



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 JUNE 15, 2021

**7:30 PM Regular Meeting**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. May 18, 2021 Planning Commission Meeting (Not Included in Packet)
  - b. June 1, 2021 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** 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. Preliminary and Final Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).
  - b. Final Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).
5. **PUBLIC HEARING:** Nathan and Molly Kirkpatrick (Applicants/Owners) are requesting the following action for the property located at 2485 County Road 90 (PID No. 15-118-24-44-0003) in the City of Independence, MN:
  - a. A variance to allow a reduced side yard setback to add a screen porch to the south side of the existing home on the subject property.
6. **PUBLIC HEARING:** John Klinkner (Applicant/Owner) is requesting the following action for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN:

- a. A rural view lot subdivision to allow the creation of two (2) rural view lots on the subject property.

7. Open/Misc.

8. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JUNE 1, 2021 –6:30 P.M.  
Police Department Conference Room

1. CALL TO ORDER.

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

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and Grotting

ABSENT: Councilor McCoy

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

VISITORS: Chris Knopik with Clifton Larson Allen (virtual), Robert Berens (virtual)

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 May 18, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20493-20516, Batch #2 Checks Numbered 20517).
- c. Approval of Large Assembly Permits:
  - i. Triathlon at Lake Rebecca – August 1, 2021.
  - ii. Wedding at 3757 Independence Road – June 12, 2021.
  - iii. Tour de Tonka Bike Ride – August 7, 2021.
  - iv. Wedding at 5675 Koch's Crossing – June 19, 2021.
- d. Agriculture Preserve Termination Application: 2160 Nelson Road.
- e. Approval to Purchase Furniture from Henricksen for the City Hall Offices.
- f. Approval to Move a House into the City and Locate on the Property Identified by PID No. 02-118-24-12-0012 (5845 Lake Sarah Heights Drive).

Johnson noted item (f) should be talked about separately.

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

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

Johnson said he was concerned about item (f) on the consent agenda and would like Kaltsas to speak to it. Kaltsas said the ordinance says it needs to be inspected by the Building Inspector (Bruce Satek). Satek thought it was in good condition. Kaltsas noted it was only the top floor that would be transferred to the lot in Independence. Betts asked if it would be put on a new foundation. Kaltsas said he understands it will be put on a foundation.

Johnson was concerned if the neighbors would need to be notified in the future of moves like this which is quote different than building a new home. He noted it does not happen that often and some do not fit well withing the neighborhoods they are placed.

Spencer said his concern is the timing issue and what time frame the whole project would be completed. He noted there were several non-conforming structures on the lot already. He would like to assurance of when it will be done. Kaltsas asked if they could condition the approval. Spencer noted it could be a financial deposit or a definitive date. Grotting agreed that there would need to be more information on what the final build would look like.

Berens said this is for his two daughters to live in and he will complete it as quickly as possible. He noted the basement would be a walk-out. Berens said no corners would be cut and he has already talked to the surveyor. He wants to protect as many trees as he can.

Spencer noted the lot was 100' and Berens said he prefers to put the garage in front of the house. Spencer said he could center the house on the property and put in an L-shaped garage. Spencer encouraged a 5k deposit to ensure timeline.

Vose said Council could look at the code and create neighborhood guidelines on homes that being moved in as a structure already built. He noted the move needs to be safe and the structure is constructed safely and is occupiable. Vose said securing it with a financial component is fine.

**Motion by Spencer, second by Betts to approve the move of a House into the City and Locate on the Property Identified by PID No. 02-118-24-12-0012 (5845 Lake Sarah Heights Drive) contingent on a site plan, sound, and occupiable structure with a refundable deposit of \$5000 upon completion. Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.**

## **5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF**

### **Spencer attended the following meetings:**

- Planning Commission Meeting
- Public Works Clean-Up Lunch and goodbye to Trish

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

- Planning Commission Meeting

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

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

- Planning Commission Meeting



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

- Caring for Kids Breakfast with Orono Healthy Communities
- Orono Awards Night
- National League of Cities Conference Call
- Public Works Clean-Up Lunch and goodbye to Trish
- Gillespie Center Drive Through Appreciation
- Mary Agnes and James Wayland Smith Funeral
- National League of Cities Energy Meeting
- Sensible Land Use Committee Meeting
- City Audit Meeting
- Senior Community Services Meeting
- Christ Lutheran Cemetery Service
- Lewis Cemetery Service
- Planning Commission Meeting

**Horner attended the following meetings:**

- BKV architect meetings (in person and virtual)
- Planning Commission Meeting

**Kaltsas attended the following meetings:**

- MnDOT meetings on construction efforts for Highway 12 and 92 (virtual)

6. Presentation of the 2020 Financial Audit- Chris Knopik, Clifton Larson Allen (Virtual)

a. 2020 Draft Financial Audit

b. 2020 Audit Presentation

Knopik said the City received an unmodified/ clean audit which is the best possible. One item of note was unspent bonds which designate a spike between 2019-2020. He said this was for construction efforts and nothing out of the ordinary.

Knopik said property taxes make up the largest portion of the general fund. He noted development was still happening even though it was a pandemic. He noted a separate fund was designated for the Cares monies. General government funds illustrate consistency year over year and cover administrative costs. Knopik said there was strong delinquent taxes collection effort garnering 98%. He said revenues have outpaced expenditures for the past 4-5 years. Knopik said the City has a nice reserve fund. The future debt load will drop down by 2027. Knopik said the sanitary sewer fund will need to have increased operating income. Operating loss which includes depreciation is not too bad.

Knopik said there were not any compliance items to report which is good news. He stated the disclaimer that an audit provides reasonable assurance but not absolute as that would require going over every item and that is not feasible. He said there was one audit of a transaction in which the watershed payment was put in the wrong year.

**Motion by Betts, second by Spencer to accept the 2020 Financial Audit Report. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.**

7. Brent Foster (Applicant/Owner) is requesting the following actions for the property located at 4755 Lake Sarah Heights Cir . (PID No. 02-118-24-12-0007) in the City of Independence, MN:

a. **RESOLUTION 21-0601-01:** Considering approval of a variance to allow a reduced side yard setback for a detached accessory structure on the property located at 4755 Lake Sarah Heights Cir.

Kaltsas said the applicant is seeking a variance from the south - side yard setback to allow the placement of a detached accessory structure (shed) to be located on the property. The applicant located the new 10' x 12' shed on the property last year. The City notified the property owner that the shed needed to be permitted and did not meet the applicable side yard setback. In addition, it was noted that the impervious surface calculation would need to be updated for the property.

The applicant has an existing shed that is legal non-conforming located in the same area on the site. The applicant thought that he would be able to add a new (120 SF or less) shed to the same location without a need for an additional permit. The applicant is now asking the City to consider a variance to allow the shed to remain in its current location and directly in-line with the existing shed (The required side yard setback for detached accessory structures is nine (9) feet. The existing shed is setback 4.4 feet from the side property line and the applicant is seeking a variance to allow the new shed to also be setback 4.4 feet from the side property line. The proposed shed would require a five (5) foot variance.

The property can have a maximum of 25% impervious surface coverage. This property would be permitted to have 4,872 square feet of coverage. The current site has a total impervious coverage of 6,566 square feet or 33% coverage. This impervious surface calculation includes the new 120 SF shed. The City has been working with the applicant relating to the impervious coverage issue. As a result, and in order to bring the property into compliance, the applicant is proposing to replace the existing driveway (1,766 SF) with a new pervious paver driveway. This would result in a reduction in the impervious surface coverage to 4,800 SF or 24.6%.

There are several factors to consider relating to the City's consideration of 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/Shoreland Overlay District. The applicant is seeking a variance to allow a second detached accessory structure on the property. The existing structure and the proposed structure are similar in architecture, siding, color, etc.
- b. The character of the surrounding area is residential. Many of the surrounding properties (not the property to the south) have detached accessory structures similar to that of the proposed. The City has historically provided some relief to properties in the Shoreland Overlay District.
- c. There is an existing detached accessory structure located behind the house on the subject property. The overall size of this structure is approximately 120 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 240 SF which is less than the maximum permitted.
- d. The proposed location allows access to the rear yard from the driveway. Locating the shed further north would likely prohibit access to the rear yard. The applicant was granted a variance approximately 10 year ago for a deck stairway on the north side of the property line when adding an addition onto the existing home.
- f. Any approval would need to be subject to the applicant replacing the existing driveway with an approved permeable paver driveway. Planning Commissioners discussed the request with staff and the applicant. Commissioners noted that the structure had been constructed without applicable permits. Commissioners clarified that the existing shed predated the established ordinance.

Commissioners discussed the requirement that the driveway needs to be replaced in order for the variance to be granted. Commissioners recommended that a condition be added that set an end date for the driveway replacement. Commissioners recommended that the driveway replacement occur prior to October 15, 2021. Commissioners thought that the requested home addition would be an improvement to the property and found that it met the criteria for granting a variance.

Commissioners recommended approval to the City Council. The City has received verbal comments from an adjoining property owner who was concerned about the impact of the additional detached structure. The adjacent property owner stated that he was in favor of the variance based on the proposed location at the public hearing. The Planning Commission recommended approval of the request for a variance to the City Council with the following findings and conditions:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. City Council approval of the variance is subject to the following:
  - a. The approval of a variance is subject to the applicant replacing the entire concrete driveway with an approved permeable paver driveway. The installation of the permeable paver

driveway shall be in accordance with the approved detail and plan provided to the City and attached hereto as **Exhibit B**. The resulting impervious lot coverage shall be no greater than 25%.

3. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following: Residential use of the property is consistent with the Rural Residential/Shoreland Overlay District. The applicant is seeking a variance to allow a second detached accessory structure on the property. The existing structure and the proposed structure are similar in architecture, siding, color, etc.
5. The location of the shed on the property is in line with the existing shed. The alignment, matching architecture and materials does mitigate some of the potential impacts of the proposed structure.
6. 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.
7. The variance will permit a 5-foot reduction (from 9 feet required to 4 feet permitted) of the south side yard setback to allow the proposed detached accessory structure as depicted on the site plan and building plans attached hereto as **Exhibit B**. 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.

There was some discussion around the permeable drive and how it must be maintained to be effective and lasting.

**Motion by Spencer, second by Grotting to approve RESOLUTION 21-0601-01 for a variance to allow a reduced side yard setback for a detached accessory structure on the property located at 4755 Lake Sarah Heights Cir. for the property located at 4755 Lake Sarah Heights Cir . (PID No. 02-118-24-12-0007) in the City of Independence, MN: Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.**

8. Nate Bjerga (Applicant/Owner) is requesting the following action for the property located at 4991 Perkinsville Rd. (PID No. 24-118-24-41-0010) in the City of Independence, MN:

- a. **RESOLUTION 21-0601-02:** Considering approval of a variance to allow a reduced side yard setback associated with a proposed building addition on the subject property.

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

The applicant is asking the City to consider granting a variance from the side yard setback (west property line) to allow an expansion of the existing home that is in line with the existing side yard setback. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The existing home is located 21 feet from the west side property line. The applicant is proposing to construct the home addition to extend north so that the side yard setback is 21 feet from the side property line rather than 30 feet as required. The resulting variance to the side yard setback would be 9 feet. The required setbacks for properties zoned RR-Rural Residential are as follows: 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.
- b. Many of the surrounding properties do not appear to be in compliance with all applicable principle or accessory structure setbacks.
- c. The character of the surrounding area is residential. The proposed expansion and remodel of a single-family home is in keeping with the surrounding area. There are several additional items that could be considered by the City:

1. Staff discussed alternative options for expanding the existing home with the applicant. They noted that if they were to construct the garage further to the east, it would significantly impact the front entrance. They also noted that they would like to maintain the general interior configuration of the home. The proposed addition that stays in line with the existing structure allows for the best reuse and remodel layout of the existing home.
2. The applicant could locate a detached accessory structure on this property and meet applicable setbacks (15 feet). The applicant noted that they would like to maintain an attached garage.
3. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.
4. The proposed remodel of the existing home would likely increase the value of and bring an update to this property.
5. The proposed home/garage addition is a two-story addition which will be taller than the portion of the existing structure that is currently located on this side of the property.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. Due to the configuration of the house on the property and the layout of the existing house itself, there are limited ways to expands the structure that would not require a significant departure to the internal and external use of the existing home. The setback of the proposed addition from Perkinsville Road and the natural screening and buffering that exists to the surrounding property appear to help mitigate the potential impacts. Planning Commissioners clarified the request with staff and the applicant. Commissioners noted that the adjacent house to the west was setback a considerable distance from the shared property line.

Commissioners noted that the lot is a unique in that it is narrower than most lots within the City. Commissioners thought that the requested home addition would be an improvement to the property and found that it met the criteria for granting a variance. Commissioners recommended approval to the City Council.

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. City Council approval of the variance is subject to the following submittals:
  - a. A survey of the property and proposed building addition.
  - b. A drainage plan 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.
3. 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 applicant is seeking a variance to allow a building addition to the existing home on the property.
  - b) The location of the proposed addition/remodel is in line with the existing home and building setback from the west property line. The alignment with the existing building, updated building architecture and exterior finishes appear to mitigate some of the potential impacts resulting from the addition. The character of the surrounding area is residential. The proposed building addition and remodel would be in keeping and consistent with the surrounding uses found in this neighborhood.
4. The variance will permit an approximate 10-foot reduction (30-foot setback required variance to allow an approximate 20-foot setback) to allow the expansion of the home to be “in-line” with the existing structure without further encroaching into the side yard setback (west property line). This variance will allow the proposed structure as depicted on the site plan and building plans attached hereto as Exhibit B.
5. Any modification, change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The Applicant shall pay for all costs associated with the City’s review and recording of the requested variance.

Betts noted this was a good improvement. Grotting said it gets rid of the split look.

**Motion by Betts, second by Spencer to approve RESOLUTION 21-0601-02 allowing a variance to allow a reduced side yard setback associated with a proposed building addition on the subject property located at 4991 Perkinsville Rd. (PID No. 24-118-24-41-0010) in the City of Independence, MN: Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.**

#### 9. Open/ Misc.

Johnson opened discussion around anonymous letter received from a resident on Woodhill Road. Spencer said the first item was boat trailers parked in the ROW. He said the owners tend to store their trailers on the opposite side of the road on the grass area. Spencer said they do not appear to be in the ROW and most of the people he talked to on the road do not seem to think it is a real issue.

The second items were children riding golf carts and there was a concern about safety. Spencer said if it was an issue maybe WHPS could get involved.

The third issue was that some access on Lake Sarah was being questioned as far as its proper use. Spencer noted this was not an area the City could enforce, and it is up to the residents to work out the access/ structure questions.

10. Adjourn.

**Motion by Spencer, second by Grotting to adjourn at 8:00 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary

## City of Independence

### Preliminary and Final Plat Review of a Proposed Four (4) Lot Subdivision on the Subject Property Located at the Northeast Corner of County Road 11 and Woodhill Drive

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 15, 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. Preliminary Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).
- b. Final Plat for a proposed subdivision of the subject property to create four (4) new lots.

#### ***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 approving preliminary and final plat for a new four (4) lot subdivision on the subject property. Earlier this year, the City reviewed a concept plan for this development and provided feedback to the applicant and staff relating to the proposed development. The applicant has now prepared a more detailed submittal for the requested actions. The City is being asked to consider the following actions:

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

The City has 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 allows properties zoned S-Shoreland and have access to sanitary sewer, to 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	2.0 acres	142 LF	~120 LF	137 LF
Lot 2	2.8 acres	107 LF	~115 LF	137 LF
Lot 3	3.2 acres	129 LF	~125 LF	137 LF
Lot 4	2.12 acres	N/A	N/A	139 LF/619 LF

A detailed review of the storm water, grading, wetlands and infrastructure details has been completed by the City. The following comments should be considered by the City:

1. There is no grading being proposed as a part of the subdivision.
  - a. Each lot will be individually graded at the time a building permit is pulled.
  - b. Each lot will be individually connected to City sewer at the time a building permit is pulled.

As a result there are no overall development concerns relating to grading, utilities or stormwater.

2. A wetland delineation has been completed for the property. The applicant is proposing to contain the wetlands and the requisite buffer within a newly established drainage and utility easement. This is required and consistent with established City standards.
  - a. It should be noted that Lot 3, Block 1 has approximately 5 feet of clear access from the main portion of the lot to get to the lake side of the property. In addition, the applicant would have to cross the wetland in some manner to access the lake.
3. The applicant has identified the potential home sites for each lot along with the prescribed building setbacks.
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 the following criteria is satisfied.

*<sup>b</sup> Lots must have no less than the specified minimum frontage respectively on a right-of-way, provided that the city council may waive the requirement if the following conditions are met:*

- (1) The applicant submits and the city council approves a development plan encompassing all land under the control of the applicant.*
- (2) The development plan must demonstrate that vehicular and pedestrian access, as well as emergency and public vehicular access can be provided to each lot in the development plan.*
- (3) The applicant must enter into a private road agreement that meets the criteria of subsection 510.05, subdivision 70 of this Code as well as additional conditions deemed necessary by the city council to protect the health, safety and welfare of the occupants of the lots within the development plan.*

The proposed layout appears to create a more advantageous configuration due to access for all lots coming off of Woodhill Drive versus CSAH 11. During the review of the concept plan, Council and Planning Commission noted that access for all lots off of Woodhill Drive would better serve the proposed properties. Hennepin County has also indicated that an additional access onto CSAH 11 would not likely be approved. One key aspect of this consideration is that the property has the requisite length of frontage to support all four proposed lots. The City is therefore would be waiving the frontage requirement for each individual lot, but not the reduction of total frontage required to realize the lots.

5. The proposed layout is somewhat impacted by the existing detached accessory structure located on Lot 2, Block 1. This structure is not considered a legal structure as there is no principal structure located on this property. The City will require an escrow deposit and agreement relating to the use and removal of the structure should no principal structure be established on the property. This structure is shown to meet applicable building setbacks in the proposed condition.
6. There is a second existing detached accessory structure located on Lot 2, Block 1 near the shoreline. This shed is also considered to be an illegal structure as there is no principal structure on the property. In addition, the maximum size of a detached accessory structure located within 100 feet of the OHWL of the lake is 120 SF. The applicant will need to verify the size of this shed and if greater than 120 SF, will need to remove the shed or modify it to comply with all applicable requirements. This can also be addressed in the recommended agreement with the applicant.
7. 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 at the time a building permit is pulled. It has been noted by the City that the invert elevation of the existing public sewer may dictate additional restrictions for the elevations of the proposed homes.
8. 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.
9. As historically has been done along County Road 11, Hennepin County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request for all subdivisions along CSAH 11. The additional setback does not impact the potential buildable area of Lot 4, Block 1 due to the setback being taken from the centerline of CSAH 11 (which would not change as a result of the additional ROW request).
10. The City's current park dedication fee is \$3,500 per lot (less than 4.99 acres).

The proposed subdivision of this property is generally in keeping with the existing Rural Residential zoning district. The proposed lots would be similar in nature and character to the surrounding properties. Lots along Woodhill Drive range in size from approximately .5 acre to 2 acres.

**Recommendation:**

The Planning Commission is being asked to consider approval of the applications for a preliminary and final plat. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be considered:

1. The proposed preliminary and final plats meet all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.

2. The Applicant shall address all comments made within this report and recommended by the Planning Commission.
3. The Applicant shall enter into an agreement with the City relating to the use and removal of the two detached accessory structures located on Lot 2, Block 1. The agreement will stipulate conditions of use and or modification of the existing structures and require a form of security acceptable to the City to support the agreement.
4. The Applicant shall revise the plat to include the additional 17 feet of right of way for future trail and road expansion.
5. There is one existing connection to the sanitary sewer serving the existing detached accessory structure. This connection can be used for Lot 1 or 2, Block 1. The three new and additional lots would be subject to all applicable connection fees in addition to the initial assessment fee of \$9,550 per lot. The \$9,550 shall be paid by the developer prior to recording of the final plat.
6. The Applicant shall pay the City's current park dedication fee of \$3,500 per lot (less than 4.99 acres). This The \$3,500 per lot shall be paid by the developer prior to recording of the final plat.
7. The Applicant shall pay for all costs associated with the City's review of the requested preliminary and final plat.
8. The Applicant shall record the final plat with Hennepin County within 180 days of the City Council approval.

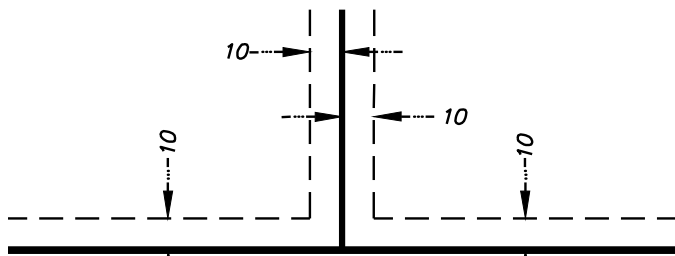
Attachments:

1. Preliminary Plat
2. Final Plat

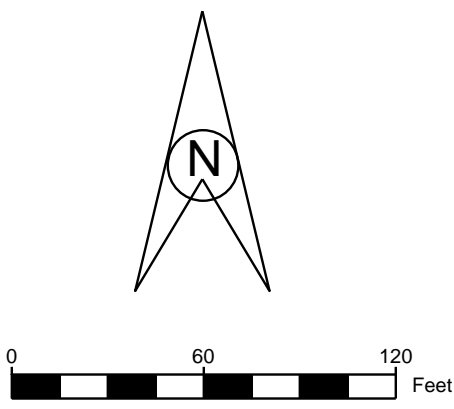


Preliminary Plat of  
LAKE SARAH HILL

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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



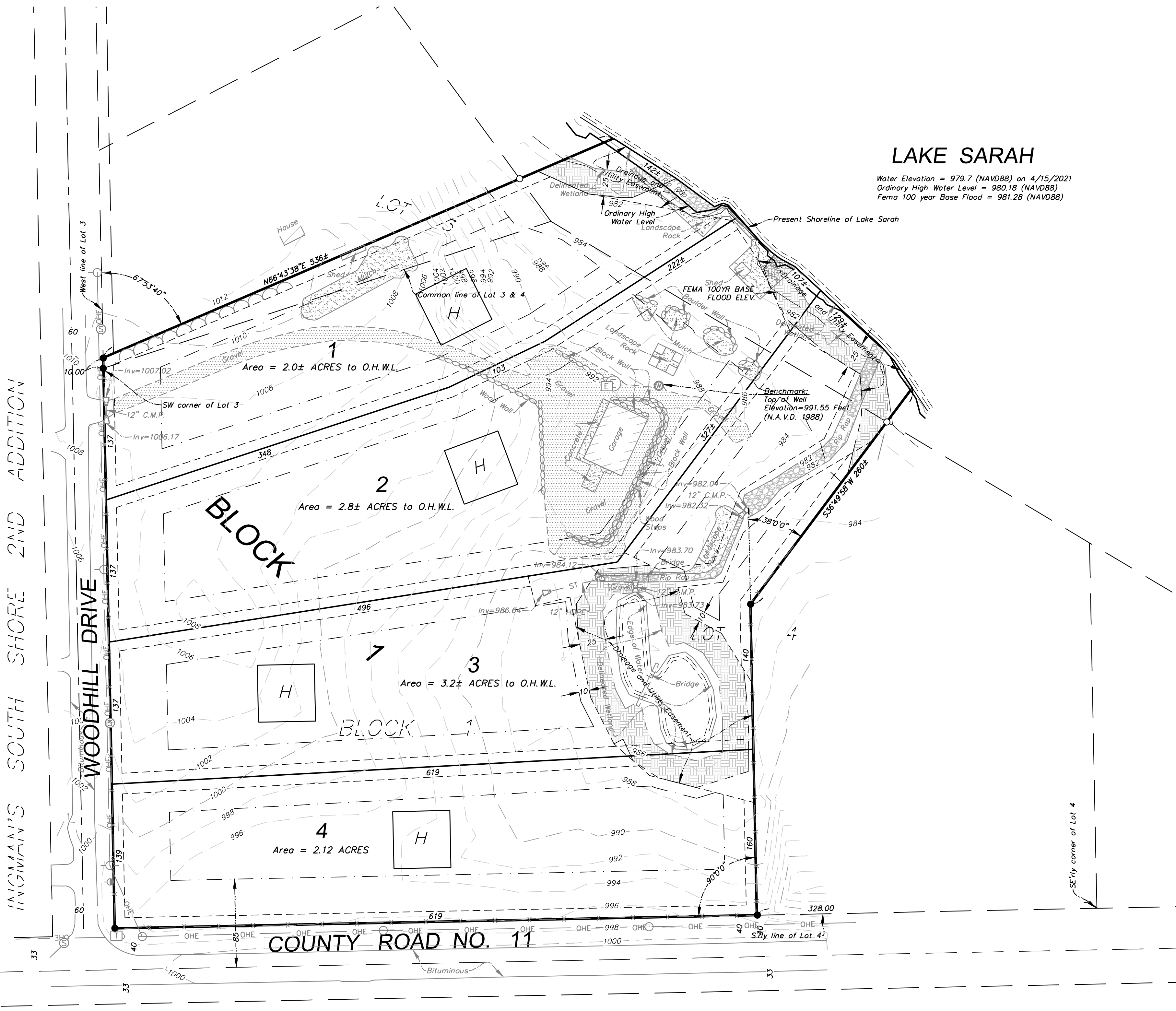
P.I.D. No. 0111824340010

Total Plat Area to O.H.W.L.= 10.1±

- LEGEND**
- 988 — denotes Existing Contour
  - 988.00 X denotes Existing Spot Elevation
  - FF=989.36 denotes Finished Floor Elevation
  - ⓔ denotes Electrical Meter
  - Ⓣ denotes Telephone Pedestal
  - ⓔ denotes Electrical Pedestal
  - denotes Guy Wire
  - denotes Power Pole
  - Ⓢ denotes Sanitary Manhole
  - OHE — denotes Overhead Electric Line
  - X — denotes Fence Line
  - denotes Drainage and Utility Easement per the plat LAKE SARAH FARMS (to be Vacated)
  - denotes Building Setback Line
  - Front = 85' (to Centerline)
  - Corner Side = 52' (to R/W)
  - Side = 30'
  - Lake = 100'
  - Wetland Buffer= 10'
  - H denotes Possible House Pad Location
  - denotes 25' Wetland Buffer

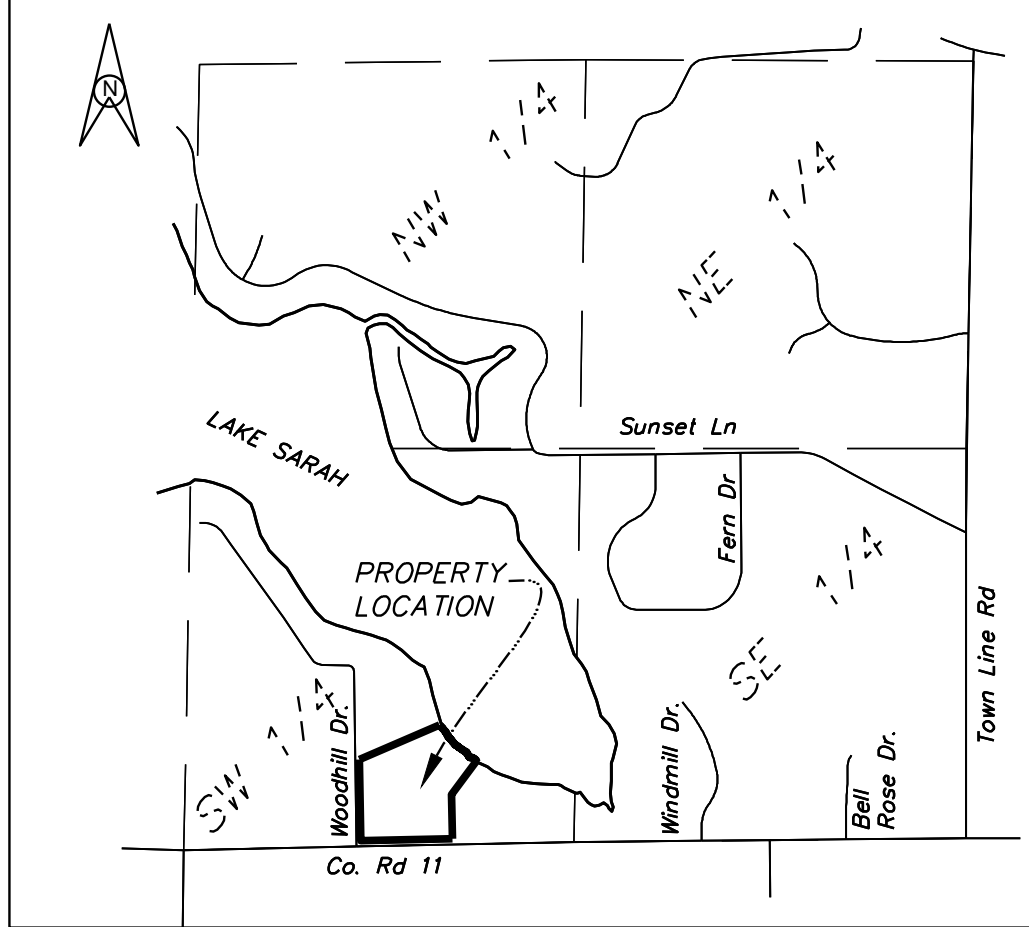
LAKE SARAH

Water Elevation = 979.7 (NAVD88) on 4/15/2021  
Ordinary High Water Level = 980.18 (NAVD88)  
Fema 100 year Base Flood = 981.28 (NAVD88)



Vicinity Map

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



Notes:

- The existing drainage and utility easements on the property are proposed to be vacated.
- The existing sewer service to the existing garage shall be moved to Lot 2

PROPERTY DESCRIPTION:

That part of Lot 3, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota, according to the recorded plat thereof; lying Southerly of a line described as:

Commencing at the Southwest corner thereof; thence Northerly along the West line of said Lot 3, a distance of 10.00 feet to the point of beginning of line to be described; thence Northeasterly deflecting right 67 degrees 53 minutes 40 seconds to the shoreline of Lake Sarah and there ending.

ALSO:

That part of Lot 4, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota, according to the recorded plat thereof; lying Westerly of the following described line and its Northeasterly extension.

Commencing at the Southeasterly corner thereof; thence Westerly along the Southerly line thereof; distant 328.00 feet to the point of beginning of line to be described; thence deflect right 90 degrees, a distance of 300.00 feet; thence deflect right 38 degrees to the shoreline of Lake Sarah and there ending.

Preliminary Plat 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  
License #40062 Date: 5/11/2021

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

Project No. 21-0172

LAKE SARAH HILL

C.R. DOC. NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That \_\_\_\_\_, fee owners of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of Lot 3, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota, according to the recorded plat thereof, lying Southerly of a line described as:

Commencing at the Southwest corner thereof; thence Northerly along the West line of said Lot 3, a distance of 10.00 feet to the point of beginning of line to be described; thence Northeasterly deflecting right 67 degrees 53 minutes 40 seconds to the shoreline of Lake Sarah and there ending.

ALSO:

That part of Lot 4, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota, according to the recorded plat thereof, lying Westerly of the following described line and its Northeasterly extension.

Commencing at the Southeasterly corner thereof; thence Westerly along the Southerly line thereof, distant 328.00 feet to the point of beginning of the line to be described; thence deflect right 90 degrees, a distance of 300.00 feet; thence deflect right 38 degrees to the shoreline of Lake Sarah and there ending.

Have caused the same to be surveyed and platted as LAKE SARAH HILL and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said \_\_\_\_\_, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

(Notary Signature)

(Notary Printed Name)

Notary Public, \_\_\_\_\_County, \_\_\_\_\_

My commission expires \_\_\_\_\_

I, Paul E. Otto do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Paul E. Otto, Licensed Land Surveyor  
Minnesota License Number 40062

STATE OF MINNESOTA  
COUNTY OF WRIGHT

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Paul E. Otto.

(Notary Signature)

(Notary Printed Name)

Notary Public, \_\_\_\_\_County, Minnesota

My commission expires \_\_\_\_\_

CITY COUNCIL, CITY OF INDEPENDENCE, MINNESOTA

This plat of \_\_\_\_\_ was approved and accepted by the City Council of the City of Independence, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Independence, Minnesota

By \_\_\_\_\_ Mayor By \_\_\_\_\_ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor

by \_\_\_\_\_ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Mavis, County Surveyor

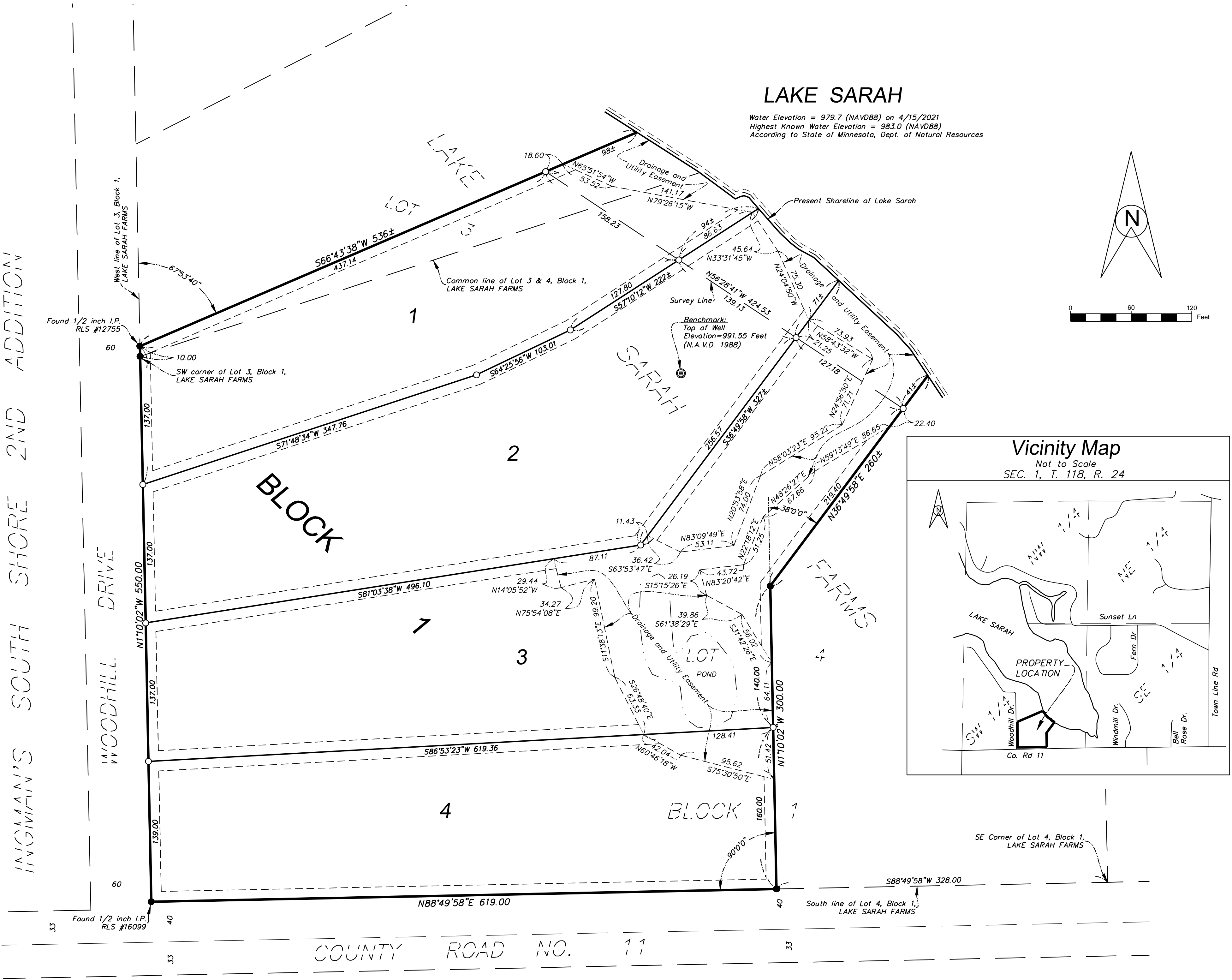
by \_\_\_\_\_

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of \_\_\_\_\_ was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m.

Martin McCormick, Registrar of Titles

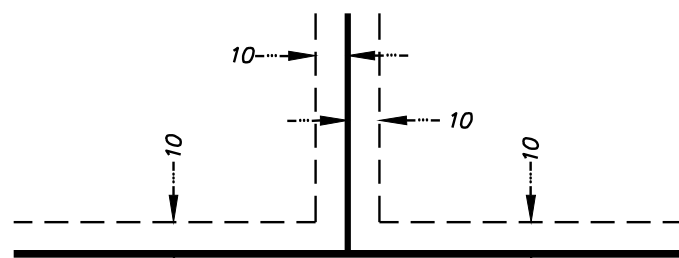
by \_\_\_\_\_ Deputy



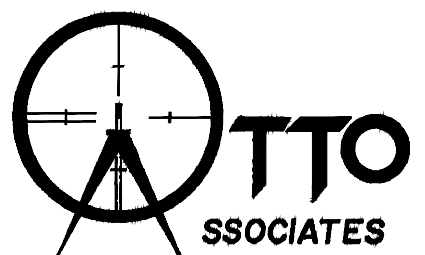
Bearing Note:  
The South line of Lot 4, Block 1, LAKE SARAH FARMS, Hennepin County, Minnesota, is assumed to bear N88°49'58"E.

- denotes 1/2 inch open iron pipe found (unless noted otherwise)
- denotes 1/2 inch iron by 14 inch iron pipe set and marked by License number 40062

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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



## City of Independence

### ***Request for a Variance from the Side Yard Setback for the Property Located at 2485 County Road 90***

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 17, 2021
<i>Applicant:</i>	Nathan and Molly Kirkpatrick
<i>Owner:</i>	Nathan and Molly Kirkpatrick
<i>Location:</i>	2485 County Road 90

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

Nathan and Molly Kirkpatrick (Applicants/Owners) are requesting the following action for the property located at 2485 County Road 90 (PID No. 15-118-24-44-0003) in the City of Independence, MN:

- a. A variance from the side yard setback to add a screen porch to the south side of the existing home on the subject property.

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

The subject property is located at 2485 County Road 90. The property is on the west side of County Road 90 and just north of the intersection of County Road 90 and Pagenkopf Road. There is an existing home on the subject property.

Property Information: **2485 County Road 90**

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: 1.01 acres (43,995 square feet)



2485 County Road 90 (blue line)



***Discussion:***

The applicant is seeking approval to construct a screen porch on the south side of the existing home. The applicant approached the City about the potential to encroach into the side yard setback along the south property line. The existing home is currently located approximately 31 feet off of the south property line. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The proposed screen porch addition would encroach into the side yard setback approximately 19.5 feet. The house is not perfectly parallel to the south property line and the subsequent variance would allow a 20-foot encroachment.

The resulting variance to the side yard setback would be 20 feet. The required setbacks for properties zoned RR-Rural Residential are as follows:

**Front Yard Setback:**

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

Existing: 143 feet from centerline

Rear Yard Setback:

Required: 40 feet

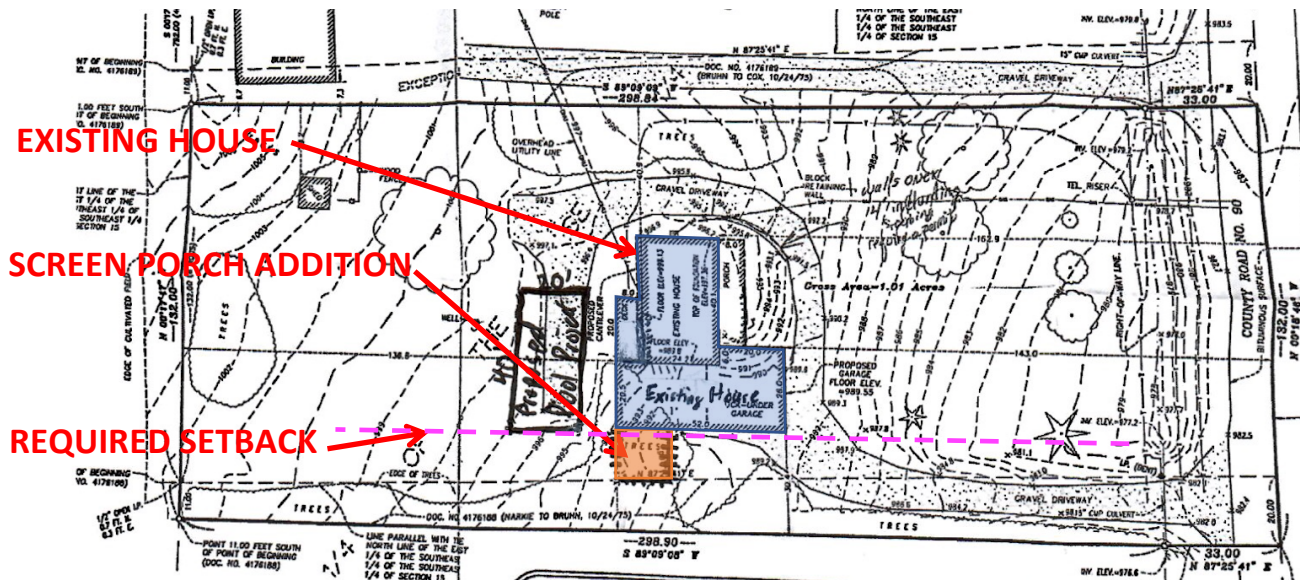
Existing: 136 feet

Side Yard Setback (South Side):

Required: 30 feet

Existing: 31 feet

**Proposed: 10 feet (variance of 20 feet)**



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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District.
- b. Many of the surrounding properties do not appear to be in compliance with all applicable principle or accessory structure setbacks.
- c. The character of the surrounding area is residential. The proposed screen porch addition is generally in keeping with the residential uses on properties in the surrounding area.

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

1. Staff discussed alternative options for locating the screen porch in compliance with applicable setbacks with the applicant. The applicant noted that the general interior configuration of the home would best support the proposed porch location. The proposed porch also is in line with the west (rear) of the existing home.
2. The applicant could locate a detached accessory structure on this property in the general location of the proposed screen porch and meet applicable setbacks (15 feet).
3. The adjacent property to the south is located approximately 19' from the shared property line.
4. The applicant discussed the encroachment with the neighboring property owner and they have provided a letter in support of the requested variance.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. The lots in this area are somewhat smaller (1 acre versus 2.5) than the typical rural residential property in the City. The existing home was located against the south property line setback. Due to the configuration of the house on the property and the interior layout there are some limitations to add this type of addition without impacting function of the existing structure/use. The setback of the proposed screen porch from County Road 90 and the natural screening and buffering that exists between this and the surrounding properties appear to help mitigate the potential impacts.



**Public Comments:**

The City has received had written correspondence from the adjacent property owner in support of the requested variance.

**Recommendation:**

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

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the Rural Residential District. The applicant is seeking a variance to allow a screen porch addition to be added onto the existing home.
  - b. The alignment of the proposed porch with the rear of the home and the proposed building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
  - c. The character of the surrounding area is residential. The proposed screen porch addition and would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 20-foot reduction (from 30 feet to 10 feet) to the south side yard setback to allow the proposed screen porch to be added onto the existing structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.

**Attachments:**

1. Application
2. Survey
3. Porch Plans/Elevations



CITY OF  
**INDEPENDENCE**  
MINNESOTA

## PLANNING APPLICATION

Case No. \_\_\_\_\_

### Type of application

- ☐ Standard    ☐ Staff Approval    ☐ Plan Revision    ☐ Amended    ☐ Reapplication
- ☐ Rezoning    ☐ Conditional Use Permit    ☒ Variance    ☐ Ordinance Amendment    ☐ Subdivision
- ☐ Preliminary Development Plan    ☐ IUP    ☐ Accessory Height    ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan    ☐ Final Site & Building Plan    ☐ Other \_\_\_\_\_

### Site Location— Additional addresses on back and legal description attached

Property address 2485 County Road 90

PID \_\_\_\_\_

### Proposal -Full documentation must accompany application

*The purpose of this request for a variance is to facilitate the addition of a proposed screened porch project to the south side of the existing home.*

### Applicant

Name Nathan + Molly Kirkpatrick Email nathankirkpatrick184@gmail.com

Address 2485 County Road 90 Independence MN 55359

Phone 612-327-5694 Additional phone/contact 612-388-5143

Printed Name Nathan Kirkpatrick Signature Nathan Kirkpatrick

### Owner Information (if different from applicant)

Name Molly Kirkpatrick Email nathankirkpatrick184@gmail.com

Address 2485 County Road 90 Independence MN 55359

Phone 612-388-5143 Additional phone/contact \_\_\_\_\_

Printed Name Molly Kirkpatrick Signature Molly Kirkpatrick

### Office Use Only

Date \_\_\_\_\_

Application Amount \_\_\_\_\_

Check # \_\_\_\_\_

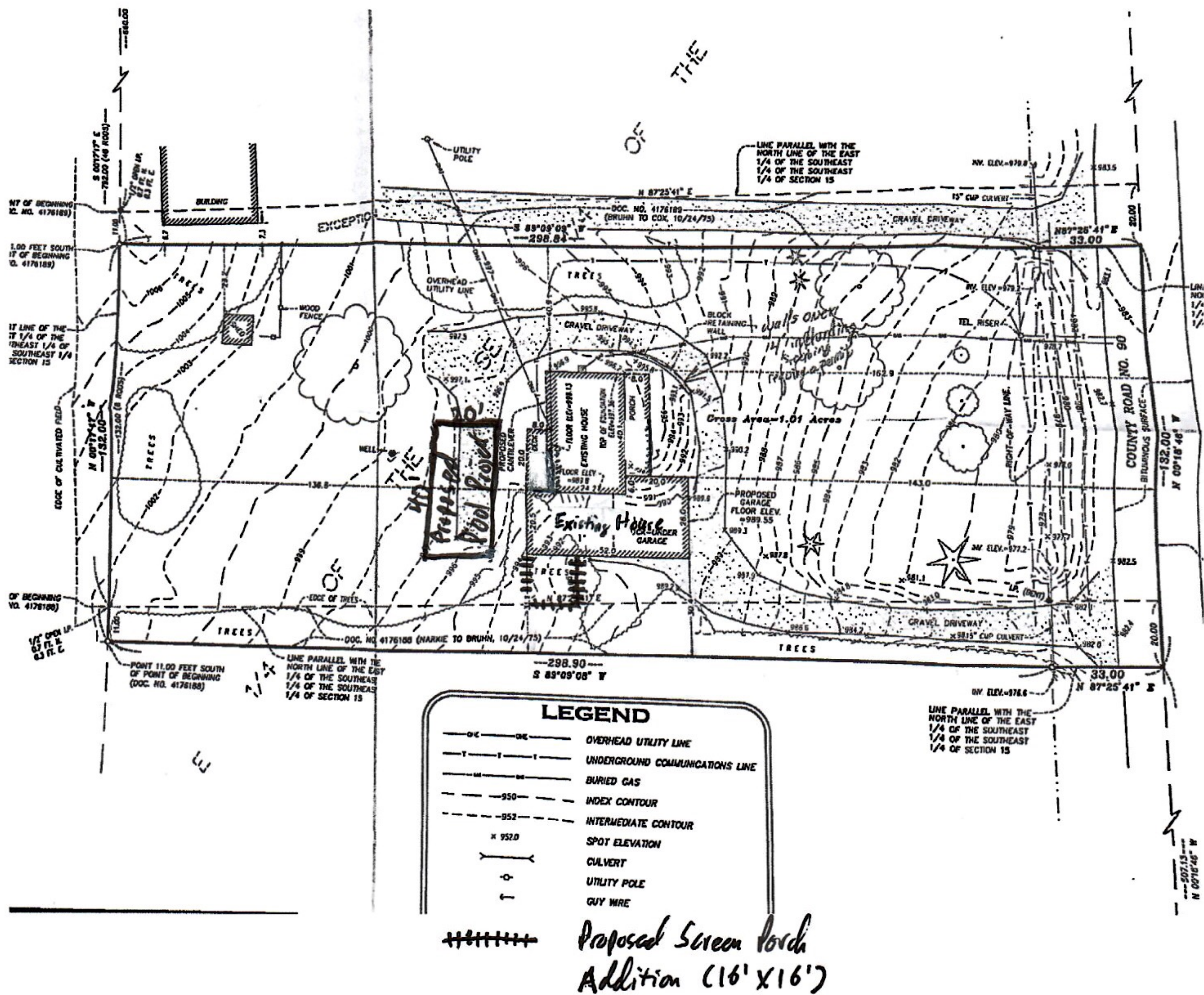
Accepted By \_\_\_\_\_

Escrow Paid \_\_\_\_\_

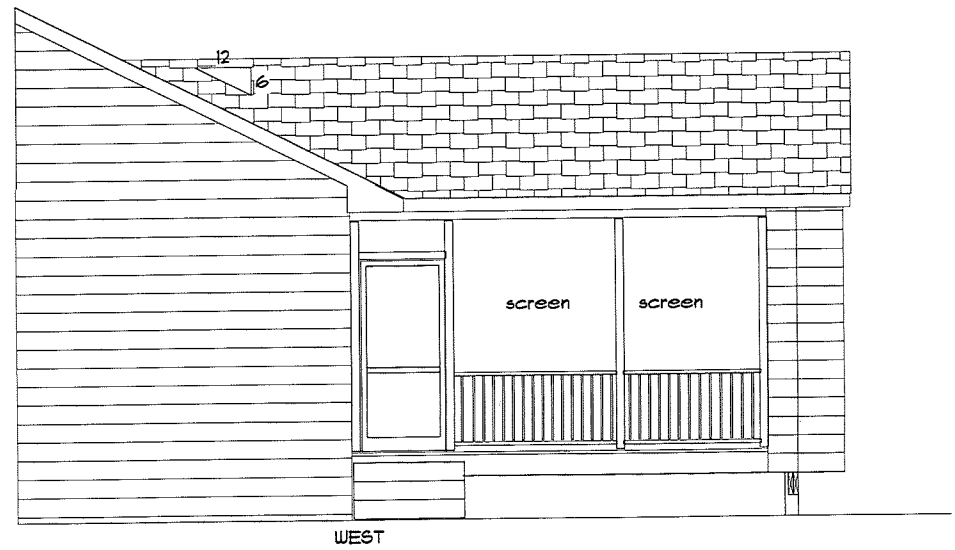
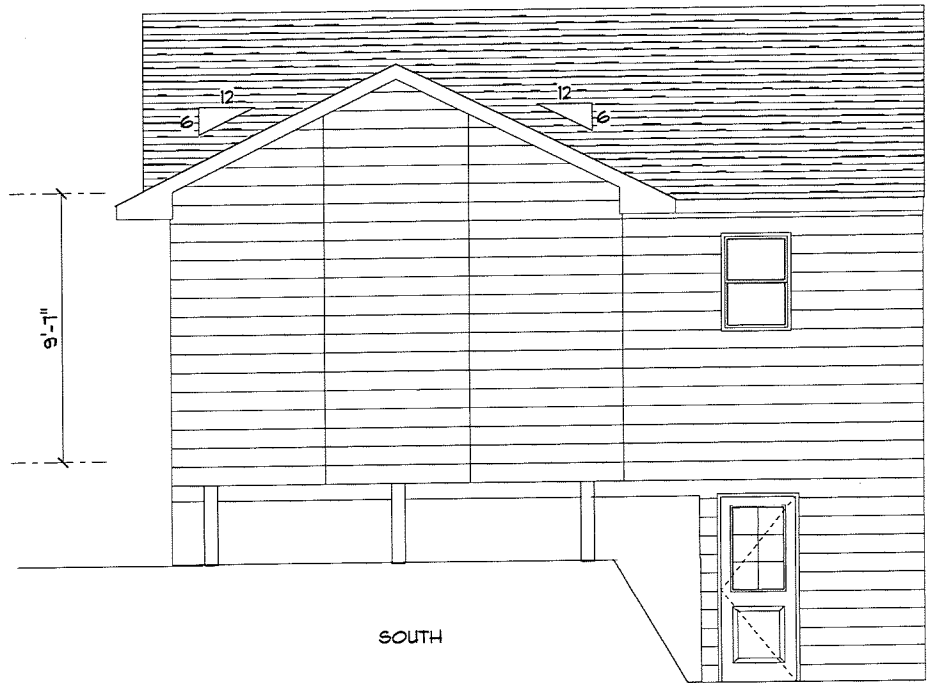
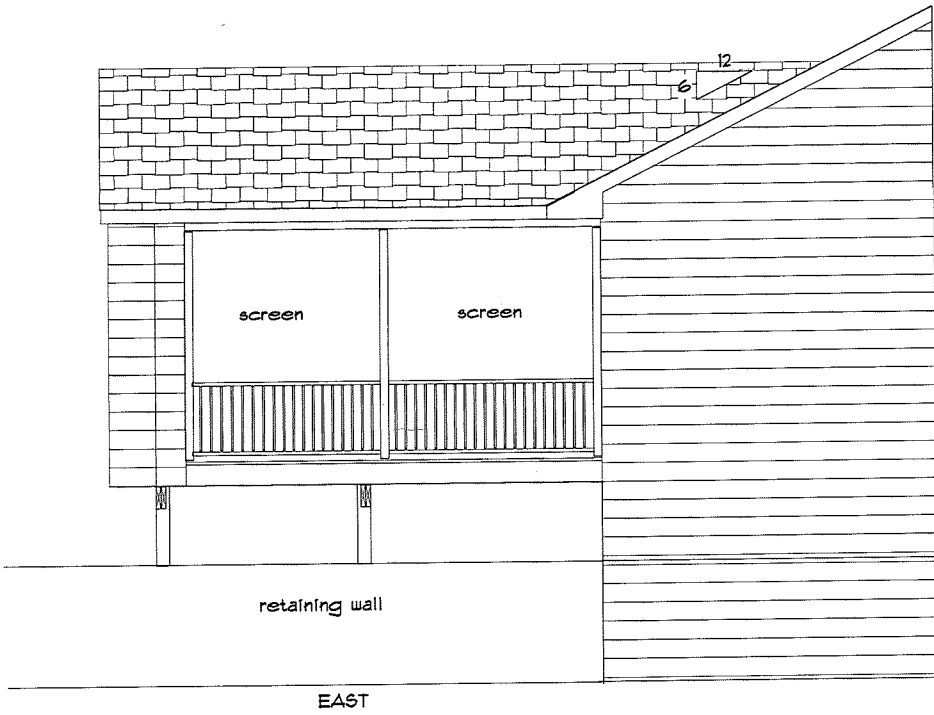
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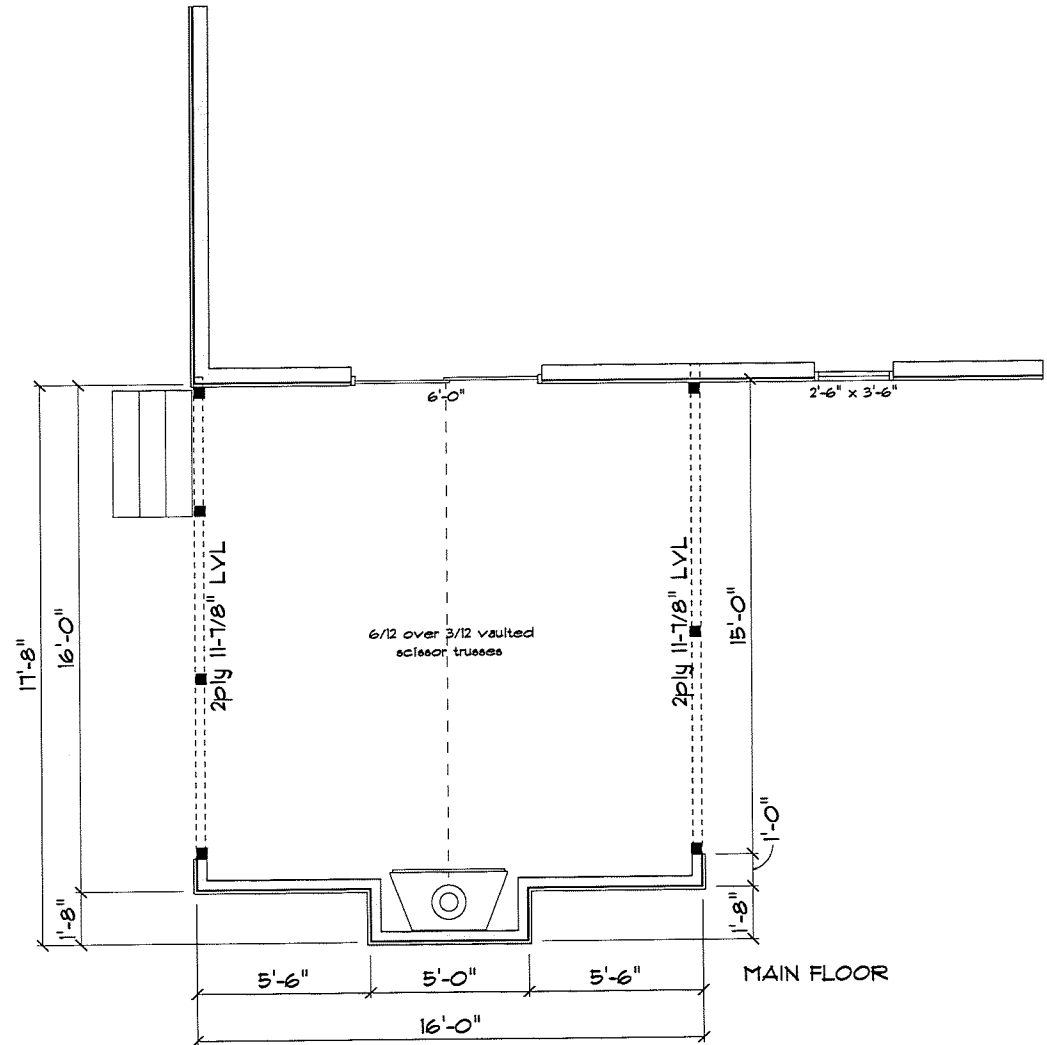
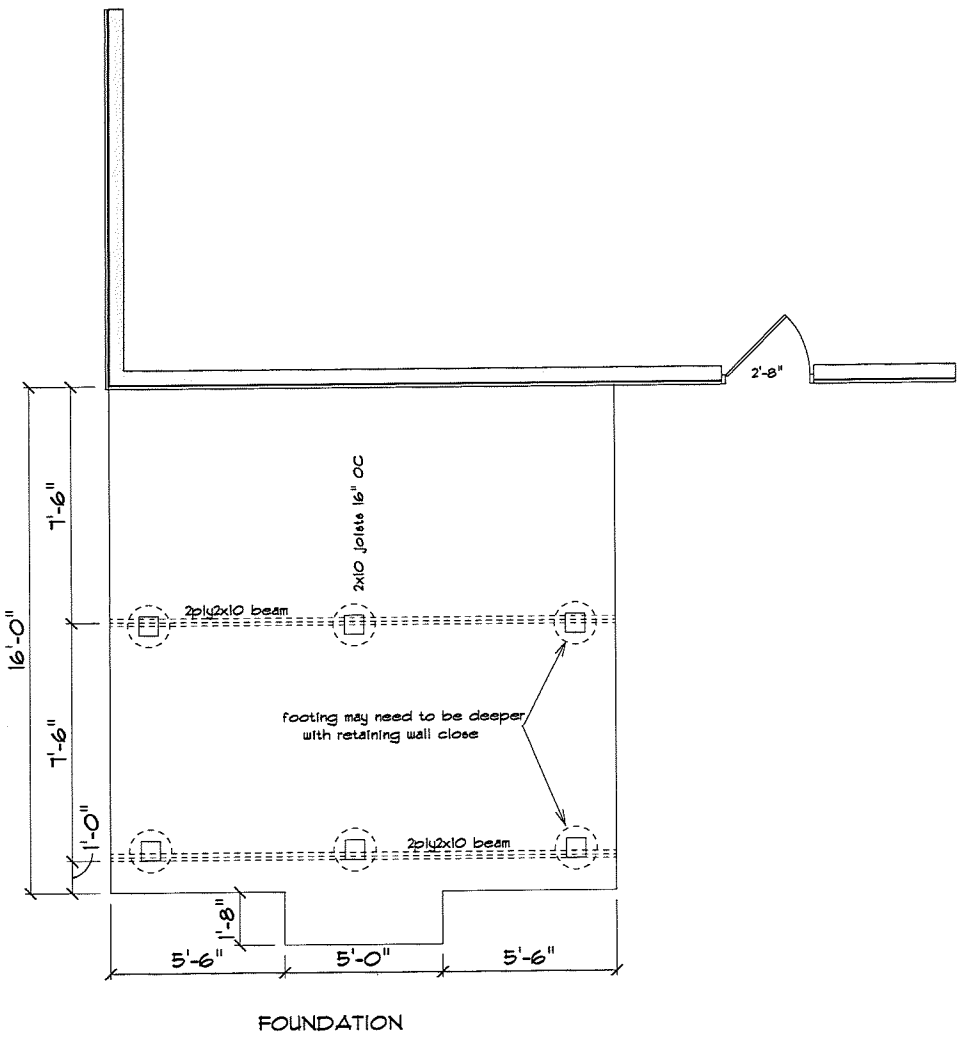
Date Accepted by Planner \_\_\_\_\_













City of Independence  
Minor Subdivision to Permit a Rural View Lot Subdivision for the Property  
Located 2160 Nelson Road

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 15, 2021
<i>Applicant:</i>	John Kinkner
<i>Owner:</i>	John Kinkner
<i>Location:</i>	2160 Nelson Road

***Request:***

John Klinkner (Applicant/Owner) is requesting the following action for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN:

- a. A rural view lot subdivision to allow the creation of two (2) rural view lots on the subject property.

***Property/Site Information:***

The property is located in between Nelson and Copeland Roads and north Deans Lane. There is an existing home and several outbuildings associated with the original farmstead. The property has a large woodland on the south and east side and tillable acreage across a large portion of the north and west. There are potential wetlands located throughout the entirety of the property.

The property has the following characteristics:

**Property Information: 2160 Nelson Road**

*Zoning: Agriculture*

*Comprehensive Plan: Agriculture (Agriculture Preserve Removed)*

*Acreage (BEFORE) - 80.84 acres*

<i>Acreage (AFTER) -</i>	<i>Parcel A:</i>	<i>10.00 acres</i>
	<i>Parcel B:</i>	<i>60.84 acres</i>
	<i>Parcel C:</i>	<i>10.00 acres</i>

Site Aerial – 2160 Nelson Road



***Discussion:***

The applicant's representative approached the City about the possibility of subdividing the property in order to realize the allowable rural view lots. The applicant would like to establish two (2) rural view lots and has configured both to maximize the value of the new lots created. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 80.84 acres.

The Agriculture Zoning District prohibits the subdivision of property with two exceptions: rural view lot subdivisions and lot line rearrangements. The provisions in the Agriculture Zoning District also 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 two (2) rural view lots for a total of three (3) lots across the property.

Rural view lots must have the following characteristics:

**Lot size required** - between 2.5 and 10 acres

**Lot size proposed** - Parcel A – 10.00 acres  
Parcel C – 10.00 acres

**Buildable Upland Required** - 2.5 acres

**Buildable Upland Proposed** - Parcel A – ~10.00 acres  
Parcel C – ~9.00 acres

**Minimum lot frontage required** – 300 LF (for property between 5-10 acres)

**Minimum lot frontage proposed** – Parcel A – 662 LF  
Parcel B – 670 (Nelson Rd) / 812 (Copeland Rd)  
Parcel C – 507 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  
Parcel 4 – ~1:1.5

In addition to the minimum size necessary to subdivide, the ordinance requires at least 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, both proposed rural view lots would meet all applicable setbacks.

There is an existing home and several detached accessory buildings that would be located on the newly created Parcel A. This home is accessed off of Nelson Road. The new lot would have 10 acres and all existing structures would meet applicable building setbacks.

Parcels B and C would be vacant properties with no existing structures in the after condition. The applicant is proposing to subdivide the property into lots that take advantage of the natural characteristics of the property and offer the best geographic location for a potential new home site. The remaining 60-acre Parcel B would have multiple locations for a future home site which could be accessed off of either Nelson or Copeland Roads.

The City has not received an on-site septic report verifying that the proposed rural view lots can accommodate a primary and secondary on-site septic system. It is anticipated that the City will have this verification prior to City Council consideration of the application. The applicant will need to include the requisite drainage and utility easements as required by ordinance (Section

500.15, Subd.'s 1 and 2) for all three parcels. Parcel B will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created rural view lots (Parcels A and C) will be required to pay the City's requisite Park Dedication fee. For this property the requirement is as follows: Lot A and B (10 acres) \$7,250 each. 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 Planning Commission will need to determine if the proposed rural view lot subdivision is in keeping with the requirements set forth by the City. The proposed subdivision of this property is intended to maximize the value in each of the lots being created while meeting all applicable criteria. The proposed lots being created generally align with the character of the surrounding properties and the intent of the City's Comprehensive Land Use Plan.

***Recommendation:***

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

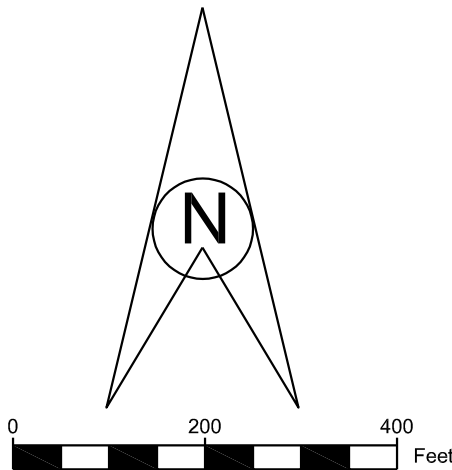
1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision is subject to the following:
  - a) The Applicant shall pay the park dedication fees in the amount of \$14,500, for the newly created Parcels A and 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 easements with the county within six (6) months of approval.
  - e) Parcel B will have no remaining rural view lot eligibilities.


***Attachments:***

1. Proposed Subdivision Exhibit



# Concept Plan



Concept Plan on the South 1/2 of the N.E. 1/4 and Part of the North 1/2 of the N.E. 1/4 of Section 19, Township 118, Range 24, Hennepin County, Minnesota	Requested By: <div>John Klinkner</div>				<div><div>www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522 Engineers &amp; Land Surveyors, Inc.</div></div>	<ul style="list-style-type: none"><li>● denotes iron monument found</li><li>○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062</li></ul>
	Revised:	Date: 5-6-2021	Drawn By: S.O.S.	Scale: 1"=200'		
	5-6-2021					Project No. 21-0258