detached. 3.5 acres overall. All ground mounted solars are considered by CUP. It can be located in rear or side yards, 2.5 acres or greater. 30 ft from side yards, 15 ft in max height. 488 sq ft is proposed (less than what's permitted), 270 ft from rear property line and 30 ft from side yard. They meet setbacks. System height is 11ft. 35ft wide and 2 panels tall, mounted in an angled position. Closest residential structure is to the South but heavily wooded area. Very limited visibility from Wild Oak Trail and neighboring properties. There could be visibility in future developing properties but could be 1000 ft or more. CUP granted - any reasonable use impacted on surrounding properties? We picked 500 sq ft max based on info we had available, but it has changed and has not been considered with electric calls, pools etc. It would provide 60% of power. Applicant would encourage the city to make provisions to people that went through the CUP process that they don't have to pay to have their

sq ft increased in the future if the city changes the max area. Panels are getting more efficient, so it may not be needed.

Gardner- Can you tell us more about the kilowatt hours?

Applicant – Dave and Sandy Vandeneinde (840 Wild Oak Trail owners) - We own the rectangular property to the South, so it is 5.5 acres overall, two PIDs. We first started looking at placing solar on the house, it wasn't doable, placing it on the backside of the barn – not optimal, that's where we are at ground mounted. 480 sq ft was because they would like to meet current power consumption, solar degrades overtime, they will meet 85-90% consumption. I would love to add more panels but was told by the City that a variance would be needed to add more panels, so I'm working within the current constraints.

Gardner – How many kilowatts are you consuming a month?

Dave Vandeneinde, Applicant– There's no battery at this time. At any time, I can be drawing off the grid or producing for the cul-de-sac. The west property (owners, Steve and Connie Schmitt) – our barn is blocking view with the slope, North – drainage ditch and there are trees growing as natural barrier. All my north side on mine is 20 ft high shading, East is a horse pasture. Mound is between the septic mound and

Story- You have the perfect setup for blocking the view of the solar panels.

Butch – What is the cost of this 500 sq ft solar system?

Dave - \$27,355 inclusive of building permit and not inclusive of variance fees (\$1,250 & an additional \$750 deposit potential) today. So I've paid out \$2,000 to be here today. Plus there is a 26% fed tax credit if passed which is not factored in yet. I wouldn't do this without the federal tax credit. It would take 550 sq ft to cover all.

Motioned by Garner, seconded by Story to close public hearing.

Kaltsas – We started solar ordinance with legislation because it was metro area with a lot of grid capacity. We got a bunch of 40-acre solar site requests. We didn't want them. We looked at roof-mounted and ground-mounted, and ground-mounted could impact surrounding properties. We vetted that by making it all CUP. \$1250 is the cost for taking application, notice a paper, process application, write report for Planning Commission, write report for City Council, filing resolutions, and record all documents with county, etc. We don't make money and do review those costs. \$1,250 is standard for any planning action. We require \$750 deposit for any complicated fees and have to come back 3-4 times. Other cities may charge \$500 up front and then singly charge for everything on top of that. We think \$1,250 covers most.

Gardner – Is there a way to approve these without adding more fees to solar mounted? (38) Kaltsas- We do have an Accessory Building Review Committee. Solar could be one of those things. We wanted to vet to be sure they're not impacting neighbors' houses.

Thompson – There is a difference in ground mount vs roof mount due to impact.

Dumas – If ordinance got changed and "\$750 was the number, etc.," if the ordinance changes, do people get assessed again?

Kaltsas – It would be an amendment to the CUP. Cities are not making this up. The state has steps we need to comply with, and we are more reasonable than a lot of cities.

Story - We could add that to the ADU committee, so we still have some control.

Kaltsas – We could add that and amend the ordinance. We are unique since most cities do not have the larger lots to allow for ground mounted. Going before the ?? can vet the process. Thompson – It's nearly impossible to write up an ordinance that covers every property in Independence. Every property is different.

Motion by Story, second by Thompson to approve CUP request for a ground mounted solar array at 840 Wild Oak Trail, Independence, MN (PID No. 27-118-24-33-0003). Ayes: Dumas, Gardner, Thompson, Story-1st Alternate, Tearse, & Usset-2nd Alternate. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

It will go to the City Council on Sept. 6, 2022.

5. <u>PUBLIC HEARING</u>: John Peterson (Applicant) and Jean P & A Sterner Etal (Owner) requests that the City consider the following action for the properties generally located at 8910 US Hwy 12, Independence, MN (PID No's. 07-118-24-41-0003 and 07-118-24-42-0004):

a. A minor subdivision to allow a lot line rearrangement which would adjust the line that separates the two properties.

Request:

John Peterson (Applicant) and Jean P & A Sterner Etal (Owner) requests that the City consider the following action for the properties generally located at 8910 US Hwy 12, Independence, MN (PID No's. 07-118-24-41-0003 and 07-118-24-42-0004):

a. A minor subdivision to allow a lot line rearrangement which would adjust the line that separates the two properties and cleans up a property line discrepancy along the north property line.

Property/Site Information:

The subject property is located just west of Lake Haughey Road and North of Hwy 12. There are two principal structures located on the 8910 property along with several detached accessory structures. There are no structures on the westerly parcel (07-118-24-42-0004). The property has the following site characteristics:

Property Information: **8910 Highway 12** Zoning: *Agriculture* Comprehensive Plan: *Agriculture*

Acreage (Before Parcel A - north): 38.70 Acreage Acreage (Before Parcel A - south): 18.00 Acreage	
Acreage (Before Parcel B - north): 42.95 Acreage Acreage (Before Parcel B - south): 14.39 Acreage	

Discussion:

The applicant is seeking a minor subdivision to adjust several lot lines and correct a property line discrepancy. The proposed lot line rearrangement would adjust the north/south property line that runs between the two subject properties. The line would move to the west north of the railroad tracks so that it aligns with the north/south line that runs south of the railroad tracks. In addition to this realignment, the applicant has noted that there is a piece of property to the north of the subject Parcel A that should be incorporated into the property. This can be seen on Hennepin County GIS. The applicant is proposing to adjust the north property line so that it incorporates the property that has historically been included within the fenced portion of the subject property.

The proposed lot line adjustments will add approximately 3 acres to the easterly property (Parcel A) and reduce the westerly property by the same. Both properties are under the control of the applicant's family members and there is agreement relating to the proposed adjustment with the adjacent property owner to the north.

Summary:

The proposed lot line rearrangement is generally in keeping with the City's zoning and subdivision regulations. The City reviewed the proposed subdivision and did not find any potential issues relating to the requested minor subdivision. No new lots are being created and both lots are conforming in both the before and after conditions. The City is not requesting any additional drainage and utility easements due to the minimal change and overall size of the subject parcels. The proposed minor subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written comments regarding the proposed minor subdivision.

Recommendation:

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

1. The proposed minor subdivision for a lot line rearrangement 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 pay for all costs associated with the City's review of the requested minor subdivision.

3. The Applicant shall record the subdivision and City Council Resolution with the county

within six (6) months of approval.

Kaltsas – A couple properties included and one to the north of the subject parcels. 2 structures on 8910 property. Both AG and guided by comp plan as AG. There is unclaimed property on the N

so could adjust the lines to take in some of the unclaimed property. 2 properties bisected by the railroad but same PID. Jog of N/S line added to Easterly lot and line up with the peoce S of the railroad. Push the line to the North. There is a small triangle to the far N and include this in the lot line rearrangement. 2 adjustments to the lot lines. There is nothing impacted or changed.

Dumas – If there is a lot line there that is platted aren't you moving the fence? Don't we have to take land from one to the other?

Kaltsas – There is unclaimed land so no.

Thompson – Why are we addressing only half of the unclaimed land?

Al Sterner (John's BIL) – We own the property to the West and my wife owns a share of the property on the East. His father only did the fence line on the South side, not the North. We don't care to extend it. It's all in the family and we are not moving the fence.

Thompson – Are we friends with Roberta Arendt?

Sterner – Legally the description is the fence line.

Kaltsas – It doesn't change her property at all. John has to go through a more legal process to clean this up. Legally we can't record this until this is cleaned up.

Gardner closed, Thompson seconded the public hearing.

Motion by Tearse, seconded by Thompson to approve minor subdivision lot line rearrangement at 8910 Wild Oak Lane. Ayes: Dumas, Gardner, Thompson, Story-1st Alternate, Tearse, & Usset-2nd Alternate. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

It will go to the City Council on Sept. 6, 2022.

6. Open/Misc.

PC purposes will be filled with more applications. The golf course will likely be seen in September. Koch brothers will likely be coming with a smaller phase 1. Mills Fleet Farm is still calling. Feasibility level work for a municipal well is happening at the intersection which is needed for any development there. A concept plan for a 295,000 sq ft office retail/business park on the south side of Hwy 12 and Town Line Rd. was going to be heard.

7. Adjourn.

Motion carried by Story, seconded by Gardner to adjourn the meeting at 9:09 pm.

Respectfully Submitted, Linda Johnson / Recording Secretary

MINUTES OF A REGULAR MEETING OF THE INDEPENDENCE CITY COUNCIL TUESDAY, SEPTEMBER 6, 2022, 6:30 PM

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. <u>ROLL CALL</u>

PRESENT:	Mayor Johnson, Councilors McCoy, Betts, Spencer, and Grotting
ABSENT:	None.
STAFF:	City Administrator Kaltsas, City Admin Assistant Simon, and Bob
	Vose (City Attorney)
VISITORS:	See Sign-in Sheet.

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

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

- a. Approval of City Council Minutes from the August 16, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch# l; Checks Numbered 21422-21424, Batch# 2; Checks Numbered 21425-21431 and Batch# 3; Checks Numbered 21434-21473, Checks Numbered 21432 and 21433 have been voided).
- c. Pay Request# I BY Construction WHPS/North Memorial Garage.
- d. Approval of a Solicitor Application for Curbside Waste (New Waste Hauler).
- e. Approval of Additional Election Judges for the 2022 General Election.

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

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

6. <u>REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF</u>

Grotting attended the following meetings:

- Visiting properties on the agenda
- Planning
- Workshop

Spencer attended the following meetings:

- Workshop
- LMC webinar training on property tax
- Hwy 12 Safety Coalition

McCov attended the following meetings:

• none

Betts attended the following meetings:

- Workshop
- Night To Unite
- Police Commission

Johnson attended the following meetings:

- Planning
- Workshop
- Mayors breakfast with Congressman Phillips at a Minnetonka pancake house
- NW Trails dinner (snowmobilers)
- West Hennepin Pioneer Museum Annual Meeting
- MN Dept of Transportation met w/ Commissioner regarding the future funding for Hwy 12
- Sent a retirement congratulations to Bonnie Waters (Sr Community Services)
- Police ride along with Maple Plain Mayor & Congressman Phillips
- Virtual interview of congressional seat candidates
- County Attorney candidate Martha Dimick
- Lake Minnetonka Veterans Island w/ Senate Committee and several past Orono Mayors & the statewide Vets organizations
- Hwy 12 Corridor Coalition Meeting

Kaltsas attended the following meetings:

- Three Rivers Park District (Baker Park long-term master plan)
- Planning
- Workshop

Simon attended the following meetings:

- Workshop
- Planning
- LMC webinar training on property tax

Johnson - Does Three Rivers Park District need to have a plan with MetCouncil, too? Kaltsas- Yes, there is a limited amount of "active" recreation spaces they can have.

- Russel Gilberg (Applicant) and David Vandeneinde (Owner) requests that the City consider the following action for the property located at 840 Wild Oak Trail, Independence, MN (PID No. 27-1 18-24-33-0003):
 - a. RESOLUTION NO. 22-0906-01- Considering approval of a conditional use permit to allow a ground mounted solar array on the subject property.

CUP to allow ground mounted solar system/GMS, AG and guided in AG. 2 properties associated with this split by two separate PIDs, (same owner). GMS are required to have a CUP. Provisions - need to be 2.5 acres, noted setbacks, and limited to 500 sq ft. Within the number of maximum sq ft. side yard and rear yard setbacks are all met. GMS is 11 ft to highest point. Maximum height is 15ft in City ordinance. Zoning ordinance states it does not affect property or surrounding properties, and no public comments were made prior or after the PC. PC recommended approval due to no surround property structures being within 1000ft. Solar array sits at a lower elevation than the street and would not create an impact that could not be mitigated by the applicant. Owner agreed that what Kaltsas stated was correct.

Motion by McCoy, seconded by Spencer to approve RESOLUTION NO. 22-0906-01 - the of a conditional use permit to allow a ground mounted solar array on the subject property. Ayes: McCoy, Betts, Johnson, Spencer, and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0

- 8. John Peterson (Applicant) and Jean P & A Sterner Etal (Owner) requests that the City consider the following action for the properties generally located at 8910 US Hwy 12, Independence, MN (PID No's. 07-118-24-41-0003 and 07-118-24-42-0004):
 - a. RESOLUTION NO. 22-0906-02 Considering approval of a minor subdivision to allow a lot line rearrangement which would adjust the line that separates the two properties.

Properties at and adjacent to 8910 US Hwy 12 and essentially allowing lot line adjustment to straighten off or square off a lot line that was adjusted years ago. The railroad bisects both properties. Also the North and South lot line jogs from the North side and South side of 12. On the North side of the property, there is a small piece to be included in their lot. It is an unclaimed piece of land there and the property to the north does not claim it either. The PC reviewed and discussed the unclaimed piece. Al Sterner owns the Western unclaimed piece but was uninterested in fixing that lot line, so that's why we are only talking about the unclaimed piece North of 8910 US Hwy 12. PC found it routine and recommended approval.

Peterson agreed that what Kaltsas stated was correct. Johnson asked why the railroad expanded further to the West. Kaltsas said they have 25ft more of ROW.

John Peterson- When my sister and husband bought the E piece of property, we were under the impression that the fence lines N-S and E-W were the property boundaries. When Jean and Al bought the property and found out it was in the E parcel 60ft, he had it changed and moved it West where the fence was, and my sister and husband had agreed to that. I use aria! survey maps and found that my father never changed the North side. It makes an 80 ft difference when it gets back to the house. We wanted to change it to the historic fence line. That's what happened when they changed the boundaries. Kaltsas said the RR won't give you it. Spencer- Do these boundaries happen a lot in the community? Johnson - I don't think we've had that many requests. One surveyor can differ from the next one.

Kaltsas -This is different since it doesn't follow a straight line. It could have been surveyed by two different surveyors from either side. Often missing a small piece.

Motion by Grotting, seconded by Betts to approve RESOLUTION NO. 22-0906-02- granting approval of a minor subdivision to allow a lot line rearrangement for the properties generally located at and adjacent 8910 US Hwy 12, Independence, MN (PID No's. 07-118-24-41-0003 and 07-118-24-42-0004). Ayes: McCoy, Betts, Johnson, Spencer, and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0

Vose-The City's approval of approving the blue/unclaimed part is great, but it doesn't clear up title of that property. Let's just understand that and that the owner is working on that. The applicant will need to exchange with owners to the North and the South a quit claim deeds to clear that up to describe the property as the fence line.

- 9. Steve Bohl (Applicant) and Clifford L Otten Trust (Owner) request that the City consider the following actions for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):
 - a. **RESOLUTION NO. 22-0906-03-** Considering approval of a comprehensive plan

amendment to allow the subject property to be re-guided to the RR-Rural Residential zoning district.

- b. **ORDINANCE 2022-05:** Considering rezoning of the subject property from AG-Agriculture to RR-Rural Residential.
- c. **RESOLUTION NO. 22-0906-04** Considering approval of a preliminary plat for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.

This is bring brought to you after being tabled at last meeting and needing more clarification. There has been quite a bit of correspondence relating to the process. This started in 2018 when we sent out notice for a concept plan that came forward to the City. There were 6 different meetings, public hearings, council meeting, and neighborhood meetings of previous proposed developer. On the CompPlan, we had about 8 meetings for the development of CompPlan. About 15 public meetings have been held since 2018 since the first public meeting.

The proposal in front of the City is for a 28-unit subdivision (BridgeVine). Planning Commission asked for more clarification and for applicant to look at (1) stormwater and other key items. Stormwater running off of this property heading to lake, the ravine to East, and the drainage to the West. Applicant agreed to strengthen the proposed stormwater system in several key locations by adding a rain garden filtration system to a low point as the water not collected running off of the rear Lots 1, 2, 3, and 4 and then ultimately swales towards Lake Independence and would go into the rain garden in the backside of Lot 3. This is additional measure would not be required by the City or Pioneer-Sarah Creek. Similarly, there was discussion relating to stormwater running off to the West under South Lake Shore Dr and ultimately further West along Perkinsville, under Budd and into the larger wetland complex. Applicant is proposing rain garden at the low point at outlot A to collect and filter to the W. Additionally, the Applicant provided pre and post peak runoff numbers - rate of run off at key points is reduced by proposed development in after conditions vs now. (2) Common dock area - Applicant was proposing to dedicate an outlot with common dock at the bottom of the Maple St ROW. The Applicant revised the proposed common dock area to not have an outlot associated with it, so it would just be a trail access point and still include a singular dock that the HOA maintained and having a pontoon boat. The trail easement would come off the shared common access lot- Outlot D with the firepit structure. Now proposing to follow property lines between Lots 5 & 8 down to the lake with a trail easement down to the dock. Applicant is proposing to restrict through HOA and covenant documents to regulate the use of that easement and outlot, number of docks, how it can be used, and who can use it. It was discussed with the City Attorney to figure out provisions for restricting or regulating through the Plan Use Development or development agreement. Bob will address that. The Applicant is ready to add additional provisions in the HOA docs. With the removal of the outlot, there would not be a piece of land that the HOA would own, it would just be an easement access point. The dock would come off that, differently than common access Lake Sarah or owners have.

Johnson - How wide of an easement will it be?

Kaltsas - Each property line already has 10 ft drainage and utility easements, but the Trail could be 8.5 or 10 ft and we could define this further- narrow and more restrictive.

(3) Outlot E- the little finger towards the lake in between 2 lots off Maple, Applicant proposed to deed this outlot to the City. We do own an infrastructure/ lift station there, have an easement now for a structure, and have no other public purpose other than the lift station. We could accept it or not and need feedback from Council on that. (4) Trail/Sidewalk -The City talked with Three Rivers Park District regarding a master plan and the connection from Independence into Baker Park. Three Rivers will talk about this to see if they would allow it. It could connect via the campground, the closest point. Applicant would not like to see a connection into the campground from the public. It would not be desirable either way. They thought it would be good to connect a trail along Co Rd 19 and wrap in at pedestrian/bike underpass trail system without going into the campground area.

Johnson - Did they know about the past resolution or connection?

Kaltsas-They were not familiar with past approval. Their point is valid, and we don't want that access to bring campers into the City and vice versa. We would need to involve Hennepin County to utilize the ROW for the Co Rd 19 option noting there is a vegetative buffer, tree line and ditch, however there is a relatively flat grade there. Providing a trail along Perkinsville to Budd and back towards Maple Plain would be desirable for the City. It would be a major funding item in trying to get that solved with 3 different entities would be difficult. We could work with the developer to secure a trail easement on Perkinsville since we have a proposed Outlot and perhaps collect cash in lieu of until we have a better plan to get it all come together. It wouldn't be desirable to build a trail that doesn't go anywhere. The discussion would involve multiple entities, and Three Rivers will talk internally.

Johnson - Who did you discuss this with at Three Rivers.

Kaltsas - Initially, Maple Plain resident Stephen who is the landscape architect who does some of their master planning and trail planning.

Steve Bohl is virtual tonight as well as the engineer. If it were to move forward regarding accessory structure size, he has questions about accessory structure size language and standards associated with it. Some of the garages are getting in the 1000 sqft range and would limit the language for attached/detached. We're not looking to adopt that draft PUD language tonight.

Johnson- Not directly related, but we approved the CompPlan to go forward to MetCouncil. They're supposed to approve or make or recommend changes. Don't we have to make a final approval when they send it back to us?

Kaltsas- Yes, we approve it subject to their approval, and then they approve it subject to our approval of their approval. I am hopeful they will approve it with some recommendations and some required changes. We've met a couple of times in the last few weeks, and we have a robust submittal.

Spencer- On Lot 8 (adjacent to new proposed trail position), is that existing boat house a nonconforming structure?

Kaltsas - It is a nonconforming structure. Spencer- ls that to be left?

Kaltsas - It'd have to look at the setback. It's bigger than the allowed 120sqft.

Spencer - Intention is that would remain and be part of parcel 8.

McCoy - So it will not be for the general use of the association?

Kaltsas - That's correct. The association would have an easement for Lot 8 between 5 & 8. But that structure would be associated with Lot 8 and we would talk to that applicant about. I don't know that we'd want that structure to be maintained on a separate parcel. Spencer - It looks like it would exceed what we would allow.

Kaltsas - 20x15' - bigger than what we'd allow. We could talk to the applicant. Grotting - Regarding the level of traffic that we are going to see. There were a lot of letters written appreciative of your input. They say the average household makes 9 trips a day, so 250 some trips. The intersection at Co Rd 19 and Perkinsville. Is there a commitment to do some work there to upgrade that corner?

Kaltsas - It is a definite issue, but when we studied it with the 96-unit impact with the previous developer, they looked at that intersection noting there is a lot of intersection that already funnels through that area. There wasn't a significant impact with 28 units as it is a lot less. (56) We know that that intersection needs to be looked at and studied and hopefully improved. It has to be something the City looks at, but to fix it, we need Hennepin County and Medina and more money than the City of Independence has to fund this. A possible roundabout will cost about \$2- 2.5 million. It is on our radar to get a solution. This development isn't causing it to fail more than it is. We have had conversations with Hennepin County to get this on their radar to find a solution. Once Hwy 12 is finished, this is our next intersection that needs to be addressed. Grotting- Because we did some things on Hwy. 12 that brought down deaths with cars, motorcyclists, maybe there is some interim way to increase visibility and safety.

Kaltsas - When the City redid sewer, we helped with visibility by taking some trees down. Johnson - The lakeshore ordinance allows up to 24 homes within 1000 ft of the lake without going through a PUD, correct?

Kaltsas - The City did not approve a specific number of lots. When looking at a property, we look at spacial standards that the ordinance has in place for allowable lot size, shoreline, street width, frontage, lot depth ratios, so you have to draw a plan to identify what yield you can get on a property. We have a provision saying properties within 1000 lineal ft of highwater level/HWL, our shoreline ordinance allows a minimum lot size of 1 acre if having sewered connection. We don't have an allocation of sewer that supports 24 lots/homes, so we have to ask approval from the Quad City agreement to increase the sewer capacity which is not easily done. We have to ask Medina and Met Council to service this property, then you can go down to I acre lots. The layout done by the previous developer had a layout & concept plan that was never approved by the City and was a good baseline showing 24 lots within that 1000 linear ft. This plan shows the 3 lots could be septic with 2.5 min lot size.

Grotting - Of the letters you received, was anyone advocating for septic or sewered lots? Kaltsas - I don't know anyone broke it down that way. This property has sewer on three sides: Lake Shore Drive, South Lake Shore Drive, and Perkinsville. This has always showed on CompPlan as sewered lot, just not 1 acre lots. Independence Rd has city sewer and in that there are lakeshore lots. We had negotiated for 12 additional sewer connections available. When Serenity Hills came in for development, that was 14 lots. We asked MetCouncil to sewer that and that was outside the 1000 lineal ft. because there's a major stormwater management contributor that goes into Lake Independence, and we didn't want to see systems potentially leaching into that drainage area and we were denied. But we got 1. McCoy - The CompPlan amendment to allow additional sewer units, not density zoning? Kaltsas - Yes. No change in zoning of that. We're proposing a change that would allow to make the sewer connections, and in that through a tool called Planned Unit Development/PU0. Our RR/Rural Residential has cluster development as a Conditional Use Permit/CUP and we would add PUD as a conditional use to ask MetCouncil to allow for additional sewered lots. Johnson - We haven't talked about the access to the lake. They would dedicate the property that was originally for the public back to the City and now is just a trail down between 2 properties to the lake. It'd only be I dock for a pontoon.

Kaltsas -That's what is being proposed, and a concern is what happens as far as regulations. Vose - The Planned Unit Development/PUD zoning tool allows you to make modifications to the zoning district. If you proceeded, it would allow you to make modifications to the Rural Residential/RR set of standards. One of the special provisions you might build in is very specific allowances and restrictions on the dock and boat for community use. You could use the CUP's PUD which is stronger than the typical CUP because it is an ordinance violation. No hearing is needed whether a permit is being complied with or not, and you can ultimately change the permit or revoke it. The process is not that cumbersome if a PUD set of rules gets violated. It's treated as a code enforcement issue where you can issue citations and be in court very quickly. You would want to have some controls on this dock and shared boat arrangement and easily enforceable, strict rules, so everyone knows what's expected around this property. 3 action items are before you tonight. After the CompPlan amendment and the rezoning is the approving of the preliminary plat. Question and comment for staff and council, you can see if

approving of the preliminary plat. Question and comment for staff and council, you can see if you move forward, there are a lot of things that need to happen in order for this to occur the way it is proposed even if everything is approved tonight. As is typical, the resolution approving preliminary plat tracks your City Code stating, "A final plat would have to be submitted within 90 days." There are too many things needing to happen within that timeframe. Please consider if you want to be more flexible on that timeframe. For the benefit of the Applicant, the City's code requires that we get updated title work and that we have the party identified correctly. Although the resolution doesn't expressly say that, it is a requirement. So having both of these well in advance before considering the final plat is needed, as I'll need to take a little time to review the title work and issue a plat opinion to you. So just some timing issues to be aware of, we need to get an updated title commitment on the property well in advance.

Spencer - Back to the dock thing to add some clarifications. So we use the PUD to put restrictions on the dock, and I'm the new homeowner and think "I don't think so" and I put a lift and my wake board on the end of the dock and wait for you to come get me. What would be the process? Would we issue them a citation or fine for it, could we compel a change in action, or we couldn't revoke the PUD on the entire subdivision obviously or would we revoke the access point or what is that process?

Vose - These restrictions abstractly now would be embodied in development agreement, which is recorded against the property, so everyone who owns the property is subject to that. It would be in the CUP granting the PUD. Adding PUDs to your zoning code creates an ordinance making it the most efficient way to have law enforcement go out and issue a citation. Or is it the developer or the owner who's violating by putting 2 boats rather than I? You'll have multiple ways to enforce these, mainly the law enforcement writing a citation and pursue it that way.

Spencer - The challenge for me is that we have some subdivisions with covenants in place and who's to enforce this with some teeth? There should be a way to deal with this without the City absorbing the cost. Along the same lines, stormwater ponds. So if a homeowner decides to test that, we can put the cost of defending that on them?

Vose - We have used covenants and they are useful. It is a good tool, however after covenants are put in place, the City doesn't have any say over enforcing it. PUDs are not like that at all. The City would be the prime enforcer of the CUP PUD tools, development agreement, and the ordinance PUD requirements.

McCoy - Where is the line between the City and the PUD regulations and the standard enforcers on the water and DNR? Who supersedes who?

Vose - Dock regulation is something that a lake is within City's boundaries. The City do have regulation over docks. State agencies are in that too, and there are surface use issues. The City can regulate in regard to the dock/boat issues.

Grotting- We have open files with the meter running regarding violations, and I see this as the same thing. The City is spending money chasing residents that are not following City rules.

Vose- Dealing with landowner rights are very difficult for cities. It is hard to enforce those things. It is intentionally difficult for the government to regulate landowner use. People are always going to test the City's willingness to enforce. We have to make it as efficient as we can, which is why making it an ordinance violation. Can people ignore that anyway? Sure. Some will test that.

Spencer- Moving this path away from the old road and outlot and in between 2 multimilliondollar property owners is helpful since it will upset the two owners. The hope is that they will want to keep it legit. You can't prevent all nuisances in advance, but I'd like to see more detailed language and the tools on this in advance.

Vose- You are not deciding restrictions tonight. You are not being asked to approve the trail, dock, and boat and prelim plat. You will have another chance to make that decision and rules.

Spencer - Would you recommend 180 days or a year between preliminary plan to final plat?

Vose-This comes from the code, but it isn't feasible here. There is too much to apply for and get approved. You can leave in the 90 days since it's your code, but make it clear the City can extend that.

Johnson- We've previously approved extensions. The comments from watershed district have been sifted through from the beginning, but I'm wondering where we have these retention basins, do they have an outlet tile at a certain height from the top of the pond so if they should get full that there not washing it out?

Kaltsas - Dry basins with an overflow that will drain at a certain elevation are what's being proposed. As it relates to stormwater, the City approves prelim plat in the Pioneer Lake Sarah and they do their approval after we do our approval. Any proposed changes will come back with the final plat. Nothing stood out of the ordinary.

Johnson - If these need to be cleaned out, who is responsible?

Kaltsas -We would have a maintenance agreement with the owner to the HOA. Assess back costs with a stormwater blanket on top of the HOA. Ultimately, it's on the homeowners, but back on the City if they don't perform if they don't manage it.

Johnson- What is the life expectancy of a pond? It likely depends on the elevations around it. Kaltsas -There's maintenance down the road. These are dry basin, with a filtration area and a sand medium and infrastructure. We don't have long enough experience on these. Wet basins have a 20-30 yrs. Some is how well are they protected during construction or managed during its life.

Grotting- ls it curb and gutter? (Yes.) Do we have any say on that? Kaltsas -This developer prefers it to minimize the ditch size in the front of the homes. The amount of room you lose from a drainage system and swale, we find it objectionable. When you have paved portion and shoulder portion, people want to get rid of the shoulder portion of the road and which plows could damage. Curb and gutter protect that.

Johnson - For storm sewers, having curb and gutter is better.

Spencer- We appreciate the 2 additional rain gardens that came from the last meeting in the suggested areas which came from the sub watershed study with Anoka County for Lake Independence 's water quality. It'll run by the Pioneer-Sarah Creek, the document holder and they'll likely be pleased with the editions.

Motion by Betts, second by Grotting to approve RESOLUTION 22-0906-03 – approval of a comprehensive plan amendment to allow the subject property to be re-guided to the RR-Rural Residential zoning district. Ayes: McCoy, Betts, Johnson, Spencer, and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0

Motion by Spencer, second by McCoy to approve ORDINANCE 2022-05 – rezoning the property from AG to RR/Rural Residential. Ayes: McCoy, Betts, Johnson, Spencer, and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0

Motion by Spencer, second by Betts to approve RESOLUTION 22-0906-04 for a preliminary plat for the proposed subdivision into 28 single family lots with a minimum lot size of 1 acre. Applicant shall submit the final plat to the City withing ninety (90) days of the City Council approval of the Preliminary Plat, or such longer as may be approved by City Council. Ayes: McCoy, Betts, Johnson, Spencer, and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0

10. Open/Misc.

Johnson – We should continue working on creating a Fire District as there have been issues mentioned publicly in the papers. Medina Mayor asked how we were feeling about it.

McCoy – I want to make sure with the City Council on board with it being discussed. Betts - I am very much on board with it going forward as we need to look to the future. Volunteer fire departments are hard to maintain. We'd all benefit by having something more comprehensive.

Johnson - A gentleman who worked with state of Washington is speaking into it and is for it as a resident. Interestingly, both Loretto and Hamel are private depts and in negotiations. It would end up like a watershed district, taxing authority, etc. We don't need to decide tonight on details, but I want to know how we are feeling about it. Spencer – Which version is this? There have been a few or is it just in general if we're in supportive of a Fire District?

McCoy – I don't think there's been any one version settled on.

Kaltsas - There is a group that meets Maple Plain, Loretto, Hamel, and now Independence. District includes Loretto and Maple Plain potentially as a smaller option. We did quite a bit of analysis on that district, but Loretto and Hamel decided to join. Then Loretto stepped back a little to get all the kinks worked out of the deal. It would benefit the City to continue to explore the smaller deal. The bigger one got complicated with too many cooks in the kitchen. I like a pragmatic view asking how can we best provide the best service for our residents and maintain or increase our level of service with a more efficient fire cost. We do need Medina to join with Loretto and Maple Plain. How do we do it best for Independence? We have very little say in purchasing, etc. with Delano, Maple Plain, Loretto.

Johnson – I would cause us to look at Delano's coverage in our City and explore the position.

Kaltsas - We have no say or control. We are subjected to the number they give us. There is a lot of overlap in the services. I do hope we can get back to have Loretto on track as they were a driver and wanting to further it. We had great discussions but not the next step. I wasn't attending the Medina, Orono, and Long Lake as we don't have a dog in the hunt and we were staying back a bit.

McCoy- The Fire District with Loretto, Maple Plain, and Independence is a natural fit since we do so much together as it is and have similar philosophies.

Betts – And we'd save money as it's more efficient. We've had seminars 10 years ago and still haven't done anything.

Spencer – The concept is definitely fitting for the City.

Johnson – We'll let them know we are definitely interested in a District, but which one, we don't know yet.

McCoy - Most districts start out small with 2-3 departments and naturally grow over time. Most begin with a Joint Powers (dating) and then move into a District which is very difficult to break up. It could be done fairly quick.

Johnson – We have a meeting in the morning. Rick Denneson's Dad's funeral is tomorrow also at Silver Lake. The former City Planner also passed away.

11. Adjourn.

Motion carried by Spencer, second by McCoy to adjourn the meeting at 8:18pm.

Respectfully Submitted, Linda Johnson/ Recording Secretary

City of Independence

Request for an Amendement to the Conditional Use Permit for the Windsong Farm Golf Club Located at 18 Golf Walk

To:	Planning Commission
From:	Planning Commission Mark Kaltsas, City Planner
Meeting Date:	September 20, 2022
Applicant:	Windsong Farm Golf Club
Owner:	David Meyer
Location:	September 20, 2022 Windsong Farm Golf Club David Meyer 18 Golf Walk

Request:

Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the property generally located at and adjacent to 8590 County Road 92 N (PID No.s 32-118-24-23-0001, 32-118-24-22-0003, 32-118-24-22-0002, 32-118-24-13-0002, 32-118-24-12-0003 and 32-118-24-12-0004) in the City of Independence, MN:

a. A conditional use permit amendment to allow the development of a new 18- hole golf course and associated site improvements (private facility) on the subject properties.

Property/Site Information:

The subject properties are located on the north side of County Road 6, just west of County Road 92. The properties are comprised of rolling topography, ponds, wetlands and tree coverage. The properties have the following characteristics:

Property 32-118-24-13-0002	Property 32-118-24-23-0001
Zoning: Agriculture	Zoning: Agriculture
Comprehensive Plan: Public/Semi-Public	Comprehensive Plan: Public/Semi-Public
Acreage: 15.19 acres	Acreage: 69.91 acres
Property 32-118-24-12-0004	Property 32-118-24-12-0003
Zoning: Agriculture	Zoning: Agriculture
Comprehensive Plan: Public/Semi-Public	Comprehensive Plan: Public/Semi-Public
Acreage: 10.06 acres	Acreage: 10.75 acres

Windsong Farm Golf Club CUP Amendment – City Council

9.13.2016

Property 32-118-24-22-0002 Zoning: *Agriculture* Comprehensive Plan: *Public/Semi-Public* Acreage: 9.76 acres Property 32-118-24-22-0003 Zoning: *Agriculture* Comprehensive Plan: *Public/Semi-Public* Acreage: 9.93 acres



Discussion:

The applicant is seeking an amendment to the existing conditional use permit to allow the use of their property located north of CSAH 6 for a new 18-hole golf course. Windsong has been working on a plan to develop the north side of this property for many years. The City reviewed and approved an amendment to allow this property to be developed as a practice facility and driving range in 2016. That plan never was brought to fruition. The applicant is now proposing to develop the property into a new 18-hole golf course that would become a second private

course associated with the Windsong Golf Club. The proposed 18-hole course would include a starter house (1,400 SF) and a seasonal building for bathrooms (400 SF) and associated 92 stall parking area. The new course would be accessed via a new access driveway and parking area and also from the existing golf cart tunnel beneath CSAH 6. The existing overflow parking area would be removed, and the new parking areas would be constructed.

In order to consider the expansion of the golf course facility to the north side of CSAH 6, an amendment to the conditional is necessary.

520.09 Subd. 8. If a conditional use permit holder wishes to alter or extend the operation or to change the conditions of the permit, the city will evaluate the permit holder's compliance with the existing permit conditions. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued requires an amended conditional use permit. An amended conditional use permit application must be administered in a manner similar to that required for a new conditional use permit.

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012 and 2013, 2016 and 2021. The CUP allows a golf course and its associated 29,000 SF club house/pro shop, guest house and overflow parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

In addition to the CUP, the City reviewed an environmental assessment worksheet (EAW) that was required in order for agricultural land to be converted into a golf course. The EAW is in the process of being finalized and will be considered for approval at the same time as the CUP amendment by City Council. The findings and responses to comments made during the EAW process are attached to this report for information.

The applicant is proposing to mitigate visual impacts of the proposed golf course on the surrounding landscape by constructing 6-10-foot-tall berms along CSAH 6 in a similar fashion to the berms that screen the golf course on the south side of CSAH 6. The proposed facility is intended to serve the courses existing membership base and will be for the private use of the members.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. 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.

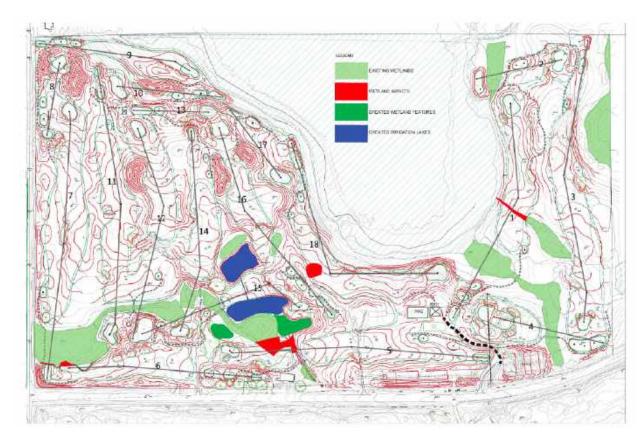
- *3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
- 4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
- 5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, 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.*

The existing golf course is relatively secluded from the surrounding properties and County Roads. There are existing golf courses to the west and south of this property. Most impacts that would result from the use of the property would be mitigated by the remaining open space and proposed earthen berming. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The use of the property as a golf course is consistent with the existing zoning. The City will need to determine if the new 18-hole course is consistent with the use of the overall property as a golf course. In addition, the City will need to determine if the property as a conditional use permit.

The applicant is currently in the process of securing a wetland mitigation permit that will allow for approximately 0.5 acres of wetlands to be mitigated out of the approximately 46 acres of wetlands on the property (see image below). The City, Army Corps., and wetland TEP panel have completed an initial review of the proposed grading and wetland mitigation and has provided detailed comments to the applicant. The City will continue reviewing the grading, drainage and mitigation plans for the proposed practice facility expansion and all approvals will be subject to the City's review and approval.

Development of the new golf course will include light cut and fill over approximately 100 acres to shape the play areas as well as excavation of irrigation ponds. Approximately 170,000 cubic yards of cut and fill will be balanced on-site. Forty-one acres will be seeded with native fescue as soon as feasible after grading to stabilize the soil. Another 65 acres will be devoted to managed turfgrasses, which will be installed on a separate schedule. The fairways will be tilled to prevent compaction before turfgrass is installed. The greens will be built to United States Golf Association (USGA) standards. Approximately 10,000 cubic yards of sand and gravel will be

needed to construct bunkers and install the soil profile for the greens. There will be two irrigation ponds created to provide irrigation to the course.



There are several additional considerations that should be noted:

- 1. The applicant is proposing to construct two buildings on the north course property (see attached building plans and elevations for full detail): a starter building (1,400 SF with restrooms, small pro shop area and covered porch), and a restroom building (400 SF). The buildings will be used only during the golf season. The building will be accessed only via golf carts from the club. A fire department/emergency vehicle access route will be required to serve the starter building. The City will work with the fire department and applicant to coordinate this detail.
- 2. The City will review the revised access drive and proposed change to the driveway location on CSAH 6 and coordinate the with Hennepin County. Any City approval will be subject to the review and approval of Hennepin County.
- 3. The applicant is designing a new septic system to accommodate the proposed building. The City will review any proposed sanitary service during building permit review.

4. The applicant is proposing to construct 92 new parking spaces to serve the new course and existing course. The City does not have a parking standard for golf clubs but would generally recommend 5-6 spaces per hole which would be consistent with the accepted "standard of practice". This would equate to 106 parking spaces required for the north course. The applicant has 137 parking spaces on the south side of CSAH 6. The total number of parking spaces on both the north and south sides is proposed to be 237 spaces. The total number would exceed the general standard of approximately 212 spaces. The total number of spaces is generally found to be adequate to serve the day-to-day use of the golf course. The applicant does have the ability to expand the parking areas on the north side of CSAH 6 should parking become an issue in the future.

The applicant is proposing to construct the parking spaces and drive aisles to serve the north course using crushed gravel. This would be a departure from the City's general bituminous paving requirements for other types of development. The City does not have a specific standard for parking areas associated with golf courses and outside of the commercial zoning districts. The parking that is currently located on the north side is considered temporary or overflow parking and is crushed gravel. The proposed parking areas (or a portion of the proposed parking areas) would become permanent parking. Staff will be seeking direction relating to the proposed parking from the Planning Commission.

- 5. The parking lot will need to be illuminated for use in the spring and fall. There are existing lights that were installed by the applicant that were not approved by the City previously. The applicant is indicating several locations for parking lot lights in the proposed parking areas. It is recommended that the proposed lighting be consistent with the existing lighting located within the south parling lot and that the applicant prepare a photometric and provide cut sheets to the City verifying conformance with appliable lighting standards.
- 6. The applicant is proposing to establish a general perimeter buffer that is comprised of earthen berms and native grasses. The perimeter landscape treatment will mirror the treatment along CSAH 6 on the south side that currently screens the south course.
- 7. The applicant is working with the City relating to stormwater mitigation. The applicant will be required to meet all appliable stormwater requirements. The City is concerned about the water quality of Fox Lake and will ensure that the proposed plans accommodate the runoff in a responsible manner that meets all applicable requirements. If recommended for approval by the Planning Commission, the applicant will submit an application to Pioneer Sarah Creek Watershed Management Commission for review and approval.
- 8. The furthest west tee box for hole 9 may need to be adjusted so that grading is limited to the private property

In the existing zoning district, a commercial golf course is permitted as a conditional use. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed new course expansion. The use of the facility will be limited to the existing members of the club and should therefore minimize the amount of new traffic or number of users at the golf course. The private nature of this facility that is not open to the public also helps to mitigate the potential impacts relating to the proposed course. The Planning Commission will need to determine if the requested amendment to the conditional use permit meets all of the aforementioned conditions and restrictions.

Neighbor Comments:

The City received a verbal question relating to the proposed golf course. No written comments have been received prior to the time this report was prepared.

Recommendation:

The Planning Commission is being asked to consider approval of the request for an amendment to the conditional use permit. Should a positive recommendation be made, the following findings and conditions should be included:

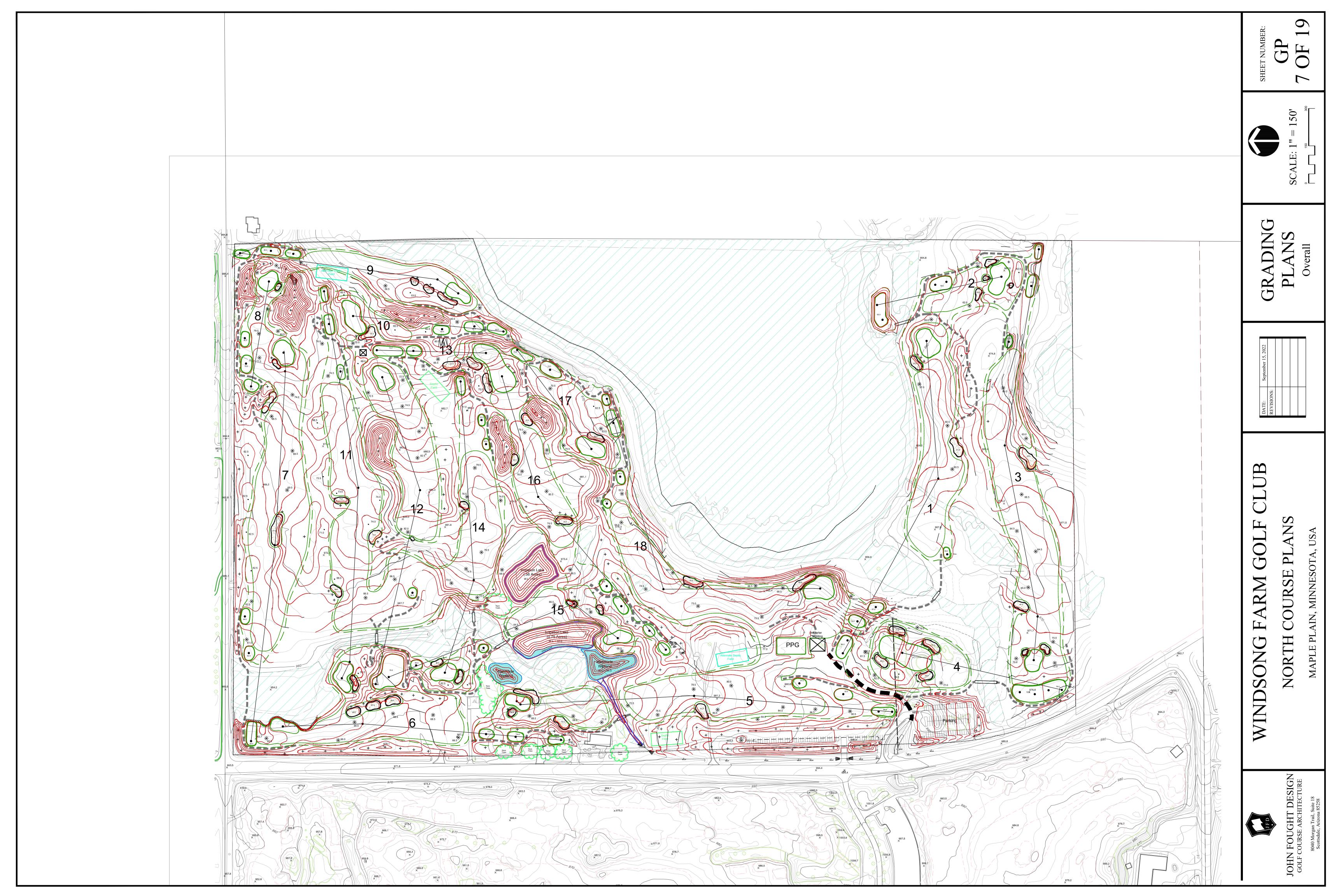
- 1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
- 2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
- 3. This amendment will approve the use of a portion of the property to the north of CSAH 6, and further defined on the approved plans, for a new 18-hole golf course. All conditions of the initial conditional use permit and subsequent conditional use permit amendments shall remain in force. The following conditions should be added to the conditional use permit:
 - a. In addition to the 18-hole golf course, 29,000 square foot clubhouse and 5,350 square foot guest house with six sleeping rooms, Windsong Farm Golf Club can use the property north of CSAH 6 for a new 18-hole golf course with the following limitations:
 - 1) The golf course shall be no greater in area than that which is designated on the approved plans.
 - 2) Landscaping and berming along CSAH 6 and Copeland Road, as detailed on the proposed plans, shall be required to be installed.

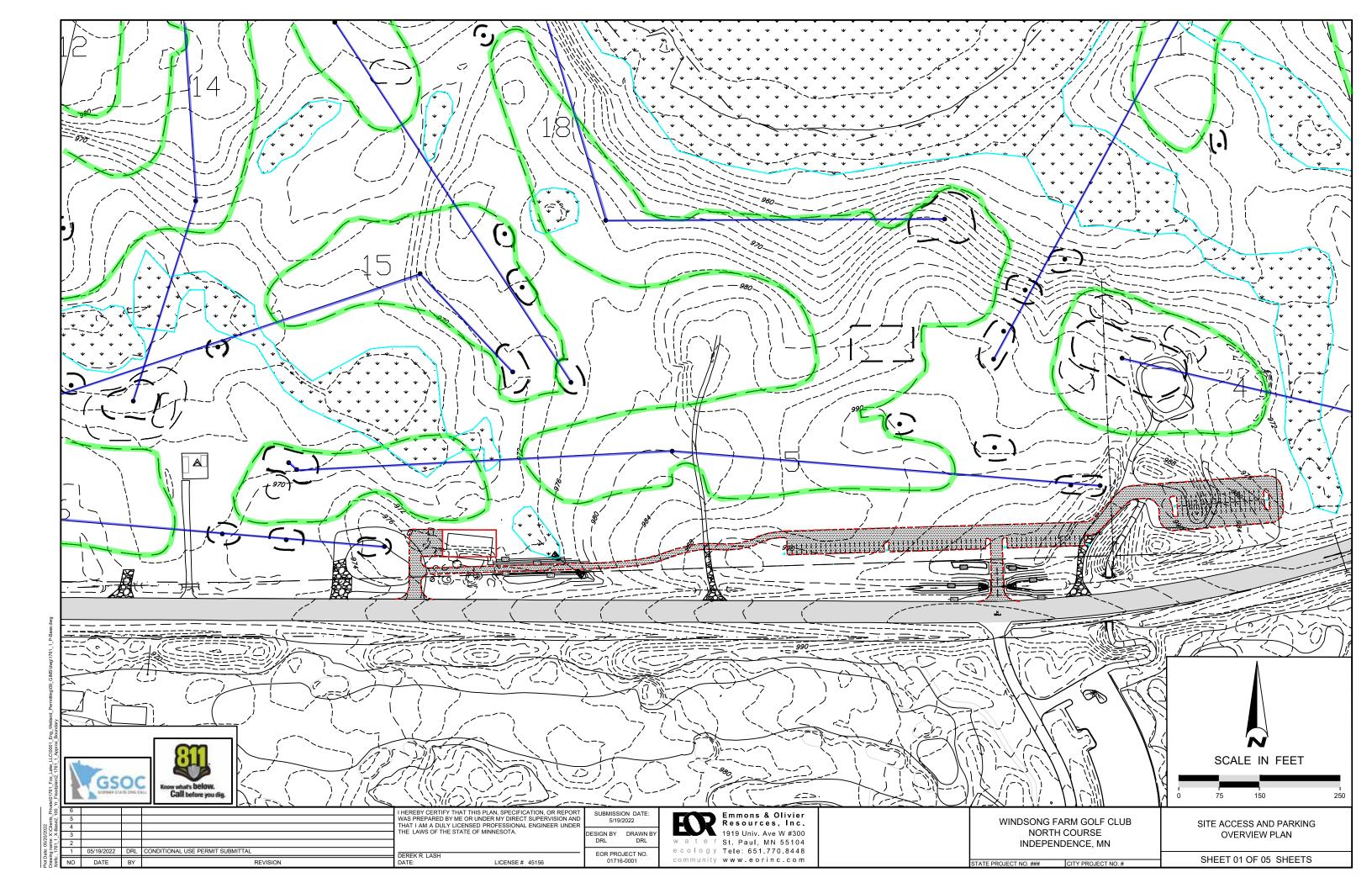
- 3) The applicant shall provide additional information relating to the proposed parking lot lighting. A photometric plan and lighting cut sheets shall be submitted to the City for review and approval.
- 4) The fire department will be required to approve the proposed vehicle access to the proposed starter building. A designated and approved fire/emergency vehicle access shall be maintained into the site at all times.
- 5) There shall be no artificial lighting of any portion of the golf course at any time.
- 6) Any expansion of the golf course, additional buildings or expansion of the proposed buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
- 4. Prior to the City granting a grading permit for the proposed 18-hole golf course expansion, the applicant shall complete the following items:
 - a. Revise the plans and provide information as requested by the City's water resource consultant Hakanson Anderson.
 - b. Receive all applicable agency approvals for the proposed wetland mitigation and grading and drainage associated with the improvements to this property.
- 5. Prior to the City granting a building permit for the proposed starter building, the applicant shall complete the following items:
 - c. Provide the City with a sanitary sewer plan for serving the proposed building.
 - d. Provide the City with cut sheets for any building lighting.
- 6. Pay all costs associated with the City's review of the applications.

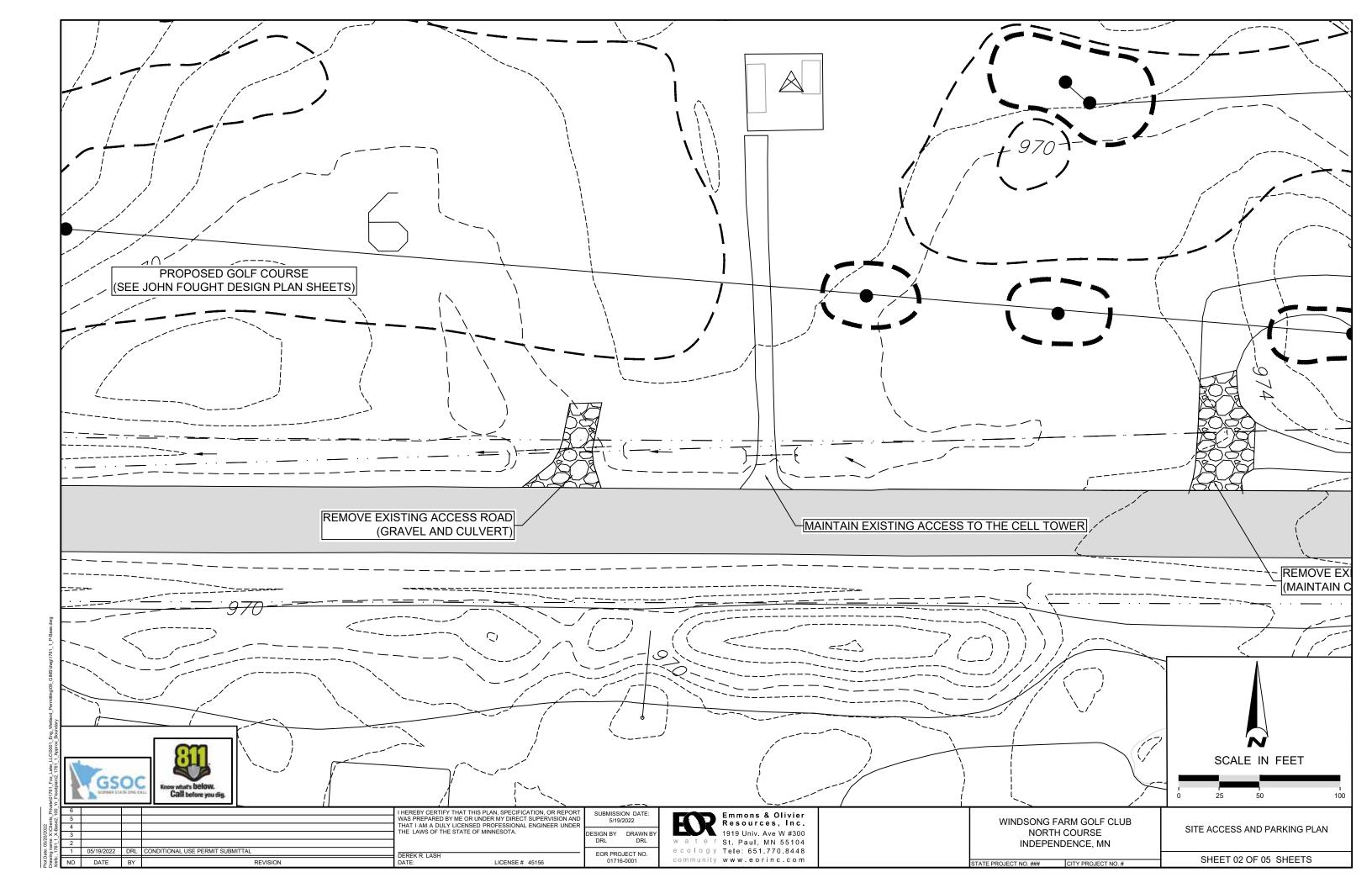
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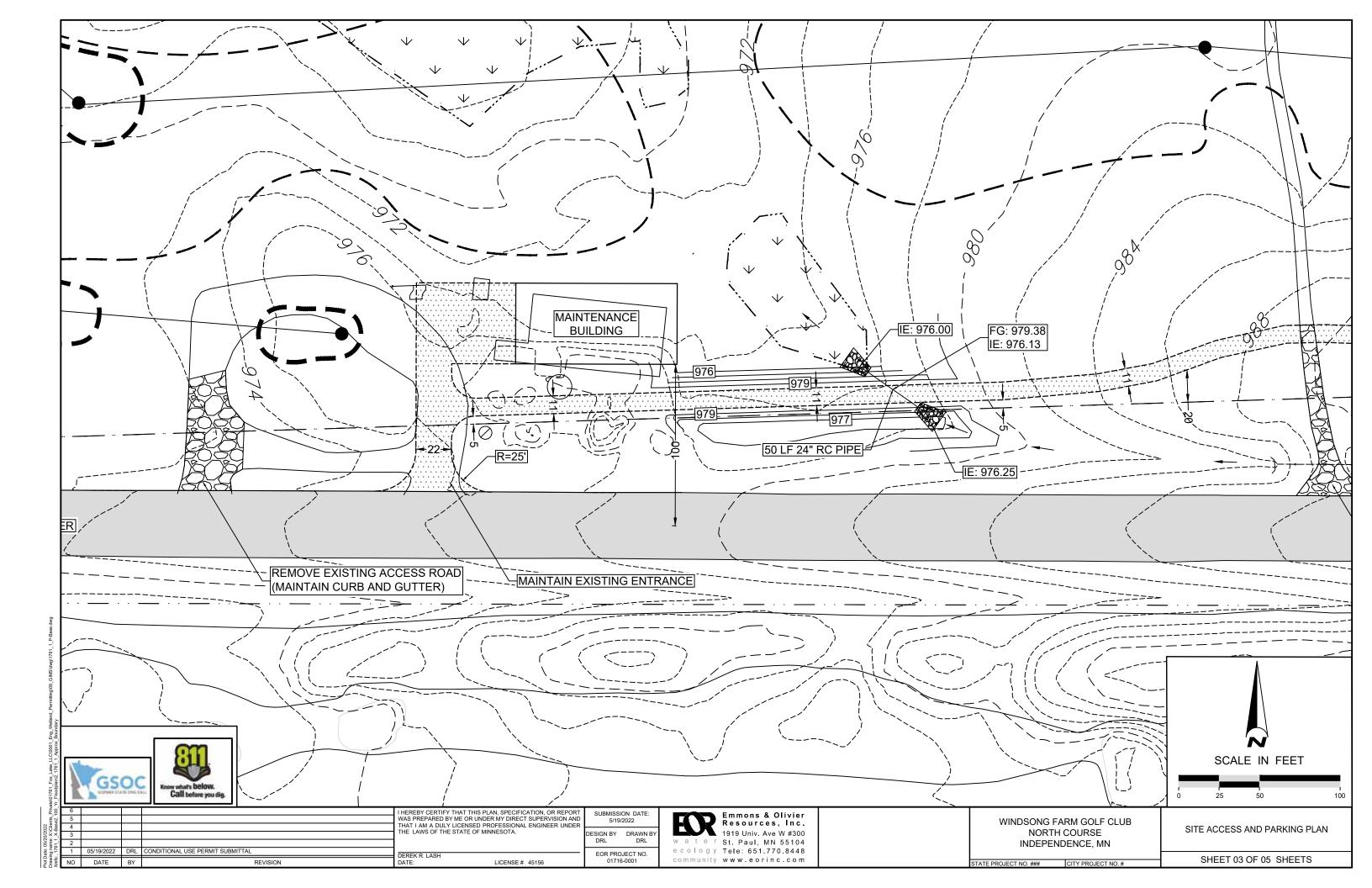
- 1. Proposed Course Plans
- 2. Proposed Building Plans and Elevations
- 3. EAW Response to Comments

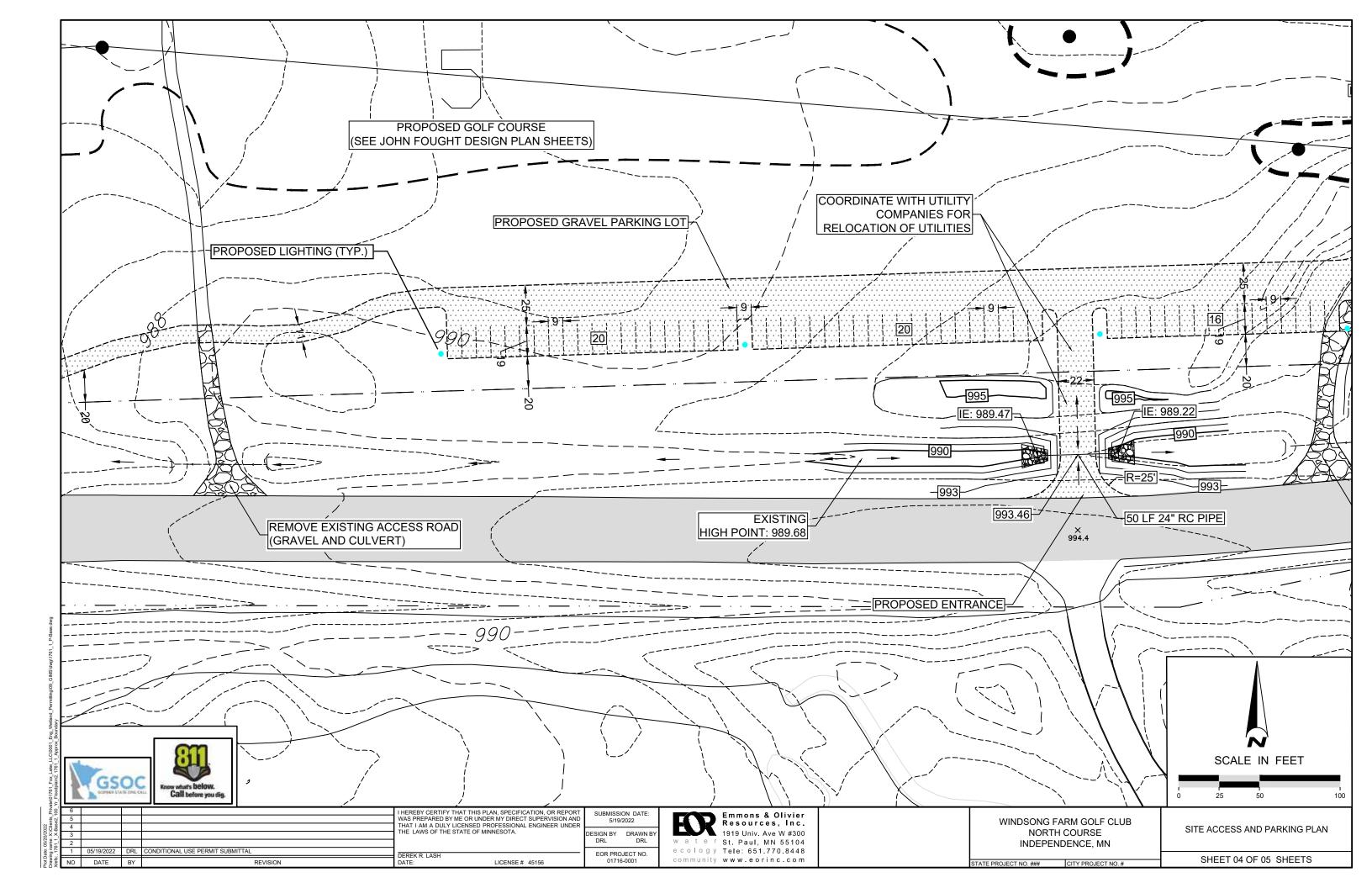


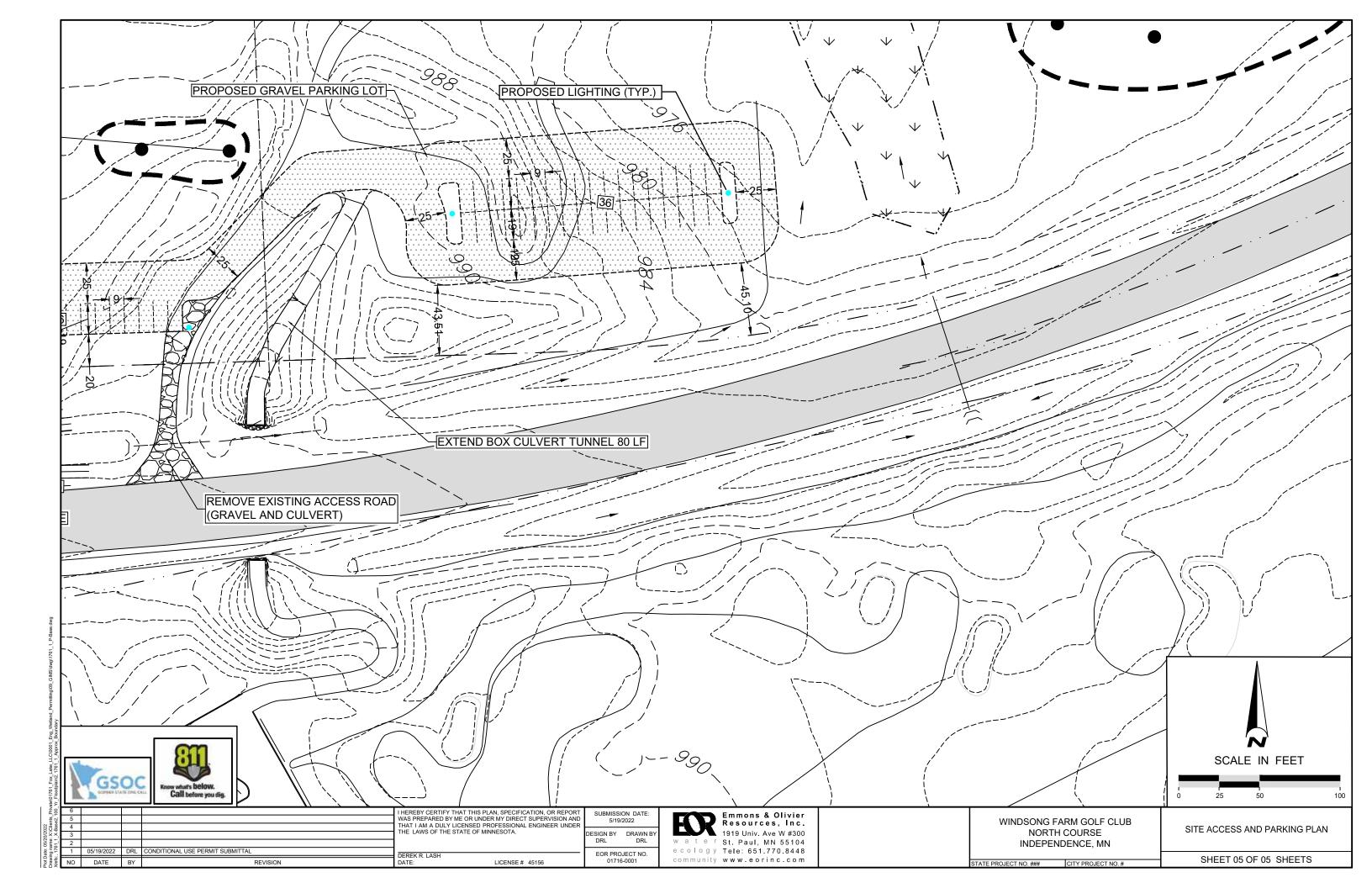


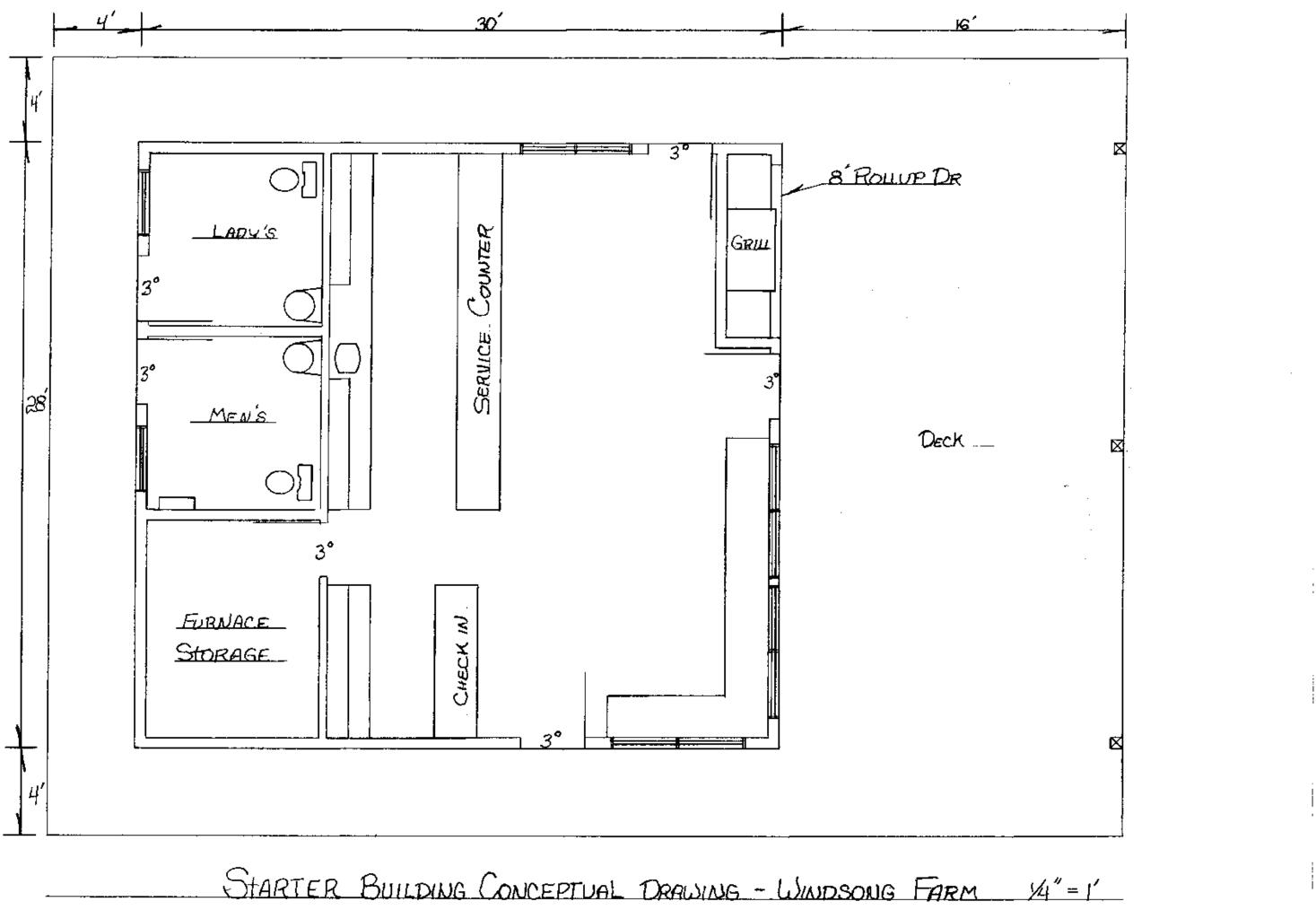


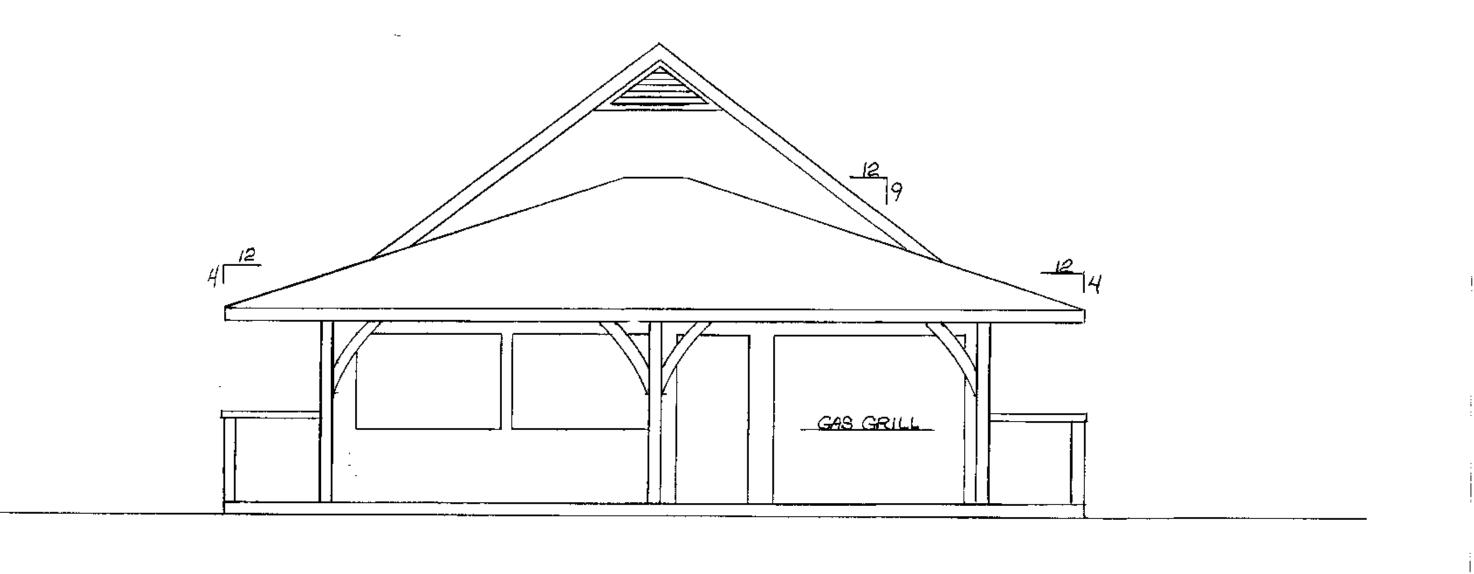








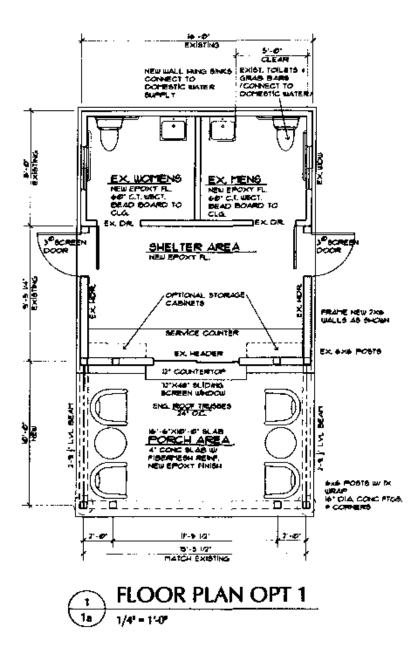


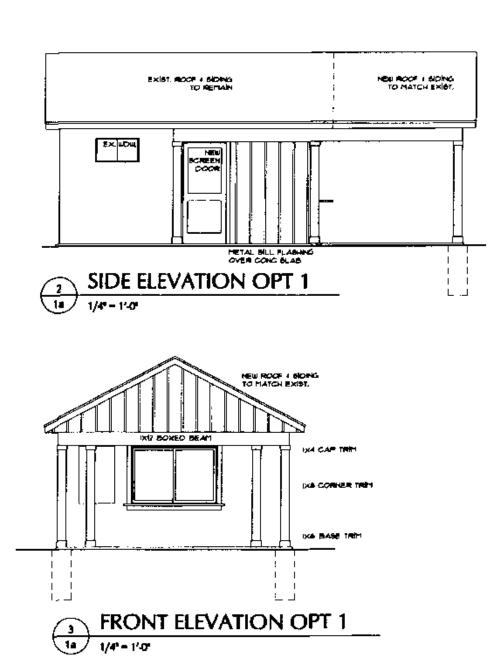


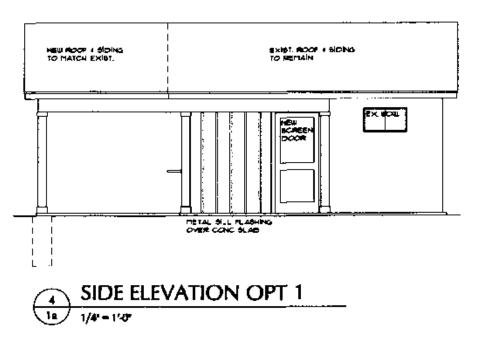
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ISSUE NARCH 30, 2019 REVISIONS



technical memo



Project Name	Windsong Farm Golf Club North Course	Date	9/07/2022
To / Contact info	Mark Kaltsas - City of Independence		
Cc / Contact info	Jon Dailing - Fox Lake, LLC (Windsong Farm Golf Club)		
Cc / Contact info	Jason Naber / EOR		
From / Contact info	Derek R. Lash, PE		
Regarding	Response to EAW Comments		

Summary

The City of Independence received two comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. In addition, the City's consultants provided comments. The comments have been compiled and categorized by agency. Following are responses to each of the subjects for which comments were received.

1.0 Metropolitan Council

The Metropolitan Council submitted one comment letter (Ms. Angela R. Torres) with comments regarding Section 11. Water Resources AND Section 18. Transportation.

1.1 Item 11. Water Resources – Surface Water

Comment 1: The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.

Response: The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed.

Comment 2: The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.

Response: Golf course staff are trained and licensed by the Minnesota Department of Agriculture (MDA) to apply pesticides with a non-commercial pesticide applicators license. All handling and usage of pesticides and fertilizers are done in accordance with the written label and Safety Data Sheets (SDS) of the products. All Environmental Protection Agency (EPA) and MDA rules and regulations are followed. In addition, the golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year. Furthermore, all wetlands including Fox Lake are required to have vegetated buffers that minimize impacts from runoff.

Comment 3: The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.

Response: The greens construction will be based on United States Golf Association (USDA) guidelines with 12" of approved sand mix over 4" of gravel and drain tile.

Comment 4: We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

Response: To ensure the irrigation ponds capture the most drainage possible, they are being placed at the lowest points on the site that capture the most runoff while being located outside of wetlands to ensure no impact. This will ensure the most runoff water is reused.

1.2 Item 11. Water Resources – Water Supply

Comment 1: The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

Response: The proposer will work with the Minnesota Department of Health (MDH) and the Department of Natural Resources (DNR) to secure permits to properly repurpose, seal, and drill new wells, as well as for water appropriations for water usage.

Comment 2: The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.

Response: The proposer will repurpose an existing well for the maintenance building, drill a new well for the starter building, and drill a new well for the satellite restroom.

Comment 3: Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.

Response: The proposer intends to irrigate only during evening hours and pump groundwater during the same hours.

Comment 4: Ensuring the course irrigation system is "smart" will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.

Response: The proposer intends to irrigate only during evening hours. Each sprinkler head is adjustable to dial in the water arc of the heads and minimize wasted water usage. In addition, the heads can be controlled based on the current evapotranspiration rates. Lastly the golf course has been designed to have less irrigated areas that will reduce water usage by 30 to 40% compared to the existing south golf course.

Comment 5: We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <u>https://turf.umn.edu/</u>

Response: All bent grass species proposed to be used are bred for drought tolerance and disease resistance. The strength of these species is evaluated by the National Turfgrass Evaluation Program (NTEP). Information such as turfgrass quality, color, density, resistance to diseases and insects, tolerance to heat, cold, drought and traffic is collected and summarized by NTEP annually. The golf course is a member of the Minnesota Golf Course Superintendents Association, which works closely with the University of Minnesota to ensure golf courses are properly maintained (including grass species) that minimizes impacts on the environment.

Comment 6: Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping.

Comment 7: Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

Response: The cart paths are intended to be asphalt pavement where a hard surface is necessary. This course has been designed to mirror golf as it was played before there were golf carts. Therefore, cart paths are limited to strongly encourage walking on the course, as there are also no long walks between greens and tees.

1.3 Item 18. Transportation - Transit

Comment 1: Transit service in the area is available with Transit Link through the Metropolitan Council.

Response: There are currently no pedestrian or bicycle facilities along the parcel on Watertown Road or Copeland Road due to the location's rural setting. Additionally, there is no routine transit service that is provided to this area of Hennepin County. Because of this, it is assumed that all trips to the site would be vehicle trips. It should be noted that the Metropolitan Council operates Transit Link in this area, which is a shared ride service available in parts of the metro where routine transit service is unavailable.

2.0 Department of Natural Resources

The Department of Natural Resources (Ms. Melissa Collins) submitted one comment letter with comments regarding Section 11. Water Resources, Section 13 Fish, Wildlife, Plant Communities, and Ecological Resources AND Section 16 Air.

2.1 Section 11. Water Resources

Comment 1: Page 11, Groundwater. If unknown wells are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.

Response: The proposer will work with the Minnesota Department of Health (MDH) to secure permits to properly seal unknown wells if encountered onsite.

Comment 2: Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.

Response: A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

Comment 3: Page 13, Post Construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' website contains many great resources for choosing seed mixes and establishing native plants.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. All of the seed is certified to be 99.99% weed free from the seed manufacturer.

Comment 4: Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.

Response: The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary and long-term water usage.

Comment 5: Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

Response: The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

Comment 6: Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.

Response: The DNR concurs with the approach to the project. The proposer will avoid impacts to ecological resources in the manner described in the EAW; primarily avoiding wetlands and conducting tree removal in the winter.

Comment 7a: Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be "unmaintained" as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

Response: A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends. Regarding maintenance of the unmaintained areas: once they are established, the unmaintained areas will be mowed once per year, as well as receive one application of preemergent treatment in the spring followed by spot treatments of broad leaf herbicide throughout the season.

Comment 7b: Page 21, Ecological Impact Mitigation. From an ecological perspective, traditional golf courses are essentially "green deserts" that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. The grassing plan indicates areas proposed for pollinator species.

2.3 Section 16. Air

Comment 8: Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

Response: The proposer will only use water for controlling dust. The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

3.0 City of Independence

The City of Independence (Mr. Mark Kaltsas) submitted one comment letter with comments regarding Section 7 Cover Types AND Section 11 Water Resources.

3.1 Section 7. Cover Types

Comment 1: Provide more information related to overall site vegetation (areas planned for native fescue versus unmaintained areas).

Response: A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends.

3.2 Section 11. Water Resources

Comment 2: Provide details for post construction stormwater management.

Response: The proposer has prepared a stormwater management plan that includes hydrology and water quality calculations. Based on the land cover changes, which are converting the existing agricultural area on the site to either maintained grass areas or unmaintained native grass or landscaping areas, the proposed project will be improving land cover conditions by retaining more water on the site and decreasing runoff rates and volumes. There are no proposed structural stormwater BMPs for the site as the land cover change will meet the stormwater management requirements for PSCWMC and the City.

Comment 3: Will the site preserve/protect an area for replacement septic/mounds?

Response: A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

Comment 4: What tpes of fertilizers (organic?) are planned to be used on the course?

Response: The golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year.

4.0 Other

In addition to the comments received from the Metropolitan Council, the Department of Natural Resources, and the City of Independence, additional information was submitted by the Department of Natural Resources (Ms. Samantha Bump) for the Natural Heritage Information System review, as well as from Nienow Cultural Consultants, LLC for the Phase 1A Archaeological and Cultural Resources review, both a part of preparing the EAW.

4.1 Minnesota Department of Natural Resources

4.1.1 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

Comment 1: As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

Response 1: This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

Response 2: The proposer produced an IPaC Resource list from the U.S. Fish and Wildlife Service (USFWS's) online tool that was the basis for the discussion and conclusions in Section 13 of the EAW.

Comment 2: The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat (Myotis septentrionalis), can be found throughout Minnesota. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided during the months of June and July.

Response: To avoid an impact to the wetlands as it meets the definition by the U.S. Army Corps of Engineers, tree removal will be completed under frozen ground conditions or with equipment that does not impact the wetlands / Waters of the US. This work will be completed outside of the months of June and July.

Comment 3: The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist

within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

Response 1: This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

Response 2: The letter's conclusions underline the conclusions from the proposer's internal review which was conducted via a licensed access to the same database. The proposer concluded that no impacts to rare natural features are anticipated by the project. Notably, these conclusions were also supported by the previous DNR letter authored by Ms. Melissa Collins (see 2.0 Department of Natural Resources, 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources, Comment 6).

4.2 Nienow Cultural Consultants, LLC

4.2.1 Section 14. Historic Properties

Comment 1: To address Section 14. Historic Properties, the proposer (Fox Lake LLC) completed a Phase 1A Archaeological and Cultural Resources Desktop Assessment technical memorandum. The technical memorandum was submitted to the MnSHPO with a request for Project Review and photographs of the farmstead. The MnSHPO responded to the request to comment on the effects the Project may have on potentially historic properties and resources. Because modeling indicates a moderate to high probability of pre-contact archaeological sites in the Project site, they requested that the Project area be inventoried by a professional archaeologist for archaeological resources. The proposer (Fox Lake LLC) contracted with Nienow Cultural Consultants LLC to review the project area, which they did not identify any cultural materials during the survey.

City of Independence

Request for Rezoning and Minor Subdivision for the Property Located at 5687 County Road 6

То:	Planning Commission Mark Kaltsas, City Planner
Meeting Date:	September 20, 2022
Applicant:	Don Hamilton
Owner:	Don Hamilton
Location:	5687 County Road 6
	I

Request:

Don Hamilton (Owner/Applicant) requests that the City consider the following actions for the property located at 5687 County Road 6, Independence, MN (PID No. 35-118-24-11-0003):

- a. Rezoning of the property from AG-Agriculture to RR-Rural Residential consistent with the Comprehensive Plan.
- b. A minor subdivision to allow a rural view lot subdivision.

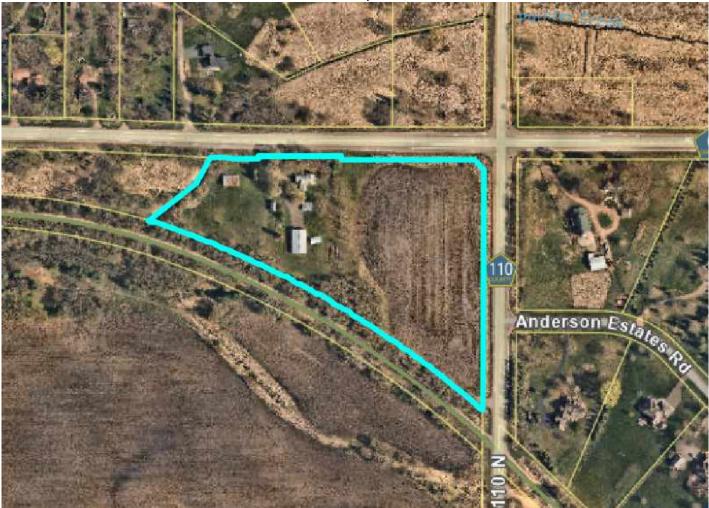
Property/Site Information:

The subject property is located at the southwest corner of County Road 6 and County Road 110. The property has an existing home and several detached accessory structures. The Luce Line Trail borders the property to the south. There are several small wetlands on the property and a portion of the property is actively farmed.

Property Information: 5687 County Road 6 (PID No. 35-118-24-11-0003)

Zoning:		AG-Agriculture
Comprehensive Plan:		RR- Rural Residential
Acreage: (Before)		11.54 acres
(After)	West Parcel	5.52 acres
	East Parcel	6.05 acres

5687 County Road 6



Discussion:

The applicant approached the City about the possibility of splitting the existing lot into two lots. The City noted that the property is currently zoned AG-Agriculture and guided for RR-Rural Residential in the Comprehensive Plan. The City noted that the property would need to be rezoned to RR in order for the lot to be subdivided. Rezoning of the property to RR is consistent with the Comprehensive Plan.

The existing property is 11.54 acres in size including the right of way for County Roads 6 and 110. The City allows the subdivision of properties in the RR zoning district with a minimum of 7.6 acres. The City noted that the there are several detached accessory buildings on the property in addition to the existing house. In the before condition, the property exceeds 10 acres in size and has no limitation on the square footage of detached accessory buildings. In the after condition, the existing property and buildings will need to conform with applicable regulations. For properties less than 10 acres in size, the City allows a maximum of 2% of the buildable upland area to be covered with detached accessory structures.

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

- The applicant will need to provide the City with a primary and secondary septic site for both the east and west parcels prior to City Council consideration.
- The east and west properties will far exceed the requisite public road frontage requirements: (East Parcel 922/191 LF) West Parcel (652 LF).
- The east parcel has an approved driveway connection off of CSAH 110 that is located just south of the Luce Line Trail. No access to the east parcel will be permitted unless approved by Hennepin County.
- The west parcel is proposed to be 5.52 acres and will continue to accommodate the existing detached accessory buildings. The City allows a maximum of 2% of the buildable upland to be covered with detached accessory buildings. The City calculated the total square footage of the existing buildings as follows:

Pole shed:	2,880 sq ft
Barn:	598 sq ft
Milk house:	390 sq ft
Garage:	624 sq ft
Lean-to shed:	TO BE REMOVED
TOTAL	4,492 sq ft

The property requires 5.15 upland acres to accommodate the existing detached building coverage. There is an estimated 0.37 (0.25 + 0.12) acres of wetlands on the proposed west parcel. The proposed 5.52-acre lot would provide sufficient land to accommodate the existing buildings and proposed parcel size.

- The proposed north/south lot line is not a perpendicular to CSAH 6 or CSAH 110 but does appear to provide for a reasonable subdivision point that aligns with the angled or triangular configuration of the existing property.
- The existing home and detached accessory structures meet all applicable building setbacks in the after condition.

The proposed minor subdivision to allow the subdivision of the property into two properties generally complies with applicable standards. There do not appear to be any adverse impacts resulting from the proposed subdivision.

Neighbor Comments:

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

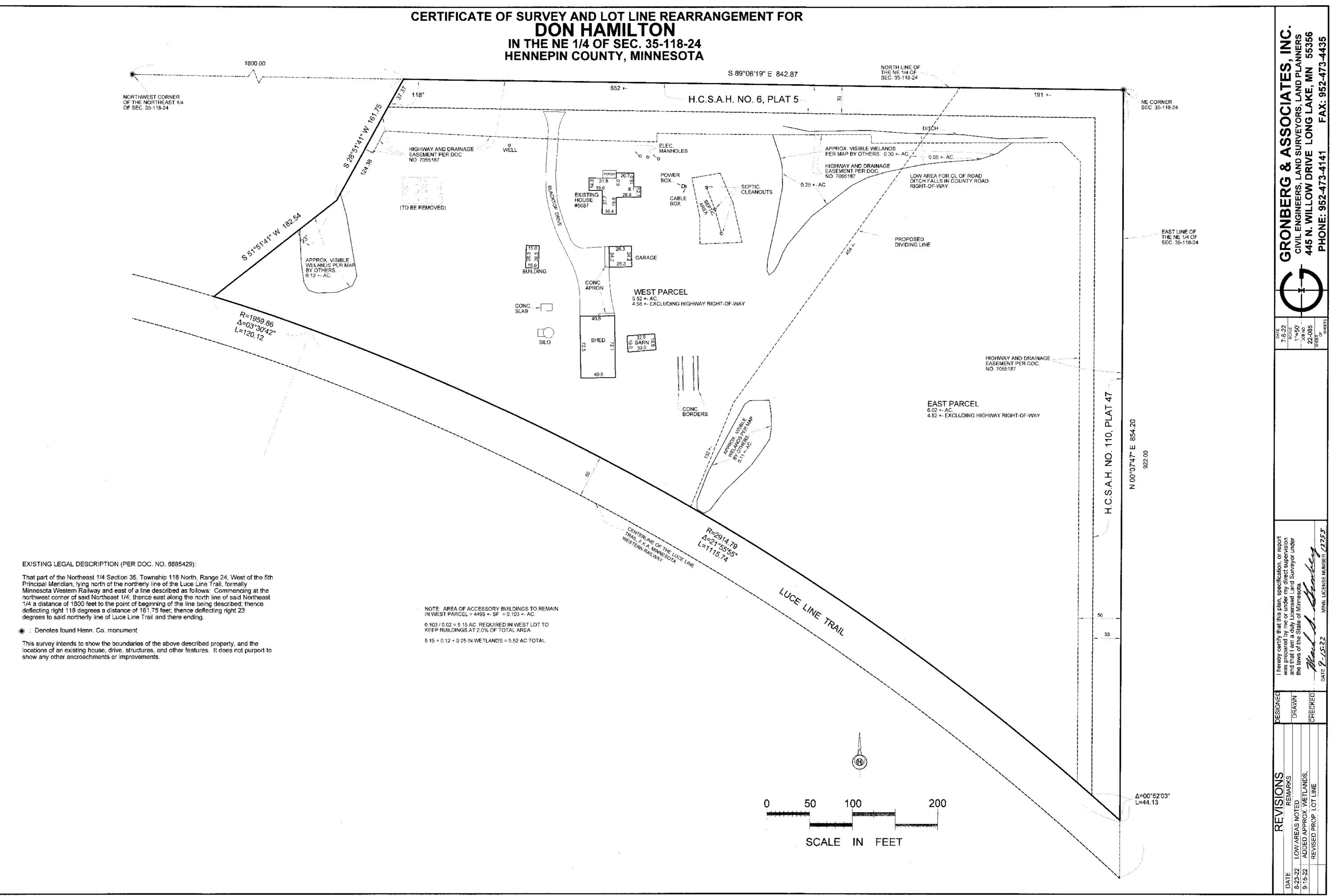
Recommendation:

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 rezoning and minor subdivision request meet 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 obtain all applicable permits from all regulatory authorities including Hennepin County and the watershed district.
- 3. The applicant will need to provide the City with verification of a primary and secondary septic site for both the east and west parcels prior to City Council consideration.
- 4. The applicant shall provide a revised exhibit indicating the requisite perimeter drainage and utility easements and legal descriptions. The applicant shall execute all documents to convey the easements to the City.
- 5. The applicant shall pay for all costs associated with the City's review and recording of the requested rezoning and minor subdivision.
- 6. The Applicant shall record the rezoning Ordinance, minor subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

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



City of Independence

Request for a Variance from the Side and Rear Yard Setbacks for the Property Located at 1187 County Road 92 N.

То:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	September 20, 2022
Applicant:	Nicholas Mozena
Owner:	Nicholas Mozena
Location:	1187 County Road 92 N.

Request:

Nicholas Mozena (Applicant/Owner) requests that the City consider the following action for the property located at 1187 County Road 92 N., Independence, MN (PID No. 29-118-24-14-0003):

a. A variance to permit a reduction to the rear yard setback allowing an existing detached accessory structure to remain in its current location.

Property/Site Information:

The subject property is located at 1187 County Road 92 N. There is an existing home and two (2) detached accessory structures located on the subject property.

Property Information: *1187 County Road 92 N.* Zoning: *AG-Agriculture* Comprehensive Plan: *AG-Agriculture* Acreage: 4.58 *acres*



Discussion:

The applicant approached the City about the possibility of rebuilding the existing pole barn located on the property. During a routine review of the proposed building, the City identified that there was an existing shed located on the property that had not been permitted. The City notified the owner that it had not been permitted and it was determined that the shed was built prior to the current owners acquisition of the property. The City and owner discussed relocating

1187 County Road 92 N. Variance Request

the shed, applying for ABRC consideration to allow a reduced rear yard setback or to seek a variance to allow the shed to remain in its current location.

The existing shed is 16' x 9' (144 SF) in dimension and is located approximately 3 feet (at its closest point) to the west property line. The west property line in this location is considered the rear property line. All structures are required to be setback a minimum of 40 feet from the rear property line. The applicant is requesting that the City consider a variance that would allow the existing shed to remain in its current location. This would constitute a variance of approximately 37 feet from the applicable rear yard setback. The applicant has prepared a narrative with illustrations and pictures that further present their request for a variance (see attached).

The City did notify the property owner that they could seek relief from the rear yard setback requirement utilizing the ABRC process for consideration of reduced rear yard setback. The reason that this is possible is that the adjoining property (to the west) would be subject to a side yard setback of 15 feet from this shared property line. This condition is considered a possible condition for ABRC consideration of a reduced setback.

The applicant is seeking a variance from the rear and side yard setbacks to allow the proposed structure. The variances requested would allow the construction of a detached accessory structure to be located closer to the east and north property lines than permitted by the City. The applicant is proposing to setback the proposed structure 10'-0" from the east property line and 10'-0" from the north property line. The required rear yard setback is 40' and the required side yard setback is 15'.

Setbacks for AG-Agricultural Properties are as follows:

- Side Yard Setback for Detached Accessory Structures: Required: 15'-0"
- Rear Yard Setback for Detached Accessory Structures: Required: 40'-0" Existing: (West): ~3'-0" (variance of 37'-0")

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. <u>Standards for granting variances</u>. Subdivision1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

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

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

- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;
- (c) the variance, if granted, will not alter the essential character of the locality.

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

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

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

Consideration of the criteria for granting a variance:

- a. Residential/Agriculture use of the property is consistent with the AG Zoning District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.
- b. The property backs up to a property that is operated as a commercial riding stable. The City recently adopted standards that would allow the City's ABRC to consider allowing relief of the rear yard setback to a minimum of 15' (see actual ordinance provision below). The applicant was provided with this information. The applicant has noted that there would be difficulty associated with moving the shed from both a logistic and geographic location standpoint. In order to meet the 15' setback that could be considered by the ABRC, the fence would need to be relocated and the shed would begin to encroach into the pool area, existing mature trees and septic mound on the property.
- c. The character of the surrounding area is rural. The existing detached accessory structure is well positioned on the property and appears to have minimal impacts on the surrounding property.
- d. There is a second detached accessory structure located to the north of the existing house that is in the process of being replaced. The overall size of the proposed structure will be 1,800 SF. The City allows a maximum of 2% of the total buildable upland to be utilized for detached accessory structures (3,990 SF). The existing and proposed detached accessory structures would be 1,944 SF which is less than the maximum permitted.

Public Comments:

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

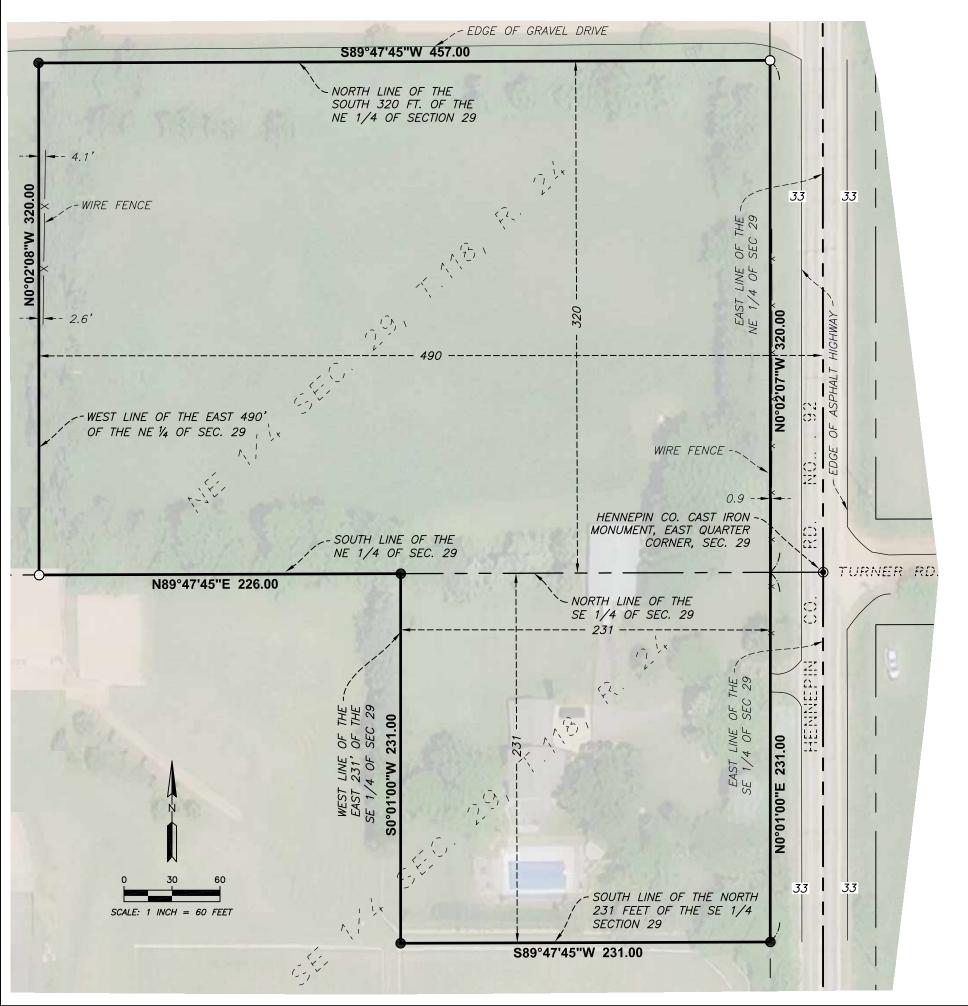
Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a 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. Use of the property for a garden style shed consistent with the Agriculture Zoning District.
 - b. The property abuts a commercial riding stable that has different setbacks along the shared property line.
 - c. The character of the surrounding area is rural. The proposed detached accessory structure is generally in keeping and consistent with the surrounding uses found in this part of the City.
 - d. Moving the shed to an alternate location will be difficult and there does not appear to be a suitable site that does not impact additional elements of the site within a similar proximity to the existing home.
- 3. The variance will permit a 37-foot reduction of the west rear yard setback to allow the existing detached accessory structure to remain on the site. Any modification changes 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.
- 4. The applicant shall pay for all costs associated with the review and consideration of the requested variance.

Attachments:

- 1. Application
- 2. Original Survey
- 3. Narrative



NICK MOZENA 1187 C.R. 92, INDEPENDENCE, MN 55359

LEGAL DESCRIPTION:

The East 490.00 feet of the South 320.00 feet of the Northeast Quarter, and the East 264.00 feet of the North 231.00 feet of the Southeast Quarter of Section 29, Township 118, Range 24, Hennepin County, Minnesota. Except Road.

NOTES:

- are shown on the survey.

SURVEYORS CERTIFICATION:

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Gary J. Bjorklund, MN. License 46563

GARY BJORKLUND LS 612-801-2995 gbjorklu@gmail.com

LEGEND

- Ο

CERTIFICATE OF SURVEY

1. The survey is based on the property tax parcel description from Hennepin county tax services GIS. No title records for the property were researched or provided to the surveyor; nor any easements, conditions or restrictions of record, if any,

2. The orientation of this bearing system is based on the Hennepin County Coordinate System NAD83. Coordinates are Hennepin County ground feet, relative to the Minnesota Coordinate System, Southern Zone, NAD83, 2011.

3. The area of the above described property is 199,602 square feet or 4.582 acres, more or less.

4. The property was surveyed on October 10, 2021.

5. Aerial photo is shown for reference only, and is approximate or radially displaced from survey ground location.

Law Brocklund

October 13, 2021 Date

SET 3/4" OD x14" IRON PIPE

FOUND 1" OPEN IRON PIPE

Nick & Maura Mozena 1187 County Road 92 N Independence, MN 55359

Shed Variance Request

City of Independence Planning Commission & City Council Members -

We are writing this letter to request a variance for an existing shed at 1187 County Road 92 N, Independence, MN 55359.

Maura and I are new City of Independence residents as we moved in September of 2021. Upon further inspection of the existing pole barn on the property, it was determined that rotting of post beams made for an unsafe building to stable horses. As a result, we have obtained approval of a permit (Building Permit No. 22-176) to build a new barn with the condition that a shed located in the backyard be moved 40' away from our rear property line.

The shed (approx. 16' x 9') we are seeking a variance for sits adjacent to our rear property line and the side property line of 1115 County Road 92 N, Independence, MN 55359 (please see Image 1 below – shed highlighted in red). There are several factors that have driven our desire to seek a variance allowing the shed to remain in its current location.

- 1. Challenges in safely and properly removing the shed intact
 - a. Fence removal In late 2021 a fence surrounding the backyard and pool of the property was installed (Building Permit No. 21-334) for child and animal safety. To remove the shed from its current location, fencing would need to be removed from the ground (fence posts are in concrete), two skid loaders would be required to lift the shed, then navigate out of the backyard to the North. The current gate to gain access to the backyard is only 8' wide which is not wide enough to allow for the shed to pass through without damage to the fencing or shed.
 - i. Note: please see images 2 3 for visual reference
 - b. Well and Septic Tank Impact In the immediate path for removal of the shed are our home's well and septic tank. We were advised by a contractor that they would not feel comfortable maneuvering over the well nor septic tank area with skid loader(s) and shed.
 - i. Note: please see images 2 3 for visual reference
- 2. Destruction of garden and backyard landscaping by removal of the shed
 - a. By removing the shed with skid-loaders, we would incur damage to our backyard landscaping including grass, potential removal of existing tree branches, and potential removal of sandbox and jungle-gym.
- 3. Addition of new fencing
 - a. As a result of the potential removal of the shed, we would be required to add fencing (where the shed currently sits) in order keep the backyard fenced in and safe for children and animals
 - i. Note: please see images 4 5 for visual reference
- 4. Lack of suitable alternative locations in the backyard

- a. Due to the layout of our property (see image 6) and the portion of the lot in which the home, well, and septic sit, there is limited space within the fenced area to relocate the shed and garden.
- 5. Installation of the shed
 - a. The shed was installed by previous owners of the property who did not obtain a permit for installation. This was not disclosed to us via the seller's disclosure at the time of sale.

We are very proud residents of the City of Independence and are intent on following City Ordinances and the applicable processes. We hope that you will take our application for variance under consideration.

If there are any additional materials that we might be able to provide, please do let us know.

Thank you for your time, consideration, and partnership, Nick & Maura Mozena

Image #1



The garden shed we are seeking a variance for is highlighted in red, the home's well is highlighted in orange, and the home's septic is highlighted in blue.

Image #2



The garden shed is highlighted in red. In the foreground is our home's well. The fence on the right-hand side of the image is on the northern side of the backyard.



This image is of the northern fence line, the home's well, and on the other side of the fence is the home's septic tank. Portions of the fence would be required to be removed to remove the shed from its current location. The current gate is 8' wide and would not accommodate the width of the shed.

Image #4



Visual contains current shed and adjacent garden, and black fencing on the right and left of the shed that would be required to be connected to enclose the backyard for child and animal safety.

Image #5



Visual contains current shed and adjacent garden, and black fencing on the right and left of the shed that would be required to be connected to enclose the backyard for child and animal safety.

Image #6



City of Independence

Concept Plan Review of a Proposed Business Park on the Propety Located at 9285 Highway 12

То:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	September 20, 2022
Applicant:	William Stoddard
Owner:	
Location:	9285 Highway 12

Request:

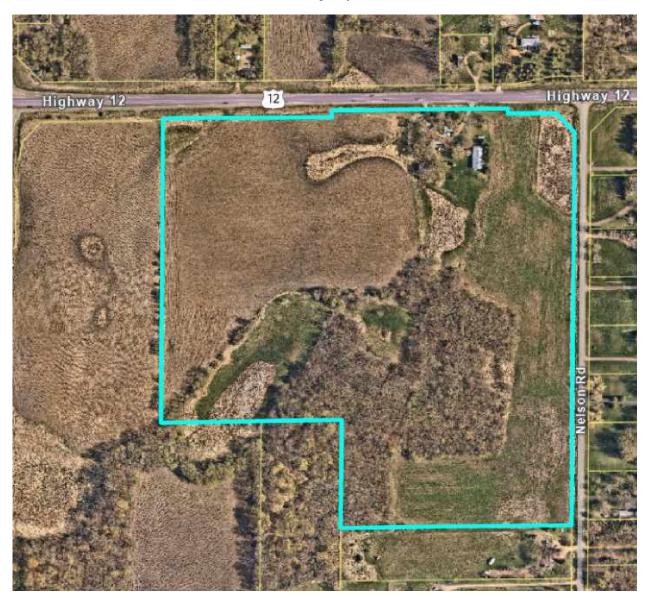
William Stoddard (Applicant) and John Zeglin (Owner) are asking the City to provide feedback relating to the proposed concept development of the subject property. The Applicant is proposing to develop the property into office warehouse, garage condominiums and rural residential lots on the subject property.

Property/Site Information:

The property is located on the south side of Highway 12 and west side of Nelson Rd. The property has frontage on both roads and is comprised primarily of agriculture land, woodlands and wetlands. There is an existing home and several detached accessory structures on the subject property.

Property Information: 9285 Highway 12 Zoning: Agriculture Comprehensive Plan: Agriculture/Urban Commercial Acreage: ~58 acres

9285 Highway 12



Discussion:

The applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed development of the subject property. The City of Independence does not have a formal concept plan review/approval process, but typically permits a landowner and or applicant to submit conceptual plans before submitting a formal application. The City will review the concept plan and provide high level comments and feedback relating to the proposed development without formally considering the proposal. This informal process allows the property owner/applicant to receive feedback prior to determining whether to submit a formal proposal and application to the City.

In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

- 1. Amend the Comprehensive Plan.
 - a. This would re-guide a portion of the property (~16 acres) from AG-Agriculture to Urban Commercial.
- 2. Rezone that portion of the property to Urban Commercial.
- 3. Consider Site Plan Review.
- 4. Consider a Conditional Use Permit to allow a planned unit commercial development on the subject property.
- 5. Consider Preliminary Plat approval.
- 6. Consider Final Plat approval.

The following land uses are proposed by the applicant (plans attached):

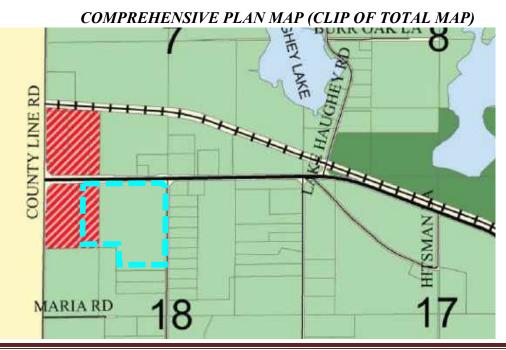
- Commercial office/warehouse/business park (2 buildings 100,000 SF each on ~17 acres)
- Individual garage condominiums (102 units on ~9 acres)
- Three (3) Residential Lots (approximately 4.5 acres each)

There are several key points of information that should be noted relating to the proposed development:

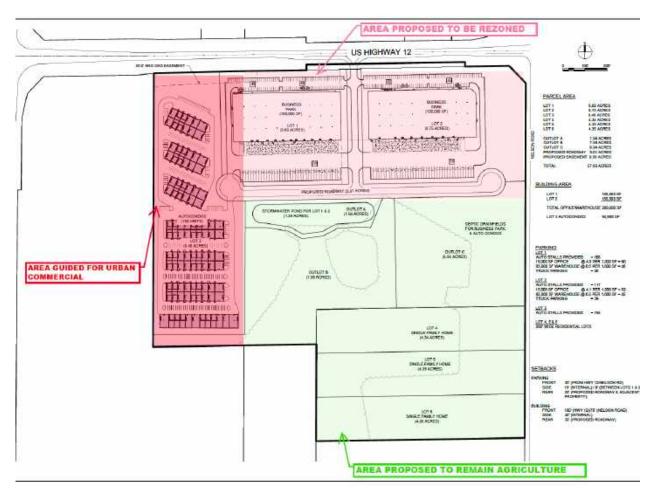
- The entire property is currently zoned AG-Agriculture.
- A portion of the property, approximately 12 acres on the west side (see area of property that appears in red total property outline shown in blue), is guided by the City's Comprehensive Land Use Plan for Urban Commercial.
- The applicant is asking the City to consider rezoning a larger portion of the property from AG-Agriculture to Urban Commercial (~16 acres).
- The remainder of the property (~28 acres) would not be rezoned and or change from AG-Agriculture.
- In order for the property to be rezoned, the City would first need to approve a Comprehensive Plan Amendment. A comprehensive plan amendment process would be subject to approval by the Metropolitan Council.
- The initial submittal considered access to Nelson Road and the applicant was notified that the City would not support any commercial access to Nelson Road. The plans submitted include two options for access: right in/right out only onto Highway 12 or a frontage road

connection to the west connecting to County Line Road (shown on site plan). The City and MNDOT would need to review any proposed access to this site.

- The City noted that any development adjacent to residential should consider horizontal as well as vertical separation in the form of earthen berms and landscaping. The applicant has prepared a concept landscape plan.
- The applicant is proposing to provide on-site sewer (septic) and on-site water to serve the proposed development. The City would need to further review any formal proposal relating to how the proposed development would be served with utilities.
- The City is looking at the possibility of establishing a municipal well/water service in the location of the Urban Commercial to serve commercial development on the north and south sides of Highway 12.
- The applicant has completed a wetland delineation for the property. Stormwater management would be required for any development of this property and would have to meet all applicable criteria.
- The applicant is proposing to preserve a large portion of the mature trees on the property. The City would review in more detail any proposed preservation or tree removal associated with the proposed development if it were to move forward.
- The applicant has prepared a narrative along with more visual information relating to the proposed development of the property.



9285 Highway 12 – Concept Plan Review



CONCEPT PLAN ILLUSTRATING PROPOSED ZONING

Recommendation:

The applicant is seeking feedback from the Planning Commission and City Council pertaining to the concept plan for the development of this property. The City did mail a letter last week to the residents on Nelson Road notifying them of the concept plan submittal and noting that there is no public hearing associated with a concept plan submittal. No formal action can be taken by the City on the concept plan. There are many steps that will need to be taken for any development of this property to occur.

Attachments:

- 1. Application
- 2. Concept Site Plan
- 3. Concept Site Plan with Aerial
- 4. Colored Concept Site Plan
- 5. Landscape Plan
- 6. Building Illustrations

Concept Stage Sketch Plan Application for a PUD on a 58 Acre Parcel Located on State Hwy. 12 in Independence for an Upscale Business Park Development Updated September 6, 2022

Proposed Concept Stage Sketch Plan PUD Application Summary:

Our proposed development by SH Ventures, Inc. is for a an upscale Business Park bordering State Hwy 12 in western Independence on a 58 acre site. We are proposing to create two buildings in the Business Park and Upscale Life-Style Auto Condos on the site's western portion while adding three single family lots bordering the existing neighboring residential on the southern portion of the property. The site is currently farmed with Future Comprehensive Plan designation of Urban Commercial and Agricultural.

The City of Independence Comprehensive Plan 2040 states various Visions, Goals and Policies it desires with its land planning including:

- Promoting & attracting quality industrial and commercial business to the City of Independence;
- Working to update official controls and ordinances to accommodate the projected comprehensive plan; and
- Maintaining an economic balance and enhance the geographic advantage of the City.

Our proposed Business Park development helps realize Independence's Vision by:

- Entitling our proposed development as a Planned Unit Development and constructing buildings featuring a business park consisting of office, distribution and warehouse space with employment opportunities;
- Adds three residential lots/homes to blend in with the residential neighborhood to the south;
- Saves many existing trees and also proposes to add berms and ample new trees and vegetation on the east to buffer the Nelson Road neighborhood;

- Takes geographic advantage of the abutting City of Delano's commercial offerings to our western Independence location.

There has been a strong demand for similar projects and our proposed development aims to raise the bar and deliver a beautifully designed Business Park by award winning ESG Architects with ample open space. This market is burgeoning, and our proposed development may add north of \$35,000,000.00 to the local tax base, while not requiring municipal sewer service. Municipal water service would be a strong plus.

We have designed ample open space with large setbacks from abutting properties to the east and south. We have attached two different concept/sketch plans with various site access approaches to discuss. Current MnDot planning will influence final site plan access with either Hwy 12 or County Line Road access being considered. The existing Nelson Road/Hwy 12 intersection is also currently under review by MnDot.

This Narrative and accompanying Plans & Exhibits will further detail items as requested by City requirements.

Concept PUD Information:

(a) <u>General Information</u>: Names and addresses of existing landowner and applicant found on attached Exhibit #1- PID's & Legal Description of Property and on City Application Form. Professional Consultants for our proposed development include:

Architect:	ESG Architecture & Design 500 S. Washington Ave. #1080
Civil Engineer:	Minneapolis, MN 55415 Anderson Engineering of MN, LLC 13605 1 st Ave. N #100
	Plymouth, MN 55441
Traffic Engineer:	Swing Traffic Solutions
	4290 Norwood Land North Plymouth, MN 55442
Attorney/Legal:	Messerli & Kramer
	1400 Fifth Street Towers
	100 South Fifth St.
	Minneapolis, MN 55402

Title Company:	Custom Homes Builders Title LLC
	10850Old County Rd 15 #100
	Plymouth, MN 55441

Applicant and landowner confirm that a valid purchase agreement exists, and a title commitment is provided from Custom Homes Builders Title LLC of Plymouth, MN.

- (b) <u>Present Status</u>: Address of vacant land is 9285 US Highway No. 12 with property Identification Information and legal addresses attached. Existing Zoning is Agricultural and is guided for Urban Commercial and Ag in the Comprehensive Land Use Plan. The Comprehensive Land Use Plan is attached as Exhibit #2 and the Wetland Investigation, Delineation & Report is attached as Exhibit #3. An updated site survey is being currently obtained.
- (c) <u>Site Conditions:</u> Site conditions depict a relatively flat site currently being farmed with a farmhouse, outbuildings and a wooded area. New survey on order will depict topography, drainage patterns and any significant rock outcroppings if any along with the soil conditions, etc.
- (d) <u>Architectural Renderings of Proposed Developmen</u>t: Refer to attached Exhibit #4 -Architectural Renderings by ESG Architects depicting Upscale Business Park buildings in two separate buildings of 100,000 sf. each along with about 100 Units of Life-Style Auto Condos in up to seven separate buildings to reduce scale and mass of project. Business Park buildings will feature 32 ft. interior clear heights and Auto Condo ceilings of 22 ft. with an external façade showcasing glass panel, metal architectural ornamentation and concrete for low maintenance requirements. With the site featuring 2,526,480 sf. in size, we are proposing about 11.5% to have building coverage.
- (e) <u>Concept Site Plans by Anderson Engineering</u>: Please refer to attached Exhibit #5- Concept Site Plans, Landscape/Plantings Plan & Plantings Plan with Aerial by Anderson Engineering featuring two different site access plans to be discussed. Landscape Plan will feature berming and heavy vegetation to buffer Nelson Road and the Planting Plan with Aerial shows how most of the current woodsy area will be saved for additional buffering from Nelson Road Neighbors. Additionally, very large areas of open space will be left vacant on the different site plan options.

- (f) <u>Utilities Plan</u>: A Utilities plan will be forthcoming with the sanitary septic designed by a registered engineer & designer. Ample space exists for this low usage need and while City water would be a huge advantage to this development, well water could be provided for its water needs including fire safety.
- (g) <u>Additional Information</u>: Applicant will forward any additional information as requested by City in prompt fashion.

ATTACHED EXHIBITS:

- 1. PID's & Limited Legal Description of Property;
- 2. Comprehensive Land Use Plan Map;
- 3. Wetland Investigation, Delineation & Report;
- 4. Architectural Renderings by ESG Architects;
- 5. Site Plan Options, Landscape Plantings Plan & Planting Plan with Aerial by Anderson Engineering; and
- 6. Two Birds Eye Perspectives from Nelson Road Neighbors of East Side of Proposed Project Site by ESG Architects.

<u>EXHIBITS for</u> <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre parcel in</u> <u>Independence, MN</u>

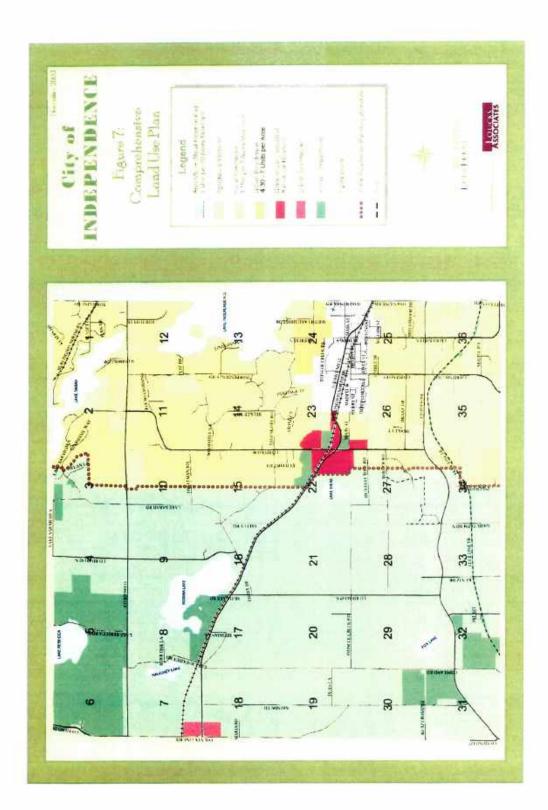
EXHIBIT No. <u>1</u>:

PID's & Limited Legal Description of Property

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	Property	
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Clear results		
PID: 1811824	4210001	+ - -
285 U S Hwy N	lo 12	
ndependence, N	WN 55328	
	Owner/Taxpayer	
Owner:	J F Zeglin Jr & M D Zeglin	
Taxpayer:	JOHN F ZEGLIN JR 2858 NELSON RD DELANO MN 55328	
The statestic	Tax Parcel	
Parcel Area:	58.33 acres 2,540,876 sq ft	
Torrens/Abstract:	Abstract	
Addition:	Unplatted 18 118 24	
Lot:		
llock:		
vletes & Bounds:	Ne 1/4 Of Nw 1/4 And E 25 Rods Of Nw 1/4 Of Nw 1/4 Also N 1/3 Of E 60 Rods Of Se 1/4 Of Nw 1/4 Except Roads	139 vd Highway 12 1.
Tex Data (Asi	ussed 2021, Payable 2022)	
Market Value:	\$724,900	
Total Tax:	\$8,214.88	
Property Type:	Residential	
Homestead:	Non-Homestead	
Year Built:	1900	
Tax Data (Asa	esset 2022, Payable 2023)	
Market Value:	\$839,900	
Property Type:	Residential	
Homestead:	Non-Homestead	
Year Built:	1900	
A State of the state	Sales	
Sale Code:	Excluded From Ratio Studies	
Sale Price:	\$150,000	
Sale Date:	11/1995	
State of the second	Tax District	
School Dist:	879	
Sewer Dist:	01	
Vatershed Dist:	0	

<u>EXHIBITS for</u> <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre parcel in</u> <u>Independence, MN</u>

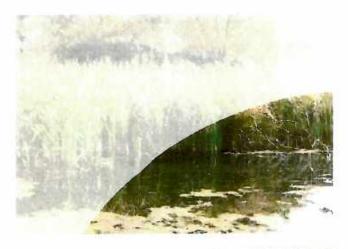
EXHIBIT No. 2: <u>Comprehensive Land Use Plan Map</u>



<u>EXHIBITS for</u> <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre parcel in</u> <u>Independence, MN</u>

EXHIBIT No. 3: Wetland Investigation, Delineation & Report

Full Detailed Report via pdf to City Planner







WETLAND INVESTIGATION

STODDARD COMPANIES 9285 US HIGHWAY 12

HENNEPIN COUNTY (PID: 1811824210001) INDEPENDENCE, MINNESOTA

> MAY 6, 2022 AE JOB NO. 16915





13605 1st Avenue North #100, Plymouth, MN 55441 **P** 763.412.4000 **F** 763.412.4090 **ae-mn**.com



EXHIBITS for <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre parcel in</u> Independence, MN

EXHIBIT No. <u>4</u>: <u>Architectural Renderings by ESG</u>

<u>EXHIBITS for</u> <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre Parcel in</u> <u>Independence, MN</u>

EXHIBIT No. 5:

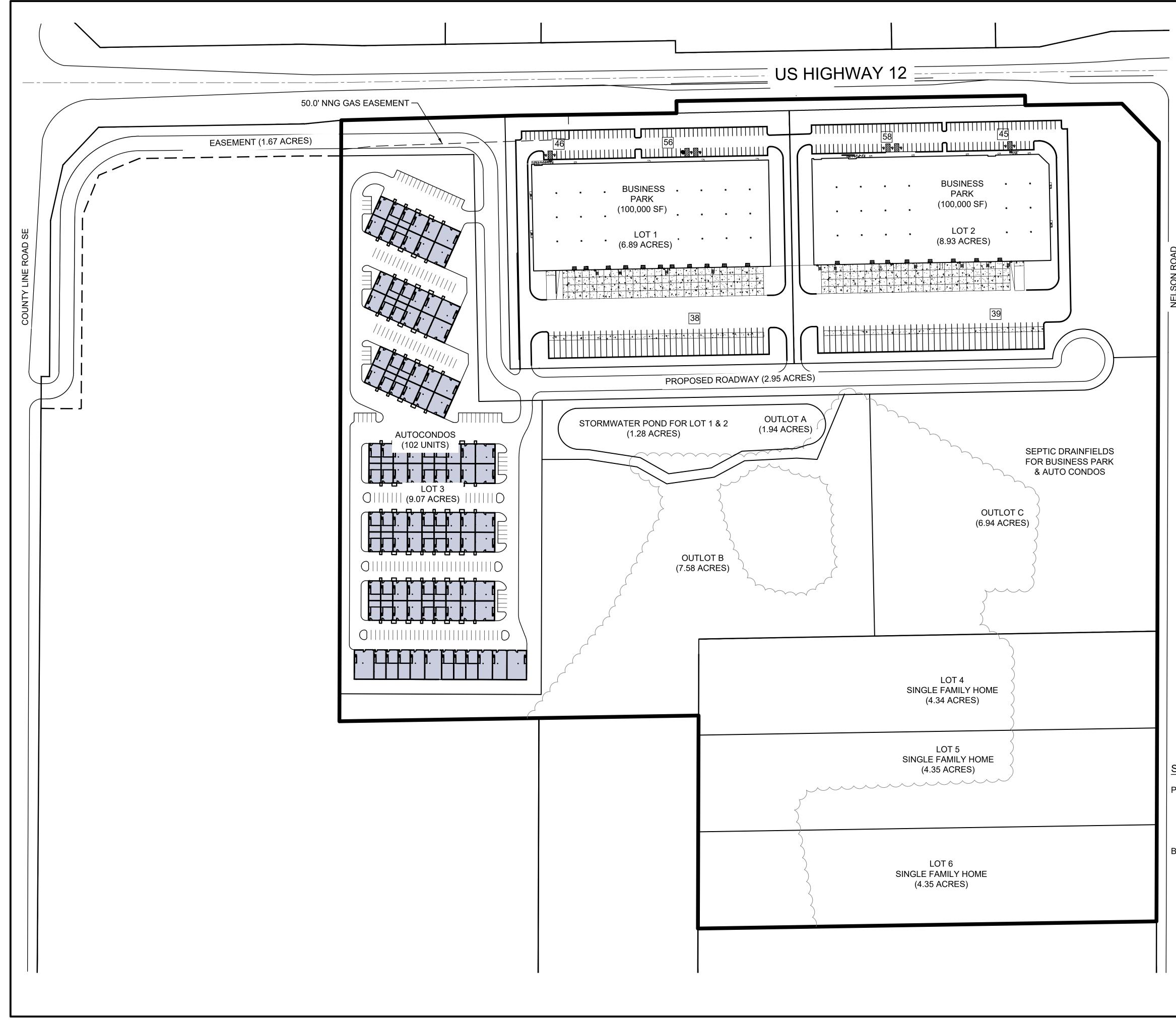
Site Plan Options, Landscape Plantings Plan & Planting Plan with Aerial by Anderson Engineering.

<u>EXHIBITS for</u> <u>Concept Stage Sketch Plan for a PUD for an Upscale</u> <u>Business Park Development on a 58 Acre Parcel in</u> <u>Independence, MN</u>

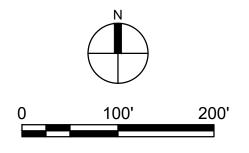
EXHIBIT No. <u>6</u>:

<u>Two Birds Eye Perspectives from Nelson Road</u> <u>Neighbors of East Side of Proposed Project Site by</u> <u>ESG Architects.</u>

Attached Line Angle Diagram of the Two Camera Angles of the Site. Actual Diagrams Submitted via pdf and Full-Size Plans due to Memory Capacity.



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PARCEL AREA

LOT 1	6.89 ACRES
LOT 2	8.93 ACRES
LOT 3	9.07 ACRES
LOT 4	4.34 ACRES
LOT 5	4.35 ACRES
LOT 6	4.35 ACRES
OUTLOT A	1.94 ACRES
OUTLOT B	7.58 ACRES
OUTLOT C	6.94 ACRES
PROPOSED ROADWA	Y 2.95 ACRES
PROPOSED EASEME	NT 0.59 ACRES
TOTAL	57.93 ACRES

BUILDING AREA

LOT 1 LOT 2	100,000 SF <u>100,000 SF</u>
TOTAL OFFICE/WAREHOUSE	E 200,000 SF
LOT 3 AUTOCONDOS	95,900 SF

15,000 SF OFF	PROVIDED = 102 FICE @ 4.0 PER 1,000 SF = 60 REHOUSE @ 0.5 PER 1,000 SF = 42 NG = 38			
15,000 SF OFF	9 PROVIDED = 103 FICE @ 4.0 PER 1,000 SF = 60 REHOUSE @ 0.5 PER 1,000 SF = 43 NG = 39	REVISION LC NO. DATE		ON OF REVISIONS
LOT 4, 5 & 6	S PROVIDED = 188			
		DESIGNED:		
ETBACKS		LRK DRAWING T	ITLE	LRK
ARKING FRONT SIDE REAR UILDING FRONT SIDE REAR	30' (FROM HWY 12/NELSON RD) 10' (INTERNAL) / 0' (BETWEEN LOTS 1 & 2 20' (PROPOSED ROADWAY & ADJACENT PROPERTY) 100' (HWY 12)/70' (NELSON ROAD) 40' (INTERNAL) 30' (PROPOSED ROADWAY)			T SITE TION A
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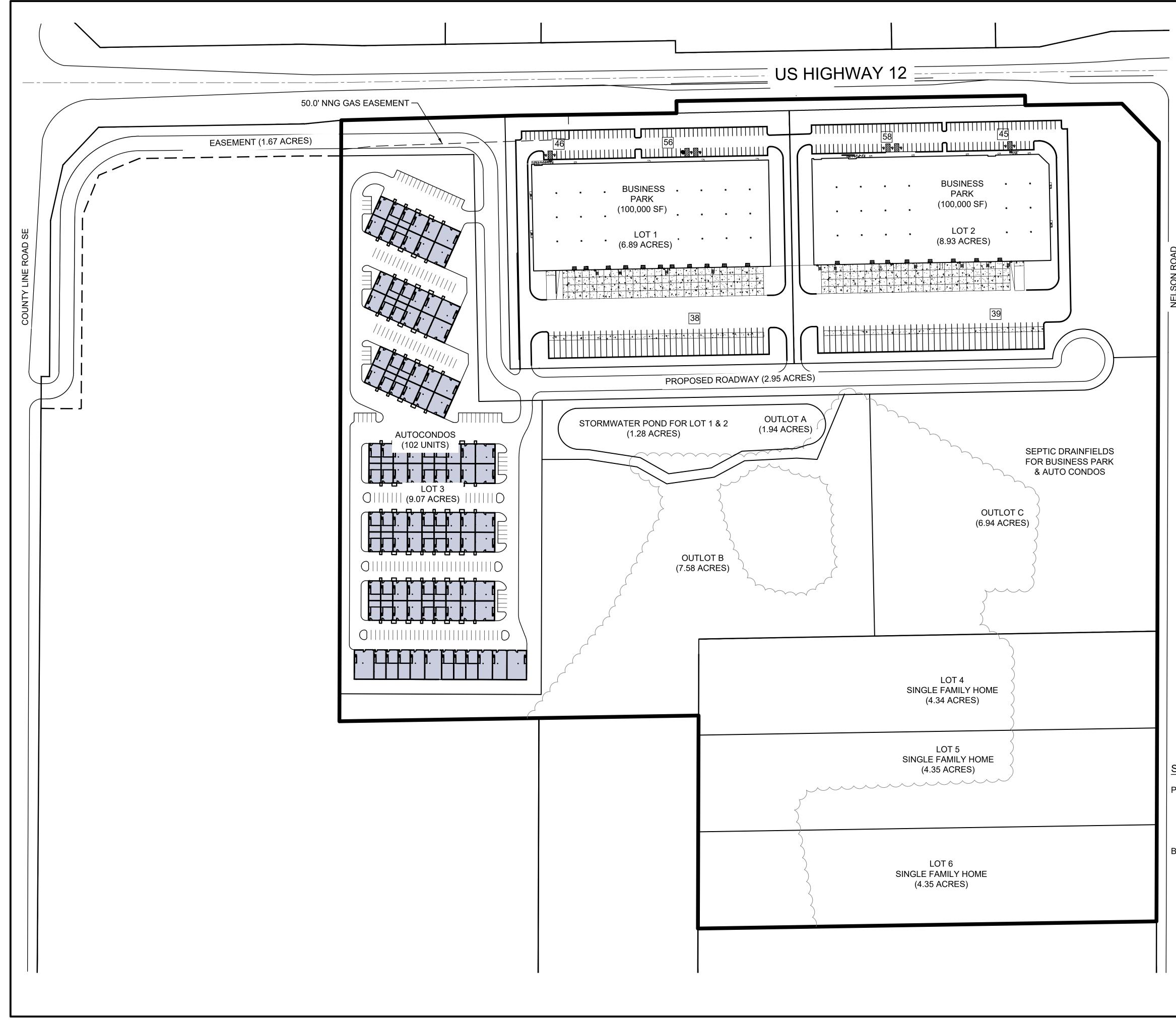
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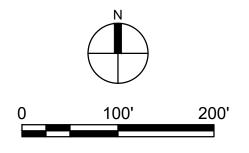
MINNESOTA

COMM. NO. 16915

8/26/2022



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PARCEL AREA

LOT 1	6.89 ACRES
LOT 2	8.93 ACRES
LOT 3	9.07 ACRES
LOT 4	4.34 ACRES
LOT 5	4.35 ACRES
LOT 6	4.35 ACRES
OUTLOT A	1.94 ACRES
OUTLOT B	7.58 ACRES
OUTLOT C	6.94 ACRES
PROPOSED ROADWA	Y 2.95 ACRES
PROPOSED EASEME	NT 0.59 ACRES
TOTAL	57.93 ACRES

BUILDING AREA

LOT 1 LOT 2	100,000 SF <u>100,000 SF</u>
TOTAL OFFICE/WAREHOUSE	E 200,000 SF
LOT 3 AUTOCONDOS	95,900 SF

15,000 SF OFF	PROVIDED = 102 FICE @ 4.0 PER 1,000 SF = 60 REHOUSE @ 0.5 PER 1,000 SF = 42 NG = 38			
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LOT 4, 5 & 6	S PROVIDED = 188			
		DESIGNED:		
ETBACKS		LRK DRAWING T	ITLE	LRK
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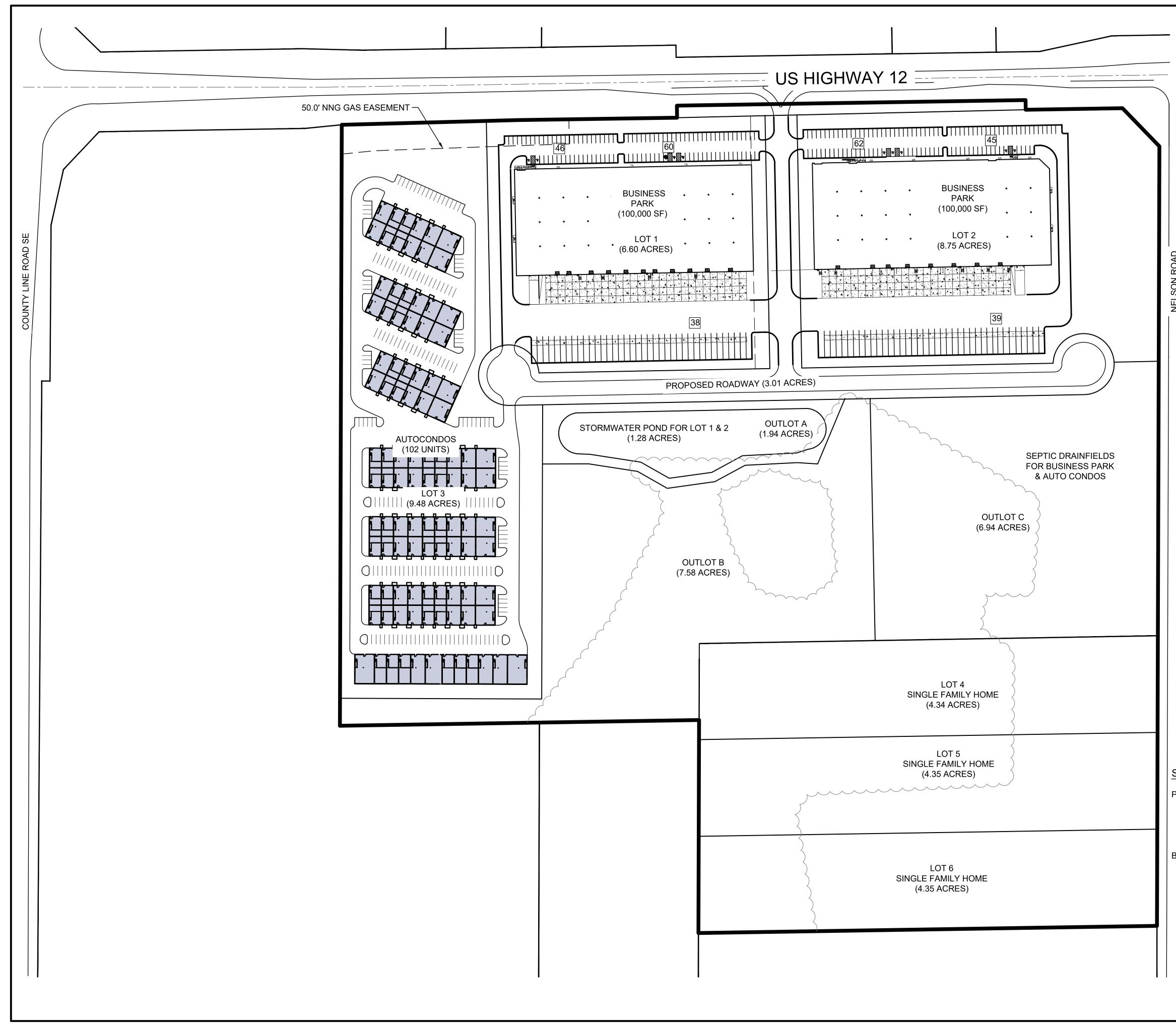
BILL STODDARD

INDEPENDENCE,

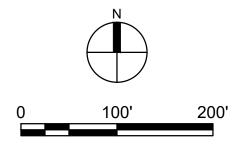
MINNESOTA

COMM. NO. 16915

8/26/2022



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PARCEL AREA

OUTLOT A1.94 ACRESOUTLOT B7.58 ACRESOUTLOT C6.94 ACRESPROPOSED ROADWAY3.01 ACRESPROPOSED EASEMENT0.59 ACRES	LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6	6.60 ACRES 8.75 ACRES 9.48 ACRES 4.34 ACRES 4.35 ACRES 4.35 ACRES
TOTAL 57.93 ACRES	OUTLOT A OUTLOT B OUTLOT C PROPOSED ROADWAY	1.94 ACRES 7.58 ACRES 6.94 ACRES 7 3.01 ACRES 10.59 ACRES

BUILDING AREA

LOT 1 LOT 2	100,000 SF 100,000 SF
TOTAL OFFICE/WAREHOUSE	200,000 SF
LOT 3 AUTOCONDOS	95,900 SF

15,000 SF OFF	PROVIDED = 106 ICE @ 4.0 PER 1,000 SF = 60 REHOUSE @ 0.5 PER 1,000 SF = 46 NG = 38				
LOT 2 AUTO STALLS 15,000 SF OFF	PROVIDED = 117 ICE @ 4.1 PER 1,000 SF = 62 REHOUSE @ 0.5 PER 1,000 SF = 45	REVISIO NO. DATE 		CRIPTION OF	REVISIONS
<u>LOT 4, 5 & 6</u>	PROVIDED = 194				
		DESIGN	ED: DI	IMINAR ATE 1RAWN: MM	CHECKED BY: LRK
SETBACKS			NG TITLE		
ARKING FRONT SIDE REAR SUILDING FRONT SIDE REAR	30' (FROM HWY 12/NELSON RD) 10' (INTERNAL) / 0' (BETWEEN LOTS 1 & 2 20' (PROPOSED ROADWAY & ADJACENT PROPERTY) 100' (HWY 12)/70' (NELSON ROAD) 40' (INTERNAL) 30' (PROPOSED ROADWAY)		ONCE AN - (-
		DRAWI	NG NO.		
		PL	OTTED:	0	COMM. NO.

A N D E R S O N 13605 1st Avenue N. #100 Plymouth, MN 55441 | ae-mn.com P 763.412.4000 | F 763.412.4090 Anderson Engineering of Minnesota, LLC

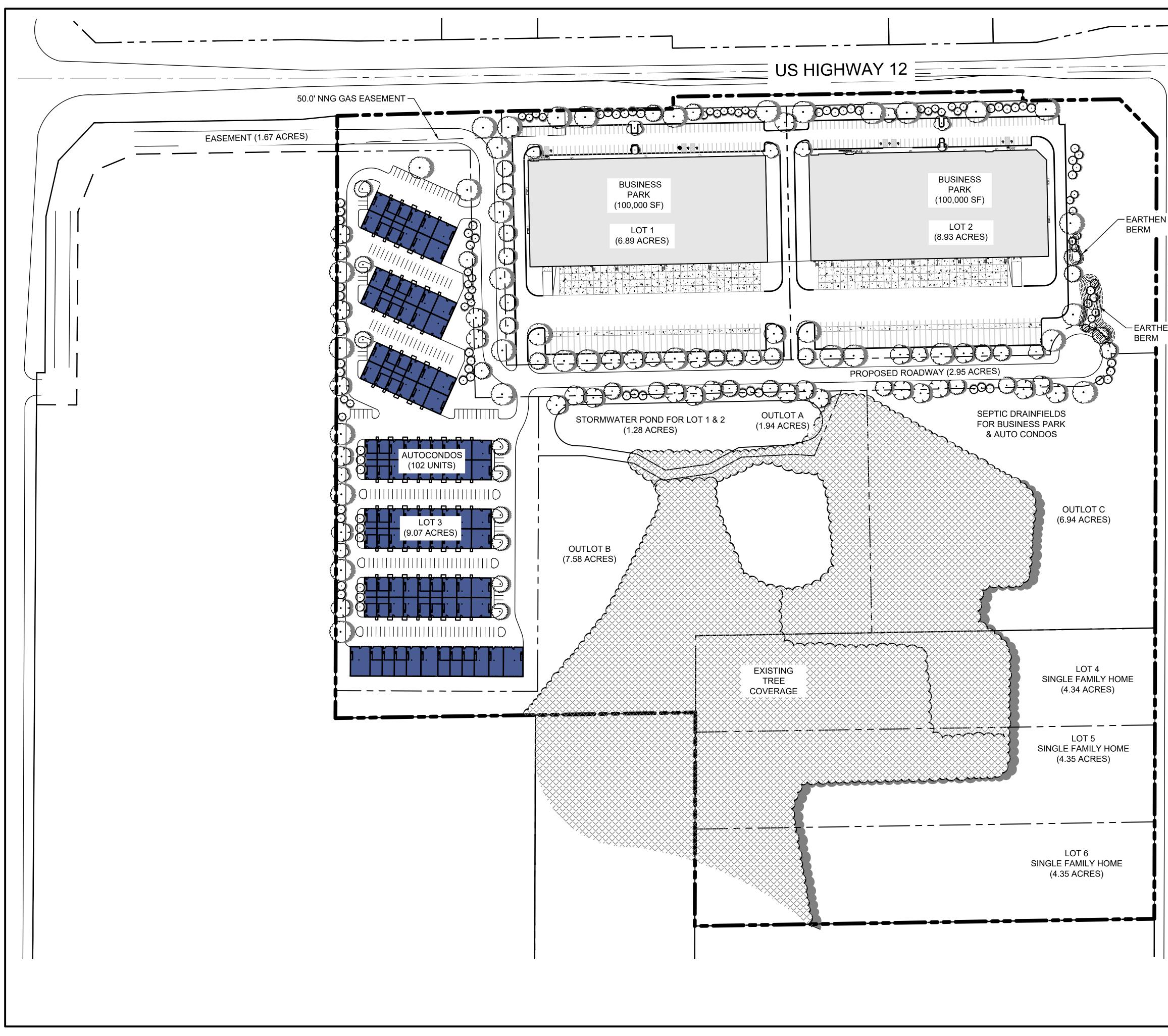
INDEPENDENCE BUSINESS PARK

INDEPENDENCE, MINNESOTA

BILL STODDARD

16915

8/26/2022

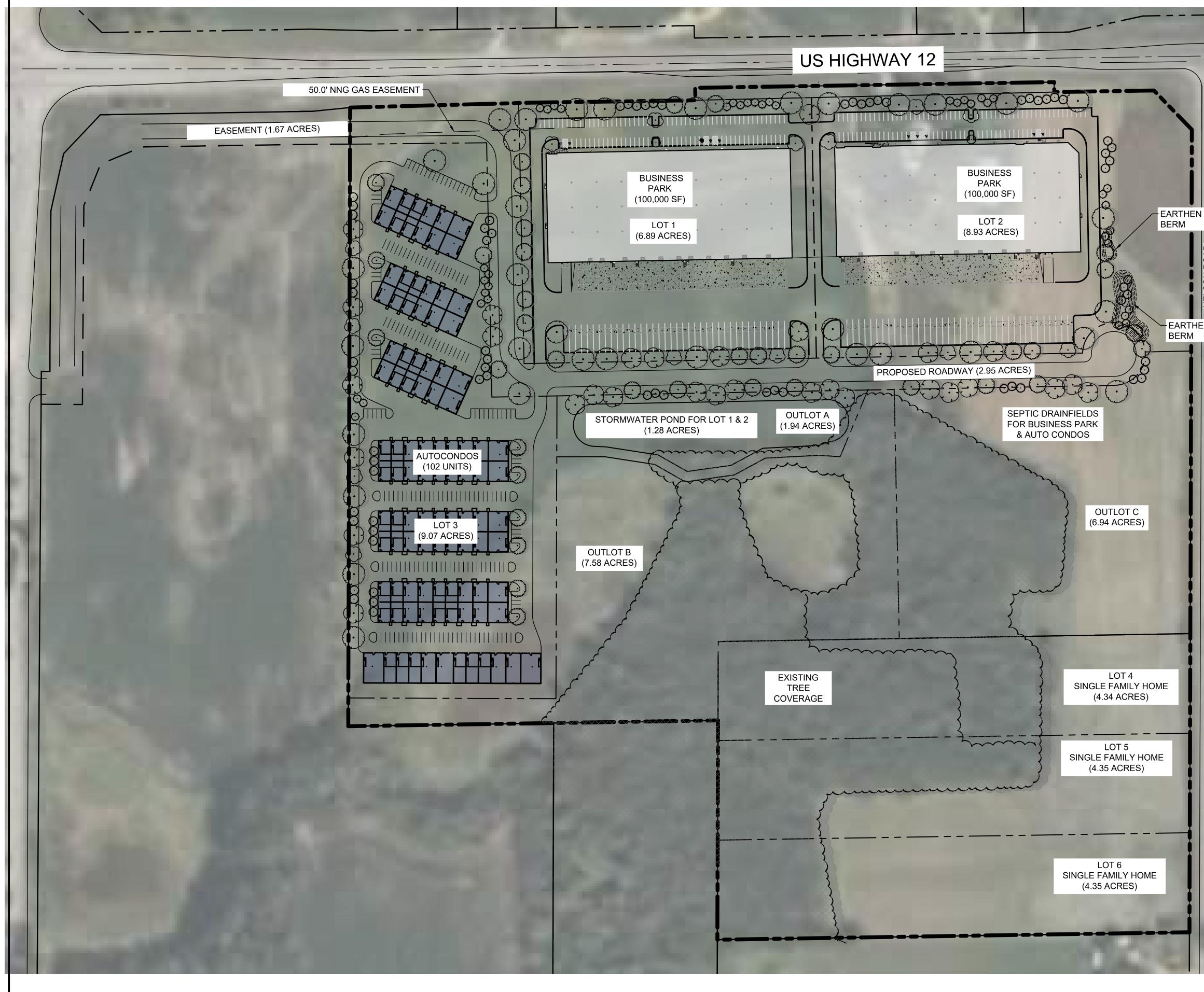


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	DECIDUOUS OVERSTORY TREES	13605 : Plymouth P 763.412	DER 1 st Avenue 1, MN 55441 2.4000 F 76 Engineering of W	e N. #100 ae-mn .com 63.412.4090
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			DEPENDEN MINNESOT	
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derson Engineering of Minnesota, LLC
STODDARD BUSINESS PARK
INDEPENDENCE, MINNESOTA
BILL STODDARD
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DATE DESCRIPTION OF REVISIONS
AUGUST 30, 2022
SIGNED: DRAWN: CHECKED BY: JWD JWD JWD
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PLANTING PLAN

COMM. NO. 16915 8/30/2022



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IN LANDSCAPE	STODDARD BUSINESS PARK
범 HEN LANDSCAPE	INDEPENDENCE, MINNESOTA
	BILL STODDARD
	REVISION LOG NO. DATE DESCRIPTION OF REVISIONS
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	PLANTING PLAN WITH AERIAL
	DRAWING NO.
	PLOTTED: COMM. NO. 8/30/2022 16915

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Stoddard CSG







PID: 0511823220005 Medina, MN

















Stoddard COMPANIES esg **SEPT** 2021







