



Please note that, pursuant to the authority provided by Minn. Stat. Sec. 13D.021, subd. 1(1), the City has determined that in-person meetings of the City Council are not practical or prudent due to the COVID-19 public health pandemic and the declared national, state, and local emergencies. Meetings of the Council will be conducted by electronic or telephonic means. Under Minn. Stat. Sec. 13D.021, subd. 3, to the extent practical and possible, the City Council will allow individuals to monitor the meeting electronically. Access to the meeting can be obtained online by following the link provided below or by contacting the City Hall for instructions and methods for obtaining access to the meeting.

Meeting Access Information: <https://www.ci.independence.mn.us/meetings>

PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY APRIL 20, 2021

7:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. March 16, 2021 Planning Commission Meeting
 - b. April 6, 2021 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Jeff Kazin (Applicant/Owner) is requesting the following action for the property located 7475 County Road 11 (PID No. 0911824120001) in the City of Independence, MN:
 - a. A conditional use permit to allow the construction of a new detached accessory structure that exceeds 5,000 SF on the property.
5. **PUBLIC HEARING:** Thomas Anderson (Applicant/Owner) is requesting the following action for the property located at 2076 Copeland Road (PID No. 20-118-24-23-0002) in the City of Independence, MN:
 - a. A rural view lot subdivision that would create a new buildable lot.
6. **PUBLIC HEARING:** Mike Schrader (Applicant) and Jim Wehmann (Owner) are requesting the following actions for the property located at 6625 Fogelman Road (PID No. 10-118-24-43-0009) in the City of Independence, MN.
 - a. Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.

- b. A minor subdivision to allow the creation of a new lot on the property located at 6625 Fogelman Road.
7. Donovan DesMarais (Applicant) and Jerry Wise (Owner) are requesting the following actions for the property located at the northeast corner of CSAH 11 and Woodhill Drive (PID No. 01-118-24-34-0010) in the City of Independence, MN:
 - a. Concept plan review for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).
8. Open/Misc.
9. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, MARCH 16, 2020 – 8:00 P.M.
(Virtual Meeting)

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Palmquist at 8:00 p.m.

2. OATH OF REAPPOINTED COMMISSIONERS

Thompson sworn in by Horner for a three-year term as Planning Commissioner.

2. ROLL CALL (all virtual)

PRESENT: Commissioners Garner, Dumas, Thompson and Palmquist
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Commissioner Volkenant
VISITORS: Patrick Farnham, John Nyhlen, Bryant Johnson

3. Approval of Minutes:

- a. February 16, 2021 Planning Commission Meeting
- b. March 2, 2021 City Council Meeting Minutes (For Information Only)

Motion by Palmquist to approve the February 16, 2021 Planning Commission minutes, second by Dumas. Ayes: Gardner, Dumas, Thompson and Palmquist. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

4. **TABLED FROM 2.16.2021:** John Nyhlen (Applicant) and Jeffrey Cunningham (Owner) request that the City consider the following action for the property located at 9226 Highway 12 (PID No. 07-118-24-34-0005) in Independence, MN:

- a. A variance to allow a ground mounted solar system that exceeds 500 SF in total area.

Gardner said it was way over-sized and Dumas agreed that it was six times the size permitted. Farnham said he read the 2040 Comprehensive Plan and the qualities of open space and clean air. Farnham noted this home has ground pumps for heating and cooling which require more energy to operate. He said the states threshold is 40kw and this is at that limit. Farnham said there are incentives from energy companies that offset the investments. These systems usually break even in 7-10 years.

Dumas said the packet states 62kw so where is that number coming from. Farnham said the 40kw is the “horsepower” of the engine for perspective. Nyhlen noted the ground-mounted systems are not meant to jam as much solar in as possible but rather trying to accommodate the customer. Thompson said that a lot of time has been spent on this ordinance so why would we now depart from all the work and research put into it. He doesn’t see where there is a practical difficulty resulting in a variance. Palmquist said he is an advocate of solar energy but feels this system is not the right fit.

Motion by Thompson, second by Palmquist to approve a CUP to allow a ground mounted solar system allowing items 1 and 2 while striking items 3 and 4 including updating the conditions that the maximum size of the system meets Ordinance requirements. Ayes: Thompson, Dumas, Palmquist and Gardner. Nays: Palmquist. Absent: Thompson. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Mike Kuka (Applicant/Owner) is requesting the following action for the property located at 4405 County Road 92 N. (PID No. 0411824310002) in the City of Independence, MN:

a. An amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N.

Kaltsas said the property is located on the west side of CSAH 92 and north of CSAH 11. The property is comprised of rolling topography, ponds, wetlands and pasture. The applicant has two properties under the same ownership. The properties have the following characteristics:

Property Information 4405 County Road 92 N

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: PID No. 04-118-24-31-0002 – 80.07 acres

Previous Approval/Conditional Use Permit:

The City approved a conditional use permit (CUP) for the subject property in 2016 to allow a commercial riding stable. The CUP was amended in 2018 to allow additional horses to be boarded on the property. The applicant is now seeking an amendment to allow a tack room to be located on the property. A commercial riding stable is further defined in the City's ordinance as follows:

Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use.

The commercial riding stable currently permitted allows the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility. The proposed tack room would be located near the pen areas on the south side of the property. The applicant is currently using a mobile trailer as a tack room on the property. Staff notified the applicant that the City would require an amendment for any type of structure on the property including a temporary trailer.

Staff has reviewed the request and offers several discussion points for further consideration by the City.

1. The applicant is proposing to use the existing trailer for several years prior to being able to construct a permanent structure in this location. Staff is generally agreeable to the use of the trailer for a temporary tack room given its location and proximity to surrounding properties.
2. The applicant has noted that they intend to construct a permanent structure in the future. The City could allow an amendment to the CUP which would allow the temporary trailer for period of time (5 years or similar) at which time the permanent structure would need to be constructed and the temporary structure removed.
3. The applicant further noted that the location of the proposed tack room near the existing pens is important to the operation of the commercial riding stable.

4. The temporary trailer could not be occupied as a temporary residence or for living quarters at any time.

Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of an amendment to the conditional use permit request it must find that it meets the criteria established within the zoning ordinance. 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 subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to the proposed tack room addition.

The City is not aware of any current complaints or concerns relating to the operation of the commercial riding stable on this property. The proposed conditional use permit amendment to allow a tack room (temporary trailer and then permanent detached accessory structure) is consistent with the Agricultural nature of the property and surrounding land uses. The Planning Commission will need to determine if the requested conditional use permit amendment meets the criteria for granting a conditional use permit.

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

Staff is seeking a recommendation from the Planning Commission for the request for a conditional use permit amendment. Should the Planning Commission make a recommendation to approve the requested action, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit Amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. All conditions stated in **Resolution No. 16-1213-02 AND 18-0710-01** shall remain in force.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions:

5. The City will allow the temporary use of the existing trailer as a tack room for a period not to exceed five (5) years from the date of City Council approval. The temporary trailer will need to be removed from the location upon completion of a permanent detached accessory structure. The City will permit a permanent tack room in the location designated on the approved site plan attached hereto as Exhibit A. The overall size of the permanent detached accessory structure shall be less than 1,500 SF.
6. The temporary trailer shall not be occupied as a temporary residence or for living quarters at any time.
7. The applicant shall pay for all costs associated with processing and recording the application for a conditional use permit amendment.

Thompson asked if this was generated by a phone call. Kaltsas said there was inquiry as to whether this being used as a residence. Kaltsas noted it was not but was being used as a tack room.

Gardner opened the public hearing.

Public Hearing Open

Mike Kuka said there is no plumbing, only electric. He said the bathrooms are in the arena so there is no reason to have a bathroom in the trailer. It is a place to pack horses. Kuka said this was a temporary structure until they can eventually put up a pole barn.

Thompson motioned to close the Public Hearing, second by Dumas.

Motion by Thompson, second by Palmquist to approve an amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N. (PID No. 0411824310002) in the City of Independence, MN: Ayes: Thompson, Dumas, Gardner and Palmquist. Nays: . Absent: Volkenant. Abstain: None. Motion Approved.

6. **PUBLIC HEARING:** Mark Kroskin (Applicant/Owner) is requesting the following action for the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN:

- a. A variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence.

Kaltsas said the applicant approached the City about the possibility of locating a new detached accessory structure in the northeast corner of their property. The applicant noted that they would like some additional storage space and identified the proposed location as the spot most desired for a multitude of reasons. The proposed detached accessory structure would be 1,050 SF (30' x 35') and would have a double overhead door. The proposed building would include a second story storage loft. The exterior building materials proposed would match the siding and roof of the house.

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

Side Yard Setback for Detached Accessory Structures:

Required: 15'-0"

Proposed (East): 10'-0" (variance of 5'-0")

Rear Yard Setback for Detached Accessory Structures:

Required: 40'-0"

Proposed: (North): 10'-0" (variance of 30'-0")

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

520.21. 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 Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.
- b. The property backs up to an Out lot owned by the Providence HOA. The City recently adopted standards that would allow the City's ABRC to consider allowing relief of the rear yard setback to a minimum of 15' (see actual ordinance provision below). The applicant was provided with this information.
 - a. *The property shares a rear yard property line with an outlet, and the setback will be at least 15 feet.*

There are several criteria that would need to be met in order for the ABRC to consider granting relief to the setback. One of those criteria is consent or agreement on the reduced setback from the property owner(s) of the adjacent property (HOA).

- c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
- d. There is an existing detached accessory structure located behind the house on the subject property. The overall size of this structure is approximately 475 SF. The City allows a maximum of 1,850 SF for the total permitted for all detached accessory structures on properties less than 2.5 acres. The total SF in the after condition would be 1,525 SF which is less than the maximum permitted.

- e. The alternate septic site location is located in the general vicinity of the proposed detached accessory structure. Moving the structure further away from the property lines (to the west and south) potentially encroaches further into the alternate site. This site is an estimated area and could likely be adjusted to the south and east when needed in the future.
- f. The applicant has noted that they would like to maintain the existing evergreen trees in this area and the proposed location makes this possibility more feasible.

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

Kaltsas said Staff is seeking a recommendation from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.
 - b. The property backs up to an out lot owned by the Providence HOA.
 - c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 30-foot reduction of the north rear yard setback and a 5-foot reduction of the east side yard setback to allow the proposed detached accessory 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 submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties.

Dumas asked why we have the 15' as he doesn't see a hardship.

Gardner opened the Public Hearing.

Public Hearing Open

Kroskin said the grade starts to drop off towards the swamp so quite a bit of fill can be saved if pushed more to the north side.

Dumas motioned to close the Public Hearing, second by Thompson.

Public Hearing Closed

Thompson said it doesn't meet the variance of 15 and 15. Dumas agreed and said an alternate septic site would be covered. He said 5' of fill is not that much and this doesn't rise to the level of a variance or hardship. Palmquist concurred with the group that the additional 5' should not create a practical difficulty for the applicant. Dumas said he agrees that the 45-15 is a nice compromise.

Kroskin said he is trying to avoid knocking down trees and there are no trails on this side of the outlet. He said he is the board President, and he has unanimous sign off from the board on this effort. Thompson said it still does not meet variance requirement and Gardner agreed that it is not a sure hardship. He said the tree is in the easement.

Motion by Palmquist, second by Thompson to deny a variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN: Ayes: Thompson, Dumas, Gardner and Palmquist. Nays: Absent: Volkenant. Abstain: None. Motion Approved.

Discussion around modifying the proposal to 15' instead of 10' with HOA approval.

Motion withdrawn by Palmquist.

Motion by Palmquist, second by Thompson to deny a variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted as proposed, however, the Planning Commission supports a 15' rear yard setback with the written approval of the HOA on the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN: Ayes: Thompson, Dumas, Gardner and Palmquist. Nays: Absent: Volkenant. Abstain: None. Motion Approved.

7. Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting a concept plan review for a subdivision of the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001. The proposed subdivision would ultimately require the rezoning of the property and a minor subdivision and would create eleven rural residential lots.

Kaltsas said the applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed subdivision of a portion of the subject property. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Rezone the property to the new zoning district.
2. Consider Preliminary Plat approval.
3. Consider Final Plat approval.

Comprehensive Plan/Rezoning

The City is in the process of updating the Comprehensive Plan from the 2030 plan to the 2040 plan. The City's 2030 plan identifies this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres. The 2040 Comprehensive Plan guides the eastern portion of this property for sewer residential.

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provides a general review of the various aspects within this report. The 2030 and 2040 Comprehensive Plan both guide the western portion of this property for RR-Rural Residential.

Rural Residential properties can realize the following number of lots:

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) Area of Lot Maximum Number of Record of Lots Permitted

7.5 acres or less One

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.

Based on a traditional Rural Residential subdivision, it is estimated that western portion of this property guided for RR can yield 11 lots (9, plus $(60-47.5 = 11.5)$ ($11.5/5 = 2$)).

Concept Plan Considerations:

The City has discussed the potential subdivision of this property with the applicant. The City discussed a couple of key considerations relating to the future development of this property and adjacent properties. The City noted that the Metropolitan Council has identified a potential future (beyond 2040) sewer expansion area which encompasses this property (see map below). The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, wetlands and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The proposed plan shows lots that would be accessed via a new cul-de-sac that would be connected to County Road 90. Hennepin County would ultimately need to approve any proposed road connection and may require both northbound and southbound turn lanes. It does not appear that the proposed access point would meet the County's spacing guidelines from Turner Road. This property does have the ability to be accessed via the Turner Road right of way.
2. The proposed development does not consider the use of the existing right of way known as the unimproved portion of Turner Road to the south. The City should discuss the future of Turner Road and whether or not this development should incorporate Turner Road into the design. At a minimum, the City may want to consider requiring dedication of the additional 33 feet of right of way.
3. The length of the proposed cul-de-sac (greater than ¼ mile) should be noted by the City. In addition, the City may want to consider a future connection of the proposed road to the east. The current plan does not provide for a future connection. The City would generally require that roads be extended to the edge of the property unless it is not feasible for a future road connection due to natural features, topography, etc.
4. The property abuts an industrial property to the north. The applicant should consider buffering and or berms along the north property line to mitigate the existing industrial development.

5. There is an existing powerline easement that bisects the property in the northeast corner. Proposed Lot 5 may need to be reconfigured to address the easement. Staff would likely want to further review grading, proposed building pads and septic sites.

6. There are probable wetlands that show up on the national wetland inventory in several locations on this property (see image below). A wetland inventory will be required to be prepared and submitted with preliminary plat. 7. The applicant will need to confirm that all lots meet the minimum of 2.5 acres of upland (buildable) area. In addition, the applicant will need to confirm that all lots can accommodate a primary and secondary septic site.

8. It appears that all of the proposed lots meet the minimum lot frontage requirements.

9. The overall property would need to be split in order to accommodate the proposed development. The remainder 90 acres would become a separate lot and likely not plated at this time.

10. The applicant will need to provide more information relating to the ownership and use of out lot A.

11. It is anticipated that the proposed homes would be custom built.

12. The proposed concept subdivision would be subject to the City's park dedication requirements. No park land dedication is shown on the concept plans. The City should provide feedback relating to possible park dedication on the subject property. It may be desirable for the City to consider some park development on this property. Discussion relating to park dedication should be provided by the City. The standard park dedication per lot fee would otherwise be applicable to all newly developed lots.

Staff would like direction and feedback relating to the general design and layout of the proposed subdivision. The City should consider whether or not a future path should be maintained for the extension of utilities to the west noting that there is not another undeveloped route. Consideration of a cluster development that would maintain a developable area that could accommodate the expansion of utilities in the future could be considered. The City should also provide additional feedback and direction relating to the development of Turner Road, future use and dedication of additional right of way.

The Planning Commission should review the plans and provide feedback to the applicant pertaining to the proposed concept plan. No formal action can be taken by the Planning Commission on the concept plan. There are additional steps that will need to be taken for any development of this property to occur.

Gardner asked why not put sewer in Turner Road and then blacktop it. Thompson said that made sense and what if Turner Road could be extended and do a cluster development with a U-shaped road that wrapped around the wetland. Gardner thought that would be the best way to get sewer out there. Kaltsas said maybe it would be possible to marry the two ideas for a win-win. Gardner asked why start to the east and that would be a good question for the applicant.

Johnson said the thought was of starting to the East and looked at an easement on the northern lots to continue sewer to the West. He said they had to get to County Road 83 first and then they can develop a medium density development over there. Thompson asked about the Turner Road discussion and south side entry plan. Johnson said it was looked at but if the comp plan gets approved there will be two very different neighborhoods. He said using Turner Road it would be a through road and that would not make sense for custom build homes.

Thompson said Turner Road should be strongly considered even if it is not used as an entry point. The number of county and state roads is becoming untenable. He said another problem is the delineated wetland on the west side. Thompson said he liked the updated powerline.

Johnson said if they used Turner Road, they would need to take out a lot of trees to make it a legitimate road. Thompson asked if the County would look at traffic and controlled access. Kaltsas said some lots on Turner back up to 33 and it could be an improved public street. Gardner asked if there could be sewer on the west side. Johnson said he would like to have it sewerred and it is imperative to have an easement. Gardner said he would like to see the whole thing. Palmquist said he is always excited about new developments and he wishes Johnson the best.

8. Open/ Misc.

9. Adjourn.

Motion by Thompson, second by Palmquist to adjourn at 10:00 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, APRIL 6, 2021 –6:30 P.M.
(Virtual Meeting/ All Attendees)

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 7:35 p.m.

3. PLEDGE OF ALLEGIANCE.

Brad Spencer led the group in the Pledge of Allegiance.

2. ROLL CALL (Note: all noted present were “virtually” present

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

ABSENT: None

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

VISITORS: Patrick Farnham (Cedar Creek), Manu Chopra, Mike Kuka, Bryant Johnson

3. ****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 March 16, 2021 Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20379-20385, Batch #2 Check Numbered 20386-20406).
- c. Approval of Pay Request #4 From Rochon for the City Hall Renovation Project.
- d. Approval of a Solicitor Permit for Window, Roofing, Siding Services Contractor –VL Builders.
- e. Approval and Award of Annual Dust Control and Gravel Contracts.

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

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

- Johnson added discussion on construction parking

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings: (Virtual)

- Planning Commission Meeting
- LBAE Meeting

Grotting attended the following meetings: (Virtual)

- Planning Commission Meeting
- LBAE Meeting

McCoy attended the following meetings:(Virtual)

- Planning Commission Meeting
- LBAE Meeting

Betts attended the following meetings: (Virtual)

- Planning Commission Meeting
- West Hennepin Chamber Meeting on detours for businesses in Maple Plain
- LBAE Meeting

Johnson attended the following meetings: (Virtual- unless noted)

- Planning Commission Meeting
- National League of Cities webinar
- Hennepin County Active Living Committee Meeting
- LMCC “State of the City Address”
- University of Minnesota webinar
- Senior Community Services Board Meeting
- Sensible Land Use Coalition Meeting
- American Experiment Meeting on Energy
- League of Minnesota Cities First Amendment Rights Meeting
- Zoom with Congressman Phillips
- LBAE Meeting
- Hennepin County meeting on construction equipment

Horner attended the following meetings: (Virtual)

- Planning Commission Meeting
- LBAE Meeting
- Construction meetings with various companies
- BKV architect meeting

Kaltsas attended the following meetings:

- MnDOT meetings on construction efforts
- Cares Funding Meeting

6. John Nyhlen (Applicant) and Jeffrey Cunningham (Owner) request that the City consider the following action for the property located at 9226 Highway 12 (PID No. 07-118-24-34-0005) in Independence, MN:

- a. **RESOLUTION 21-0406-01:** Considering approval of a conditional use permit to allow a ground mounted solar system not exceeding 500 SF and denial of a variance to allow a ground mounted solar system that exceeds 500 SF in total area.

Kaltsas said the applicant approached the City in 2020 about the possibility of installing a ground mounted solar system on the subject property. The City provided the applicant with the requirements and discussed the process for initially developing the City's standards relating to ground mounted solar systems. All ground mounted solar systems require a conditional use permit. Ground mounted solar systems are limited to a maximum square footage of 500 square feet.

Ground mounted solar systems have the following requirements:

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

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.*
- (b) Ground-mounted systems shall be located only in rear or side yards.*
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District*
- (d) Ground-mounted systems shall be wholly screened from view from the public right-of-way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.*
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.*
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.*
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.*
- (h) Ground-mounted systems shall have a maximum area of 500 SF.*
- (i) The maximum height for any component of the system shall be 15 feet.*
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.*
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.*

The proposed ground mounted solar system would be located in the rear yard of the existing home. The proposed solar system would be comprised of two separate ground mounted arrays. The total square footage of the two arrays is proposed to be 2,600 SF (1,300 SF per array). The proposed system would exceed the maximum square footage permitted by 2,100 SF. The arrays would be setback approximately 40 feet from the north rear property line (rear yard) and 55 feet from the west side property line (side yard). The required setback for the rear yard is 40 feet and the required setback for the side yard is 30 feet. The proposed ground mounted system would have a maximum height of 9'-3" to the top of the highest portion of the panels.

The City requires systems to be wholly screened from view of the public right of way and adjacent residential structures. There is a residential home and property just to the south of the subject property and proposed location of the ground mounted array. The proximity of the proposed ground mounted system to the nearest residence is approximately 250 feet. The distance from the proposed solar arrays to the Hwy 12 right of way is approximately 350 feet. The City will need to discuss whether or not additional screening should be added to the south property line should the request be recommended for approval. There is some existing vegetation located along the south property line (north property line of the adjacent property). One additional consideration relating to screening is that the panels will be oriented to face south.

The applicant has provided the City with a site plan and images of the proposed solar system. The system is comprised 120 panels. The panels are oriented to the south and will be installed at a 30-degree angle to the ground. The proposed panels are mounted to a galvanized metal racking system. The racking system is proposed to be secured to the ground using helical pilings. The proposed solar panels are a mono Perc cell panel that has an anti-reflection coating. This type of panel is typically a little darker blue in color.

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.*

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)*

The City has discussed the proposed ground mounted solar system with the applicant. The proposed ground mounted solar system exceeds the City's maximum size for ground mounted solar systems. The energy generated by this system 38.4 kW (AC) falls just below the maximum amount permitted by the state tariff limits for residential systems. The applicant has noted that the homeowners are planning on remodeling the home and installing a ground source HVAC system. The ground source system will generate a significant energy need for the property. There are a few additional considerations that should

be noted by the City. The maximum size of permitted by a ground mounted solar system (500 SF) was based on the size of a typical residential solar system. This system would require the City to grant a variance to the maximum size to allow 2,100 additional square feet of surface area. The criteria for granting a variance are provided within this report. The City will need to find that the size limitation on ground mounted systems creates a hardship to the owner. Additionally, the City will need to also find that the granting of a variance will not alter the essential character of the area and maintain the reasonable use of the property.

- The proposed system is a residential system that generates an amount of energy that comes in just below the maximum permitted for a residential installation. The system will generate approximately 62,000 kWh in the first year. The average residential property across the US uses approximately 10,649 kWh per year and as much as 15,000 kWh per year. The proposed system meets the location, setback and maximum height requirements of the zoning ordinance.
- The property has only one neighboring and potentially impacted property. The visibility of this system from the Hwy 12 right of way is limited or fully screened. The existing vegetation that separates the two properties is comprised primarily deciduous trees/shrubs.
- The location of the proposed solar system is close to a potential wetland area (see yellow – possible and blue - probable areas below). The applicant is going to need to verify the extents of the wetland and confirm that no impact or a de minimis impact to the wetland is permitted. This may require a wetland delineation, adjusting the location within this general area of the property or splitting the system into three shorter arrays versus two longer arrays. The City will need to determine if the system should be further screened from the south property line.

The City will also need to find that the proposed variance and conditional use permit meet the criteria for granting both and continues to allow the reasonable use and enjoyment of the surrounding properties. This site located off of US Hwy 12, the orientation of the proposed solar system and the relationship to the surrounding properties all aid in the mitigation of potential impacts relating to the ground mounted solar array. The City has received some verbal questions relating to the project and whether or not this is a commercial installation. It was noted that this is a residential installation. The City has not received any written comments regarding the proposed variance and conditional use permit.

Kaltsas said the Planning Commissioners discussed the request for a variance and conditional use permit to allow a ground mounted solar system that exceeds the allowable square footage of 500 SF. Commissioners initially tabled this item to allow the applicant an opportunity to address the Commissioner and provide additional information relating to the need for the additional size. It was noted by the petitioner that their usage would be less than the amount of power generated by the proposed system and that they would be selling the power that is not use back to the utility provider. They noted that this would help with the economics of the proposed system and create a faster rate of return on the solar investment. Commissioners discussed the intent of the 500 SF limitation and asked whether or not a “typical” residential system could be constructed within the parameters established.

Staff noted that the City has had only one other request for a ground mounted system which was approximately 450 SF and that CUP was approved. Commissioners believed that the intent of the ordinance in place was to allow ground mounted systems that would supply power to support a residential home, but that would not generate additional power for sale or in excess of need. Commissioners ultimately recommended approval of a conditional use permit to allow a 500 SF system and denial of the variance requesting additional square footage. The Planning Commission recommended approval of the conditional use permit to allow a ground mounted solar system and denial of the requested variance to allow a 2,6000 SF ground mounted system with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the conditional use permit will be subject to the following conditions:
 - a) The applicant shall verify the extents of the wetland boundary and confirm that no impact or a de minimis impact to the wetland is permitted by all regulatory authorities. This may require a wetland delineation. Based on the information provided relating to the wetland boundary, the proposed location and layout of the solar array may need to be adjusted or the array may need to be split into three shorter arrays versus two longer arrays.
3. The conditional use permit will include the following conditions:
 - a) The conditional use permit will allow a 500 SF ground mounted solar system that is installed in accordance with the approved plans attached hereto as Exhibit A.
 - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
4. The variance to permit a 2,600 SF ground mounted solar system is denied based on the following findings:
 - a) The City finds that the criteria for granting a variance have not been satisfied by the applicant.

Specifically, the City finds the following:

1. The proposed 2,600 SF ground mounted solar system is larger than needed to support a residential property and does impact the essential character of the property and surrounding properties.
2. The proposed variance, if granted, would allow a ground mounted solar system that provides energy in excess of the needs of the residential property.
3. Potential impacts resulting from the larger ground mounted solar system have not been adequately mitigated by the applicant and would impact the adjacent property.
5. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and variance.

Johnson said it is hard to go beyond the ordinance in place. Grotting said there would not be a return on investment. Vose said economic hardship does not warrant a variance. He said “use” variances may not be granted as the code does not allow it. Betts said the Planning Commission did a very good job in their review. The applicant should have looked at the ordinances as it is clear and there is no commercial use allowed.

Farnham said the return on investment was a part of the application, but the main purpose was to supply energy for the applicant. They use about 25kw of energy so a 500 square foot solar system would only provide for half of that need. Farnham also noted that solar has environmental benefits with low impact on surrounding grounds and wetland. He said the ROI is important but not the main driver.

Motion by Betts, second by Spencer to approve RESOLUTION 21-0406-01: Considering approval of a conditional use permit to allow a ground mounted solar system not exceeding 500 SF and denial of a variance to allow a ground mounted solar system that exceeds 500 SF in total area. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

7. Mike Kuka (Applicant/Owner) is requesting the following action for the property located at 4405 County Road 92 N. (PID No. 0411824310002) in the City of Independence, MN:

a. **RESOLUTION 21-0406-02:** An amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N.

Kaltsas said the City approved a conditional use permit (CUP) for the subject property in 2016 to allow a commercial riding stable. The CUP was amended in 2018 to allow additional horses to be boarded on the property. The applicant is now seeking an amendment to allow a tack room to be located on the property. A commercial riding stable is further defined in the City's ordinance as follows:

Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use. The commercial riding stable currently permitted allows the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility. The proposed tack room would be located near the pen areas on the south side of the property. The applicant is currently using a mobile trailer as a tack room on the property. Staff notified the applicant that the City would require an amendment for any type of structure on the property including a temporary trail Staff has reviewed the request and offers several discussion points for further consideration by the City.

1. The applicant is proposing to use the existing trailer for several years prior to being able to construct a permanent structure in this location. Staff is generally agreeable to the use of the trailer for a temporary tack room given its location and proximity to surrounding properties.
2. The applicant has noted that they intend to construct a permanent structure in the future. The City could allow an amendment to the CUP which would allow the temporary trailer for period of time (5 years or similar) at which time the permanent structure would need to be constructed and the temporary structure removed.
3. The applicant further noted that the location of the proposed tack room near the existing pens is important to the operation of the commercial riding stable.
4. The temporary trailer could not be occupied as a temporary residence or for living quarters at any time.

Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of an amendment to the conditional use permit request it must find that it meets the criteria established within the zoning ordinance. 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 subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to the proposed tack room addition. The City is not aware of any current complaints or concerns relating to the operation of the commercial riding stable on this property. The proposed conditional use permit amendment to allow a tack room (temporary trailer and then permanent detached accessory structure) is consistent with the Agricultural nature of the property and surrounding land uses. The Planning Commission will need to determine if the requested conditional use permit amendment meets the criteria for granting a conditional use permit.

The Planning Commissioners reviewed the request and asked questions of the applicant and staff. Commissioners discussed the temporary use of the trailer and the timing for the replacement with a permanent structure. It was noted that the application intends to replace the temporary structure within the five-year window considered. Commissioners found that the request for an amendment met the criteria established in the City's zoning ordinance and confirmed that the conditions limiting use to a tack room were sufficient. Commissioners recommended approval of the CUP amendment.

Planning Commissioners recommended approval of 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 Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. All conditions stated in **Resolution No. 16-1213-02 AND 18-0710-01** shall remain in force.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions:
 - a) The City will allow the temporary use of the existing trailer as a tack room for a period not to exceed five (5) years from the date of City Council approval.
 - b) The temporary trailer will need to be removed from the location upon completion of a permanent detached accessory structure. c) The City will permit a permanent tack room in the location designated on the approved site plan attached hereto as **Exhibit A**. The overall size of the permanent detached accessory structure shall be less than 1,500 SF.
 - d) The temporary trailer shall not be occupied as a temporary residence or for living quarters at any time.
5. The applicant shall pay for all costs associated with processing and recording the application for a conditional use permit amendment.

Kuka said he was installing a roof on the south side of the trailer that will be unattached and asked if that was ok. Kaltsas said that was fine. Johnson asked if the trailer was attached to the ground. Kuka said it is blocked up at the moment to make it sturdy and he is going to anchor the corners as well.

Motion by Johnson, second by Spencer to approve RESOLUTION 21-0406-02: An amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. Mark Kroskin (Applicant/Owner) is requesting the following action for the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN:

a. **RESOLUTION 21-0406-03:** A variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence Curve.

Kaltsas said the applicant approached the City about the possibility of locating a new detached accessory structure in the northeast corner of their property. The applicant noted that they would like some additional storage space and identified the proposed location as the spot most desired for a multitude of reasons. The proposed detached accessory structure would be 1,050 SF (30' x 35') and would have a double overhead door. The proposed building would include a second story storage loft. The exterior building materials proposed would match the siding and roof of the house.

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

Side Yard Setback for Detached Accessory Structures:

Required: 15'-0"

Proposed (East): 10'-0" (variance of 5'-0")

Rear Yard Setback for Detached Accessory Structures:

Required: 40'-0"

Proposed: (North): 10'-0" (variance of 30'-0")

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

520.21. 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.

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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 Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.

b. The property backs up to an Out lot owned by the Providence HOA. The City recently adopted standards that would allow the City's ABRC to consider allowing relief of the rear yard setback to a minimum of 15' (see actual ordinance provision below). The applicant was provided with this information.

a. The property shares a rear yard property line with an out lot, and the setback will be at least 15 feet.

There are several criteria that would need to be met in order for the ABRC to consider granting relief to the setback. One of those criteria is consent or agreement on the reduced setback from the property owner(s) of the adjacent property (HOA).

c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.

d. There is an existing detached accessory structure located behind the house on the subject property. The overall size of this structure is approximately 475 SF. The City allows a maximum of 1,850 SF for the total permitted for all detached accessory structures on properties less than 2.5 acres. The total SF in the after condition would be 1,525 SF which is less than the maximum permitted.

e. The alternate septic site location is located in the general vicinity of the proposed detached accessory structure. Moving the structure further away from the property lines (to the west and south) potentially encroaches further into the alternate site. This site is an estimated area and could likely be adjusted to the south and east when needed in the future.

f. The applicant has noted that they would like to maintain the existing evergreen trees in this area and the proposed location makes this possibility more feasible.

The City received written acknowledgement from the Providence HOA that it approves the requested variance.

Planning Commissioners discussed the application and asked questions of staff and the application.

Commissioners reviewed more specifically the existing property conditions and the need for an additional five-foot encroachment into the setback on both sides of the proposed shed. Commissioners asked about the location of the secondary septic site and its proximity to the proposed shed. Commissioners discussed the existing trees on the property. Commissioners ultimately found that the request for a variance from the north (rear property line) property line would meet the criteria recently established in the amended zoning ordinance and could have been considered by the Accessory Building Review Committee (ABRC).

Commissioners recommended approval of the rear yard setback variance only with a condition that the applicant provide written correspondence from the Providence HOA acknowledging consent to the reduced setback. The City has received the written acknowledgement. Commissioners did not recommend approval of the reduced side yard setback.

Planning Commissioners recommended approval of a variance to allow a reduced rear yard setback of 15 feet with the following findings and conditions:

1. The requested 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 Rural Residential District.
 - b. The property backs up to an out lot owned by the Providence HOA and they have provided written acknowledgement of their approval of the requested variance to the City.
 - c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 30-foot reduction (40 feet required, 10 feet permitted) of the rear yard setback (north property line) and no reduction of the side yard setback east property line which requires a 15-foot setback) to allow the proposed detached accessory 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 submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties.
 5. The applicant shall pay all fees to the City associated with the review and approval of the requested variance.

Spencer asked about Resolution #3 and Kaltsas noted it would be corrected to correct language.

Motion by Spencer, second by Betts to approve RESOLUTION 21-0406-03 per Staff revisions to be final approved on the consent agenda at the next meeting: A variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence Curve. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting a concept plan review for a subdivision of the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001. The proposed subdivision would ultimately require the rezoning of the property and a minor subdivision and would create eleven rural residential lots.

Kaltsas said the applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed subdivision of a portion of the subject property. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Rezone the property to the new zoning district.
2. Consider Preliminary Plat approval.
3. Consider Final Plat approval.

Kaltsas noted the City is in the process of updating the Comprehensive Plan from the 2030 plan to the 2040 plan. The City’s 2030 plan identifies this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres. The 2040 Comprehensive Plan guides the eastern portion of this property for sewer residential.

2030 Comprehensive Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provides a general review of the various aspects within this report. The 2030 and 2040 Comprehensive Plan both guide the western portion of this property for RR-Rural Residential. Rural Residential properties can realize the following number of lots:

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)

Area of Lot Maximum Number of Record of Lots Permitted

7.5 acres or less One

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.

Based on a traditional Rural Residential subdivision, it is estimated that western portion of this property guided for RR can yield 12 lots (9, plus $(62.6-47.5 = 15.1)$ $(15.1/5 = 3)$). The applicant is asking for the City to consider granting 13 lots based on a different way to calculate density (taking $62.6 - 42.6 = 20$) $(20/5 = 4)$ which would yield 13 lots. The City has historically calculated density based on the high-end number shown in the table and not the low-end number. Further direction will need to be provided relating to the density permitted.

The City has discussed the potential subdivision of this property with the applicant. The City discussed a couple of key considerations relating to the future development of this property and adjacent properties. The City noted that the Metropolitan Council has identified a potential future (beyond 2040) sewer expansion area which encompasses this property (see map below). The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, wetlands and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The proposed plan shows lots that would be accessed via a new cul-de-sac that would be connected to County Road 90. Hennepin County would ultimately need to approve any proposed road connection and may

require both northbound and southbound turn lanes. It does not appear that the proposed access point would meet the County's spacing guidelines from Turner Road. This property does have the ability to be accessed via the Turner Road right of way.

a. Hennepin County has preliminarily reviewed the concept plan and provided the following comments:

We offer the following comments generally in support of city notes included in the city's summary report along with some additional consideration:

- We do not support the proposed cul-de-sac street app. 400' N of Turner Rd (660' spacing guidelines minimum)*
- We very much support the idea of directing access to Turner Rd and requiring the developer stub the street to city specifications at this alignment.*
- Northside alignment to Quass Cutoff Rd is perhaps another preferred access alignment*
- Regardless of street alignment, we recommend full left and right-turn lanes for the access to provide residents and visitors a safer, more comfortable deceleration into the site (11 SF homes/50mph/ADT 2,500)*
- Aligning to existing public streets while strongly preferred, presents a challenge to match turn lanes for the existing west side of intersection. We welcome further discussion with the city on how best to deliver this amenity as well (now or in the future). Unfortunately, I do not see a pavement overlay on our schedule (2021-2024) at this time*
- If/when replatting we support dedication to match a 50' half right-of-way as proposed along both CSAH 90, and CSAH 83. There likely would need to be additional ROW at turn lanes however;*
- We recommend the city consider a 'ghost plat' of how to incorporate this new development into a future internal planned street network (esp N-S) with local connections to existing streets. Need to minimize connections to county road We appreciate any further consideration and welcome additional discussion as needed*

2. The proposed development does not consider the use of the existing right of way known as the unimproved portion of Turner Road to the south. The City should discuss the future of Turner Road and whether or not this development should incorporate Turner Road into the design. At a minimum, the City may want to consider requiring dedication of the additional 33 feet of right of way.

3. The length of the proposed cul-de-sac (greater than ¼ mile) should be noted by the City. In addition, the City may want to consider a future connection of the proposed road to the east. The current plan does not provide for a future connection. The City would generally require that roads be extended to the edge of the property unless it is not feasible for a future road connection due to natural features, topography, etc.

4. The property abuts an industrial property to the north. The applicant should consider buffering and or berms along the north property line to mitigate the existing industrial development.

5. There are probable wetlands that show up on the national wetland inventory in several locations on this property (see image below). A wetland inventory will be required to be prepared and submitted with preliminary plat.

6. The applicant will need to confirm that all lots meet the minimum of 2.5 acres of upland (buildable) area. In addition, the applicant will need to confirm that all lots can accommodate a primary and secondary septic site.

7. It appears that all of the proposed lots meet the minimum lot frontage requirements.

8. The overall property would need to be split in order to accommodate the proposed development. The remainder 90 acres would become a separate lot and likely not plated at this time.

9. The applicant will need to provide more information relating to the ownership and use of out lot A.

10. It is anticipated that the proposed homes would be custom built. 11. The proposed concept subdivision would be subject to the City's park dedication requirements. No park land dedication is shown on the concept plans. The City should provide feedback relating to possible park dedication on the subject property. It may be desirable for the City to consider some park development on this property. Discussion relating to park dedication should be provided by the City. The standard park dedication per lot fee would otherwise be applicable to all newly developed lots.

Staff would like direction and feedback relating to the general design and layout of the proposed subdivision. The City will need to provide direction relating to whether or not Turner Road should be maintained in its current location and eventually improved to a full road section. This determination will likely be necessary prior to the consideration of this development moving forward. The City should consider whether or not a future path should be maintained for the extension of utilities to the west noting that there is not another undeveloped route. Consideration of a cluster development that would maintain a developable area that could accommodate the expansion of utilities in the future could be considered. The City should also provide additional feedback and direction relating to the development of Turner Road, future use and dedication of additional right of way.

Planning Commissioners discussed the proposed concept plan and asked questions of the applicant and staff. Commissioners noted that access is going to be an important issue to resolve prior to moving forward. Commissioners noted that Turner Road should be considered and even if not fully constructed at this time, provide the point of access into the development rather than the proposed "mid-block" connection to CSAH 90. Commissioners noted that there are properties located along Drake Drive that need access to an improved road.

The City Council should review the plans and provide feedback to the applicant pertaining to the proposed concept plan. No formal action can be taken by City Council on the concept plan. There are additional steps that will need to be taken for any development of this property to occur.

Spencer noted connectivity could be through Turner Road and emergency vehicles could use an east/ west development. Kaltsas said it is a good conversation and trying to anticipate issues with different types of connections. McCoy asked if Turner Road sewer connections would be better to the west. Kaltsas said if Turner is built out than the sewer line could be built that way.

Johnson said the wetland delineation was done but the file was too large to email. He said there are 2.5 buildable acres per lot. Hennepin County said access off of County Road 90 would never happen so Turner would be better for access. He said once the eastern portion is completed there will be access from Main Street. Betts asked Vose what the legal implications are for the City if Turner is not used as a road. Vose said the City could vacate or close Turner Road but alternate access has to be considered. He said it was a difficult question to answer in the abstract. Grotting said it was cost prohibitive to use Turner Road due to the wet conditions. Betts asked about developing a road to the North. Kaltsas said that is a good point and illustrated different ideas including Quass etc. Grotting said if Turner went all the way through it would be very busy or they would come through Drake. He noted all the traffic cannot be funneled to County Road 83. Spencer asked about Lot 1 with the wetland in the middle of it and what challenges would be presented for septic. Johnson said there is a new plan showing the delineated wetlands. Kaltsas said that maybe there is not

as much wetland as originally highlighted. Grotting asked Mayor Johnson about the tiling. Johnson said the water runs down along the north edge of Turner Road. Betts said she would ride horseback along there, and it would get muddy but not impassable. Spencer said he understands Johnson's cul-de-sac plan, but he thinks the development of Turner could be valuable to the City. He said he would not recommend abandoning Turner Road. Mayor Johnson noted Hilltop donated 30' of land to Turner Road.

10. MS4 Permit Update – Consider Approval of and Authorization to Submit Updated Permit Application/TMDL Compliance/BMP Activity Schedule in Accordance with MPCA Requirements.

The MPCA released the new MS4 permit in November 2020. The City of Independence has until April 15th to submit a permit application, including an updated TMDL form. After submittal, the application will be reviewed by the MPCA and go through a 30-day public notice before being approved. Once the application is approved, the City will have 12 months from the date of approval to implement the new permit requirements. The new requirements include:

- Increased education requirements
- Requiring a public education activity event
- Additional regulatory mechanisms for pet waste and salt management
- Increased documentation for inspections
- Increased training for all field staff (including police and fire departments)
- Compliance schedule for TMDLs

We are requesting the City Council authorize the submittal of the attached permit application and TMDL compliance/BMP activity schedule to the MPCA.

Johnson noted it would be good to put educational information in our newsletter and Kaltsas agreed.

Motion by Spencer, second by McCoy to approve the MS4 Permit Update –Approval of and Authorization to Submit Updated Permit Application/TMDL Compliance/BMP Activity Schedule in Accordance with MPCA Requirements. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

11. Open/ Misc.

Johnson noted the request to park construction trailers in the church lower parking lot over the summer as needed.

Motion by McCoy second by Grotting to approve the parking of construction vehicles for staging purposes at the church parking lot over the summer as needed. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

12. Adjourn.

Motion by Spencer, second by Betts to adjourn at 9:20 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

DRAFT

City of Independence

**Request for a Conditional Use Permit to
Allow an Accessory Structure Larger than 5,000 SF on the
Property located at 7475 County Road 11**

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 20, 2021
Applicant: Jeff Kazin
Property Owner: Jeff and Jennifer Kazin
Location: 7475 County Road 11

Request:

Jeff Kazin (Applicant/Owner) is requesting the following action for the property located 7475 County Road 11 (PID No. 0911824120001) in the City of Independence, MN:

- a. A conditional use permit to allow the construction of a new detached accessory structure that exceeds 5,000 SF on the property.

Property/Site Information:

The property is located on the south side of County Road 11 and just east of the intersection of County Road 11 and County Road 92 N. The property has an existing home and one additional detached accessory structure. The property is primarily comprised of tillable acreage and is actively farmed. The property has the following characteristics:

Property Information: 7475 County Road 11
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: 63.08 acres



Discussion:

The applicant approached the City with plans to add a second detached accessory structure on the subject property. It was noted that the proposed 7,500 square foot detached accessory structure would exceed the maximum square footage permitted of 5,000 without a conditional use permit. The applicant would like the City to consider granting a conditional use permit to allow the proposed 7,500 SF accessory building to be added to the property.

In reviewing the request, the City determined that there was a possible wetland located in the general vicinity of the proposed building (see image below). The applicant worked through the wetland delineation process and last week it was determined that no wetlands existed in the vicinity of the proposed shed and or as shown on the national wetland inventory.



All accessory structures greater than 5,000 square feet require a conditional use permit

530.01 Agricultural District established.

Subd. 3. Accessory uses.

(d) Detached agricultural storage buildings, barns, or other structures, accessory to an existing single-family dwelling and subject to the following criteria:

3. **The maximum square footage of any individual accessory building or structure shall be 5,000 square feet.**

The proposed detached accessory building is 7,500 square feet in size (60' x 125'). There is an existing ~5,500 square foot detached accessory structure already on the property. For properties greater than 10 acres, there are no maximum total allowable detached accessory structure square footage limitations. The proposed building would be used for the personal and private storage of agriculture equipment associated with the applicant's farm. There would be no commercial use of the accessory structure permitted. The proposed detached accessory structure would be constructed using materials and colors identical to the existing accessory structure. The building would be oriented so that the doors are facing to the west with no openings on the north, south and east sides.

The applicant has provided the City with a site survey, floor plan and building elevations of the proposed building. It should be noted that there are no doors shown on the “open” side of the building, but the applicant intends to fully enclose the building in the future with overhead doors.

The proposed site and buildings have the following characteristics:

Site Area: 63.08 Acres

Required Setbacks:

Front Yard: 85 feet from centerline
Side Yard: 30 feet principal structure
15 feet accessory structure
Rear Yard: 40 feet

Proposed Setbacks:

Front Yard: N/A (500+ feet from CL of CSAH 11)
Side Yard: 15 feet (east side property line)
Rear Yard: N/A (500+ feet from rear property line)

The proposed detached accessory structure would meet all applicable building setbacks.

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 visited the site and discussed the proposed detached accessory structure with the applicant. The conditional use permit would allow an accessory structure larger than 5,000 SF. The City is being asked to determine whether or not the proposed accessory structure larger than 5,000 SF would meet the criteria for granting a conditional use permit.

Additional Notes/Considerations:

The applicant is proposing to construct a detached accessory structure to provide additional storage for use with their farm. The applicants live on the subject property. The applicant has not submitted any information pertaining to building lighting. All building lighting will need to comply with the City's lighting standards. The City typically reviews building lighting during the building permit review process. No additional building screening is proposed given the proximity of all structures on adjacent properties combined with the existing vegetation and general screening provided by the placement of the building.

The applicant has prepared a site plan and building plans for the proposed site improvements. The City will want the applicant to submit a grading and drainage plan with the building permit to ensure runoff from the building is adequately routed and or mitigated prior to exiting the property.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. The applicant shall provide a proposed grading and drainage plan for review by the City.
3. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
4. No commercial use of the proposed detached accessory structure shall be permitted.
5. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.

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 with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The applicant shall provide a proposed grading and drainage plan for review by the City.
4. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
5. No commercial use of the proposed detached accessory structure shall be permitted.
6. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
7. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Site Pictures
2. Application
3. Site Survey
4. Building Floor Plan
5. Building Elevations

Attachments

7475 County Road 11 (Looking south)



7475 County Road 11 (Looking southeast)



7475 County Road 11 (Looking east)





**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: jeff e kazin
Address: 7475 county rd 11
maple plain, Minnesota
55359
Primary Phone: 6127100987
Email: farm9@me.com

Owner Information

Name: jeff e kazin
Address: 7475 county rd 11
maple plain, Minnesota
55359
Primary Phone: 6127100987
Email: farm9@me.com

Property Address:

PID:

Planning Application Type: Variance

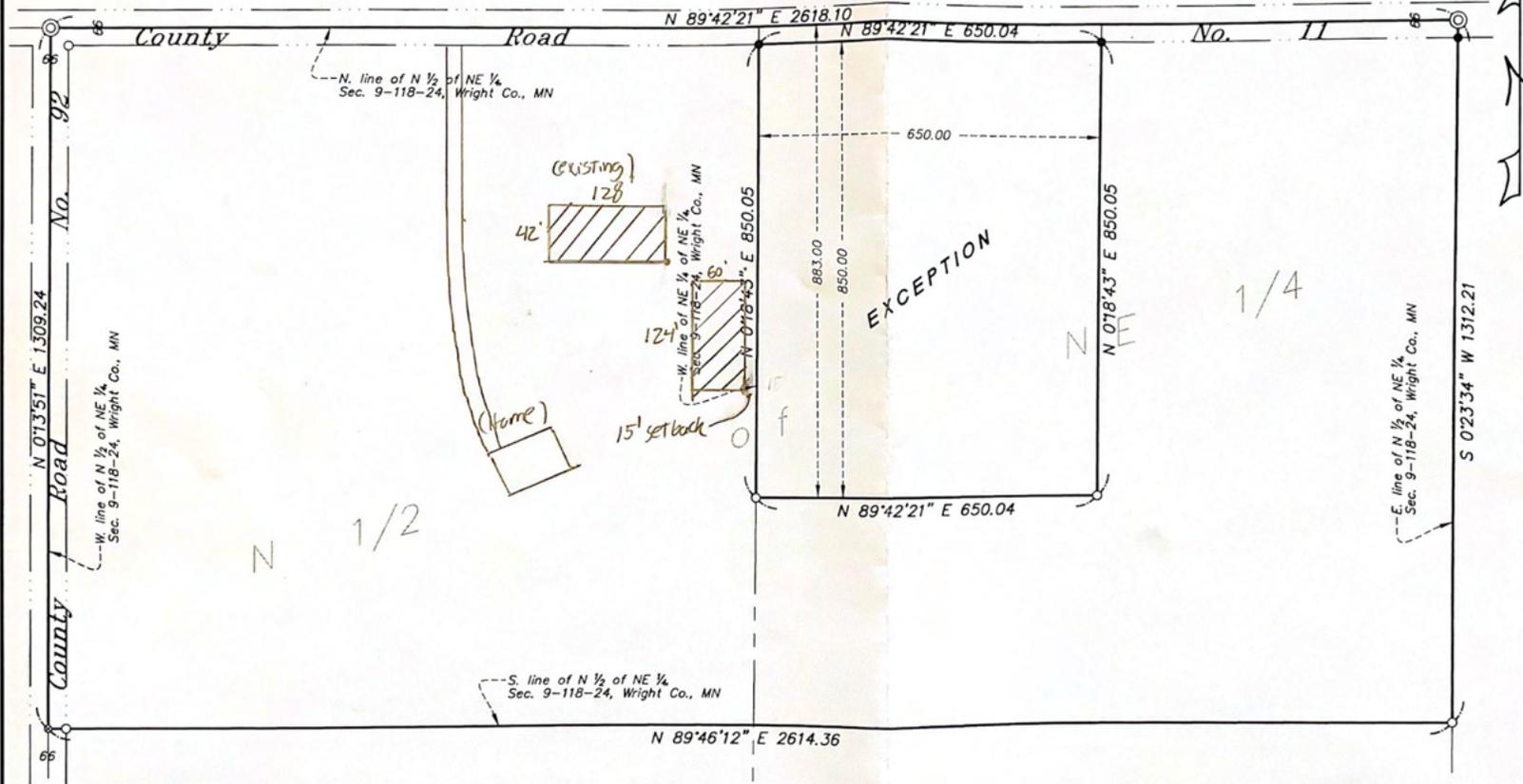
Description:

Supporting Documents: Site Survey (Proposed Conditions), Construction Plans

Signature:

Certificate of Survey

Prepared for: Oppidan Brokerage Services

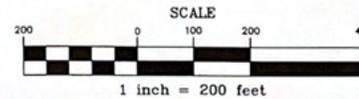


Legal Description (supplied by client)

The North one-half (1/2) of the Northeast one-quarter (1/4) of Section 9, Township 118, Range 24, except the South 850 feet of the North 883 feet of the West 650 feet of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 9, Township 118, Range 24, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Legend

- Found Iron Monument
- Set Iron Monument (LS 14700)
- ◎ Cast Iron Monument



Bearings based on assumed datum.

Job Number:	7113
Book/Page:	LL
Survey Date:	12-17-09
Drawing Name:	oppidan-brokerage.dwg
Drawn by:	KLB
Revisions:	

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

Paul B. Schoborg
Paul B. Schoborg

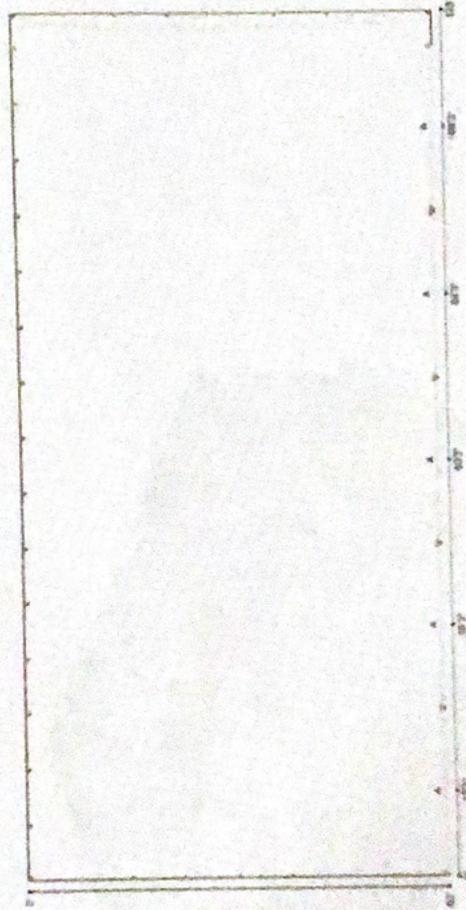
Date: **Dec. 23, 2009** Registration No. 14700

SCHOBORG
LAND SERVICES
INC.

763-972-3221
www.SchoborgLand.com
8987 Co. Rd. 13 SE
Delano, MN 55328



306 60'x16' 4"x125' (#1) Column Plan



Model
No. 1000

Options



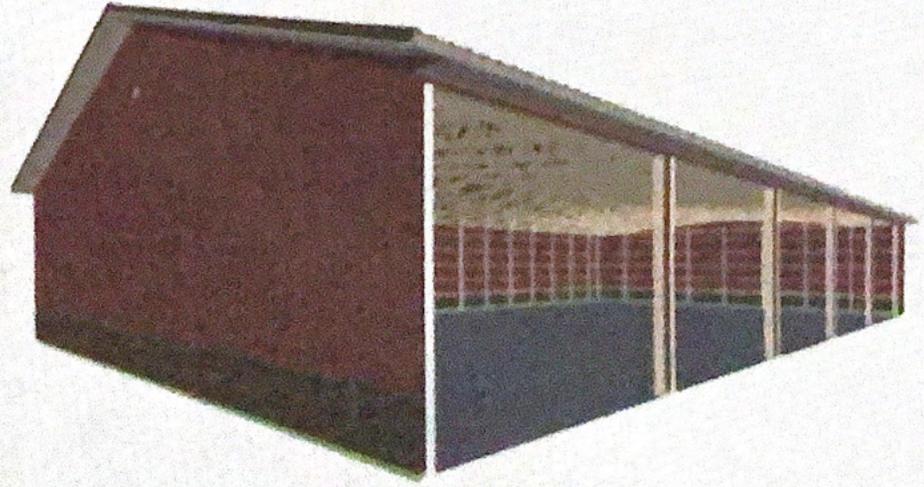
MORTON BUILDINGS, INC.

252 N. Adams, P.O. Box 388 • Morton, Illinois 61550-0388

Date
Page

9/16/2005
2 of 7

306 60'x16' 4" x125' North and West Walls



SEE FLOOR PLAN FOR DIMENSIONS AND OPTIONS

© 2005 Morton Buildings, Inc.

Equip
or
Structure

8004483



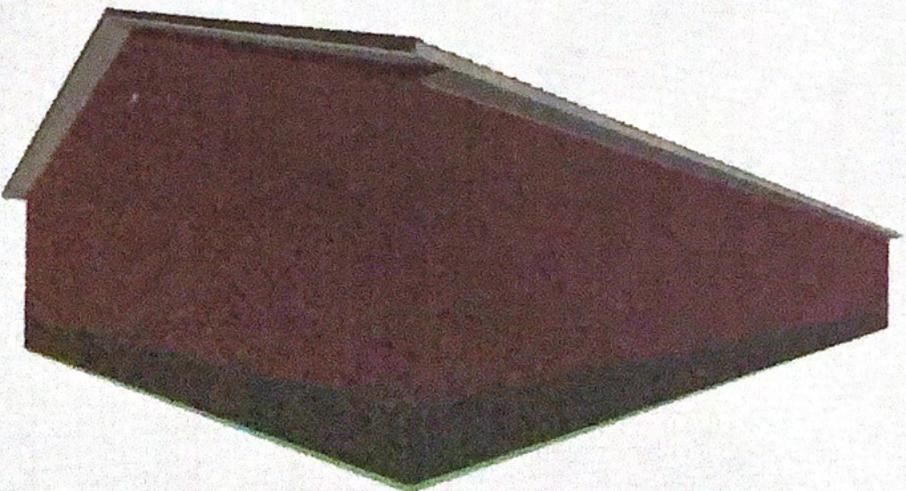
MORTON BUILDINGS, INC.

252 W Adams, P.O. Box 300 • Morton, Illinois 61550-0300

Date
Page

8/16/2020
4 of 7

306 60'x16' 4" x125' South and East Walls



66-10262, 20200816, 17292588-643F-9

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Building #1 Specifications

Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
306	60'	16' 4"	125'	8'	4/12	1/12	27' 10 5"	16' 9"

306 60'x16' 4"x125' (#1) - Building Use: Farm - Hay Storage

Foundation

Morton Foundation System Morton Buildings, Inc. exclusive foundation system. Reinforced precast concrete column with an internal threaded adjustment bracket set in a readi-mix poured footing set below frost depth or a minimum of 4'-0" below building grade. Fastened to a laminated wood column with an internal column connector bracket. Treated Wood splashboard system, mounted at grade to column.

Siding

West, South, East, North wall(s) Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 (Fastened with Stainless Steel Screws)

Wainscot

West, South, East, North with 36" tall Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 wainscot (Fastened with Stainless Steel Screws)

Roof

Hi-Rib Steel Minimum .019 (Fluoroflex™ 1000) (Fastened with Stainless Steel Screws) with Vent-A-Ridge, lap rib sealant tape
Structure has not been designed for installation of anything which could retain snow on the roof

Overhangs

West, East wall(s) 2' Wide Vented Sidewall Overhang with Standard 6" fascia
South, North wall(s) 2' Wide Non Vented Endwall Overhang with Standard 6" fascia

Framed Openings

5 A 23' 6" X 16' 4" (384 sq. ft.) Framed Open Wall

City of Independence
Minor Subdivision to Permit a Rural View Lot for the
Property Located at 2076 Copeland Road

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 20, 2021
Applicant: Thomas Anderson
Owner: Thomas Anderson
Location: 2076 Copeland Road

Request:

Thomas Anderson (Applicant/Owner) is requesting the following action for the property located at 2076 Copeland Road (PID No. 20-118-24-23-0002) in the City of Independence, MN:

- a. A rural view lot subdivision that would create a new buildable lot.

Property/Site Information:

The property is located on the east side of Copeland Road between Dean Lane and US Hwy 12. The property has an existing home and one detached accessory structure. The property is comprised of significant wetlands and wooded areas along the east property line and upland pasture areas throughout. The property has the following characteristics:

Property Information: 2076 Copeland Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage (BEFORE): 48.85 acres

Acreage (AFTER): Parcel A – 42.23 acres

Parcel B – 6.62 acres (4.1 acres upland)

Site Aerial – 2076 Copeland Road



Discussion:

The applicant approached the City several months ago about the possibility of purchasing the property and creating a rural view lot in accordance with applicable standards. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City’s Zoning Ordinance. The subject property has a total acreage of 48.85 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

- | | |
|---------------------------------------|--|
| Lot size required: | between 2.5 and 10 acres |
| Lot size proposed: | Parcel B – 6.62 acres |
| Minimum lot frontage required: | 300 LF (for property between 5-10 acres) |
| Minimum lot frontage proposed: | Parcel B – 524 LF |

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:1.5 (524:780)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have approximately 4.1 acres of useable upland and 524 LF of frontage on Copeland Road.

The proposed subdivision would produce a 6.62-acre rural view lot. The existing home and detached accessory structure would remain on the property being created as a rural view lot. The existing home meets all applicable setbacks in the after condition. The existing detached accessory structure appears to meet the setback from Copeland Road; however, the condition is not impacted as a result of the proposed subdivision and is either legal non-conforming or conforming (requires an 85-foot setback from the centerline of Copeland Road – centerline is not shown, and structure appears to be ± 83.6). The applicant worked with the City to configure the rural view lot in a manner that maintained conformability and worked with the existing house and detached accessory structure. In addition, the applicant wanted the larger remainder property to maintain a significant portion of the wetland/pond area that is located on the west side of the property. The proposed angled lot line configuration provided appears to align well with the existing property conditions and also provides for the septic site on Parcel B.

The remainder of the property (Parcel A) would comprise 42.23 acres and have one principal building entitlement. Parcel A would easily accommodate a new building pad given its overall size, topography and proposed dimensions. Any development on the property would need to meet all applicable setbacks including those from wetlands. The City received an on-site septic report verifying that both Parcel A and B can accommodate a primary and secondary on-site septic system. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for both the existing and proposed parcel. The remaining property will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created Parcel B will be required to pay the City's requisite Park Dedication fee. For this property the requirement is \$4,715.00. 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 maintains a larger agricultural property that can accommodate a future residential structure.

Neighbor Comments:

The City had not received any written or verbal comments prior to this report being prepared.

Recommendation:

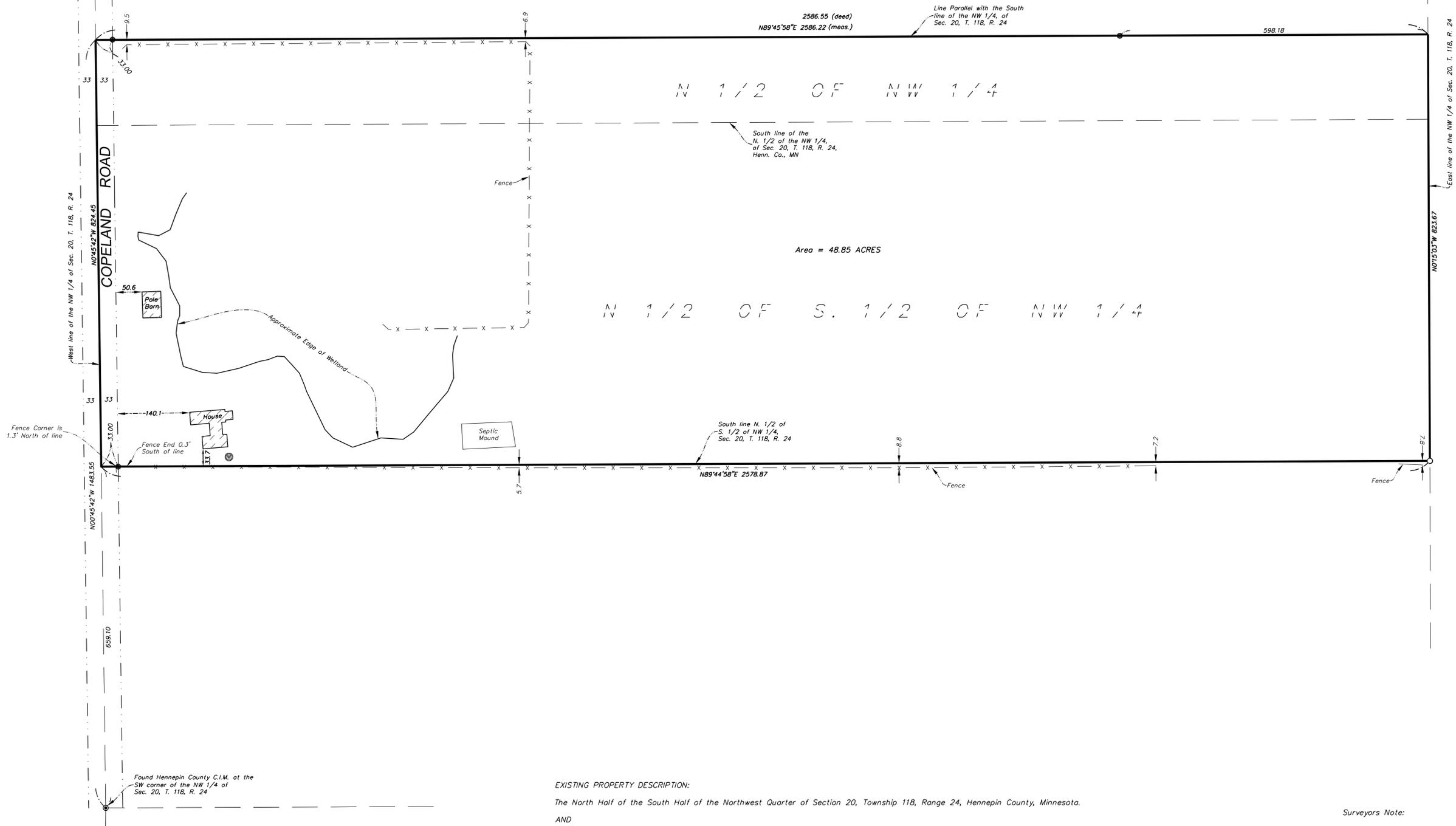
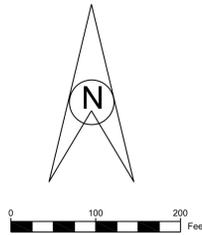
Staff is seeking a recommendation from the Planning Commission regarding the request for a rural view lot subdivision. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in 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 \$4,715.00, for the newly created Parcel B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
 - d) The Applicant shall execute and record the requisite drainage and utility and right of way easements with the county within six (6) months of approval.
 - e) The remaining Parcel A will have no remaining rural view lot eligibilities.

Attachments:

1. Application
2. Property Pictures
3. Proposed Subdivision Exhibits (Before and After)

Certificate of Survey (Before)



West line of the NW 1/4 of Sec. 20, T. 118, R. 24
N00°45'42\"/>

East line of the NW 1/4 of Sec. 20, T. 118, R. 24
N07°50'37\"/>

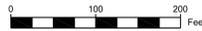
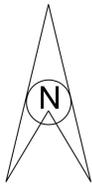
EXISTING PROPERTY DESCRIPTION:
 The North Half of the South Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota.
 AND
 That part of the North Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, that lies South of the following described line:
 Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 01 degrees 01 minutes 37 seconds West, along the West line of said Northwest Quarter, a distance of 1483.55 feet to the point of beginning; thence North 89 degrees 30 minutes 13 seconds East, parallel with the South line of said Northwest Quarter, a distance of 2586.55 feet to the East line of said Northwest Quarter and said line there terminating.

Surveyors Note:
 The Bearings shown on the drawing are based upon the Hennepin County Coordinate System and differ from the legal description. The angles formed by the bearings are the same.

<p>Tom Anderson Drawn By: J.J.A. Date: 2-26-21</p>	<p>Requested By: Checked By: P.E.O. Scale: 1"=100'</p>	<p>OTTO ASSOCIATES Engineers & Land Surveyors, Inc. www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763) 662-4727 Fax: (763) 662-3522</p>
<p><small>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</small></p> <p style="text-align: right;"> Paul E. Otto License #40062 Date: 3/4/21 </p>		<p><small>denotes iron monument found denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062</small></p> <p>Project No. 21-0140</p>

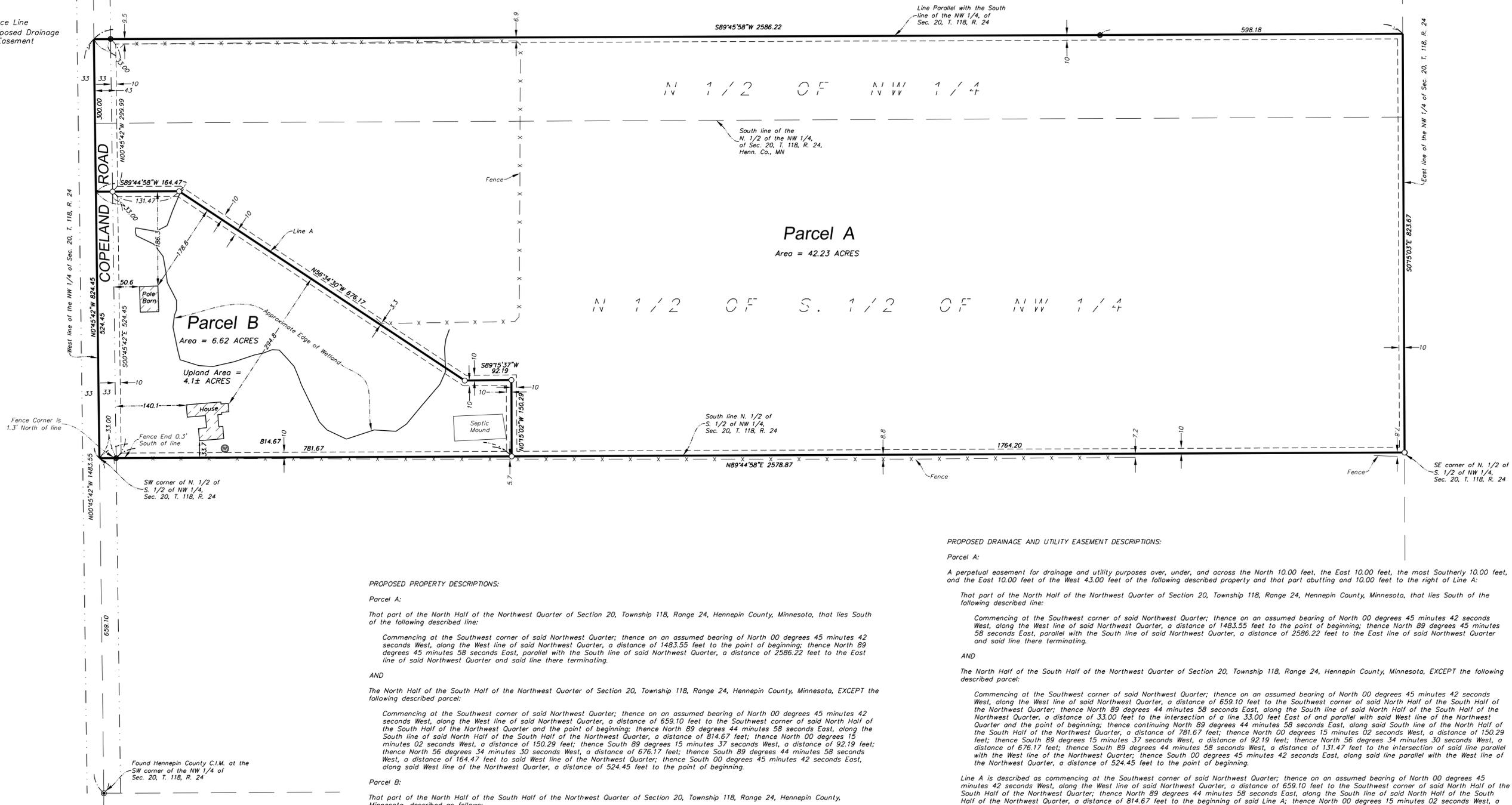
Certificate of Survey on part of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota Co.
 Revised:

Certificate of Survey (After)



LEGEND

- x — Fence Line
- - - Proposed Drainage and Utility Easement



PROPOSED PROPERTY DESCRIPTIONS:

Parcel A:

That part of the North Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, that lies South of the following described line:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 1483.55 feet to the point of beginning; thence North 89 degrees 45 minutes 58 seconds East, parallel with the South line of said Northwest Quarter, a distance of 2586.22 feet to the East line of said Northwest Quarter and said line there terminating.

AND

The North Half of the South Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, EXCEPT the following described parcel:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 659.10 feet to the Southwest corner of said North Half of the South Half of the Northwest Quarter and the point of beginning; thence North 89 degrees 44 minutes 58 seconds East, along the South line of said North Half of the Northwest Quarter, a distance of 814.67 feet; thence North 00 degrees 15 minutes 02 seconds West, a distance of 150.29 feet; thence South 89 degrees 15 minutes 37 seconds West, a distance of 92.19 feet; thence North 56 degrees 34 minutes 30 seconds West, a distance of 676.17 feet; thence South 89 degrees 44 minutes 58 seconds West, a distance of 164.47 feet to said West line of the Northwest Quarter; thence South 00 degrees 45 minutes 42 seconds East, along said West line of the Northwest Quarter, a distance of 524.45 feet to the point of beginning.

Parcel B:

That part of the North Half of the South Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 659.10 feet to the Southwest corner of said North Half of the South Half of the Northwest Quarter and the point of beginning; thence North 89 degrees 44 minutes 58 seconds East, along the South line of said North Half of the Northwest Quarter, a distance of 814.67 feet; thence North 00 degrees 15 minutes 02 seconds West, a distance of 150.29 feet; thence South 89 degrees 15 minutes 37 seconds West, a distance of 92.19 feet; thence North 56 degrees 34 minutes 30 seconds West, a distance of 676.17 feet; thence South 89 degrees 44 minutes 58 seconds West, a distance of 164.47 feet to said West line of the Northwest Quarter; thence South 00 degrees 45 minutes 42 seconds East, along said West line of the Northwest Quarter, a distance of 524.45 feet to the point of beginning.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTIONS:

Parcel A:

A perpetual easement for drainage and utility purposes over, under, and across the North 10.00 feet, the East 10.00 feet, the most Southerly 10.00 feet, and the East 10.00 feet of the West 43.00 feet of the following described property and that part abutting and 10.00 feet to the right of Line A:

That part of the North Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, that lies South of the following described line:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 1483.55 feet to the point of beginning; thence North 89 degrees 45 minutes 58 seconds East, parallel with the South line of said Northwest Quarter, a distance of 2586.22 feet to the East line of said Northwest Quarter and said line there terminating.

AND

The North Half of the South Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, EXCEPT the following described parcel:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 659.10 feet to the Southwest corner of said North Half of the South Half of the Northwest Quarter; thence North 89 degrees 44 minutes 58 seconds East, along the South line of said North Half of the Northwest Quarter, a distance of 814.67 feet to the point of beginning; thence North 00 degrees 15 minutes 02 seconds West, a distance of 150.29 feet; thence South 89 degrees 15 minutes 37 seconds West, a distance of 92.19 feet; thence North 56 degrees 34 minutes 30 seconds West, a distance of 676.17 feet; thence South 89 degrees 44 minutes 58 seconds West, a distance of 164.47 feet to the intersection of said line parallel with the West line of the Northwest Quarter; thence South 00 degrees 45 minutes 42 seconds East, along said line parallel with the West line of the Northwest Quarter, a distance of 524.45 feet to the point of beginning.

Line A is described as commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 659.10 feet to the Southwest corner of said North Half of the South Half of the Northwest Quarter; thence North 89 degrees 44 minutes 58 seconds East, along the South line of said North Half of the Northwest Quarter, a distance of 814.67 feet to the beginning of said Line A; thence North 00 degrees 15 minutes 02 seconds West, a distance of 150.29 feet; thence South 89 degrees 15 minutes 37 seconds West, a distance of 92.19 feet; thence North 56 degrees 34 minutes 30 seconds West, a distance of 676.17 feet; thence South 89 degrees 44 minutes 58 seconds West, a distance of 131.47 feet to a line 33.00 feet East of and parallel with said West line of the Northwest Quarter and said Line A there terminating.

The sidelines of said easement are to be prolonged or shortened to terminate at said South line of the North Half of the South Half of the Northwest Quarter and the East line of the West 33.00 feet of said North Half of the South Half of the Northwest Quarter.

Parcel B:

A 10.00 foot perpetual easement for drainage and utility purposes over, under, and across that part of the North Half of the South Half of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota, lying to the left of the following described line:

Commencing at the Southwest corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 45 minutes 42 seconds West, along the West line of said Northwest Quarter, a distance of 659.10 feet to the Southwest corner of said North Half of the South Half of the Northwest Quarter; thence North 89 degrees 44 minutes 58 seconds East, along the South line of said North Half of the Northwest Quarter, a distance of 33.00 feet to the intersection of a line 33.00 feet East of and parallel with said West line of the Northwest Quarter and the point of beginning; thence continuing North 89 degrees 44 minutes 58 seconds East, along said South line of the North Half of the Northwest Quarter, a distance of 781.67 feet; thence North 00 degrees 15 minutes 02 seconds West, a distance of 150.29 feet; thence South 89 degrees 15 minutes 37 seconds West, a distance of 92.19 feet; thence North 56 degrees 34 minutes 30 seconds West, a distance of 676.17 feet; thence South 89 degrees 44 minutes 58 seconds West, a distance of 131.47 feet to the intersection of said line parallel with the West line of the Northwest Quarter; thence South 00 degrees 45 minutes 42 seconds East, along said line parallel with the West line of the Northwest Quarter, a distance of 524.45 feet to the point of beginning.

<p>www.ottoassociates.com 9 West Division Street Burling, MN 55313 (763) 662-4727 Fax: (763) 662-3522</p> <p>OTTO ASSOCIATES Engineers & Land Surveyors, Inc.</p>	<p>denotes iron monument found denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062</p> <p>Project No. 21-0140</p>
<p>Tom Anderson</p> <p>Drawn By: J.J.A.</p> <p>Date: 2-26-21</p>	<p>Checked By: P.E.O.</p> <p>Scale: 1"=100'</p>
<p>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</p> <p><i>Paul E. Otto</i> Paul E. Otto License #40062 Date: 3/4/21</p>	<p>Requested By:</p> <p>Certificate of Survey on part of the Northwest Quarter of Section 20, Township 118, Range 24, Hennepin County, Minnesota.</p> <p>Revised:</p>

City of Independence
**Request for Rezoning and a Minor Subdivision
for the Property located at 6625 Fogelman Road**

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 20, 2021
Owner/Applicants: Mike Schrader, Applicant / Jim Wehmann, Owner
Location: 6625 Fogelman Road

Request:

Mike Schrader (Applicant) and Jim Wehmann (Owner) are requesting the following actions for the property located at 6625 Fogelman Road (PID No. 10-118-24-43-0009) in the City of Independence, MN.

- a. Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.
- b. A minor subdivision to allow the creation of a new lot on the property located at 6625 Fogelman Road.

Property/Site Information:

The subject property is located along the south side of Fogelman Road, west of County Road 90 N. The existing property has an existing home and accessory building. The property has the following site characteristics:

Property Information: 6625 Fogelman Road

Zoning: *Agriculture*

Proposed Zoning: *RR-Rural Residential*

Comprehensive Plan: *Rural Residential*

Acres (Before): Original Parcel – 12.26 acres

Acres (After): West Parcel – 7.71 acres
East Parcel – 4.55 acres



Discussion:

The applicant is proposing to create one (1) additional rural residential lot in accordance with the provisions set forth in the City's Zoning Ordinance. The ordinance stipulates that Rural Residential properties must be a minimum of 7.6 acres to allow for the subdivision of an additional lot. The new lot must be a minimum of 2.5 acres of buildable upland, have a minimum lot frontage on a public road and have no greater than a 1:4 lot frontage to lot depth ratio. In order for the City to consider granting approval for a minor subdivision to permit an additional lot using the provisions set forth in the RR-Rural Residential zoning district, the City would first need to consider approving the rezoning of the property.

Rezoning:

The property is currently zoned A-Agriculture and guided by the Comprehensive Plan as Rural Residential (see Comprehensive Plan and Zoning Map attached).

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

520.07. Criteria on zoning amendments. Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments.

Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan.

Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.

Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.

Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.

Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

As it relates to meeting the criteria for granting a zoning map amendment, the following information can be considered:

Subd. 2. The proposed rezoning is consistent with the comprehensive plan.

Subd. 3. Rezoning this property to RR would allow the property to be subdivided which is generally consistent with properties surrounding the subject property.

Subd. 4. The property has historically been used as a residential property. The neighboring properties on all sides are currently used as rural residential.

Subd. 5. The property is currently zoned agriculture. The use of property as an agriculture operation is somewhat restricted due to the limited amount of tillable acreage. The city has identified that this property will be better suited for residential purposes.

Subd. 6. The City will need to determine that the rezoning of the property has public merit that reach beyond the interests of the property owner.

The rezoning from A-Agriculture to RR-Rural Residential does not appear to create a property that is inconsistent with the surrounding properties.

Minor Subdivision:

The proposed lot would have the following characteristics.

Lot size required:	minimum of 2.5 buildable acres
Lot size proposed:	West Parcel - 7.71 acres East Parcel - 4.55 acres
Minimum lot frontage required:	250 LF (for property between 3.50-4.99 acres) 300 LF (for property between 5.00-10.00 acres)
Minimum lot frontage proposed:	West Parcel - 529 LF East Parcel - 313 LF

Ratio of lot frontage to lot depth required: no more than 1:4

Ratio of lot frontage to lot depth proposed: West Parcel - 1:1
East Parcel – 1:2

Staff discussed the proposed subdivision with the applicant and identified a general configuration that would be compatible with the surrounding area and offer the least amount of impact to the surrounding properties. The survey confirms that all existing structures on the West Parcel will meet all applicable setbacks in the after condition. The east parcel will require a new driveway and provides a suitable area for a single-family home to be located on the property.

The existing home has an existing on-site septic system that will remain in use with the existing home. The applicant has provided the City with information verifying that both properties can accommodate a primary and secondary site (see locations on survey).

The proposed subdivision delineates drainage and utility easements along all property lines. The easements will need to be revised to meet the City's established criteria. They are currently shown as 5 feet along the side property lines and will need to be increased to 10 feet.

The newly created East Parcel will be required to pay the City's Park Dedication required fee. For this property, the park dedication payment amount is \$3,500.00. This fee will need to be paid prior to recording the subdivision.

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

4.55 acres- \$3,500 for first 5 acres = \$3,500.00

There is one other bit of information that should be noted by the City. The property located at the southwest corner of Fogelman and County Road 90 was also originally platted as a part of the French Hills Subdivision. That property was subdivided in 2016 in a similar fashion to this request. At the time it was subdivided, there were concerns raised relating to a covenant that was placed on this subdivision that would restrict future subdivisions. The City is not a party to any covenants and does not have authority to enforce private covenants on a property. The City therefore needs to consider its current zoning ordinances and whether or not the proposed rezoning and subdivision are consistent with the current standards. As it relates to this point as well as the overall request, it appears that the proposed subdivision meets all of the applicable standards of the City's zoning and subdivision ordinance. The lots being created will fit into the character of the surrounding area and should have minimal impacts on the surrounding properties. The adjacent properties to the east, west, north and south are similar in size to the proposed lots after the subdivision.

Neighbor Comments:

The City has received comments regarding the proposed subdivision.

Recommendation:

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

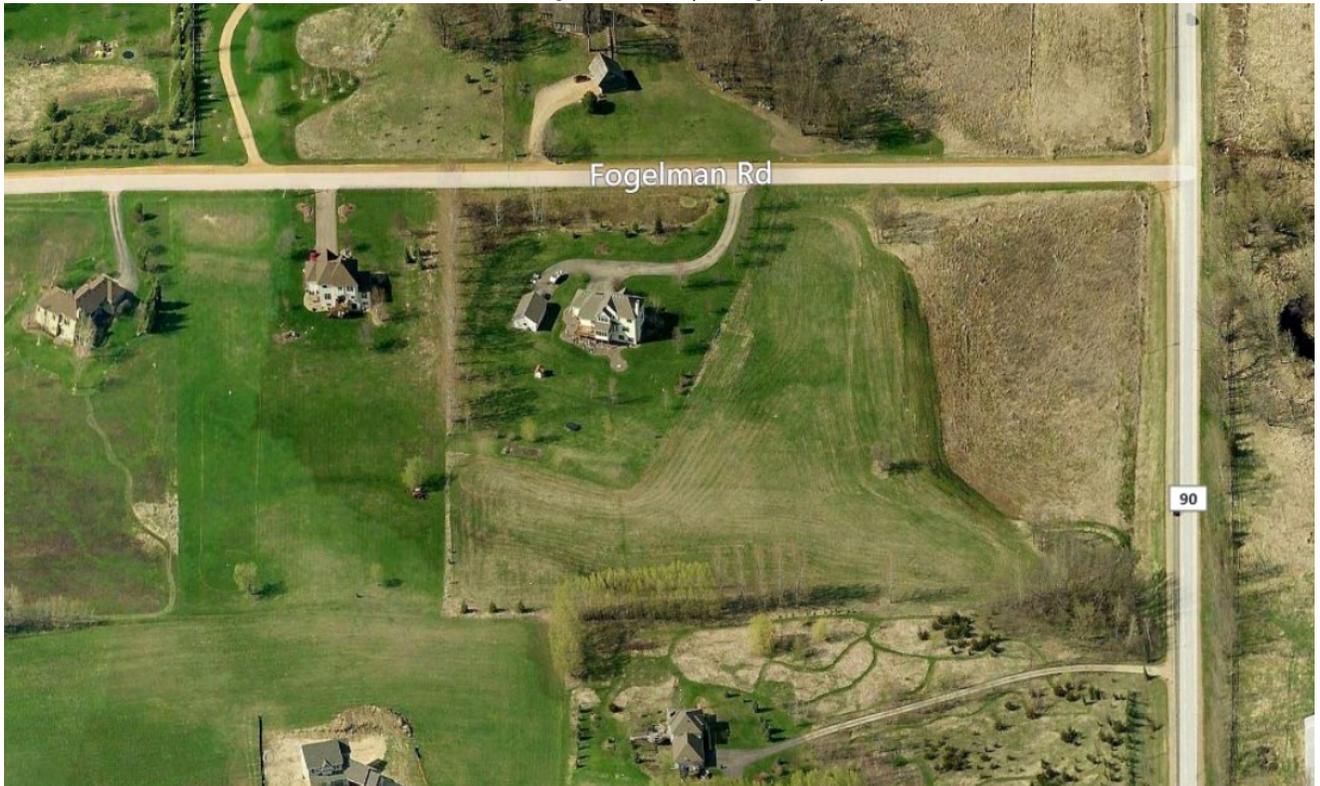
1. The proposed rezoning and minor subdivision meet all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall provide to the City a final survey indicating the requisite drainage and utility easements and legal descriptions for both lots.
3. The Applicant shall execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
4. The Applicant shall pay the park dedication fees in the amount of \$3,500 prior to the applicant receiving final approval to record the subdivision by the City.
5. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Application
2. Proposed Subdivision Exhibits

Attachment #1

6485 Fogelman Road (looking north)



6485 Fogelman Road (looking west)





CITY OF
INDEPENDENCE
MINNESOTA



(/)

[Home Page \(/\)](#) / [Apps & Forms \(/apps-forms\)](/apps-forms)

PLANNING APPLICATION

Applicant Information

First Name *

Middle Name

Last Name *

Street Address

City *

State *

Zip *

Primary Phone *

612 986-5464



CITY OF
INDEPENDENCE
MINNESOTA



763 535-2840

(/)

Email *

svc@bitstream.net

Is the applicant same as owner? * Yes No

Owner Information

First Name *

Jim

Middle Name

Last Name *

Wehmann

Street Address *

6625 Fogelmann Rd.

City *

Independence

State *

Minnesota 

Zip *

55359

Primary Phone *

763 479-6121

Secondary Phone



200-9945 CITY OF INDEPENDENCE MINNESOTA

(/) jimwehmann@fico.com

Planning Application Type

- Subdivision
- Conditional Use Permit
- Comprehensive Plan Amendment
- Rezoning
- Interim Use Permit
- Other
- Variance
- Site Plan Review
- Accessory Height Review
- Ordinance Amendment
- Grading Permit

Subdivision Type

- Lot Line Rearrangement
- Minor Subdivision (3 lots or less)
- Final Plan
- Rural View Lot
- Preliminary Plan

Proposal

Please describe here *

Owner seeks to split his current 12.25 Acre homesite into two lots. The existing homesite would be reduced to 7.7 acres and the new adjacent lot would be 4.55 acres.

Documents

Supporting Documents *

- Site Survey (Existing Conditions)
- Building Plans
- Wetland Delineation
- Site Survey (Proposed Conditions)
- Construction Plans
- Preliminary/Final Plan

Upload Documents *

Choose Files

 or Drag/Drop Files Here

▼ Hide Files

Sort	Default	Name	Size	Date
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CITY OF INDEPENDENCE MINNESOTA



Wehmann submittal survey final.pdf
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CITY OF INDEPENDENCE MINNESOTA



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Caption/Alt Description



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3828939

03/16/2021 09:14:18 AM



Caption/Alt Description

Applicant's Signature *

Reset Signature

Minnesota State Statutes require local governments to review land use and zoning applications within 15 days of submission to determine if an application is complete and or if additional information is needed to complete the review. To ensure that the City has the requisite information, applicants shall schedule a pre-application meeting with the City Planner/Administrator at least two weeks prior to application submittal. The City will notify applicants if additional time is required to complete the review of an application due to meeting schedules or similar procedural requirements.

Application for Planning Consideration Fee Statement

The City of Independence approves a fee schedule annually per City Ordinance. The City has established a nexus between the cost of processing the application and the fees collected. The City utilizes the fee and deposit to pay for all costs associated with processing the application. The City utilizes consultants and City staff to process and complete the review of the application. Should the cost of processing and reviewing the application exceed the amount of fee and deposit collected, the City will bill the additional costs directly to the applicant and or ask for additional deposit funds. The City attempts to provide a detailed invoice to applicants within 90 days of the City's final consideration of the application. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees

associated with the processing and review of the application regardless of the outcome and or withdrawal of the application after the City has commenced the review process. I UNDERSTAND THE FEE



CITY OF
INDEPENDENCE
MINNESOTA

AND FEE RESPONSIBILITIES ASSOCIATED WITH THIS APPLICATION:



(/)

Contact Us

1920 County Rd 90

Independence, MN 55359 (<https://goo.gl/maps/ySEgc5pmQyo>)

 Email Us (/contact-us)

 (763) 479-0527 (tel:7634790527)

 (763) 479-0528 (tel:7634790527)



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INDEPENDENCE
MINNESOTA

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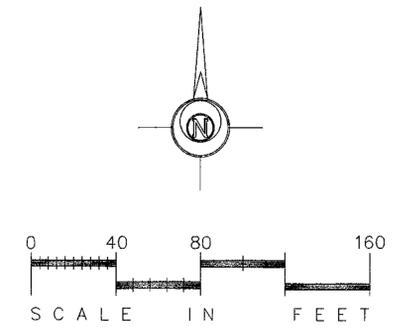
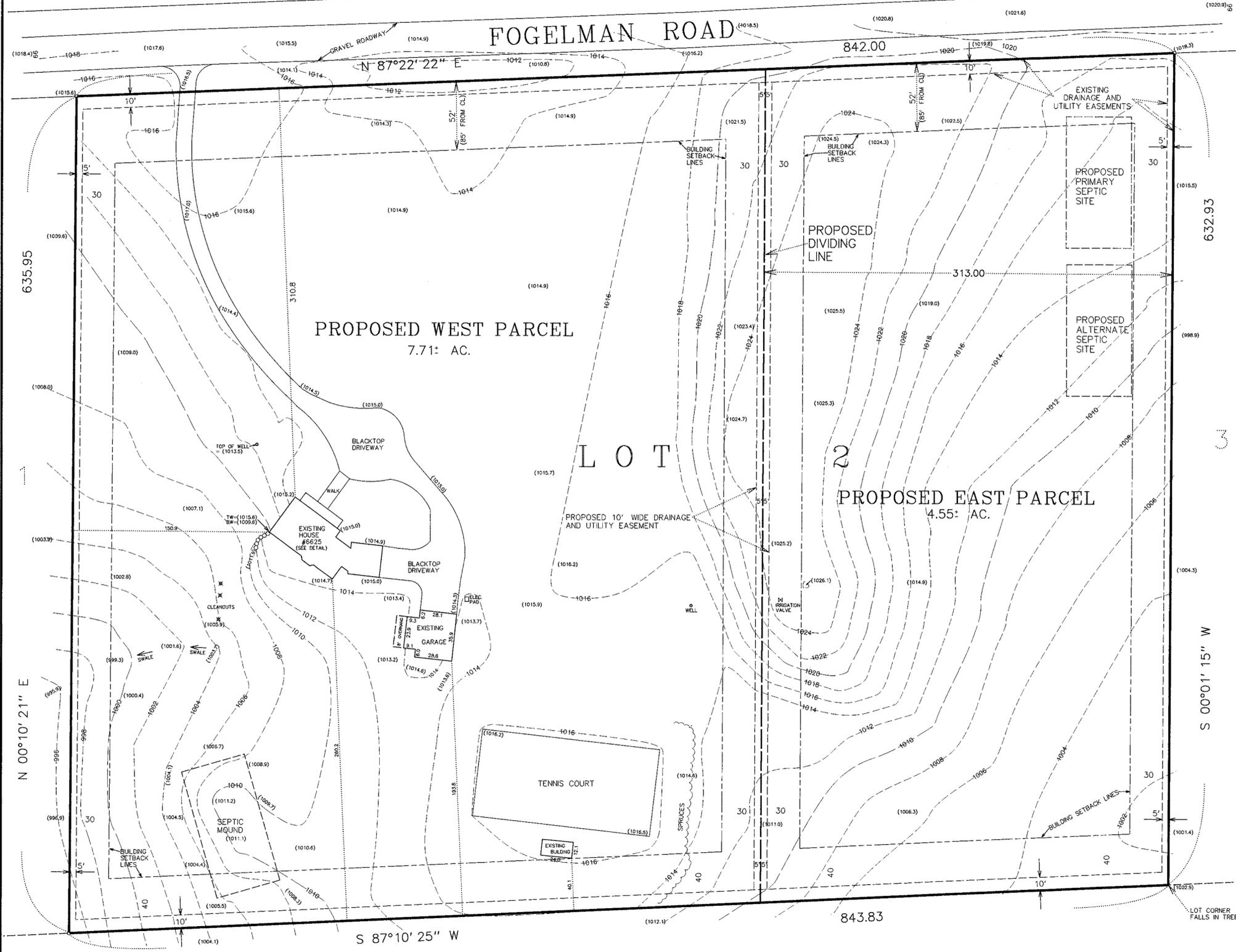


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(<https://www.facebook.com/cityofindependenceminnesota/>)

PROPOSED LOT DIVISION AND
 CERTIFICATE OF SURVEY FOR
JAMES WEHMANN
 OF LOT 2, BLOCK 1, FRENCH HILL FARM 3RD ADDITION
 HENNEPIN COUNTY, MINNESOTA



EXISTING LEGAL DESCRIPTION :

Lot 2, Block 1, FRENCH HILL FARM THIRD ADDITION

o : denotes iron marker

(908.3) : denotes existing spot elevation, mean sea level datum

---917--- : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of three existing buildings, driveway, spot elevations, topography, play area, sport court, septic cleanouts, two wells, and septic mound thereon. It does not purport to show any other improvements or encroachments.

PROPOSED LEGAL DESCRIPTIONS :

EAST PARCEL : The east 313.00 feet of Lot 2, Block 1, FRENCH HILL FARM THIRD ADDITION.

WEST PARCEL : That part of Lot 2, Block 1, FRENCH HILL FARM THIRD ADDITION which lies west of the east 313.00 feet thereof.

PROPOSED DRAINAGE AND UTILITY EASEMENTS :

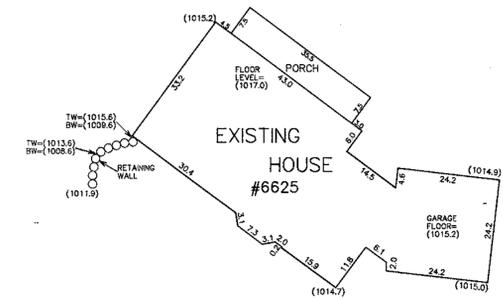
A 10.00 foot wide easement for drainage and utility purposes which lies within 5.00 feet on each side of the west line of the east 313.00 feet of Lot 2, Block 1, FRENCH HILL FARM THIRD ADDITION.

ADDRESS: 6625 FOGELMAN ROAD

EXISTING AREA = 12.26 AC

CURRENT ZONING : AGRICULTURAL

PROPOSED ZONING : RURAL RESIDENTIAL



HOUSE DETAIL

1" = 20' SCALE

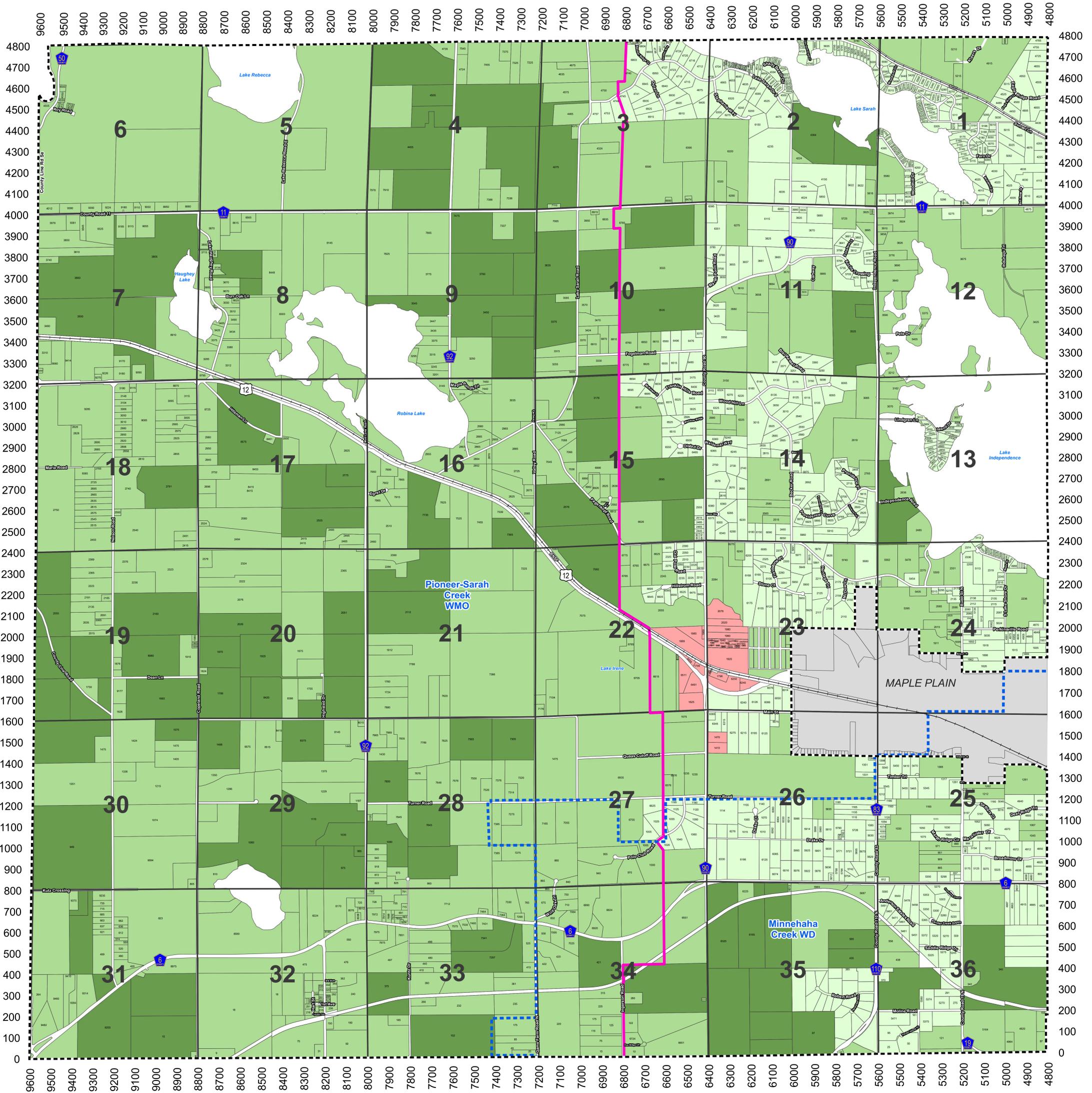
GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
 952-473-4141

DATE	3-9-21
SCALE	1"=40'
JOB NO.	21-024

PROJECT

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Mark S. Gronberg Minnesota License Number 12755

DATE	
REVISIONS	



Legend

	Rural Residential		Watershed Management Organizations
	Commercial / Light Industrial		Rural Residential / Agriculture Division
	Agricultural		Sections
	Agricultural Preserve		Parcels
	City Limits		

0 1,000 Feet

Source: City of Independence, Hennepin County, MNDOT, MNDNR

City of Independence
Concept Plan Review of a Proposed Four (4) Lot
Subdivision on the Subject Property Located at
the Northeast Corner of County Road 11 and Woodhill Drive

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 20, 2021
<i>Applicant:</i>	Donavon DesMarais
<i>Owner:</i>	Jerry Wise
<i>Location:</i>	Property Identified by PID No. 01-118-24-34-0010

Request:

Donavon DesMarais (Applicant) and Jerry Wise (Owner) are requesting the following actions for the property located at the northeast corner of CSAH 11 and Woodhill Drive (PID No. 01-118-24-34-0010) in the City of Independence, MN:

- a. Concept plan review for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).

Property/Site Information:

The property is located at the northeast corner of CSAH 11 and Woodhill Drive. There is a non-conforming detached accessory structure located on the property. There are several wetlands on the property, and it has lake frontage on Lake Sarah.

Property Information: PID No. 01-118-24-34-0010

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential (S-Shoreland Overlay)*

Acreage: ~10

Aerial Photograph of Property



Discussion:

The applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed subdivision of the subject property. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Consider Preliminary Plat approval.
2. Consider Final Plat approval.

Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provided review comments to the applicant. The property is currently zoned RR-Rural Residential and is also located within the S-Shoreland Overlay zoning district adjacent to Lake Sarah. The City Council recently concluded that properties zoned S-Shoreland and have access to sanitary sewer, can be subdivided into 1-acre minimum lots as long as all applicable requirements can be satisfied by the applicant. The applicable requirements that stipulate the number of lots generally relate to the minimum road frontage (200 LF – for lots less than 3.49 acres), minimum shoreline frontage (100 LF) and minimum width at the building setback line (100 LF).

505.13. Zoning provisions.

Subd. 1. *General.* The following standards shall apply to all proposed developments and subdivisions within the shoreland district of the protected waters listed in subsection 505.05. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply.

Subd. 2. *Lot standards.*

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

Proposed Lot Details:

Lot No.	Lot Area	Lot Width at OWHL	Lot Width at Setback	Frontage
Lot 1	2.1 acres	115 LF	~120 LF	137 LF
Lot 2	2.8 acres	110 LF	~115 LF	137 LF
Lot 3	3.35 acres	127 LF	~125 LF	137 LF
Lot 4	2.0 acres	N/A	N/A	139 LF & 619 LF

Concept Plan Considerations:

The City has discussed the potential subdivision of this property with the applicant. The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, wetlands and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The subdivision of property and corresponding plans will be subject to the review and approval of the Pioneer Sarah Watershed Management Commission.
2. A wetland delineation will need to be completed prior to any formal preliminary plat submittal.
3. Building setback and OHWL lines have been added to the concept plan to provide better context for the Planning Commission and City Council to understand how the lots would accommodate a home and driveway.
4. The proposed subdivision creates a total of 4 lots: 3 with shoreland access to Lake Sarah. The City requires a minimum lot public road frontage of 200 LF per lot. This property has approximately 1169 LF of total frontage on Woodhill Drive and CSAH 11. The City can waive the minimum frontage requirement per lot if certain criteria are satisfied. The proposed layout appears to create a more advantageous configuration due to access for all lots coming off of Woodhill Drive versus CSAH 11. Hennepin County has indicated that an additional access onto CSAH 11 would not likely be approved. This issue should be noted for discussion by the Planning Commission and City Council.
5. The proposed layout is somewhat impacted by the existing detached accessory structure located on lot 2. This structure is not considered a legal structure as there is no principal structure located on this property. The City will need to further discuss how and if this structure can remain, noting that if this property is subdivided and sells, the lot would still not have a principal structure guaranteed. This structure is shown to meet applicable building setbacks in the proposed condition.
6. The proposed lots would be connected to the City's sanitary sewer system. The type of connection to the public sewer line will need to be further reviewed and considered by the City. In addition, the invert elevation of the public sewer may dictate additional restrictions for the elevations of the proposed homes.
7. There is one existing connection to the sanitary sewer serving the existing detached accessory structure. This connection can be used for one of the proposed lots. The three new and additional lots would be subject to applicable connection fees in addition to the initial assessment fee of \$9,550 per lot.

8. Park dedication will be required for this development if it moves forward. The City's current park dedication fee is \$3,500 per lot (less than 4.99 acres).

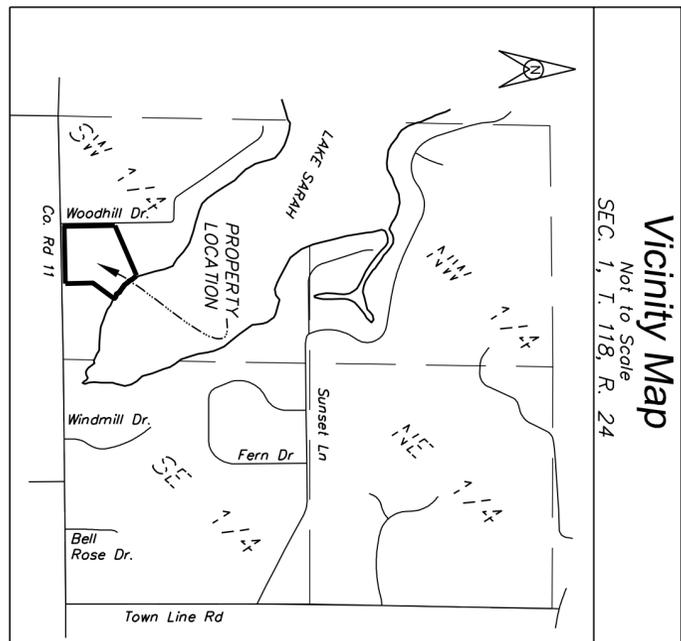
Staff would like direction and feedback relating to the general design and layout of the proposed subdivision and the issues identified within this report.

Recommendation:

The Planning Commission should review the plans and provide feedback to the applicant pertaining to the proposed concept plan. No formal action can be taken by the Planning Commission on the concept plan. There are additional steps that will need to be taken for any development of this property to occur.

Attachments:

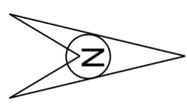
1. Concept Site Plan with Aerial



Vicinity Map
Not to Scale
SEC. 1, T. 118, R. 24

Concept Plan

LEGEND
 --- denotes Existing Lidar Contour
 - - - denotes Building Setback Line
 Front = 85'
 Corner Side = 52' (to Centerline)
 Side = 30' (to R/W)
 Lake = 100'



Concept Plan on part of Lot 3 and 4, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota.

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

Paul E. Otto
 Paul E. Otto
 License #40062 Date: 4/9/2021

Requested By:

Skies Limit, LLC

Date: 3/10/21 Drawn By: J.J.A. Scale: 1"=60' Checked By: P.E.O.



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

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

Revised: 4/9/2021 J.J.A. Building Setbacks

Project No. 21-0172