



PLANNING COMMISSION MEETING AGENDA
TUESDAY DECEMBER 21, 2021

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. November 16, 2021, Planning Commission Meeting
 - b. December 7, 2021, City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING (CONTINUED):** Charlie Johnson and Hard Knocks LLC (Applicant/Owner) is requesting the following actions for the property located at 1470 County Road 90 (PID No. 26-118-24-22-0008) in the City of Independence, MN.
 - a. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.
 - b. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - c. A variance to allow a reduced rear yard setback for the proposed accessory building.
 - d. Site plan review to construct a new detached accessory structure and outdoor storage on the property.
5. **PUBLIC HEARING:** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:
 - a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.

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

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

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

7. Open/Misc.

8. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
NOVEMBER 16, 2021 – 7:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Commissioners Thompson, Volkenant, Gardner & Palmquist. Alternates, Story and Tearse (present for a short time, but did not vote)
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Dumas
VISITORS: Charlie Johnson, Tom Koch, Marty Chilstrom

3. Approval of Minutes:

- a. October 19, 2021 Planning Commission Meeting
- b. November 3, 2021 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the October 19, 2021 Planning Commission minutes, second by Palmquist. Ayes: Thompson, Volkenant, Gardner & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

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

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

Request:

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

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

Property/Site Information:

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

Property Information: 1470 County Road 90

Zoning: CLI - *Commercial Light Industrial*

Comprehensive Plan: *Commercial Light Industrial*

Acreage: 4.77 acres

Discussion:

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

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

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

year storm events. Stormwater treatment ponding is required for all developments.

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

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

530.23. - Building design requirements.

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

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

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

530.17. - Site development standards.

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

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

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

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23).

For this reason, accessory structures are treated the same as principal buildings.

- a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural stone or stone veneers;

- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The applicant has prepared building elevations which show the proposed exterior of the new building. The primary material proposed is standing seam metal which is not consistent with the existing principal building. The principal building is constructed of pre-formed concrete panels. The applicant is asking the City to consider allowing the proposed accessory building to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

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

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

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

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

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

- a. Front yard setback: N/A
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 40 feet from rear lot line.

d. **Setback from boundary of agricultural or rural residential district: 40 feet.**

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

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

Subd. 5. Landscape standards.

- (a) Setback areas must be landscaped and maintained as a protective buffer and may not be used for parking, internal driveways, off-street loading, storage; nor may any structure or building be placed thereon, other than a fence.*
- (b) Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in the protective buffer.*
- (c) Minimum landscape requirements for each curbed island must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree). The curbed island must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in a curbed island.*
- (d) When a commercial or industrial development is located adjacent to any "R" zone, an eight-foot opaque fence or wall must be erected to provide screening of the commercial or industrial use.*
- (e) Subd. 6. Lot screening. All commercial-light industrial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation.*

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

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

5. Storm Water Management – The applicant is asking the City to consider additional impervious

surface on the property. As a result, the applicant has provided a proposed stormwater management plan that includes three infiltration/retention basins. The City is in the process of completing a review of the proposed stormwater management plans. The plan will need to comply with all applicable standards relating to storm water.

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

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

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

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

Neighbor Comments:

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

Recommendation:

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

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

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

plan review, variance and conditional use permit.

Kaltsas explained that the applicant is applying for a commercial CUP, a variance to allow a new building with steel, a variance for reduced yard setback and site plan review for a detached accessory structure. This would be an 11,000sqft building to be used for indoor storage. Steel siding is currently not allowed according to the ordinance. This property is zoned CLI, it is approximately 4.77 acres. There is an existing commercial building on the site. There are multiple tenants in the building. The site setbacks that is applicable is the residential property setback from the East property line. It abuts the property on the N and E increasing setback from 40' to 100' rear yard setback. Maximum impervious surface is 30% but applicant is asking for 10% more. The maximum is 75% which could be granted with stormwater management. The property to the South of this property is also CLI. The properties to the N are two residential properties and to the E is another residential. Applicant is looking to add a detached accessory building to the rear side or East side of the existing site. Stormwater management would come off the parking lot. The 11,000sqft building would be on the East side of the site, further away from Hwy 12, but closer to the residential/agricultural properties. This is a mixed-use building. The building would need about 49 parking spaces. It is currently up to 90 spaces. They would not need additional parking than what is on site. The setback from the South property line and the East property line is 20' and from the S is 20'. The East is proposed for 40' and it is needs to be 100' from the property that is agricultural. Landscaping and screening would include a berm and evergreen trees. It is 1 tree per 40 lineal feet so it would be about 22 trees. There are existing trees on the property to the North. They would need to have an 8' opaque fence and that is not included in the application. They would also need an infiltration system for stormwater maintenance to allow the additional impervious coverage request. Applicant's existing site is 100,000sqft which equals 46% and they want to increase another 20,000 sqft which is more than the 30% maximum. They would need to meet the criteria or show hardship. The applicant is proposing to use the site as CLI and will screen/berm to the residential properties. This would be cold storage initially and eventually heated with office space and indoor storage. This abuts to residential properties versus other commercial. They would put wainscoting along the bottom but otherwise would be steel. The ordinance does not allow steel. Kaltsas noted a few other properties that requested steel recently that have been granted.

Thompson asked with the 60' variance and then dig up for water retention, is that something we have seen before? Kaltsas said no we just haven't had that many instances with the smaller CLI in the city. There is limited space for screening due to the infiltration system. Dumas asked if the that is the area that could be sewered with the other homes going up in that area. Kaltsas said it is not in our 2040 plans. It would be South of Quass. Thompson asked if there were any written comments. Kaltsas said no. Gardner said they only have access to two sides in the storage building.

Public Hearing Opened

Charlie Johnson lives in Orono on Town Line and County Rd 6. He has been a tenant since 2006 in the building and recently he has purchased the building. Looking at the property, there was so much unused land in the back of the property. The building he is proposing is secondary to the primary building and would be set back and be screened. He met with the Fossey's and they were excited to have additional screening with the new trees. Gardner asked if the variance for steel is to save money. He asked if they thought about adding onto the existing building versus building a new building. Charlie said he would run into issues with the mound system. Gardner asked if he had any samples of the architectural steel that they were proposing. Charlie said he doesn't have it with him but could show it to them.

Thompson pointed out that Charlie was asking for a very large variance for the rear yard setback and according to the plan there is no screening. That is a big ask. Charlie said he would be happy to do more screening, but right now it is only trees and farms. There are no residential homes back there. Gardner asked why there is a need for the 100' setback. 40' is the standard. Kaltsas said the cities increase separation between commercial and residential. All commercials have wetlands. Gardner said he was unsure what Reuter would do with his property and if it would be split in the future. Thompson said

there is a pilling on element with the requests. He said we should work with the applicant on screening and finish we are interested in granting a variance to. Thompson asked what Charlie's response is to meeting halfway in an architectural finish. Charlie said he is willing to work with the city. It will be built as a pole barn with cement flooring.

Story said he has some concern regarding the residential views. He asked what the height of the building is and Charlie responded 18'. Story asked if there is any chance to berm the North side. Charlie said he could build berms. Thompson asked how tall the main building is. Charlie said about 20'. Gardner said he is trying to enforce the ordinances. Kaltsas said the only example we have is the building next door. That is a spray on finish after the adoption of these standards years ago. Standing seam or other options can bring a different element. Gardner said the wainscotting is good. Story asked if Charlie could meet in the middle. Charlie said there is a board and batton material and that may be a possibility. Dumas asked why they can't put trees in the wet part or 20' back. You should be able to put trees there. Kaltsas said if there was some direction with impervious surface which is okay, and the setback is okay, they could work through the screening and alternates of siding.

Close Public Hearing

Motion by Thompson to table the discussion until the December 21 planning commission meeting, second by Story. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

5. PUBLIC HEARING: Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. A conditional use permit amendment to allow the expansion of a building used by the commercial riding stable on the subject property.

Request:

Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. A conditional use permit amendment to allow a building addition associated with an commercial riding stable on the subject property.

Property/Site Information:

The property is located on the north side of Turner Road between CSAH 90 and CSAH 92. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and a small wetland. The property has the following characteristics:

Property Information: 7220 Turner Road
Zoning: Agriculture Comprehensive Plan:

Discussion:

The applicant currently has an existing home with large barn and indoor riding arena on the subject property. The applicant received a conditional use permit to allow commercial boarding on the property in 2018. The applicant is now asking the City to consider allowing an expansion of the existing barn to accommodate additional stalls, tack space, washing area and other similar uses. The proposed building addition would add an additional 1,824 SF to the existing building. Because the property has an existing conditional use, any expansion of the use or buildings requires an amendment.

The applicant is noting that the additional space is for their personal use and is not seeking the ability to increase the number of horses allowed to be boarded on the property. It is noted that this site can accommodate a total of 20 animals. The existing CUP allows for a total of 7 horses to be commercially boarded along with the balance of allowable animal units for personal use.

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 plans with the applicants representative. The proposed expansion of the existing building does not appear to intensify the use of the property and would not add to the commercial use. The proposed building addition would meet all applicable setbacks (does not extend beyond the existing building). Given the location of the property off of Turner Road, the orientation of the buildings and their relationship to the surrounding properties, and the existing use of the property, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment of the commercial riding stable. It should be noted that the CUP has been in compliance with all applicable standards and there are no known deficiencies.

Neighbor Comments:

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

Recommendation:

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

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. All conditions of the initial conditional use permit shall remain in full force:
 - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b) Any new signage shall comply with all applicable standards of the City's ordinance.
 - c) No more than 7 horses shall be boarded on the property.
 - d) The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
 - e) A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
 - f) The hours of operation are: summer 9:00 am – 10:00 pm.
 - g) Four (4) horse training clinics will be permitted per year and shall comply with the following provisions:
 - The horse clinics shall occur during the permitted hours of operation.
 - No more than 10 participants shall be permitted at each clinic.
 - h) No renting of hack horses.
 - i) No riding on adjacent private land unless authorized by owners.
 - j) No parking on public roads.
 - k) Utilize appropriate management practices to control flies and odor.
 - l) o future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall pay for all costs associated with the review and recording of the resolution.

Kaltsas explained that Bellissimo Farms is requesting a CUP for an expansion of an existing building used for commercial riding stable. The property is approximately 20 acres, and they are requesting an additional 824sqft to the existing horse barn. They would like to add a washroom and a couple additional stalls. They would keep the same number of boarded horses on the property. Story asked if there are any auditing of how many horses are boarded there. Kaltsas said they are reviewed annually but it is usually bi-annually. Dumas stated that only 7 can be boarded commercially.

Public Hearing Opened

Public Hearing Closed

Motion by Thompson to approve the updated CUP amendment, second by Story. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

6. PUBLIC HEARING: Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

- a. A variance to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.
- b. A minor subdivision to permit the subdivision of the subject property into two parcels based on the bisection created by County Line Road.

Request:

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1. A variance to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.
2. A minor subdivision to permit the subdivision of the subject property into two parcels based on the bisection created by County Line Road.

Property/Site Information:

The subject property is located on the west side of Nelson Road and is bisected by County Line Road (property on both sides). There are no structures located on the property. The property has the following site characteristics:

Property Information: PID No. 19-118-24-34-0002

Zoning: Agriculture

Comprehensive Plan:

Agriculture Acreage

(Before): 30.41 acres

Acreage (After – Tract A): 20.26 acres

Acreage (After – Tract B): 10.05 acres

Discussion:

The applicant is seeking a variance to allow the minor subdivision of a property that does not meet the minimum lot size requirements of 40 acres for properties zoned AG-Agriculture.

This property is one of the handful of properties that the City has been previously identified as being bisected by an existing right of way. The separation of the property by right of way places some limitations on the use of the property, and the City has discussed that these properties are generally perceived to be subdivided even though they are still a single parcel. This parcel is approximately 30 acres in size and does not qualify for a rural view lot subdivision (min. of 40 acres). The applicant is asking the City to consider granting a variance to allow the subdivision of a property that is less than 40 acres and a minor subdivision to allow the two sides of the property to be formerly subdivided.

Two parcels would be created as a result of the proposed

subdivision: Tract A: 20.26 acres

Tract B: 10.05 acres

The City has reviewed the request and offers the following considerations in addition to the criteria for granting a variance which are note below:

- Both properties have adequate frontage (more than 300 LF) to meet the requisite minimum lot frontage requirements.
- Both properties have some wetlands, but considerably more than 2.5 acres of buildable upland.

- The City has not received verification of a primary and secondary septic system, but will require its submittal prior to City Council consideration.
- The City will require the dedication of the requisite perimeter drainage and utility easements.

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner that is consistent with the AG- Agriculture zoning district.
- b. The property conditions were not created by the applicant and were essentially an existing condition of the property.
- c. The size of the parcels proposed to be created is in keeping with the character,

size and general conditions of the surrounding area.

The newly created Tract B will be required to pay the City's requisite Park Dedication fee. For the proposed property, the park dedication requirement is \$7,287.50. This fee will need to be paid prior to recording the subdivision.

*Park dedication fee of \$3,500 per lot up to
4.99 acres, plus \$750 per acre for each
acre over 5 acres*

The proposed rural view lot subdivision appears to meet all applicable standards of the City. The proposed subdivision is in keeping with the character of the surrounding area and will allow the development of both lots in a manner that can accommodate a future residential structure. The proposed variance to allow a 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 variance and minor subdivision.

Recommendation:

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

1. The proposed variance and 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. City Council approval of the rural view lot subdivision is subject to the following:
 - a. The Applicant shall pay the park dedication fees in the amount of \$7,287.50, for the newly created Tract B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b. The Applicant shall provide the City with verification that both Tract A and Tract B can accommodate a primary and secondary on-site septic system.
3. The Applicant shall pay for all costs associated with the City's review of the requested variance and minor subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility

easements with the county within six (6) months of approval.

Kaltsas explained that Anita Branson has a property that is bisected by a public right-of-way. The owners would like to seek a subdivision of this property and split the property in two. There is no existing home or building on the subject property. In the existing condition it is zoned AG and is 30 acres overall. They would like to split the property in two on both sides of County Line Rd. On the North side of the road the property would be 10.05 acres and to the South side of the road, it would be 20.26 acres. Rural view lot subdivision is allowed for properties greater than 40 acres and we allow 1 rural view lot for each 40 acres or we allow lot line rearrangement. If a property is subdivided by a right-of-way we would consider granting this. It doesn't meet the 40 areas but applicant is asking for this to be considered. They have a hardship of the right-of-way bisecting the property. Both properties would meet the criteria and should have a primary and secondary septic site in the near future. The applicants would use the property consistent with the RR. They would be looking at Nelson Road and surrounding areas that the property fits in. We would require park dedication fees for the creation of the new lot. One person has stopped in to the City to review the plans, but there has not been any other comments.

Dumas asked what the history is with the 40-acre piece with a carved out chunk. Was it recently split off? Kaltsas said no. Dumas said it seemed reasonable.

Open Public Hearing

Close Public Hearing

Thompson said this seems super straight forward and makes sense.

Motion by Thompson to approve variances, second by Volkenant. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

7. PUBLIC HEARING: Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- c. A variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Request:

Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- a. A variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Property/Site Information:

The subject property is located on the east side of County Road 90, just north of Wood Hill Lane. There is an existing home and detached accessory building on the subject property.

Property Information: **3110 County Road 90**

Zoning: *AG-Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: 1.35 acres

Discussion:

The applicant is seeking approval to construct an addition onto the existing home. The addition includes living space as well as a new garage. The existing home is currently a legal non-conforming structure that does not meet all applicable setbacks for this property. Specifically, the home does not meet the south side yard setback (30 feet required).

The applicant is asking the City to consider granting a variance from the side yard setback (south property line) to allow an expansion of the existing home that is in line with the existing side yard setback. The City requires a side yard setback of 30 feet for properties zoned AG-Agriculture. The existing home is located 28.55 feet from the south side property line and the proposed addition would be located 28.87. The applicant is proposing to construct the home addition to extend west and in line with the existing home. The proposed expansion would be setback slightly more than the existing home. The existing home is not perfectly parallel to the south property line. The resulting variance to the side yard setback would be 1.13 feet. The required setbacks for properties zoned AG-Agriculture are as follows:

Front Yard Setback:

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

Existing: ± 211 feet from centerline

Rear Yard Setback:

Required: 40 feet

Existing: ± 78 feet

Side Yard Setback (West Side):

Required: 30 feet

Existing: 28.55 feet

Proposed: 28.87 feet (variance of 1.13 feet)

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the AG-Agriculture Zoning District.
- b. The existing house is currently a legal non-conforming structure.
- c. The character of the surrounding area is residential. The proposed expansion and remodel of a single-family home is in keeping with the surrounding area.

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

- 1. Staff discussed alternative options for expanding the existing home with the applicant. The proposed addition stays in line with the existing structure and allows for the remodel of the existing home without jogging the house 1.13 feet to the north to comply with applicable setbacks.
- 2. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.
- 3. The proposed remodel of the existing home would likely increase the value of and bring an update to this property.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant.

Due to the configuration of the house on the property and the layout of the existing house itself, there are limited ways to expand the structure without jogging the addition. The setback of the proposed addition has limited visibility from the surrounding properties and there is a berm and screening to the southeast on the adjacent property which appears to help mitigate the potential impacts.

Public Comments:

The City did receive correspondence from the neighboring property owner to the southeast.

Recommendation:

Staff is seeking a recommendation or direction 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. Residential use of the property is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
 - b. The location of the proposed addition/remodel is in line with the existing home and building setback from the south property line. The alignment, updated building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
 - c. The character of the surrounding area is residential. The proposed building addition and remodel would be in keeping and consistent with the surrounding uses found in this neighborhood.
 - d. Prior to City Council consideration of the proposed variance, the applicant shall provide an updated survey depicting the full proposed building addition.
3. The variance will permit a 1.3-foot reduction (from 30 feet to 28.87 feet) of the south side yard setback to allow the proposed addition to the existing structure as depicted on the site plan and building plans attached hereto as Exhibit A. 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 City's review of the requested variance.
5. The Applicant shall record the City Council Resolution with the county within six (6) months of approval.

Kaltsas explained that there is a request for a variance for a reduced side yard setback to allow for an expansion of an existing home in alignment with and using the same setback as the existing home. It is 1.3 areas in overall size. They would like to expand on the West side of the home. The requirement is a 30' setback and they are proposing 28.87' setback from the South side of the property line. As the expansion goes to the West it gets better and further from the

property line. It is just the South side property line that is causing an issue.

Gardner said they are his neighbors and that they are only encroaching on a huge pile of dirt full of trees. He also suggested making it a 1.3' to a 1.5' variance. Thompson asked why this lot is crooked. Gardner said it was built in the 1960s so there were no building inspectors watching this.

Open Public Hearing

Close Public Hearing

Gardner said the owners are present. Thompson said this is the right thing to do. He asked if we just make the variance 1.5'. Kaltsas said it doesn't help since anything they would do in the future would mean they would have to come back to do a variance anyway.

Motion by Thompson to approve a variance of 1.5 feet, a setback of 28.5', second by Story. Ayes: Thompson, Volkenant, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: Gardner. Motion Approved.

8. PUBLIC HEARING: Ordinance Amendment Consideration.

d. Subdivision Standards – Rural Residential Cluster Development Standards

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

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

Request:

Subdivision Standards – Rural Residential Cluster Development Standards

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

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

Following consideration and discussion relating to several recent subdivisions, City Council directed the Planning Commission to review and consider possible changes to a few key standards. The Planning Commission reviewed the ordinances and discussed possible

amendments at their last meeting. The following proposed language changes are presented for further consideration:

1. **Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit:**

The current Cluster Development standard requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. Planning Commission recommended that the City consider clarifying that the calculation be taken with the exception of State, County and Existing City right of way. New streets that would be required to serve the proposed lots would not be excluded from the calculation.

a. In addition to the density calculation, Planning Commissioners discussed the minimum lot width for lots developed under the cluster development provisions. Commissioners recommended a minimum of 150 feet.

b. One additional point of clarification has been brought to the City’s attention and pertains to the provision in the ordinance designating steep slopes. The cluster development standards (b, 6.) designates slopes in excess of 10% as “steep”. The City defines steep slopes in the Shoreland Overlay section of the ordinance (505.05, subd. 33) as slopes having an average of 12% or greater. Staff is seeking direction from the Planning Commission relating to the question of steep slopes and whether or not the City should make it consistent with other areas of the ordinance?

2. **Section 530.05 Rural Residential District established., Subd. 3. Density:** Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. The Planning Commission recommended keeping the density “bonus” and then going to a straight calculation for each additional 5 acres of property.

a. Ownership of the Outlots created within a development. There has been questions and discussion historically about the ownership, allowable use and maintenance of the Outlots and open space created in cluster developments. Commissioners recommended that the City enter into an agreement with the developer designating the City’s ability to assess the property owners in the development for maintenance of the Outlot should the HOA not maintain them to an acceptable level. The current ordinance language has been amended to clarify this point.

Cluster Developments:

Subd. 6. Cluster development conditional use permit. Cluster development is a conditional use in the rural residential district, subject to the provisions of subsections 520.09,

520.11 and 520.13 of this code.

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

*****RENUMBER REMAINING*****

- (8) *Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;*
- (9) *The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;*
- (10) *All utilities must be placed underground;*
- (11) *All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;*
- (12) *A development agreement must be entered into with the city.*

Rural Residential Developments:

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

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

Planning Commission Consideration/Action:

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

Kaltsas explained that we intended on sending out a notice for the public hearing for this meeting tonight, but after looking at the publications, they did not get the notice out about this

ordinance amendment so they will send notice for this discussion at the next meeting. This is a consideration for subdivisions for RR and cluster developments. This came up when the City considered a recent RR subdivision that was being done off of Turner Rd and Co Rd 90. The applicant and owners questioned the density table in the ordinance. They wanted to clarify some provisions and how density is calculated on the gross acreage. They won't take action tonight, but it will be discussed at the public hearing next month. He asked if the language provided is in line with how the planning commission is thinking. Cluster developments are a conditional use in the RR zoning district. The CUPs gives a slight increase in open space. They dedicate 50% of development of open space then 50% of the 50% open space to be usable open space. Then they can cluster to allow more open space. The question is how is this calculated. He asked if they should subtract right-of-way or created right-of-way as a part of the subdivision. He asked if the existing right-of-way can be subtracted from the total if it was asked. Can you take roads that are going to be dedicated as future right of way be subtracted? Rather than 50% of the gross acreage of the property, it would exclude the existing right-of-way of state, city or county roads existing roads. New roads would not be excluded. The Serenity plan and the Providence plan deducted existing road row and row on Independence Road, but not the new roads being added.

We also don't have a clear property width in cluster developments. It was discussed that it should maybe be 150'. Designation of steep slopes says that in excess of 10% are too steep and unusable. Other cities use 12% or higher. The definition of steep slopes is 12% in other areas of our ordinance. Dumas asked if you had a 30' deep house, you couldn't even have a walk-out. Gardner said on the little lots it is appropriate. Thompson said it should all match. Kaltsas said 10% is insignificant since there are steep slopes in AG. Thompson said roads that are already there and roads that are not there don't seem to line up. Kaltsas said we take surveyed number, then it is platted or metes and bounds. Kaltsas used the example of Serenity Hills. This could kick them up. The map for Providence, they took gross acreage and did not subtract existing road. Providence shows 200' width. Their building setback has to be 200'. There needs to be clarification. It is not a direct impact on density, but we have to have preservation of open space. Gardner said 150' seems to be working out without any problems coming up. Gardner said all the outlots are all highland with very little wetland. Thompson asked how many requests have we seen that have turned into non development rather than RR in the time that we have done these two cluster developments. Kaltsas said two. Thompson said the purpose of cluster development is not greater density. Kaltsas said the purpose is preservation of contiguous open space. Thomson said there are not enough bonus lots to make this compelling. We limit the density to 1:4. Gardner said Providence has a ton of open space, way over 50% was not usable. There is a huge difference in the outlot quality in Providence than Serenity Hills. Story asked if other clusters have efficient use of open space. Kaltsas said no. They are 1-1 ½ acre lots with broader neighborhood land.

Lynn Betts said in Providence there was a usable space that had a nice trail but was not maintained by homeowners. Thompson said we will have a public hearing next meeting with these guidelines. Kaltsas asked what is the number that planning commission would recommend for width and what is a reasonable standard for a 1 ½ acre lot versus a 2 ½ acre lot. When there are bigger homes on the lot, the perception of open space changes. Gardner said that 150' sounds like a good number and anything smaller than that would not be good. Dumas said if anyone wanted something different, they could come in for a variance. Kaltsas said we can revisit that number.

Kaltsas also mentioned the RR cluster. Thompson asked where the bonus is and where is the delay. There is a 10-acre cost of lot number 3. Kaltsas said we could take 7.6 acres plus 5 and that gets rid of the goofiness. Thompson asked what the goal is here. Kaltsas said let's keep the bonus.

9. Open/Misc.

Marty Chilstrom lives at Woodhill and Brei Kessel. He came because of the proposed PH of adjusting the bonuses. He discussed breaking into Brei Kessel cul-de-sac. He said that over time it seems the lots are getting smaller and smaller. The idea of connecting to Brei Kessel is going to add a lot of traffic to this area. I don't think this is necessary for emergency services. They don't want more traffic and the bigger issue could be a pedestrian danger. Thompson said more lots are not more money. Brei Kessel has always been a temporary cul-de-sac. Cluster development is going to be spoken about. There is no proposal here. Ordinance is on the books, and we will continue to discuss this. Gardner said there is an intent to break through Brei Kessel. If we want to expand the city, we have to expand the infrastructure. Marty says he would like to see the standards to decrease in size. Tom Koch said that his dad sold the Brei Kessel property years ago and the cul-de-sac was intended to go through to the cluster development that is proposed. If we do cluster, he is struggling with getting to 28-30 lots we can't get there and whether or not it is worth it.

10. Adjourn

Motion by Dumas, second by Volkenant to adjourn at 9:45 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY DECEMBER 7, 2021–6:30 P.M.
City Hall Chambers

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner, Bob Vose

VISITORS: Several for agenda items

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 November 16, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable (Checks Numbered 20868-20906).
- c. Approval of Pay Application Request #11 from Rochon Corporation for work completed on the 2020 City Hall Project.
- d. Approval to not waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT.

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

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

Peg Timm came to ask to be put on the Council Agenda for January 4. Vose suggested that she send in some information prior to that and notify other party and residents as well.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Planning Commission

Spencer attended the following meetings:

- Planning Commission
- View Santa

Betts attended the following meetings:

- Planning Commission

McCoy attended the following meetings:

- Planning Commission
- View Santa

Johnson attended the following meetings:

- Orono Mama Mia
- Kevin Anderson (County Commissioner) Hosted a Coffee at Blackwater
- Active Living (virtual)
- View Santa

Horner attended the following meetings:

- Planning Commission
- View Santa

Kaltsas attended the following meetings:

- Planning Commission
- Metro Cities – limiting zoning rights within the cities

7. Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. **RESOLUTION 21-1207-01** – Considering approval of a conditional use permit amendment to allow the expansion of a building used by the commercial riding stable on the subject property.

Kaltsas explained that they are requesting a CUP amendment to add a connecting building or expansion. It is zoned AG. They are currently boarding 7 horses. They will add tack area and some stalls that will be approximately 1,800sqft. Planning had a public hearing, and they are recommending approval with conditions in resolution.

Spencer said it looked like the same as is. Grotting asked if the two permits affect each other, referring to a barn dominium request a few years ago. Kaltsas said it would not affect each other on the total.

Motion by Spencer, second by Grotting to approve Resolution 21-1207-01. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

- a. **RESOLUTION 21-1207-02** – Considering approval of a variance and minor subdivision to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.

Kaltsas explained that this was already considered at the last planning meeting. This is a request for a variance to allow a subdivision. Property is on County Line Road, zoned AG and is approximately 30 acres in size. It is bi-sectioned by County Line Road. In the after condition, it would be two properties. Tract A would be 20 acres on the Southern portion and Tract B would be the Northern portion of 10 acres. RR lot subdivision needs at least 40 acres so the variance would be needed to allow for the subdivision. This meets all conditions and standards for granting a variance. The bi-section is of no fault of the owner and is a hardship. There are not many properties in Independence that have these conditions. Planning Commission had no public comments. A park dedication fee would be applied to Tract B.

Johnson asked Anita Branson if everything is clear. Anita replied, yes. Grotting asked why it says that there is an exception on this. Kaltsas said it is a $\frac{1}{4}$ of a $\frac{1}{4}$.

Vose said that when we subdivide and plat, we get title work done. On small things we do not require this. Anita is a member of the Roth family properties entity. In addition to recording Resolution, we have to record quick claim deeds. They will need a warranty deed and Anita is aware of this. He asked if Anita has power for this. They would have to execute deeds. Grotting asked if there is any discussion to realign County Line Road. Johnson said we do not.

Anita confirmed that the family is in a LLC as well as the property.

Motion by McCoy, second by Spencer to approve Resolution 21-1207-02. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- a. **RESOLUTION 21-1207-03** – Considering approval of a variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Kaltsas explained that this is a request to reduce the side-yard setback on the South side to expand the size of their house. The house encroaches into the setback just over one foot. Planning Commission had a public hearing with no issues. The building structure make sense in the same footprint. Planning recommended they provide 1.5 feet for the variance, and it meets the criteria for granting a variance.

Spencer said that these small variances seem to make sense. He asked if these should have some of these minor things in our ABR building committee so it's a less rigorous process. Kaltsas agreed and stated if it's in line with existing structure, this would be justified. Grotting said having it under that board still insulates Mark. Johnson asked if it was explained well. Sadie said it was explained well.

Motion by Spencer, second by Johnson to approve Resolution 21-1207-03. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

10. Consider Adoption of the Final 2022 Tax Levy and General Fund Budget and Associated Actions.

- a. **RESOLUTION 21-1207-04** – Adopting the 2022 General Fund Budget.
- b. **RESOLUTION 21-1207-05** – Adopting the 2022 General Tax Levy.
- c. **RESOLUTION 21-1207-06** – Adopting the 2022 Pioneer Sarah Creek Watershed Management Commission Tax Levy.

Kaltsas said it is very similar to preliminary plans for the budget for 2022. Betts said that the budget looks really good and thanked Mark for all the work he has done on this. Spencer said Mark and ABDO have done a super job and it looks very clean.

Motion by Johnson, second by Spencer to approve Resolution 21-1207-04, General Fund Budget. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by McCoy, second by Betts to approve Resolution 21-1207-05, General Tax Levy. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by Spencer, also calling out Joe Baker who has kept the budget flat and has done a great job, second by Grotting to approve Resolution 21-1207-06 PSCWMC. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

11. General Administration Action Items:

- a. **RESOLUTION 21-1207-07** – Considering approval of the Hennepin County Residential Waste Reduction and Recycling Grant Agreement. Hennepin County requires each city to implement and maintain an organics recycling program for all residents.

Johnson introduced this item to explain that this would be a recycling grant to require organic recycling. Kaltsas said we have to provide organic recycling to residents. We will first require haulers to offer it, or we can provide a waste container at the City. Johnson asked about a different color garbage bag. Kaltsas said it is a blue bag. He stated this is food organics. Grotting asked if this is just a passthrough. Recycling is paid by the City and paid back through taxes. He asked if we could charge residents for recycling. Kaltsas said that waste hauler is paid for by the residents, but recycling is ultimately paid for by property taxes. Spencer said we don't have billing set up for this. He asked if we could be exempt since most people compost. It made more sense for Minneapolis than it does out here in the suburbs. Johnson said before regular recycling we had a building that turned into a junk pile.

Motion by Spencer, second by Johnson to approve Resolution 21-1207-07. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- b. **RESOLUTION 21-1207-08** – Considering approval to accept the redistribution of unrequested American Recovery Plan Act funds. Approval would allow the City to obtain additional funding if it becomes available.

Motion by Betts, second by Spencer to approve Resolution 21-1207-08. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- c. **RESOLUTION 21-1207-09** – Certifying Delinquent Sewer Service Charges. The City is annually required to certify delinquent sewer service charges to Hennepin County for inclusion in 2022 property tax bills.

Spencer clarifies that this is not tax deductible.

Motion by Spencer, second by McCoy to approve Resolution 21-1207-09. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- d. Consideration of a Stipulation Agreement with Erik and Marjorie Hegstrom to allow them to retain and occupy the existing house located on the property at 2160 Nelson Road while they construct a new home on the same property. The agreement requires an escrow deposit to be made and retained by the City until the new home is complete and the existing home is removed.

Motion by Grotting, second by McCoy to allow the owners to live in the existing home while constructing their new home. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

12. Request by residents on County Road 92 to consider a road name change for the portion of County Road 92 that will be turned back to the City following completion of the new overpass and realignment.

Johnson stated that he wanted to move this up on the agenda to be discussed first.

Keith Triplett who lives on 2555 County Rd 92 N where the City will be taking ownership from the County. He stated that on October 19th he got a letter from Hennepin County that the road name will be changed to Rumpza Rd. Sara Triplett polled the neighbors who would be affected. They discussed that none of the 4 residences were interested in the name that was chosen. He thought that it should be Cardinal Way since Egret was close by, nothing against the Rumpza's, but there have been other residents along this stretch that have passed away that could have been honored as well with the road name. Instead, they chose a bird name to not offend anyone. He said they felt disappointed they were not given a say in what the name should be. He thought they should have been involved in the naming process.

Johnson apologized that he did not feel heard regarding the name change. He said the City does have the prerogative to name any road within the City. Anyone that comes in with a new development, they do have a say in the name. There are three generations of Rumpzas that have grown up on that farm. He stated that he was disappointed that the neighbors of the Rumpzas feel this way because he believes history should be recognized here as it has been done in the past. He asked for other Council members to chime in if they have input.

Spencer asked what the logistics are to changing the name at this point. Kaltsas said that no signage has been ordered at this point so it would be just notifying the State. Betts asked if there is a possibility that they could use a Rumpza first name instead of their last name such as Robert Road. Johnson said that the family chose that name, so it was what they wanted.

Sue Fink said she has lived at 2775 Co Rd 92 for 52 years. They were good friends with the Rumpza family. She asked Marvin who the 3 generations of Rumpzas that lived there. She said they felt like they had no input in this selection.

Spencer said that he thought they should have been notified, especially having to deal with the inconvenience of the road work and now not being considered in the road name. He said they should be issued a letter of apology to the residents that they were not included in this decision. Betts said she agreed with Spencer's opinion. Spencer said since they already all agreed on a name, the Council should consider this.

Motion by Spencer, second by Betts to change Rumpza Rd to Cardinal Rd, Spencer to draft a letter to the Rumpza family to explain the decision and to apologize. Ayes: Johnson, McCoy, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

13. Open/Misc.

Johnson asked about the ARPA funds and what we can use it on. Kaltsas explained the ARPA funds will be available but no clear number yet. It has to be an expense associated with the act.

Kaltsas explained that the condition of the Public Works roof is a rubber membrane roof with a steel deck. It is 20 years old and is needing repair or replacement. After a contractor looked at it, it would be beyond repair and a new one would be needed. This year there was little rain so that was in favor for us this year. Johnson asked if there were any repairs lately. Shawn Bode said there has been but it's basically like putting Band-Aids on it. Grotting asked about the sky lights and if they are deteriorating. Bode said they skylights are fine but where the membrane is attached is where it is deteriorating and causing the problem. Grotting asked if 60M is the average in thickness. Bode said yes, the standard insulation is 3". McCoy said it sounds like if it's that bad we need to

get this fixed. He asked if this is the proposal that we are recommending. Kaltsas said Pinnacle is a better price which is a company Shawn likes. Vose told Kaltsas that the warranty is for 20 years so they may want to include the manufacturers warranty since it is not guaranteed in their contract.

Johnson asked if both companies have good reviews. Bode said he contacted several people about them, and they recommend them. Kaltsas said we just need to get multiple quotes. Spencer asked if we would want to consider the downspouts. Bode said he doesn't recommend replacing the existing downspouts at this time. Spencer said we can accept the bid from Pinnacle with language recommended.

Motion by Spencer, second by McCoy to accept the bid from Pinnacle with the additional language recommended by Vose. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

14. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 7:48 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

City of Independence

Request for Site Plan Review and Consideration of a Variance and Conditional Use Permit for the Property located at 1470 County Road 90

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	December 21, 2021
<i>Applicant:</i>	Charlie Johnson and Hard Knocks, LLC
<i>Owner:</i>	Hard Knocks, LLC
<i>Location:</i>	1470 County Road 90

Request:

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

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

Property/Site Information:

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

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

**UPDATE:**

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

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

- The applicant has provided a link to the proposed board and batten steel siding and noted that it has a different look and feel than standard corrugated metal siding.
- The proposed landscaping plan now provides 24 evergreen trees. In the initial report, it was estimated that approximately 22 trees would be required to screen the proposed building.
- The City completed a review of the proposed stormwater management plan and has several comments that will need to be reviewed and additional information submitted to address the comments. It was generally found that the site and proposed mitigation areas can accommodate the proposed improvements, but the infiltration areas may need to be modified to function as filtration basins.

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

Discussion:

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

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

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

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

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

530.23. - Building design requirements.

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

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

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

530.17. - Site development standards.

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

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

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

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). For this reason, accessory structures are treated the same as principal buildings.
 - a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural stone or stone veneers;

- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The applicant has prepared building elevations which show the proposed exterior of the new building. The primary material proposed is standing seam metal which is not consistent with the existing principal building. The principal building is constructed of pre-formed concrete panels. The applicant is asking the City to consider allowing the proposed accessory building to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

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

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

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

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

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

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

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

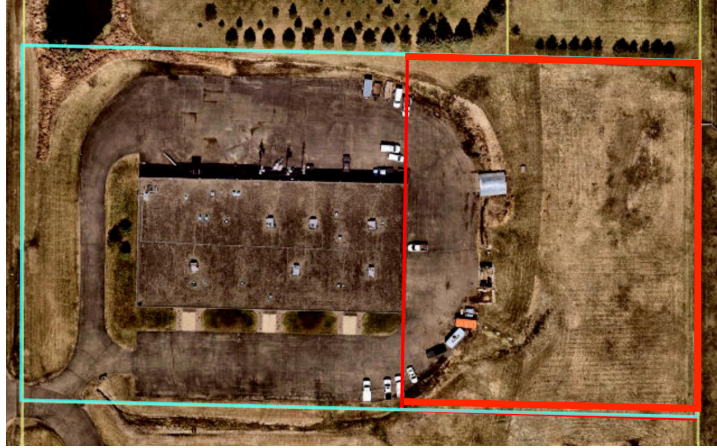
4. Landscaping/Screening – The applicant has provided a landscape plan for the proposed accessory building. The City has the following standards relating to screening and landscaping of commercial properties:

Subd. 5. Landscape standards.

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

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

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



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

5. Storm Water Management –The applicant is asking the City to consider additional impervious surface on the property. As a result, the applicant has provided a proposed stormwater management plan that includes three infiltration/retention basins. The City is in the process of completing a review of the proposed stormwater management plans. The plan will need to comply with all applicable standards relating to storm water.
6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 217,797 square feet. Thirty (30) percent of the total site area would allow 65,339 square feet of impervious coverage. The total existing impervious surface area today is 101,404 square feet or 46.6% impervious coverage. The proposed new building and associated site improvements would add an additional 20,707 square feet of impervious surface for a total of 122,111 square feet or 56.1%. This total exceeds the maximum coverage area permitted.

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

The applicant would like to construct a new accessory building for the purpose of storing equipment inside on the property. The applicant currently utilizes approximately 4,000 SF inside of the existing building and

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

Neighbor Comments:

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

Recommendation:

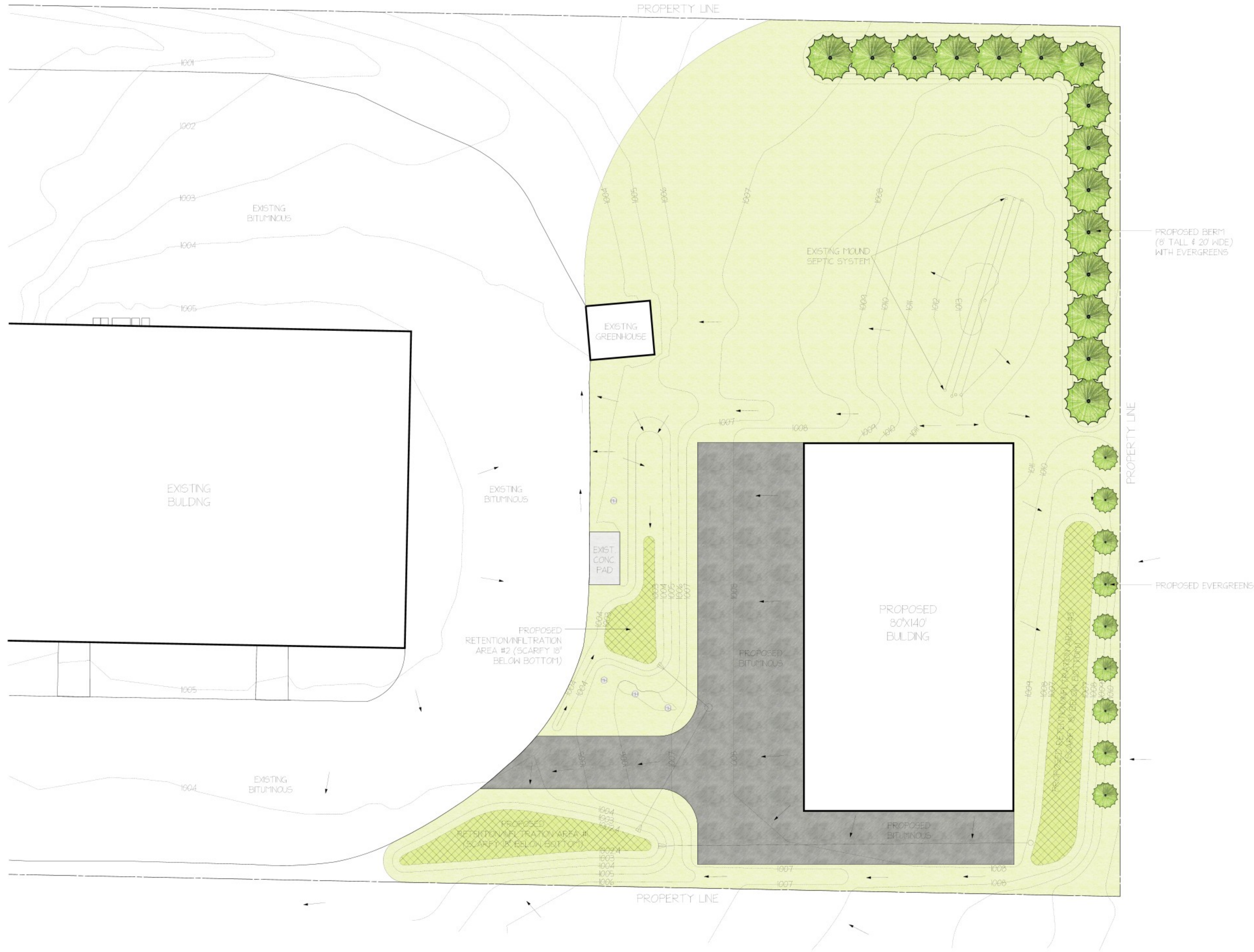
Staff is seeking a recommendation from the Planning Commission relating to the site plan review, a variance and conditional use permit. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

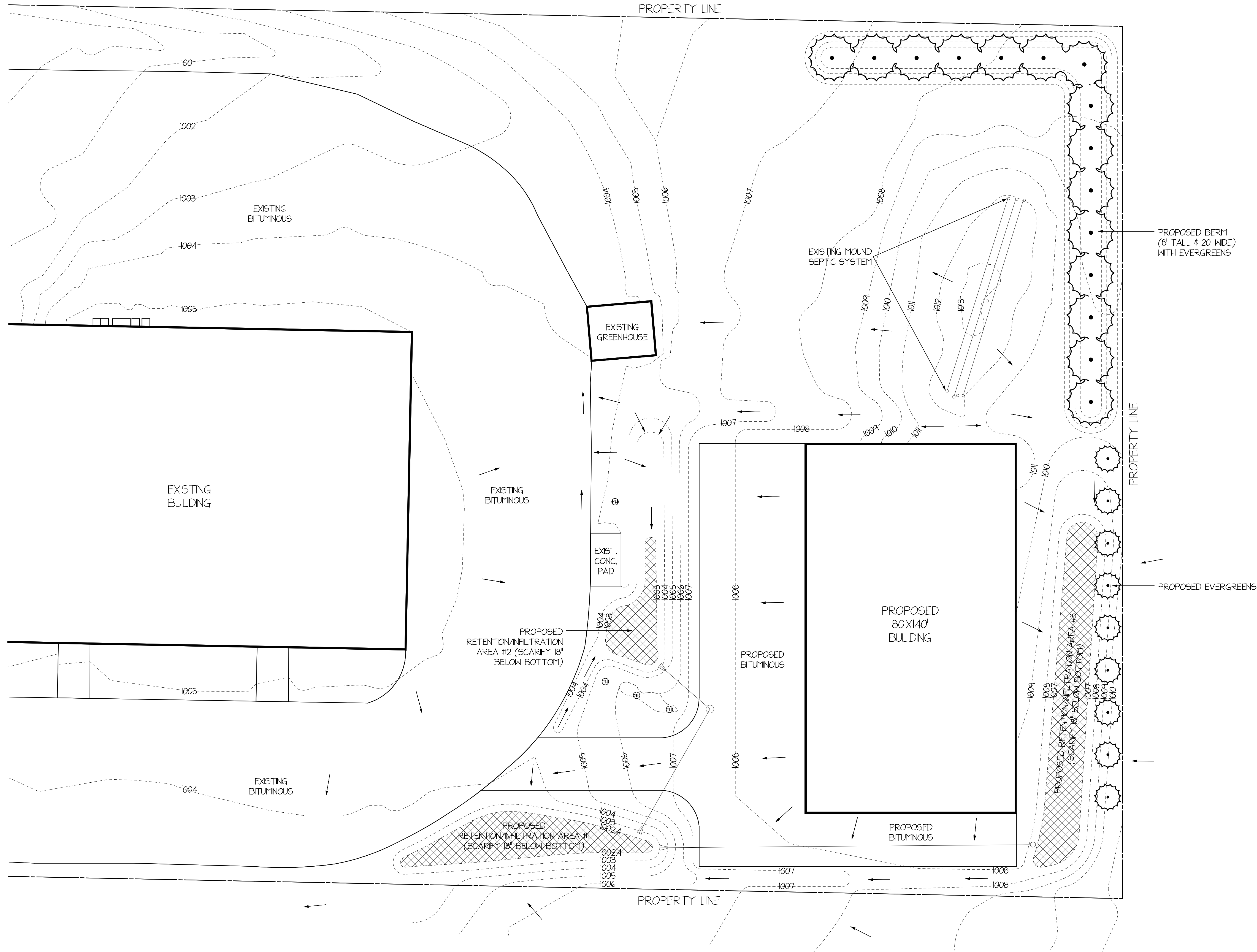
1. The proposed site plan approval, variance and conditional use permit request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 56.1% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a more detailed landscape plan prior to consideration by the City Council. The plan shall provide more detail relating to the type and size of the proposed trees.
5. The variance will allow the construction of a new building using exterior materials (steel panels) in accordance with the approved building elevations attached hereto as Exhibit C.
6. The setback variance will allow the proposed accessory building to have a reduced setback of 60 LF so that the required setback would be 40 LF from the rear property line.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:

- a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The additional landscaping will provide a buffer between the existing residential properties and the proposed accessory building.
 - c. The variance will allow the expansion of a commercial business in the City’s CLI zoning district. The City’s approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City’s applicable standards. The applicant shall submit cut sheets and a photometric plan to the City prior to obtaining building permit approval.
12. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
13. The Applicant shall pay for all costs associated with the City’s review of the requested site plan, variance and conditional use permit approval.
14. The resolution shall be recorded against the property.
15. The applicant shall pay all applicable fees associated with the City processing the application for site plan review, variance and conditional use permit.

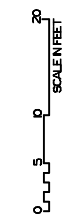
Attachments:

1. Application
2. Site Plan, Existing Site, Proposed Site, Stormwater Plans, Landscape Plan
3. Building Elevations, Floor Plan





SCALE



1" = 20'

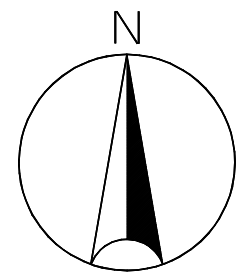
DATE

11/29/21

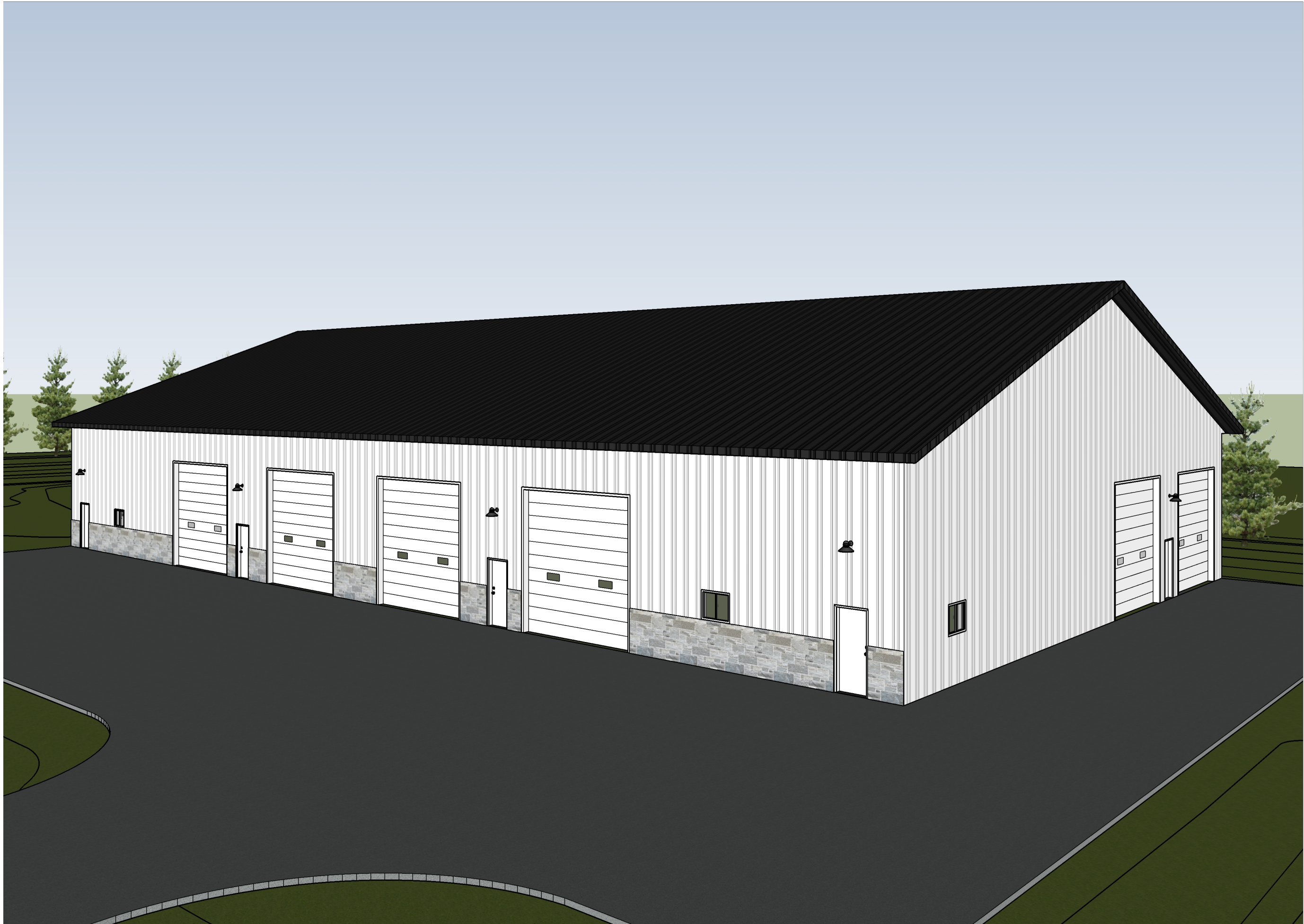
DESIGNER

MADELEINE
GESLINGER

CONCEPTUAL PLAN



HARD KNOCKS LLC
1470 County Road 90
Independence, MN 55359



Outdoor Escapes
2345 Daniels St.
Long Lake, MN 55356
952-926-6899

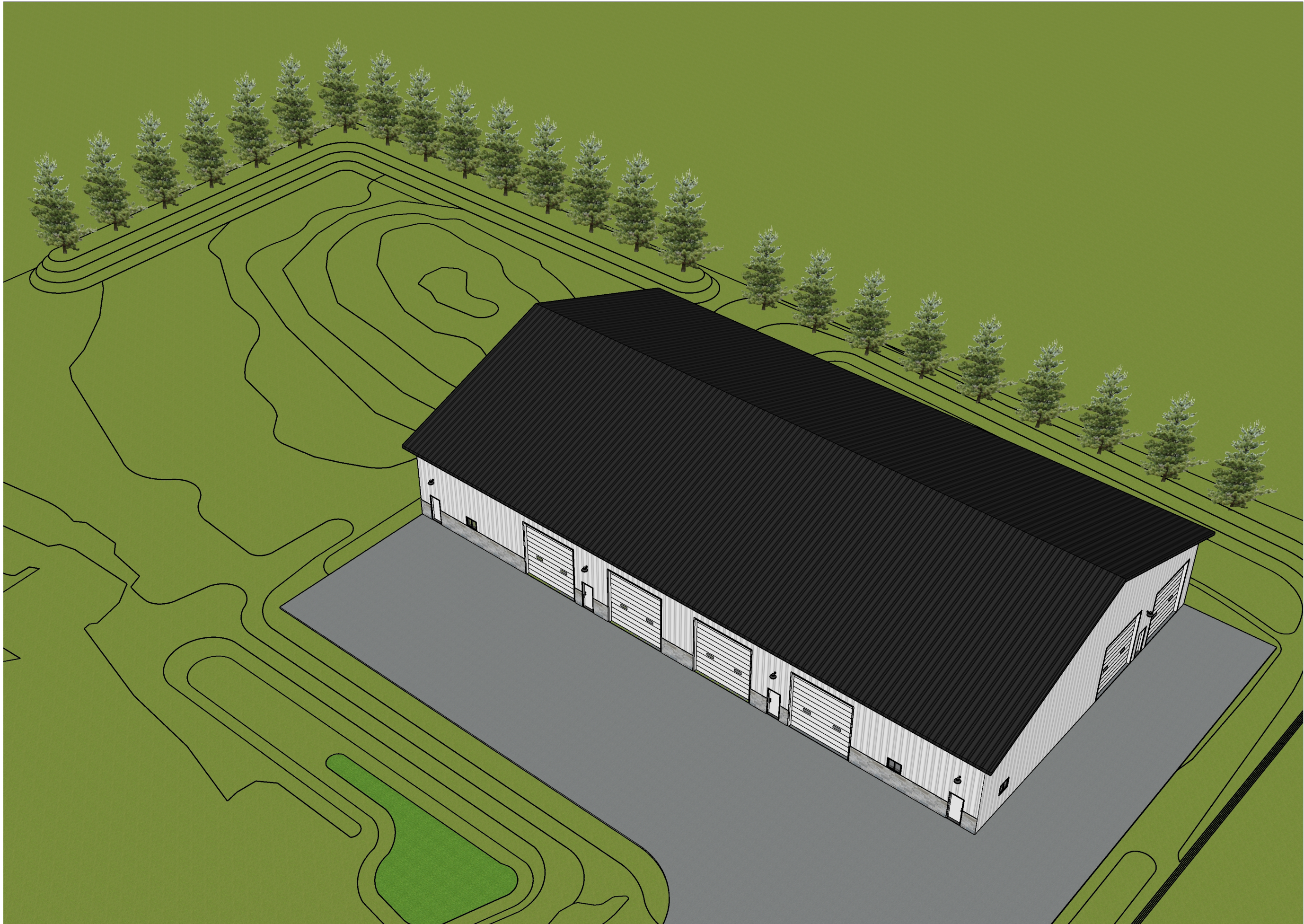
Project: **Hard Knocks LLC**
1470 County Road 90
Independence, MN 55359

ISSUE
12.1.21

DRAWN BY
Madeleine
Geislinger

Conceptual
Plan

A.01



OUTDOOR
EXCAPES

Outdoor Escapes
2345 Daniels St.
Long Lake, MN 55356
952-926-6899

Project: **Hard Knocks LLC**
1470 County Road 90
Independence, MN 55359

ISSUE
12.1.21

DRAWN BY
Madeleine
Geislinger

Conceptual
Plan

A.02

City of Independence

Request for a Variance to Allow a Site Plan Approval and Variance for a New Building on the Property Located at 2076 County Road 90

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 31, 2021
<i>Applicants:</i>	Adam Young
<i>Owner:</i>	I&K, LLC
<i>Location:</i>	2076 County Road 90

Request:

Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:

- a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
- b. Site plan review to construct a new structure to be constructed on the property.

Property/Site Information:

The subject property is located along the east side of County Road 90 just north of US Hwy 12. There is an existing home and two (2) detached accessory structures located on the property. There is an existing wetland that borders the entire east side of the property. The property has the following site characteristics:

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



UPDATE:

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

The applicant has also revised the building plans to show a brick wainscot along the western facing side of the proposed building. The remaining facades of the proposed and existing

building are proposed to be sided with typical post frame steel panels. There are several considerations that should be noted by the Planning Commission:

- Hennepin County has confirmed that they would allow a second access to the south that does not exceed 22' in width.
- The total impervious surface of this property is approximately 71,000 SF/16% of total site area. Maximum allowed for property within the CLI zoning district is 30%.
- The outdoor storage area is located on the east side of the site. There is limited visibility to this area from the surrounding property due to the extensive wetlands on the east and north side of the property. Typically, the City would require outdoor storage areas to be screened using a combination of fencing and landscaping.
- The proposed building meets applicable setbacks.
- A landscape plan has not been submitted to the City by the applicant. There are several areas that would typically require screening and planting:
 - New buildings and uses must be screened from adjacent residential zoning districts. The property to the north and east is zoned residential.
 - New buildings must meet minimum landscaping requirements. This includes one (1) 2.5-inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line. There is some existing landscaping (approximately 6 evergreen trees) along the west property line (CSAH 90).
- No stormwater analysis has been provided for this site. A portion of the area that is proposed to be resurfaced is already covered in a gravel surface. The increased area is being evaluated to determine if additional stormwater mitigation measures will be required.
- There are nine (9) designated employee parking spaces shown on the plan and located on the east side of the building. The applicant has noted that the proposed employee parking spaces will accommodate their current parking need.

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

PROPOSED BITUMINOUS



PROPOSED RECYCLED CONCRETE



LANDSCAPE AREAS



Discussion:

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

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

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

(a) Front yard setback

100 feet from centerline of road

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

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

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

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

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

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

530.23. - Building design requirements.

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

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

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

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

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

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

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

Site plan requirements are summarized as follows:

- 1. All new buildings must be constructed of approved materials. Approved materials are generally, brick, stone, decorative masonry block and similar materials.
- 2. Driveways and parking areas must be paved and defined by a concrete curb.
- 3. Adequate parking must be provided for all new uses.

4. New buildings and uses must be screened from adjacent residential zoning districts.
5. New buildings must meet minimum landscaping requirements. This includes one (1) 2.5 inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line.

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

- (1) The applicant is proposing to pave both existing access points into the site. The northern access point is the primary access; however, the applicant has approval to utilize the southern access driveway for the new building from Hennepin County. Both access points will need to meet the City's requirements for drive aisle width. The plan currently shows a narrower drive aisle than required. The applicant will need to revise the plans so that the proposed drive aisles are a minimum of 25 feet.
- (2) It should be noted that the City requires bituminous pavement and concrete curb and gutter for all commercial developments. The City previously granted a variance for this property to not require concrete curb and gutter when a similar site plan review was considered in 2013. The applicant has noted that they would like to leave the existing gravel parking and loading areas in place and pave just the entrance driveways along with three parking spaces (see image below). This site is somewhat unique in that there is an existing building and site improvements that do not meet all applicable criteria of the City. The City will want to consider to what extent the site should be brought into compliance with applicable standards.
- (3) The City has identified an employee parking need that exceeds the three proposed spaces. The applicant did not provide employee information to the City, but it has been identified that there are approximately 10-12 employee vehicles on site during normal business hours. Staff is seeking the direction of the Planning Commission relating to the proposed pavement, parking spaces and lack of curb and gutter.
- (4) The applicant will be required to submit a grading plan to the City detailing the proposed site improvements and building elevations. The City will want to review the grading plan to ensure that drainage from the bituminous pavement and proposed building does not impact the adjacent property and is mitigated prior to running into the adjacent wetland.
- (5) The applicant had previously installed a berm and landscape screening along the County Road 90 right of way (see image provided in this report). There is an existing evergreen tree row located along the south property line. Staff is seeking additional direction from the Planning Commission relating to the adequacy of the existing landscaping berm and plantings.
- (6) The total impervious surface coverage for this property cannot exceed 30% of the total lot area. The lot is 445,628 SF. The total impervious surface coverage in the proposed condition is 43,008 SF. The proposed existing and proposed improvements would comprise approximately 10% impervious surface coverage.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for a Variance and Site Plan Approval with the following findings and conditions:

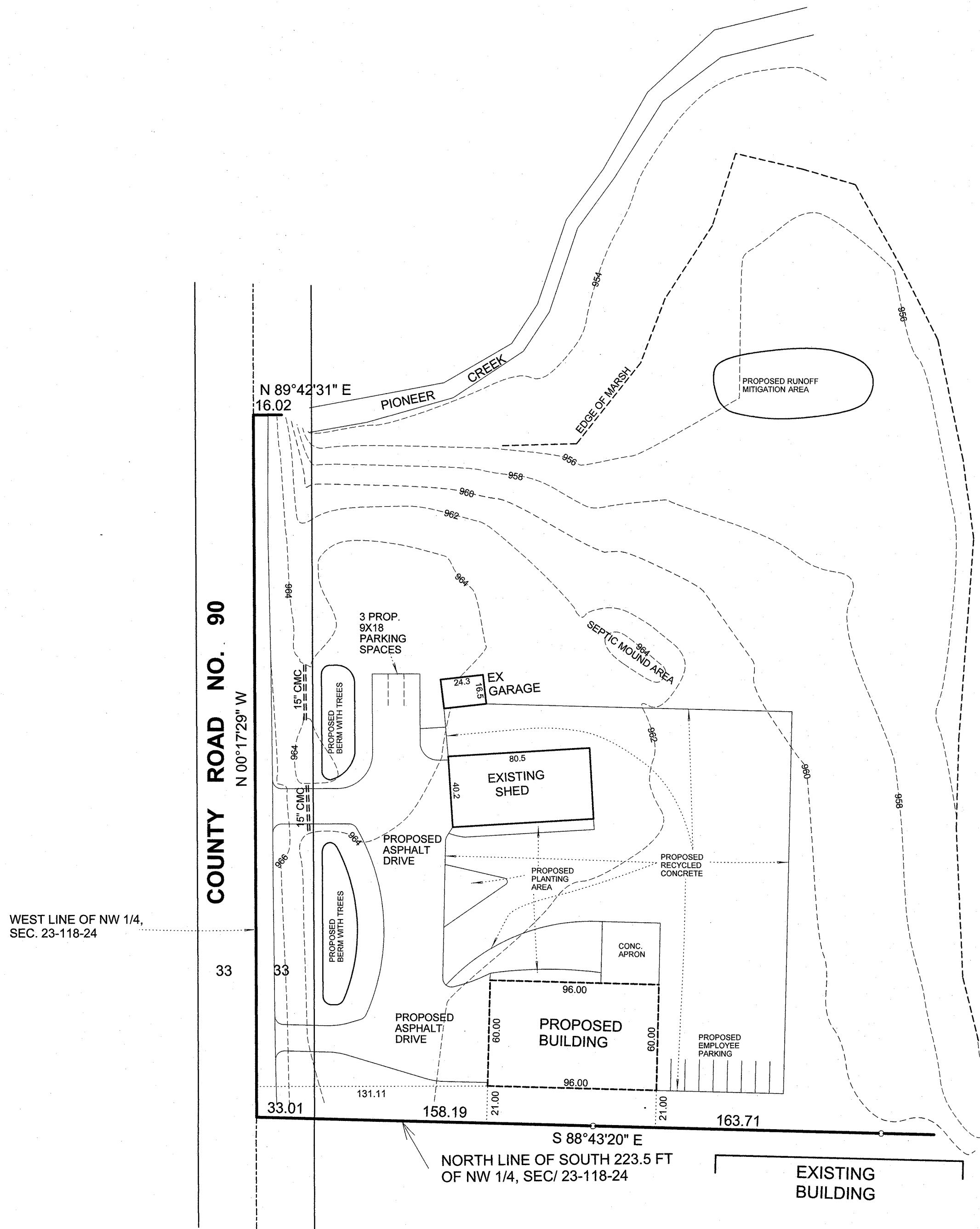
1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The proposed Site Plan approval request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures, in the City of Independence Zoning Ordinance.
3. Any change in use shall be subject to the City review and approval. Additional parking requirements may be required to be added to the site plan approval should the building change uses.
4. The applicant shall submit a site grading and construction plan and receive City approval prior to issuance of a building permit for the proposed improvements. The plan shall indicate the dimensions of the parking and driveway areas. The proposed dimensions shall meet the minimum ordinance requirements.
5. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C. The existing building will be permitted to be resided used matching steel panels.
6. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
7. The Applicant shall pay for all costs associated with the City’s review of the requested variance and site plan approval.
8. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.

Attachments:

1. Property Pictures

2. Site Plan
3. Building Elevations/Floor Plan

PROPOSED BUILDING LOCATION AND
TOPOGRAPHIC DETAIL FOR
ADAM YOUNG
IN THE NW 1/4 OF SEC. 23-118-24
HENNEPIN COUNTY, MINNESOTA

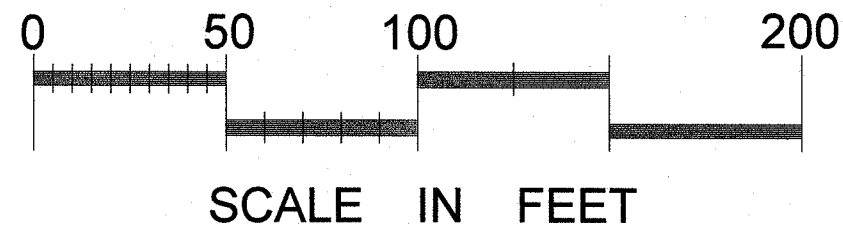
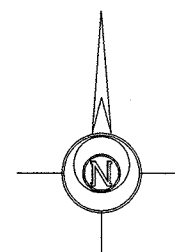


LEGAL DESCRIPTION:

That part of the Northwest Quarter of Section 23, Township 118 North, Range 24 West of the 5th Principal Meridian, lying north of the South 223.5 feet thereof and southerly and westerly of Pioneer Creek.

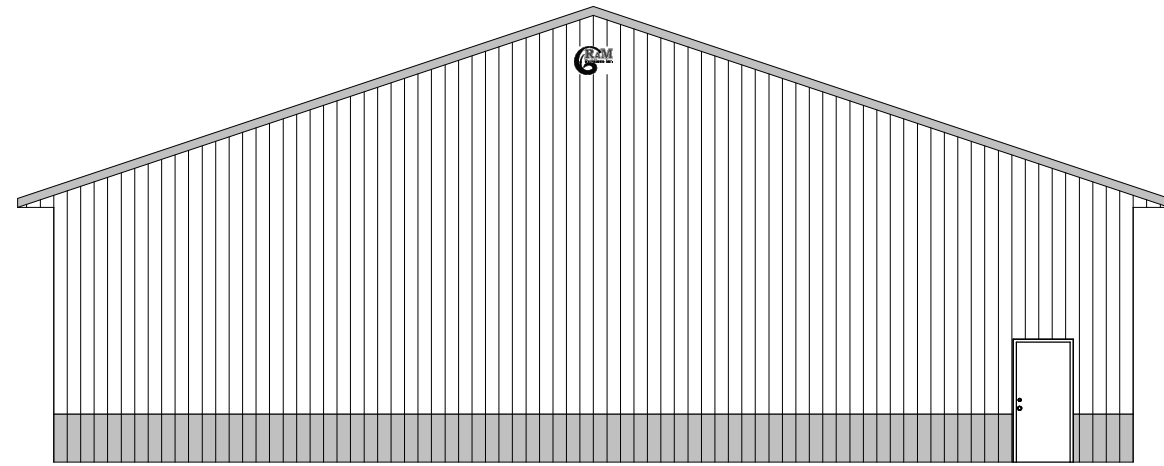
This survey shows the location of two existing buildings, topography, and a proposed building on the above described property. It does not purport to show any other improvements or encroachments.

- : Iron marker
- - - : Existing contour line
- - - : Proposed contour line
- Datum: NGVD-1929

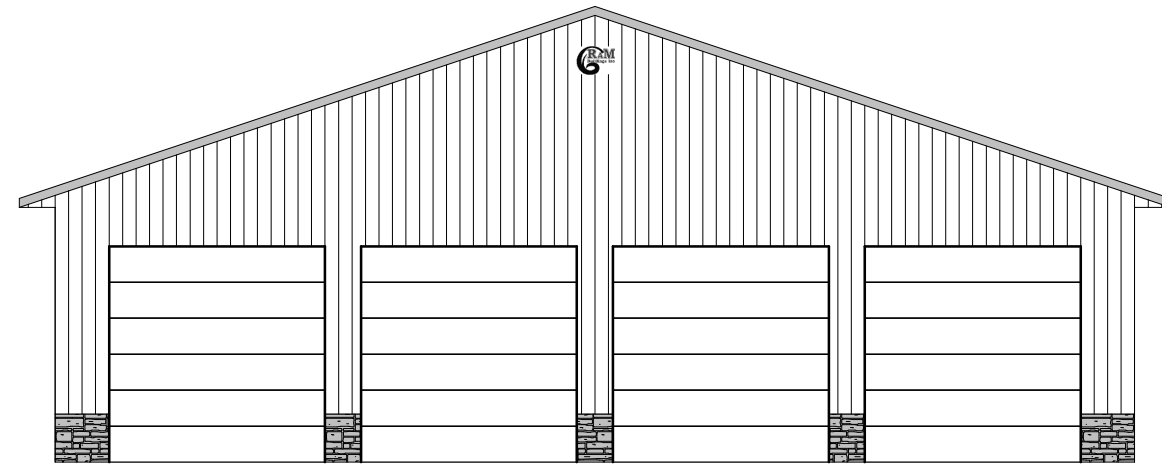


REVISIONS		DESIGNED	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Mark A. Gronberg</i> DATE <u>12-1-21</u> MINN. LICENSE NUMBER <u>12755</u>	DATE	8-7-21
DATE	REMARKS	DRAWN		SCALE	1"=50'
12-1-21	PROPOSED LAYOUT REVISIONS	CHECKED		SHEET	21-222
				SHEET	OF SHEETS

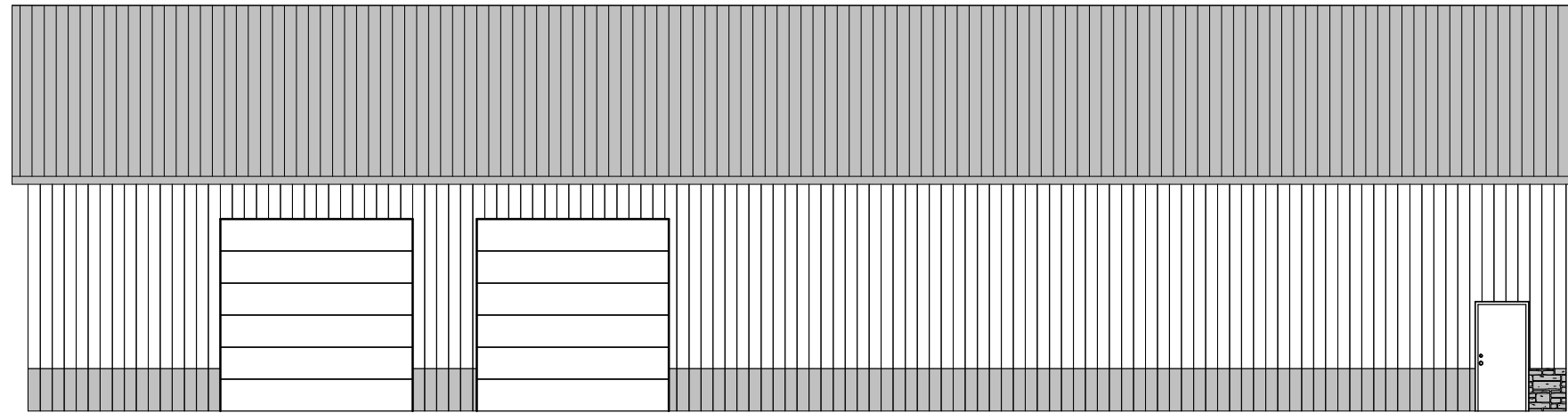
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



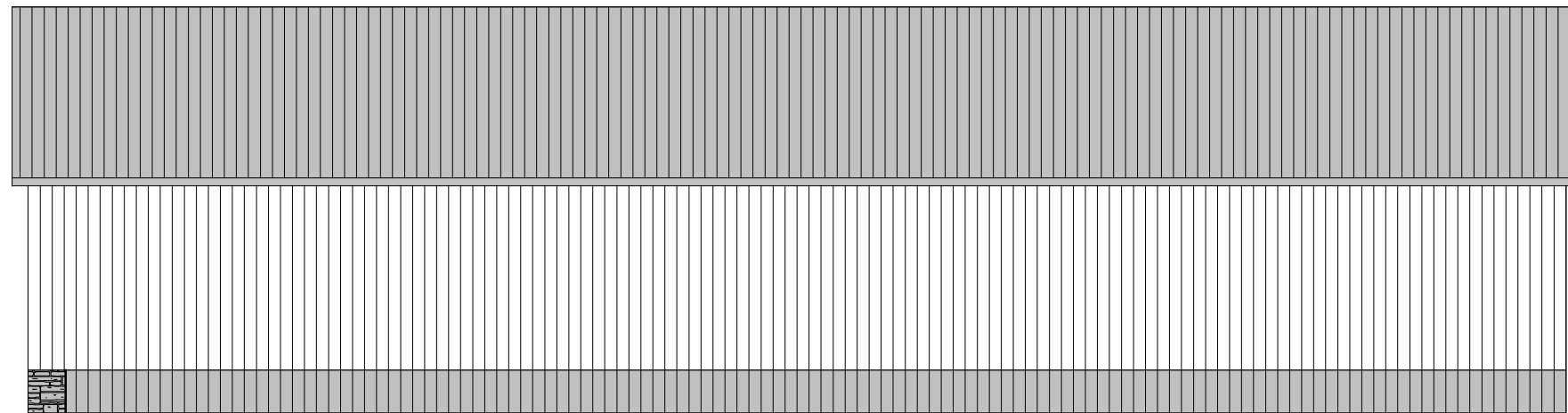
ENDWALL 1



ENDWALL 2



SIDEWALL 1



SIDEWALL 2

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DRAWN BY: JEREMY B.
 DATE: 9/29/2021
 SHEET 1 OF 3

ADAM YOUNG

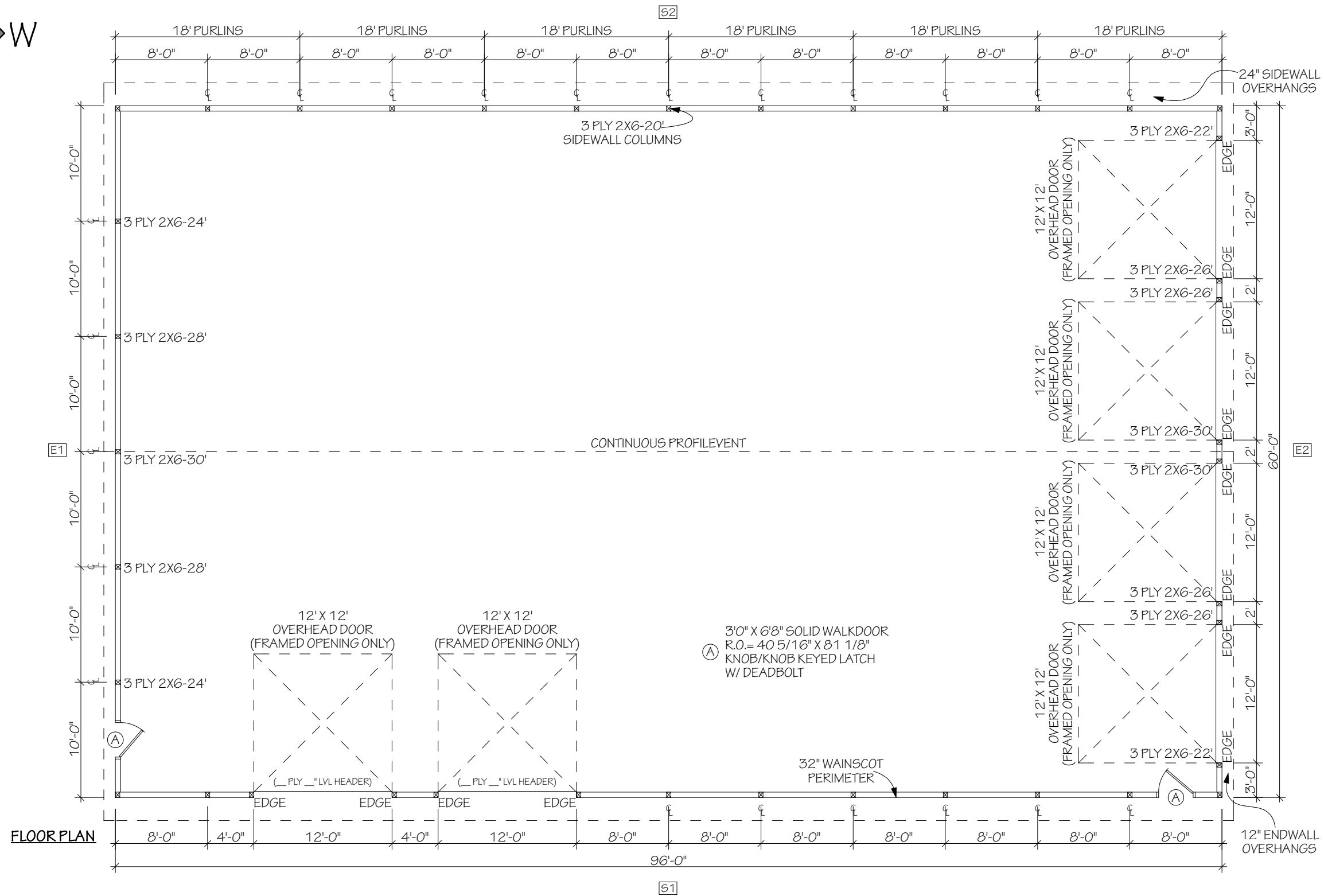
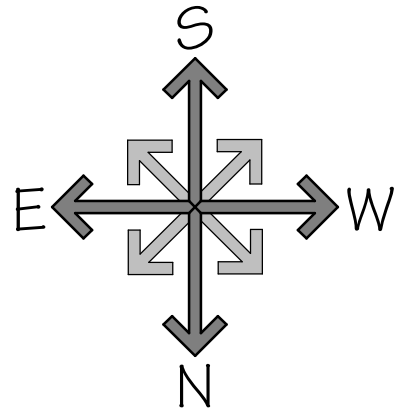
PROJECT NAME:
 PROJECT NUMBER: (21-130)

60'-0" X 96'-0" X 14'-0"

BUILDING DESCRIPTION:
 DESIGN NUMBER: P21146

592 Industrial Drive
 P.O. Box 660
 Winsted, Minnesota 55395
 320-485-2844 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number 20171976





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DATE: 9/29/2021
SHEET 2 OF 3

PROJECT NAME: ADAM YOUNG

PROJECT NUMBER: (21-130)

BUILDING DESCRIPTION:

60'-0" X 96'-0" X 14'-0"

DESIGN NUMBER: P21146

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P.O. Box 660
Winsted, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
www.rambuildings.com
Contractor License Number 20171976



ROOF CONSTRUCTION:

29 GAUGE COLORED STEEL ROOF
PANELS AND TRIM

50# (GROUND/SNOW LOAD) - 5# - 5#
ROOF TRUSSES

8' - 0" ON CENTER

WITH BRACING AS PER
ROOF TRUSS MANUFACTURER

EAVE CONSTRUCTION:

2X6 EAVE BOARD

METAL EAVE TRIM
W/ CLOSURES

24" SIDEWALL OVERHANG

NAIL TO POST WITH (8) 4" RINGSHANK NAILS.

WALL CONSTRUCTION:

29 GAUGE COLORED STEEL WALL PANELS
AND TRIM

2X4 WALL GIRTS AT 24" O.C.

3 PLY 2 X 6 WALL COLUMNS

AT 8' - 0" O.C.

32" WAINSCOTE

BASE TRIM

2X8 .60 TREATED
GRADE BOARD

COMPACTED BACKFILL

TREATED 2X6 X 12" BLOCKING
(ON TWO SIDES - EACH BLOCK
MUST BE ATTACHED W/
(5) GALVANIZED COATED NAILS)

24" DIAMETER X 8" THICK
POURED CONCRETE FOOTING AT
SIDEWALL COLUMNS / CORNERS

DIAMETER

SIDEWALL SECTION

RAKE CONSTRUCTION:

RAKE TRIM

12" ENDWALL OVERHANG

WALL CONSTRUCTION:

29 GAUGE COLORED STEEL WALL PANELS
AND TRIM

2X4 WALL GIRTS AT 24" O.C.

3 PLY 2 X 6 WALL COLUMNS

SPACED PER FLOOR PLAN

32" WAINSCOTE

BASE TRIM

2X8 .60 TREATED
GRADE BOARD

COMPACTED BACKFILL

TREATED 2X6 X 12" BLOCKING
(ON TWO SIDES - EACH BLOCK
MUST BE ATTACHED W/
(5) GALVANIZED COATED NAILS)

18" DIAMETER X 6" THICK
POURED CONCRETE FOOTING AT
ENDWALL COLUMNS

DIAMETER

ENDWALL SECTION



DRAWN BY: JEREMY B.

DATE: 9/29/2021

SHEET 3 OF 3

ADAM YOUNG

PROJECT NAME:

PROJECT NUMBER: (21-130)

BUILDING DESCRIPTION:

DESIGN NUMBER: P21146

592 Industrial Drive
P.O. Box 660
Winnet, Minnesota 55395

320-485-2844 800-710-4726
Fax 320-485-3625
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Contractor License Number 20171976



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City of Independence

Consideration of Zoning Ordinance Amendments for Subdivisions (Cluster Developments and Rural Residential Developments)

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: December 21, 2021

Request:

Subdivision Standards – Rural Residential Cluster Development Standards

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

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

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

1. **Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit:** The current Cluster Development standard requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. Planning Commission recommended that the City consider clarifying that the calculation be taken with the exception of State, County and Existing City right of way. New streets that would be required to serve the proposed lots would not be excluded from the calculation.
 - a. In addition to the density calculation, Planning Commissioners discussed the minimum lot width for lots developed under the cluster development provisions. Commissioners recommended a minimum of 150 feet.
 - b. One additional point of clarification has been brought to the City’s attention and pertains to the provision in the ordinance designating steep slopes. The cluster development standards (b, 6.) designates slopes in excess of 10% as “steep”. The City defines steep slopes in the Shoreland Overlay section of the ordinance (505.05, subd. 33) as slopes having an average of 12% or greater. Staff is seeking direction from the Planning

Commission relating to the question of steep slopes and whether or not the City should make it consistent with other areas of the ordinance?

2. **Section 530.05 Rural Residential District established., Subd. 3. Density:** Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. The Planning Commission recommended keeping the density “bonus” and then going to a straight calculation for each additional 5 acres of property.
 - a. Ownership of the Outlots created within a development. There has been questions and discussion historically about the ownership, allowable use and maintenance of the Outlots and open space created in cluster developments. Commissioners recommended that the City enter into an agreement with the developer designating the City’s ability to assess the property owners in the development for maintenance of the Outlot should the HOA not maintain them to an acceptable level. The current ordinance language has been amended to clarify this point.

Cluster Developments:

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

- (a) *Purpose. The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:*
 - (1) *Protect natural features in common open space.*
 - (2) *Improve the arrangement of structures, facilities and amenities on a site.*
 - (3) *Preserve the rural character of the community.*
- (b) *Criteria. A cluster development is a residential development in which a number of single family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.*
 - (1) *The development parcel must be 40 or more acres in size;*
 - (2) *A minimum of 50% of the gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, development must be preserved as open space, recreational space or agricultural use;*
 - (3) *A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and*

lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;

- (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;*
- (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;*
- (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of 12~~9~~% or other physical impediments;*
- (7) Lots within the development must have a minimum of 150 feet of frontage on a on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.*

*****RENUMBER REMAINING*****

- (8) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;*
- (9) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;*
- (10) All utilities must be placed underground;*
- (11) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;*
- (12) A development agreement must be entered into with the city.*

Rural Residential Developments:

530.07. Physical standards.

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

- (a) Minimum lot area (Added, Ord. No. 2010-01):^a 2.50 acres buildable land.

(b) Minimum lot frontage on an improved public road or street:

Lot Area	Minimum Frontage
2.50—3.49 acres	^b 200 feet
3.50—4.99 acres	^b 250 feet
5.00—10.00 acres	^b 300 feet

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

SUBD. 2 Remains

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

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

Planning Commission Consideration/Action:

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