



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
SPECIAL MEETING
TUESDAY AUGUST 31, 2021

6:30 PM SPECIAL MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. August 12, 2021 Planning Commission Meeting
 - b. August 2, 2021 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:
 - a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.
5. **PUBLIC HEARING:** Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting the following actions for the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001.
 - a. A minor subdivision to split the property into two parcels.
 - b. Rezoning from AG-Agriculture to RR-Rural Residential.

- c. Preliminary Plat to allow a 13-lot subdivision to be known as Hilltop Prairie Subdivision.
- 6. **PUBLIC HEARING:** Jessie Koch (Applicant) and Christopher Leines (Owner) are requesting the following actions for the property generally located near the northwest corner of County Road 11 and Lake Sarah Drive and identified by (PID No. 02-118-24-34-0003) in the City of Independence, MN:
 - a. A minor subdivision to permit the creation of a new lot on the subject property.
- 7. Open/Misc.
- 8. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
AUGUST 10, 2021 – 5:00 P.M.
(In-Person for Commissioners and staff, Virtual for Residents)

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Gardner at 5:00 p.m.

2. ROLL CALL

PRESENT: Commissioners Gardner, Thompson, Palmquist, Volkenant (arrived late). Sworn in alternates, Story and Tearse

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: Dumas

VISITORS: Richard and Kelly Wood, Dan Johnson, Tim Koch, Tom Koch, Paul Otto, Brad Spencer

3. Approval of Minutes:

a. May 18, 2021 Planning Commission Meeting Minutes

b. June 15, 2021 Planning Commission Meeting Minutes

Motion by Thompson to approve the May 18, 2021 Planning Commission minutes, second by Palmquist. Ayes: Gardner, Thompson and Palmquist. Nays: None. Absent: Volkenant, Dumas Abstain: None. Motion Approved.

Motion by Palmquist to approve the June 15, 2021 Planning Commission minutes, second by Thompson. Ayes: Gardner, Thompson and Palmquist. Nays: None. Absent: Volkenant. Dumas Abstain: None. Motion Approved.

4. **PUBLIC HEARING:** Richard Wood (Applicant/Owner) is requesting the following actions for the property located at 5233 Lake Sarah Heights Drive (PID No. 01-118-24-24-0023) in the City of Independence, MN:

a. A variance to allow a reduced front yard setback related to the construction of a new home on the subject property.

Property/Site Information:

The subject property is located at 5233 Lake Sarah Heights Drive which is on the west side of the road Just after the intersection of Lake Sarah Heights and Sunset Lane. The property is comprised of approximately 1.55 acres. The property is located on the Lake Sarah channel and has a large wetland on the west side of the property. The property generally slopes towards the lake.

Property Information: 5233 Lake
Sarah Heights Drive Zoning: *Rural*

Residential (Shoreland Overlay)
Comprehensive Plan: *Rural*
Residential
Acreage: 1.55 acres
Impervious Surface Maximum: 25%

Discussion:

The applicant approached the City about the possibility of developing this lot earlier this year. One of the key considerations relating to this property and the property to the south is the existing wetlands located adjacent to the channel. The applicant had the property delineated and determined the buildable area (see attached). Following approval of the delineation, the applicant moved forward with the preparation of a new home plan for the property.

The initial plans for this property included a single-family home and detached accessory building. Prior to submitting the plans for a building permit, the applicant informed the City that they would like to construct the detached accessory structure first and prior to construction of the single-family home. The City notified the applicant that a principal structure was required prior to construction of an accessory structure. The applicant asked if they could construct the detached accessory structure as a principal structure and then later convert the building to a detached accessory structure and build the principal structure. The City does not have any provisions that would expressly prohibit a detached accessory building to be used as a principal structure if it could meet all provisions of the building code for a principal structure.

515.12. Minimum size for residential dwellings.

All residential dwellings must be a minimum of 24 feet in width and 30 feet in length and must contain a minimum of 720 square feet of habitable floor space. Length and width must be measured from the outside of the exterior siding or fascia and habitable floor space must be measured from the inside of the interior wall surface. Interior partitions must not be considered.

The applicant is proposing to construct the building to meet the applicable standards for a residential dwelling. If they chose to construct the single-family home at a later date, the structure would need to be modified (removal of the stove and specific bedrooms – ADU could be applied for at a later date if they wanted to keep some of the living spaces). The change in the proposed construction sequencing did cause some confusion and does require different building setbacks (principal structure versus accessory structure).

The existing property is a lot of record. The City's shoreland ordinance states:

505.15. Substandard lots.

Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:

- (a) Such use is permitted in the zoning district;*
- (b) The lot of record is in separate ownership from abutting lands, and can meet or*

- exceed 60 percent of the lot area and setback requirements of this section; and*
- (c) *All requirements of section 705 of this Code regarding individual sewage treatment systems are complied with.*

This lot is considered a substandard lot and would be allowed to take advantage of the administrative variance which permits a 40% (need to meet 60%) reduction in the established setbacks. Setbacks in the shoreland overlay district have two parts. The initial setbacks are regulated by the underlying zoning (in this case RR-Rural Residential). The shoreland overlay provides a second layer of setback standards that generally pertain to the shoreland setbacks.

The requisite (and applicable for this issue) building setbacks for this property are as follows:

Front Yard Required: 85 ft from centerline or 50 ft. from right-of-way, whichever is greater
Side Yard Required: 30 feet

The applicant had reached out to the City to verify the building setbacks and was provided with the respective sections of the ordinance. It was noted that the allowable building setbacks could meet 60% of the required setbacks due to the status of the lot as a substandard lot established before 12/1/1982. The applicant and their surveyor applied the 60% exception to the building setbacks. The 60% provision would allow the following setbacks:

Permitted:

Front Yard Required: 51 ft from centerline or 30 ft. from right-of-way,
whichever is greater Side Yard Required: 18 feet

As Constructed:

Front Yard: 50.1 ft from centerline
Side Yard: 18.1 feet

When applying the setbacks, they did not take into account the provision that states, “whichever is greater” and used the lessor of the two relating to the front yard setback. In this case, there is a delta of 9.2 feet between the two measurements. The City issued a building permit to construct the building and noted that the setback was greater than what was shown on the plans. As a result of a personal medical issue, the City’s building official was not available to inspect the property on the day the footing was approved, and a substitute inspector reviewed the footings. No measurements were taken on site, and the inspection resulted in approval of the footings. The applicant poured the foundation approximately 9.2 feet closer to the property line than permitted.

The City was notified by a neighboring property owner that the foundation appeared to be too close to the road and the City inspected the foundation. It was determined that the foundation did not meet the applicable setbacks and a stop work was issued on the property. The City and applicant reviewed the issue and discussed possible solutions for moving the project forward.

It should be noted that a city employee cannot (either by mistake or purposely) change the ordinance and or issue an administrative variance to any ordinance provisions.

The applicant chose to move forward with a variance application seeking approval to allow a 9.2-foot variance from the required front yard setback.

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Rural Residential District.
- b. The applicant has noted that the slope behind the existing foundation is steep and would require significant fill to move the structure further away from the property line. In order to construct the existing foundation, additional fill was required. The property historically drops off towards the lake.
- c. The character of the surrounding area is residential. The applicant is proposing to construct a principal structure which is not wholly consistent with the surrounding properties. The initial building would look and feel more like an accessory structure than a principal structure.

- d. The structure would need to be moved 9.9 feet to the west to meet the applicable building setbacks (30 feet from the property line, currently 20.1 feet from the property line).
- e. The properties that surround this property generally comply with applicable front yard setbacks. It can be seen from aerial photographs, and it is otherwise known that many lake properties do not fully comply with all applicable zoning requirements.

The City noted that the structure should not have been permitted in the location that is proposed and that the substitute building inspector should have measured the setback and identified the issue prior to approving the foundation. The Planning Commission will need to determine if the requested variance meet the requirements for granting a variance.

Neighbor Comments:

No written correspondence has been provided to the City. The City did receive a verbal comment relating to the closeness of the structure to the road.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Variances with the following findings and conditions:

1. The proposed variance 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 requested variances will allow the construction of the proposed principal structure in accordance with the existing foundation and associated building plans (approved plans only - plans will become an exhibit of the resolution). The variances will allow a 9.9' reduction in the requisite setback as follows:
 - a. Front Yard: 20.1-foot setback
3. The Applicant shall pay for all costs associated with the City's review of the requested variance.
4. Any future improvements or expansion of the structure will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Kaltsas explains that prior to applicant submitting plans for approval they changed from single family home to a detached garage with living space that met minimum requirements of a residential structure for the City. The change did impact side detached accessory building vs. principle structure.

The city and applicant reviewed and approved the permit for the detached structure to become the principle structure on this property. The applicant then moved forward with starting instruction on this structure.

The structure setbacks from the city's right-of-way are something that came into questions after the city approved the initial footing inspection. The setback did not meet the requirements. The applicant was then given the options of

- a.) apply for a variance to approve the reduced front yard setback
- b.) to move the structure to the required setbacks.

Lots built prior to December 1, 1982 can be developed as a new building site. They are given an administrative variance from the city's setbacks for new construction. If they can meet 60% of the setback requirements of this section, they can use the altered setbacks for where to build a setback on the property.

Kaltsas explains that the key issue is that the front yard setback requirements states a structure needs to be 85' from the center line or 50' from the right of way, whichever is greater. The applicant took 60% of the 85' from the center line and used that as the applicable setback where 50' of the right-of-way is the greater of the two and because of that the 60% would be applied to the 50' of the right-of-way and that would be 30' from the property line rather than 51' from the center line. The footings that were poured are too close to the front yard setback. They would need a variance of 9.2 ft in order to allow the existing slab to remain in place and to build the principle structure on this property.

However, applicant notes there is a significant slope that goes from the property down towards the wetlands and the lake. Bringing in additional fill would be costly and cause a burden on the landowner to move the structure away from the property line. The property historically dropped off towards the lake.

Gardner asks if the property is slab on grade and if the slab is thickened or has footings. He states that these characteristics speak to the difficulty of moving it.

Thompson asks what the acceptable setbacks on an accessory structure are. Kaltsas states that they the same front yard setbacks. Thompson noted that there were many people notified of this request in such a dense area and asked if there was any other feedback or questions from the residents on this issue. Horner and Kaltsas state that there was not any negative feedback from the surrounding residents on this setback issue.

Gardner asks if the city is liable for any of this and Kaltsas states that we are not the city's attorney and it falls back on the homeowner.

Story asks if it is possible to move the structure further West. Gardner clarified that because of the slope, this would not be reasonable. He discusses the problematic issues of having to move the structure. He also states variances should not be issued due to economic hardship, however they have not received any "nasty" letters and it is not messing up anyone's life.

Volkenant asks if there has been any other lots in the area that have had to apply for a variance due to ecological reasons? Kaltsas states that there have been other lots that could not comply with the ordinance and still have a reasonable building pad put on them. This lot also has more buildable land above the wetland than perceived.

Public Hearing Opened

Dan Johnson, Richard Wood's uncle and a licensed civil engineer and a previous land surveyor in training. He states that the survey did not show wetlands on the property, but it did show wetlands on the property to

the South. They questioned the wetland and hired a delineator to indicate where the wetlands were. Johnson questions the front yard city setback requirements since most setbacks are from the property line rather than the center line. He states that the city codes do not mention 60%. In the building application the setback is 60% of the 85' from centerline or 60% of the 50' from right-of-way and does not state "whichever is great." Then Johnson states that the references were removed from the city website after this was brought to the City's attention. The family was planning on living in the garage as the house was being built. Johnson states that Wood followed the rules and the surveyor made an error. The surveyor provided a letter stating the correct information and Mark Kaltsas signed this letter.

Richard and Kelly Wood then discuss issues with the wetlands and setbacks. They state that they filled out the permit application on 5/20 and the information about setbacks was not listed on the application. The application was then signed on 6/16 for a 51' setback, they poured the slab on 6/19 and were issued a stop work order on 6/21. A city council member and city official came to the site on 6/24 and gave the options of moving the slab or applying for a variance. Moving the slab further West on the property would jeopardize the foundation since it is on a 45 degree slope. He believes he did his due diligence in applying for this variance, getting neighboring homeowner's approval and submitting information.

David Dvorak, a neighbor to Wood, states that Woods did everything they were supposed to do.

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

Public Hearing Closed

Thompson asks what the "red stamp" is.

Kaltsas explains that the permit issued to him by the city contains a "red stamp" of approval. The building inspector noted on the plan that there is a 51' setback. The callout is 51' setback. The inspector states that the 51' setback is from the property line for shoreline lots. However, centerline setbacks are common in rural areas due to a lot of property lines are centerlines. Thompson states that the ordinance is fine, but complicated due to shoreline. There isn't specific opposition due to the locality and the character of the neighborhood.

Story asks if Wood came in with plans from the start, would they have considered their plans because of the drop off. Gardner replies that there would have been a problem from the start because of the slope and he is in favor of leaving the structure where it is now because of the slope. There would have been a tremendous building issue if they moved it any further back.

Palmquist states that there was a permit issue. The disconnect is that there was an application made, the permit was issued, 3 days later the slab was poured. If it was poured in the location of the permit, the applicant did not make a mistake here.

Thompson says he wants to be thoughtful that they are not characterizing any potential error for the city. He states there isn't a requirement to check an applicant's work and we don't provide legal interpretations of code. The neighbors have signed off and wide notifications were given about the variance.

Motion made by Thompson to approve a variance to allow a reduced front yard setback, second by Volkenant. Ayes: Gardner, Thompson, Volkenant and Palmquist. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

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

- a. Concept plan review relating to the proposed subdivision of the subject property. The concept plan proposes 34 single-family residential lots.

Property/Site Information:

The overall property is comprised of 5 individual properties that are located on the north and south sides of Kochs Crossing in-between County Road 90 and Independence Road. The property also touches Brei Kessel Road on the south. There is an existing home and a series of detached accessory buildings located across several of the properties. The properties are comprised primarily of agriculture land and wetlands.

Property Information: 5865 Kochs Crossing

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: ~141 acres

Discussion:

The applicant approached the City on several occasions over the last several years to discuss potential rezoning and redevelopment of the subject property. The applicant has now submitted a concept plan for a 34-unit subdivision that would be developed across the 5 subject properties. Staff discussed several aspects of the proposed subdivision with the property owner and the owners' representatives. 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 formal applications for the development of the property.

The City has discussed the potential 34 lot subdivision with the applicant. A more detailed account of the comments and discussion is provided later in this report.

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 Rural Residential.
2. Consider a Conditional Use Permit to allow the proposed Cluster Subdivision.
3. Consider Preliminary Plat approval.
4. Consider Final Plat approval.

Comprehensive Plan/Rezoning

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

Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The initially reviewed the plan to determine the number of lots that could be realized based on the total property acreage.

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

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
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.

Total Area: 141.35 acres
 $141.35 - 47.5 \text{ acres} = 93.85/5 = 18 \text{ lots, plus 9 lots for the initial 47.5 acres.}$
27 Lots

The applicant is proposing to utilize the cluster subdivision standards. The cluster subdivision standards are as follows:

Subd. 4. *Cluster development conditional use permit.* Cluster development is a conditional use in the Rural Residential District, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this Code.
(Amended, Ord. No. 2010-01)

- (a) *Purpose.* The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:
 - (1) Protect natural features in common open space.
 - (2) Improve the arrangement of structures, facilities and amenities on a site.
 - (3) Preserve the rural character of the community.
- (b) *Criteria.* A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.

- (1) The development parcel must be 40 or more acres in size;
- (2) A minimum of 50 percent of the development must be preserved as open space, recreational space or agricultural use;
- (3) A minimum of 50 percent of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100-year floodplain elevation are not considered to be useable for the purpose of this subsection;
- (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
- (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location, provided that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
- (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of ten percent or other physical impediments;
- (7) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (8) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members;
- (9) All utilities must be placed underground;
- (10) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;
- (11) A development agreement must be entered into with the city.

Based on the cluster development standards, the applicant is proposing to develop the property in accordance with applicable provisions. The applicant is asking the City to provide feedback relating to the cluster development criteria and specifically, the 50% open space requirement. The City has historically calculated the 50% open space and subsequent 50% useable open space using the gross site acreage. The applicant is asking the City for direction relating to using the net acreage (gross acreage minus proposed right of way for new City streets) when calculating the open space and useable open space requirements. The ordinance using the following language:

A minimum of 50 percent of the development must be preserved as open space, recreational space or agricultural use;

A minimum of 50 percent of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100-year floodplain elevation are not considered to be useable for the purpose of this subsection;

The total area of the proposed roads is approximately 9 acres. If the ~9 acres was subtracted out of the total, the resulting developable land would increase by approximately 4.5 acres. Staff is seeking additional discussion and direction relating to this issue from the City.

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, traffic impacts 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 proposes to realign Koch's Crossing at the point of intersection with CSAH 90. The City generally believes that this realignment would benefit the access point due to the existing location other curve of CSAH 90. Hennepin County will ultimately need to approve the relocation of Koch's Crossing.
2. Koch's Crossing will be fully upgraded and will tie into the eastern half that was recently upgraded as a part of the Serenity Hills subdivision. The applicant is proposing to locate lots along the realigned Koch's Crossing. This would be consistent with the Serenity Hills subdivision.
3. A new north south road and cul-de-sac is proposed to provide access to a large portion of the property. The road is proposed to connect to Brei Kessel Road to the south. This connection would be supported by the City and would allow the development to have two points of access.
4. The proposed concept plan shows a number of lots that appear to have wetland and wetland buffers encroachments onto the private lots. The City would recommend that wetlands and wetland buffers are removed from the private lots to prevent future limitations on the useable lot area. More detail will ultimately need to be provided to understand how this would impact the layout of the proposed lots.
5. The proposed layout shows that those lots with direct shoreland would be developed so that the homes could be located at the top of the existing slope. This is preferable to previous layouts where the proposed building pads were located closer to the lakeshore which would have likely had significant impacts to the existing topography and vegetation.
6. Several of the proposed lots have significant slopes across the majority of the property. The City will want to look at the potential building pad and grading for all lots (i.e. Lots 4 & 5, Block 2).
7. A primary and secondary septic site would need to be verified on all proposed lots.
8. A wetland delineation will need to be completed.
9. The developer has noted that they would likely phase the construction of the development going from the north to the south. Phasing of the development would be considered at the time of Preliminary Plat.

10. The City and Watershed have standards relating to storm water management and water quality. The City would work to ensure that any development of this property would meet all applicable standards relating to storm water management and water quality. The proposed plans indicate several large outlots that would likely be utilized for stormwater.
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. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed open space. The City should provide feedback relating to possible park dedication on the subject property. The standard park dedication requirement of \$3,500 ($\$3,500 \times 34 = \$119,000$) per lot would otherwise be applicable to all newly developed lots.

Recommendation:

The applicant is seeking feedback from the City pertaining to the concept plan for a 34-lot cluster development. No formal action can be taken by the City on the concept plan. There are many steps that will need to be taken for any development of this property to occur.

Kaltsas explains the concept plan for a 34 unit cluster subdivision of their properties.

The subdivision is comprised of 5 acre properties. The 140 acre property is zoned agricultural and contains wetlands. Kaltsas explains that they would need to rezone the property from agricultural to rural residential and get a conditional use to allow a cluster subdivision. Code would allow 1 unit per 5 acres. It is a total of 34 lots. The density of this would be 9 lots plus 1 for 5 additional lots. Cluster development provision would allow bonus density if there is a certain amount of open space. The first being a minimum of 50% of development maintained for open space and the 2nd provision requires a minimum of that 50% of preserved open space must be usable. The total area of proposed development would allow 50% of the land to be preserved and 50% would be developed. The applicant is proposing 44.7 acres of useful open space.

The applicant is also proposing to use Kochs Xing to serve the development off County Rd 90 to connect to the East side of the property. A suggestion was made to move the access point to the North and tying it back into the East at Kochs Xing. Hennepin County noted challenges with sight lining, but it is better than the existing location on the curve. Realignment of Kochs Xing would allow a layout that provides maximum use of sight and the city sees that as a benefit to improving the entirety of Kochs Xing between Independence Road and County Road 90. They are also proposing a new road South of Kochs Xing which would provide access to the series of 6 lots on the west side of the road and back through to Brei Kessel. Kaltsas notes that some of the wetlands are showing up in a few private lots. Also noted are that some lots have significant slopes. A question of the grading impacts and how to grade a pad into those lots come into mind. Wetland delineation would need to be done as well as primary and secondary septic would need to be verified for all sights in the development. It is possible to do a phase approach from the north to the south of the property. Stormwater would need to be reviewed by city and there is no proposed park areas yet, but there are some open spaces that could be dedicated for parks.

Gardner asks what the purpose of out lot A is. Kaltsas states that it will be used for stormwater.

Palmquist states that the applicant should pay attention to the criteria for the cluster area. He suggests using some of the open space for the community rather than just this development.

Story asks about depth to width ratio in the city ordinances, specifically lot 5. Kaltsas says 4:1, cluster development areas are allowed 1.6 acres. Story also asks if there have been any comments on this development from Brei Kessel road residents that are affected by these changes. Kaltsas says these are not public hearings so it is up to the developer if they want to meet with the residents beforehand. Brei Kessel will be notified if this passes.

Thompson asked if there is an option to be connected to city sewer. Kaltsas said this development would not get MetCouncil approval to extend and reconnect Sewer from Independence Rd of this size; therefore these 34 homes would not get city sewer.

Thompson and Kaltsas discuss the meaning of open space. There is a clear description of what is not open space, but the description of usable space is unclear. It is open for interpretation.

Thompson suggests that they start this development in stages so they can only go so far before having to connect.

Gardner asks what are the negatives of the outlots. Kaltsas says it is variable depending on the situation. Sometimes these are association maintained and sometimes they are homeowner maintained. Story asks if they are proposing an association. It seems unclear if there is going to be an association or not.

Story asks what the anticipated timing is on working through this process. Gardner responds that this is being farmed at the moment. Tarse makes mention of the increased density and number of people that would be living in this area and Gardner responds that it is a benefit for this side of the city.

Palmquist mentioned that he likes the Kochs Xing road and 90 shifting to the North.

Koch asks that the road right-of-way be subtracted from the farm acreage and divided by two. The final open space equals the real estate of the lots and would set the stage for future developments in the area. Story says there is no clear answer to that. To be fair it is not open space it is 0.5 open space. They will need to deliberate on it in a public hearing.

Koch asks if they move forward with the plan assuming approval, what sort of expense would they incur to subtract a few lots. They would start with phasing in the first 11 lots by Kochs Xing, but looking for advice on which direction to start.

Thompson asks if the open space requirements change if they develop in stages versus developing it all at the same time. Kaltsas says there needs to be some reassurance that the future developments will be there. The CUP cluster gets more complicated in a way to assure the city that they will get the appropriate open space.

Thompson asks if starting at Brei Kessel makes more sense because it would be the biggest hurdle to break into the existing neighborhood.

Paul Otto asks if they could provide a phasing preliminary plat for the whole development to lock in the developer and city plans, however outlot A was a little low, possibly a drainage area for wetland or stormwater so it would not be a buildable lot. Otto mentions that there are areas that may need changing as they start developing due to unforeseen issues such as the wetlands. Selstads is not likely a good area to run a road for a cut through. He also suggests phasing development in 3 or 4 lots at a time. He says they are pretty preliminary at this point.

Gardner states that they have done all they can do and Otto and Kaltsas will discuss this further.

Motion by Thompson, second by Palmquist to adjourn at 7:20 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

DRAFT

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 3, 2021 –5:30 P.M.
City Hall

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 5:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner and City Attorney Bob Vose (virtual)

4.***Consent Agenda***

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

- a. Approval of City Council Minutes from the July 20, 2021, Regular City Council Meeting.
- b. Approval of City Council Minutes from the July 21, 2021, City Council Workshop Meeting.
- c. Approval of Accounts Payable; (Batch #1 Checks Numbered 20605-20608, Batch #2 Checks Numbered 20609-20634).
- d. Approval of the Following Development Agreements:
 - i. Schefers Hills Subdivision
 - ii. Lake Sarah Hill Subdivision

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

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

Motion by Spencer, second by Betts to approve the appointing of Planning Commissioners Alternates J.P. Story and Hal Tearse. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

McCoy attended the following meetings:

- Fire Commission
- City Council Workshop
- Interviews for Planning Commissioners Alternates

Betts attended the following meetings:

- City Council Workshop
- Fire Commission
- Police Commission
- Interviews for Planning Commissioners Alternates

Spencer attended the following meetings:

- City Council Workshop
- Interviews for Planning Commissioners Alternates

Grotting attended the following meetings:

- Interviews for Planning Commissioners Alternates
- City Council Workshop

Johnson attended the following meetings:

- City Council Workshop
- Senior Community Services Board Meeting (virtual)
- Tour of Haven Homes
- Fire Commission
- Police Commission
- Towards Zero Death (virtual)
- Interviews for Planning Commissioners Alternates

Horner attended the following meetings:

- BKV architect meeting and Rochon

Kaltsas attended the following meetings:

- Interviews for Planning Commissioners Alternates
- BKV architect meeting and Rochon
- City Council Workshop

7. Open/ Misc.

The council mentioned how nice it is to be back in the City Hall and they approve of how the remodel is coming along so far. Johnson suggested a ribbon cutting once the remodel is complete and Kaltsas confirmed that they will set a date once they get a more definitive date of completion.

Kaltsas reports that the road projects are going well due to the dry weather and good construction conditions.

8. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 5:44 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

DRAFT

DRAFT

City of Independence

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

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

Request:

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

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

Property/Site Information:

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

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



Discussion:

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

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

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

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

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

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

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

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

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

530.23. - Building design requirements.

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

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

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

be constructed using exterior materials that match or are compatible with the existing building materials.

- a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural stone or stone veneers;
 - (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
 - (4) Glass curtain wall panels;
 - (5) Stucco or synthetic stucco;
 - (6) Exterior insulation and finish systems (EIFS).

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

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

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

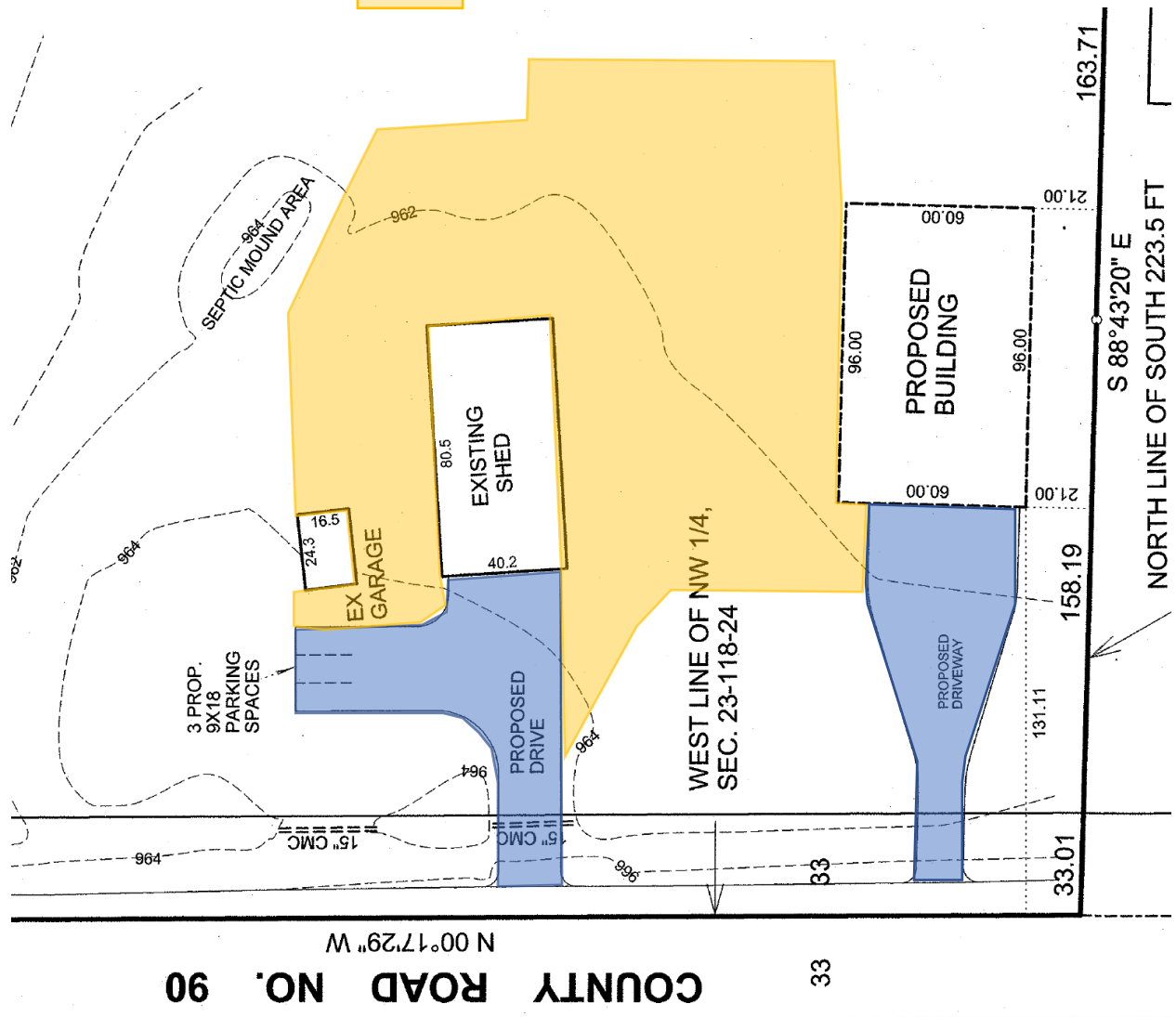
Site plan requirements are summarized as follows:

1. All new buildings must be constructed of approved materials. Approved materials are generally, brick, stone, decorative masonry block and similar materials.
2. Driveways and parking areas must be paved and defined by a concrete curb.
3. Adequate parking must be provided for all new uses.
4. New buildings and uses must be screened from adjacent residential zoning districts.
5. New buildings must meet minimum landscaping requirements. This includes one (1) 2.5 inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line.

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

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

- PROPOSED BITUMINOUS
- PROPOSED GRAVEL



Neighbor Comments:

There have been no other written or verbal comments provided to the City.

Recommendation:

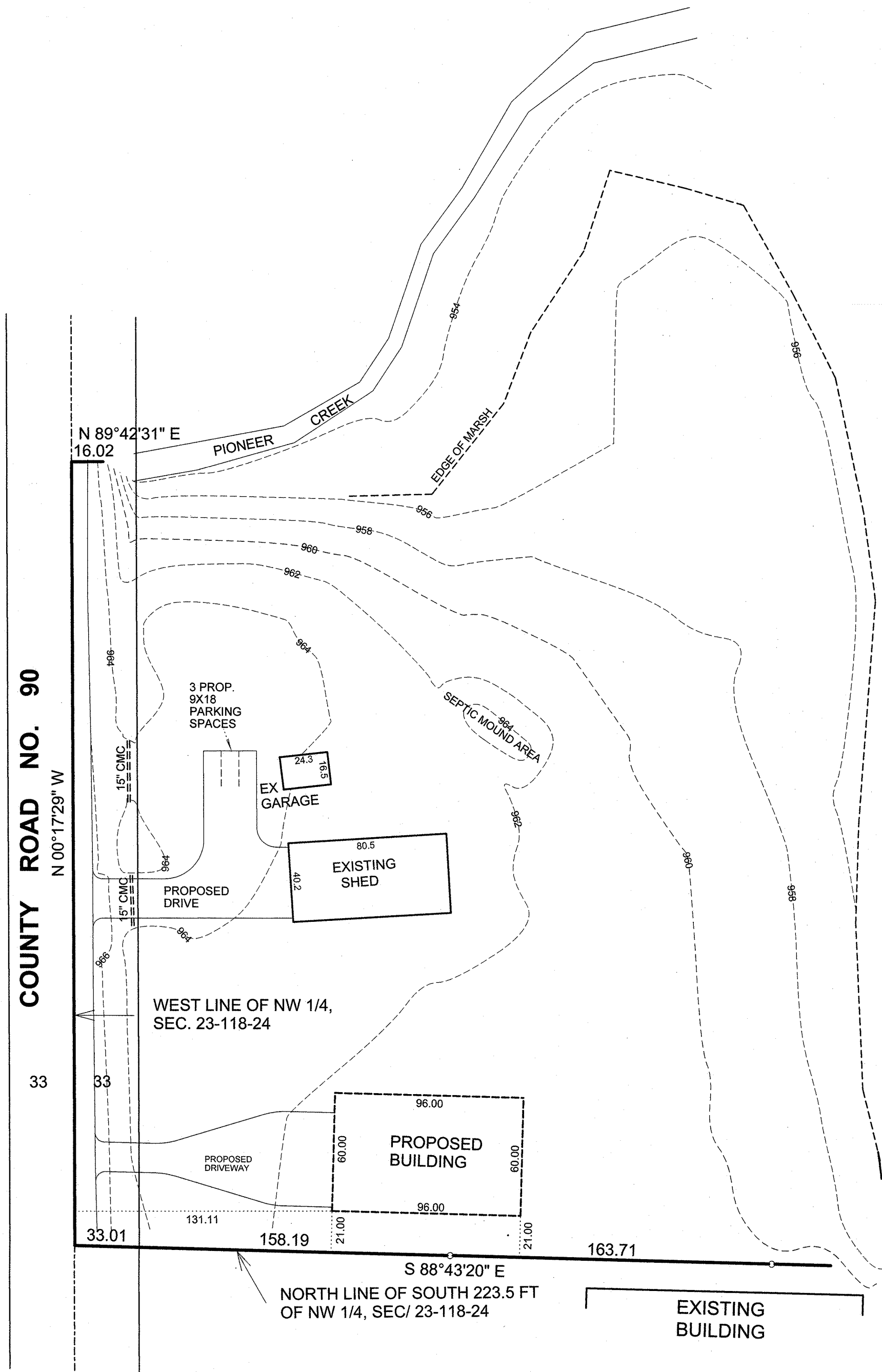
Staff is seeking a recommendation from the Planning Commission for the request for a Variance and Site Plan Approval with the following findings and conditions:

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

Attachments:

1. Property Pictures
2. Site Plan
3. Building Elevations/Floor Plan

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

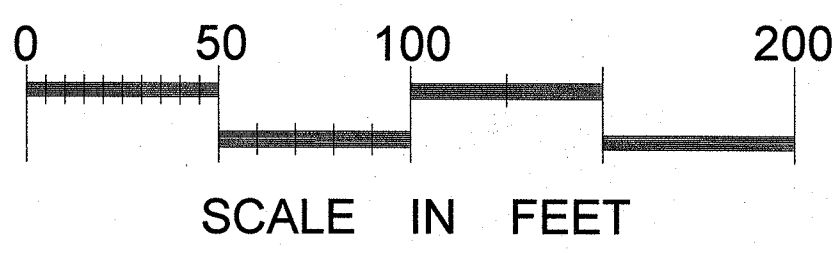
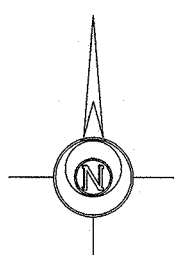


LEGAL DESCRIPTION:


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

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

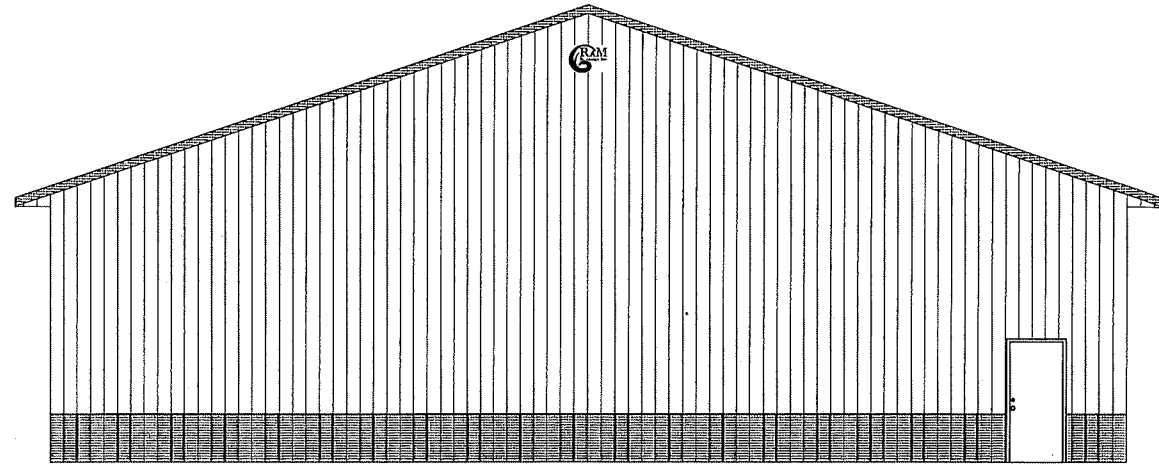
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 - 972- : Existing contour line
 - 958- : Proposed contour line
- Datum: NGVD-1929



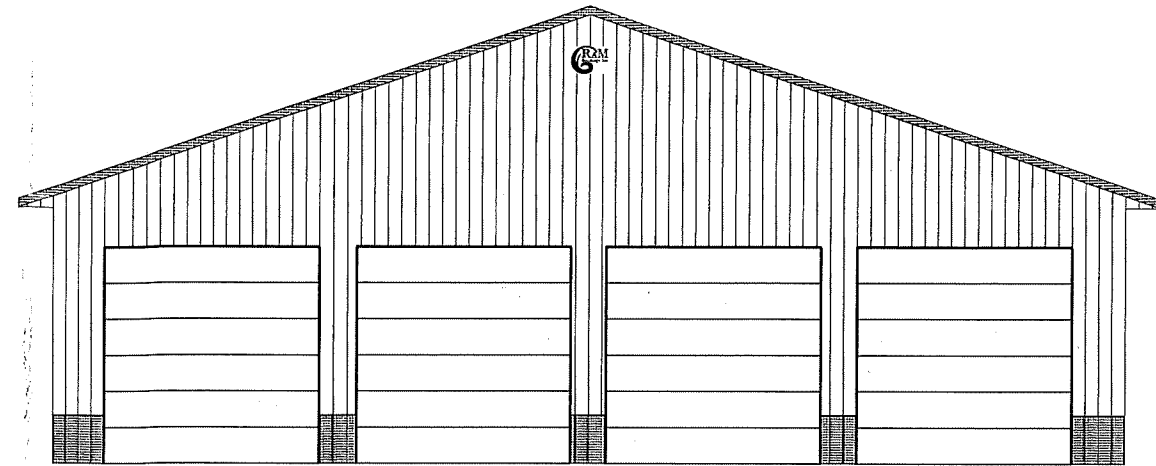
REVISIONS		DESIGNED	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Mark J. Gronberg</i> DATE: 8-7-21 MINN. LICENSE NUMBER: 2255	DATE	8-7-21
DATE	REMARKS	DRAWN		SCALE	1"=50'
		CHECKED		JOB NO.	21-222
				SHEET OF SHEETS	21



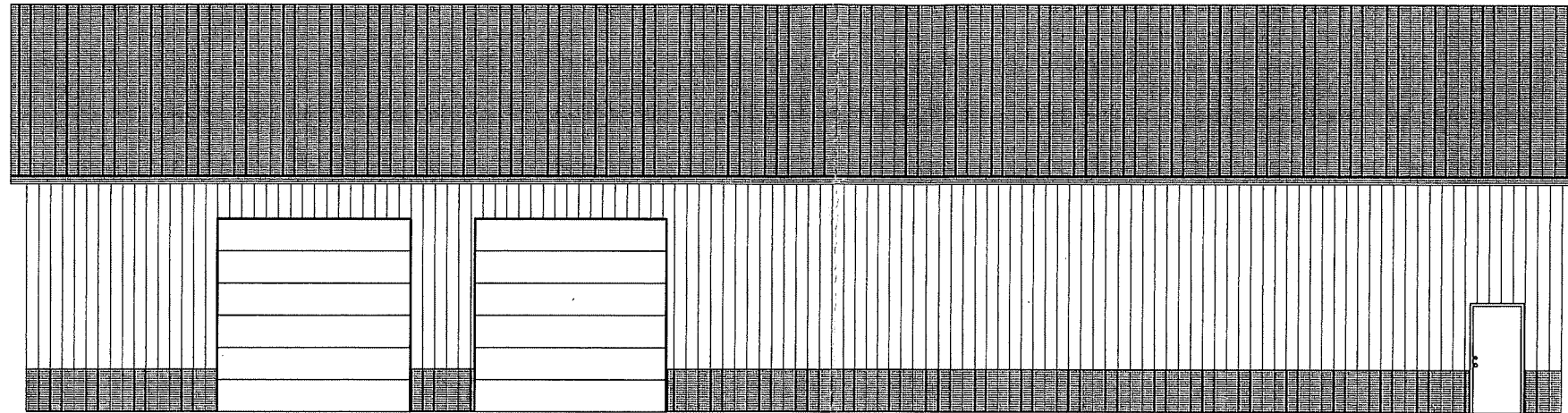
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



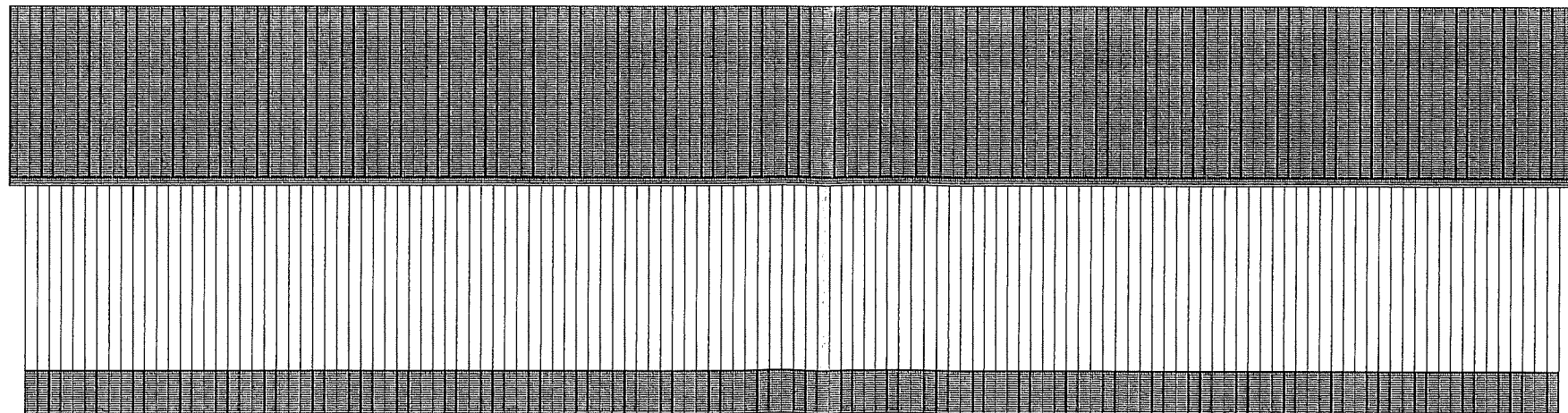
ENDWALL 1



ENDWALL 2



SIDEWALL 1



SIDEWALL 2

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DRAWN BY: JEREMY B.
DATE: 5/18/2021
SHEET 1 OF 3

ADAM YOUNG

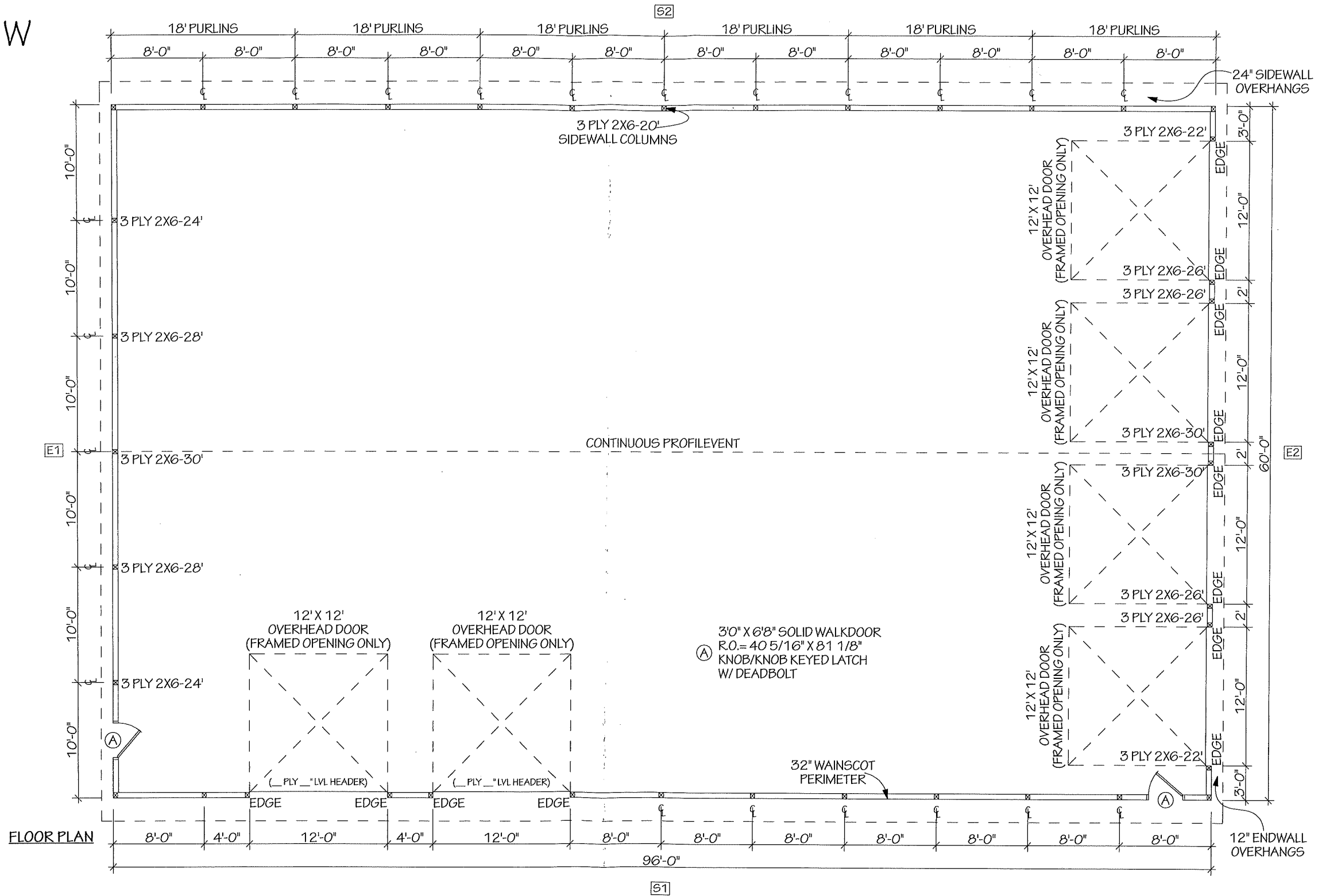
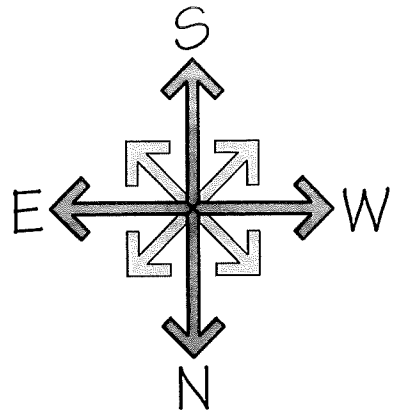
PROJECT NAME:
PROJECT NUMBER: (21-130)

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

BUILDING DESCRIPTION:
DESIGN NUMBER: P21146

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





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DRAWN BY: JEREMY B.
 DATE: 5/18/2021
 SHEET 2 OF 3

PROJECT NAME: ADAM YOUNG

PROJECT NUMBER: (21-130)

BUILDING DESCRIPTION:

DESIGN NUMBER: P21146

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 Contractor License Number 20171976



ROOF CONSTRUCTION:

29 GAUGE COLORED STEEL ROOF
PANELS AND TRIM

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

8' - 0" ON CENTER

WITH BRACING AS PER
ROOF TRUSS MANUFACTURER

EAVE CONSTRUCTION:
2X6 EAVE BOARD

METAL EAVE TRIM
W/ CLOSURES

24" SIDEWALL OVERHANG

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

WALL CONSTRUCTION:
29 GAUGE COLORED STEEL WALL PANELS
AND TRIM

2X4 WALL GIRTS AT 24" O.C.

3 PLY 2 X 6 WALL COLUMNS
AT 8' - 0" O.C.

32" WAINSCOTE

BASE TRIM

2X8 .60 TREATED
GRADE BOARD

COMPACTED BACKFILL

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

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

DIAMETER

SIDEWALL SECTION

RAKE CONSTRUCTION:
RAKE TRIM

2X4 MSR 1650 ROOF PURLINS
AT 24" O.C.

2X4 BLOCKING

12" ENDWALL OVERHANG

GABLE ROOF TRUSS

2X4 BOTTOM CHORD
BRACING AT 5' - 2 3/4" O.C.

WALL CONSTRUCTION:
29 GAUGE COLORED STEEL WALL PANELS
AND TRIM

2X4 WALL GIRTS AT 24" O.C.

3 PLY 2 X 6 WALL COLUMNS
SPACED PER FLOOR PLAN

32" WAINSCOTE

BASE TRIM

2X8 .60 TREATED
GRADE BOARD

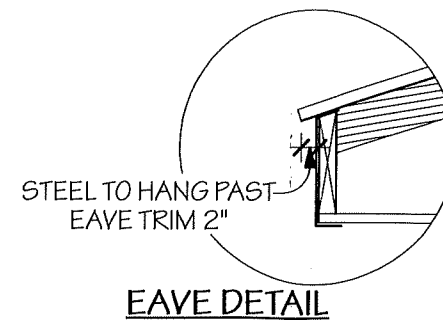
COMPACTED BACKFILL

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

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

DIAMETER

ENDWALL SECTION



DRAWN BY: JEREMY B.
DATE: 5/19/2021
SHEET 3 OF 3

ADAM YOUNG

PROJECT NAME:
PROJECT NUMBER: (21-130)

BUILDING DESCRIPTION:

DESIGN NUMBER: P21146

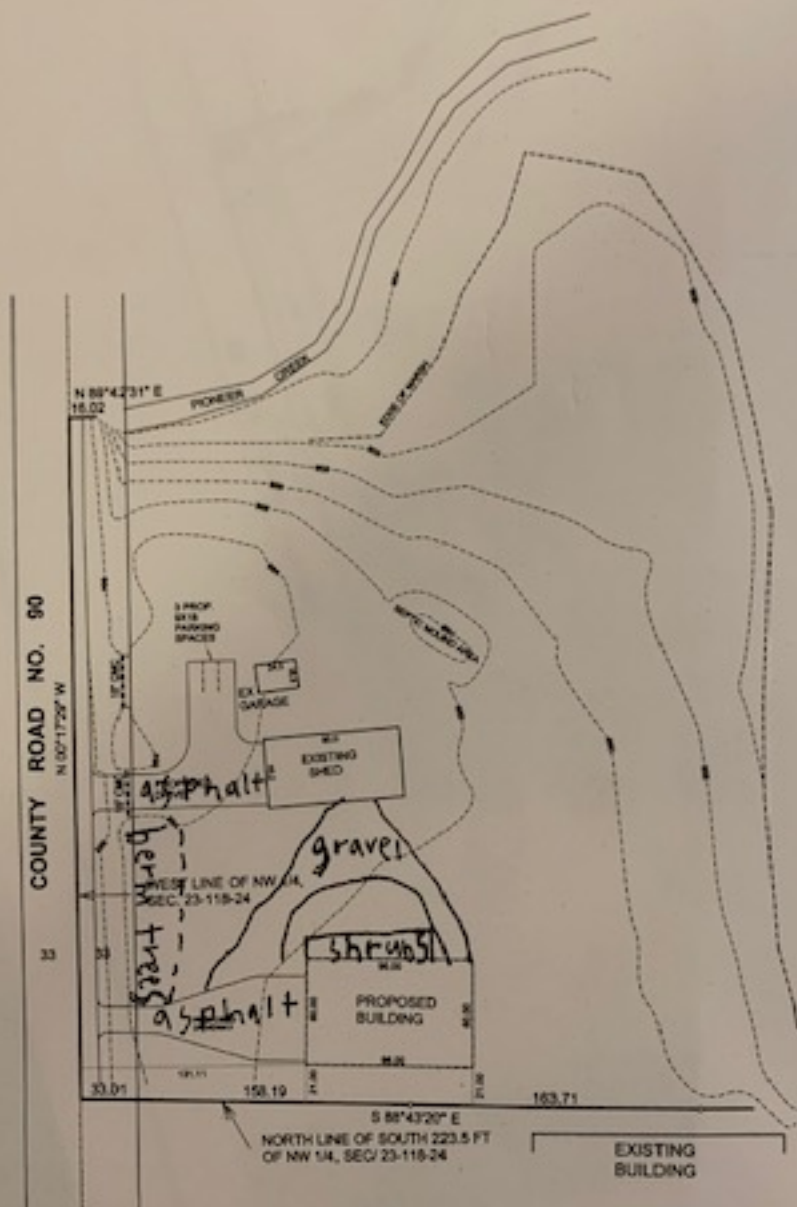
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PROPOSED BUILDING LOCATION AND
TOPOGRAPHIC DETAIL FOR
ADAM YOUNG
IN THE NW 1/4 OF SEC. 23-118-24
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION:

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This survey shows the location of two existing buildings, topography, and a proposed building on the above described property. It does not



City of Independence

A Minor Subdivision, Rezoning and Preliminary Plat for a 13 Lot Subdivision to be Known as Hilltop Prairie on the Subject Property Located Between CSAH 90 and CSAH 83 and Generally Known as the Independence Airport Property

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 31, 2021
<i>Applicant:</i>	Bryant Johnson
<i>Owner:</i>	Hilltop Farm, Inc.
<i>Location:</i>	Property Identified by PID No. 26-118-24-13-0001

Request:

Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting the following actions for the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001.

- a. A minor subdivision to split the property into two parcels.
- b. Rezoning from AG-Agriculture to RR-Rural Residential.
- c. Preliminary Plat to allow a 13-lot subdivision to be known as Hilltop Prairie Subdivision.

Property/Site Information:

The property is located on the east side of CSAH 90, north of the future Turner Road and south of Main Street. There is a grass air strip on the property and several detached airplane hangars. The property is comprised primarily of agriculture land with some woodlands.

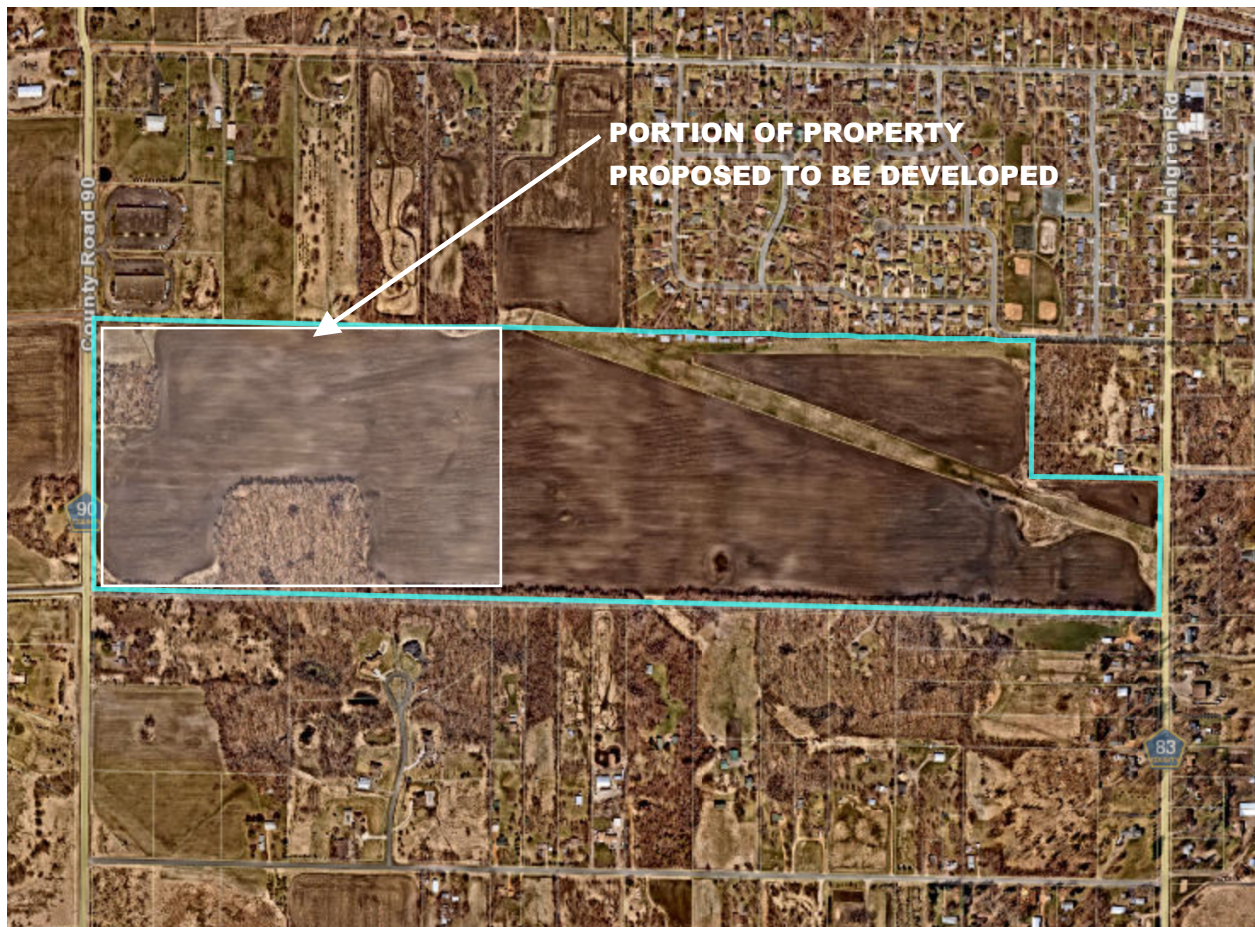
Property Information: PID No. 26-118-24-13-0001

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential (2040 Plan – designates part of the property to be sewered residential)*

Acreage: *~150 acres (60 acres considered for subdivision with 90 remaining)*

Aerial Photograph of Property



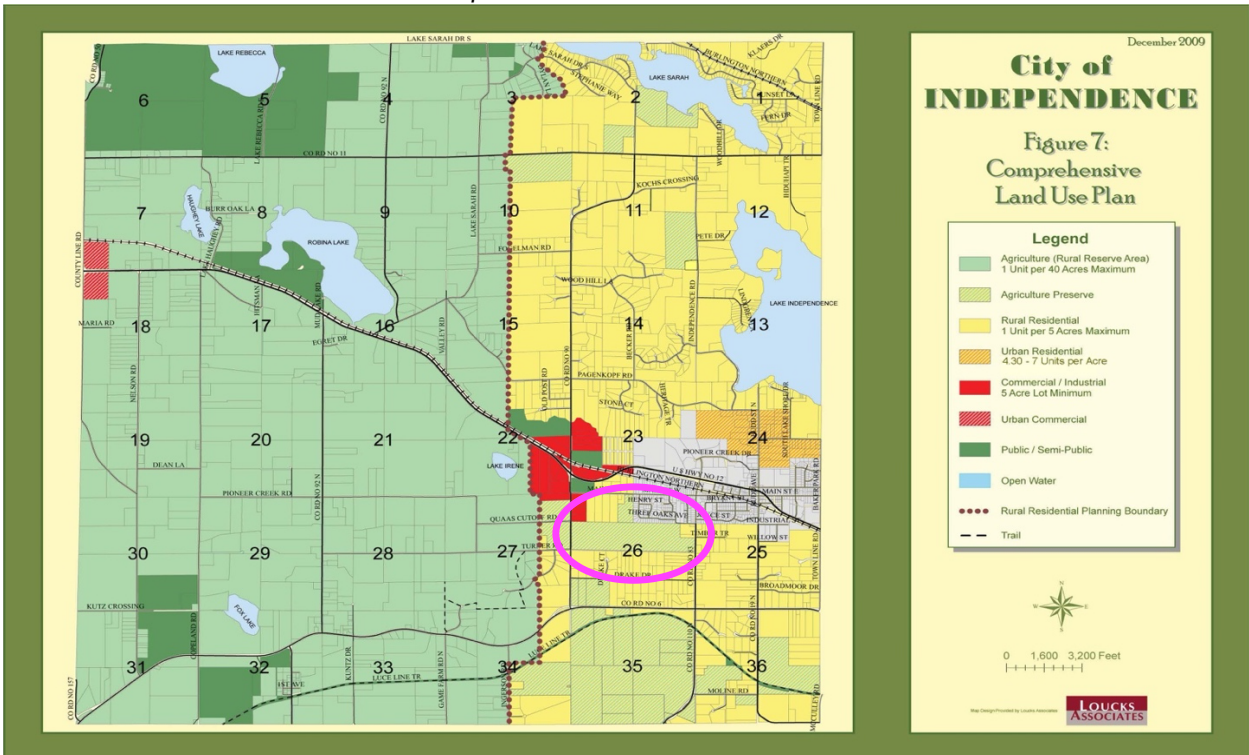
Discussion:

The applicant is asking the City to consider an application for rezoning and preliminary plat to allow a 13 lot subdivision. The City initially reviewed a concept plan for the proposed subdivision and provided feedback and comments pertaining to the development. The applicant has prepared a revised set of plans and the City has prepared a more detailed review of the proposed development.

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.

2030 Comprehensive Land Use Plan



2040 Comprehensive Land Use Plan

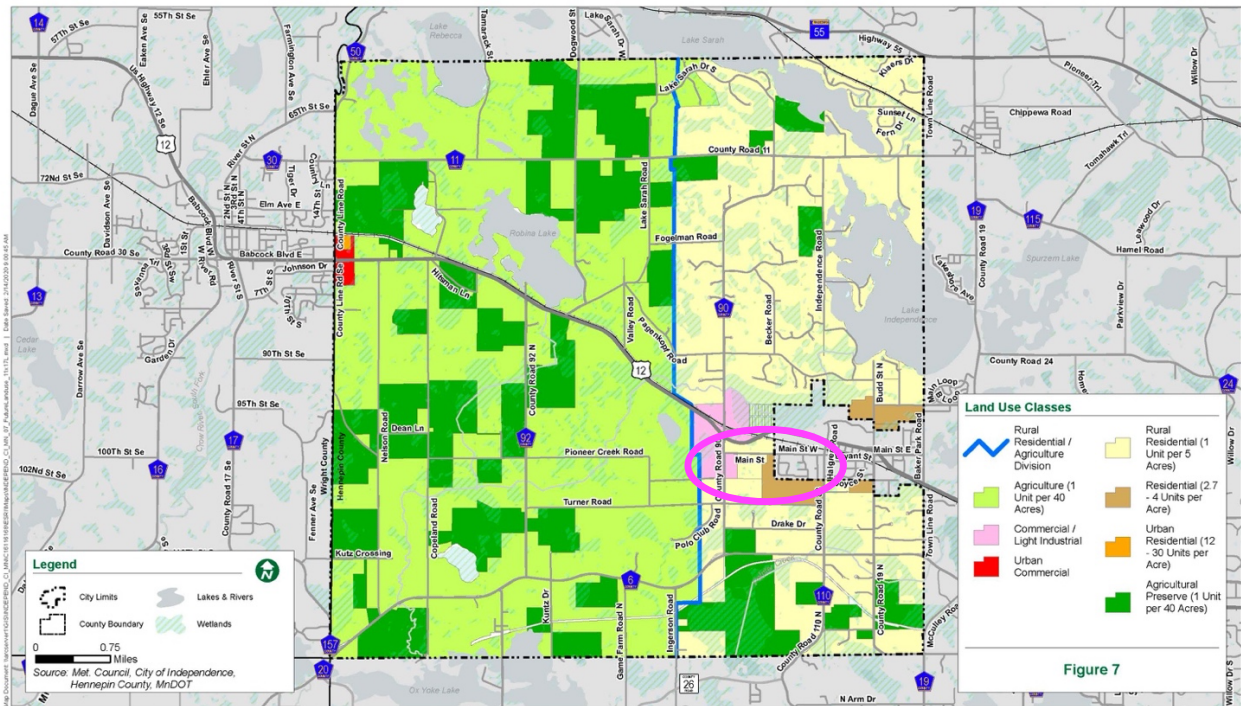


Figure 7

Proposed Subdivision

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 of Record

7.5 acres or less
7.6 through 12.5 acres
12.6 through 17.5 acres
17.6 through 22.5 acres
22.6 through 27.5 acres
27.6 through 32.5 acres
32.6 through 37.5 acres
37.6 through 42.5 acres
42.6 through 47.5 acres

Maximum Number of Lots Permitted

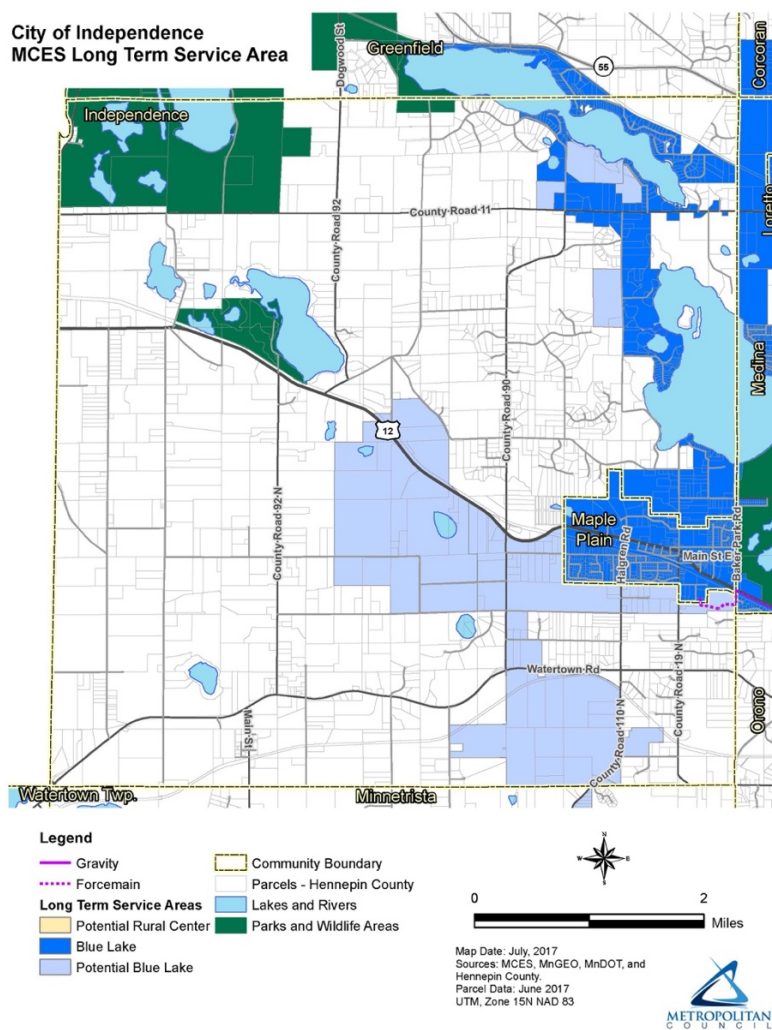
One
Two
Three
Four
Five
Six
Seven
Eight
Nine, plus one addn. lot for every five addn. acres of land.

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 the City to consider a different interpretation of how to apply the density table which would yield 13 lots. The applicant is noting that there is a potential “penalty” or loss of land area based on the range provided in the ordinance. The rationale for the additional lot is that if the property were 42.6 acres, the applicant would get 9 lots for the 42.6 acres and $(62.6-42.6 = 20)$ $(20/5 = 4)$. The City would have to approve this interpretation of how to apply the provisions in the ordinance. It should be noted that the City has historically calculated density using the first method.

Preliminary Plat Considerations:

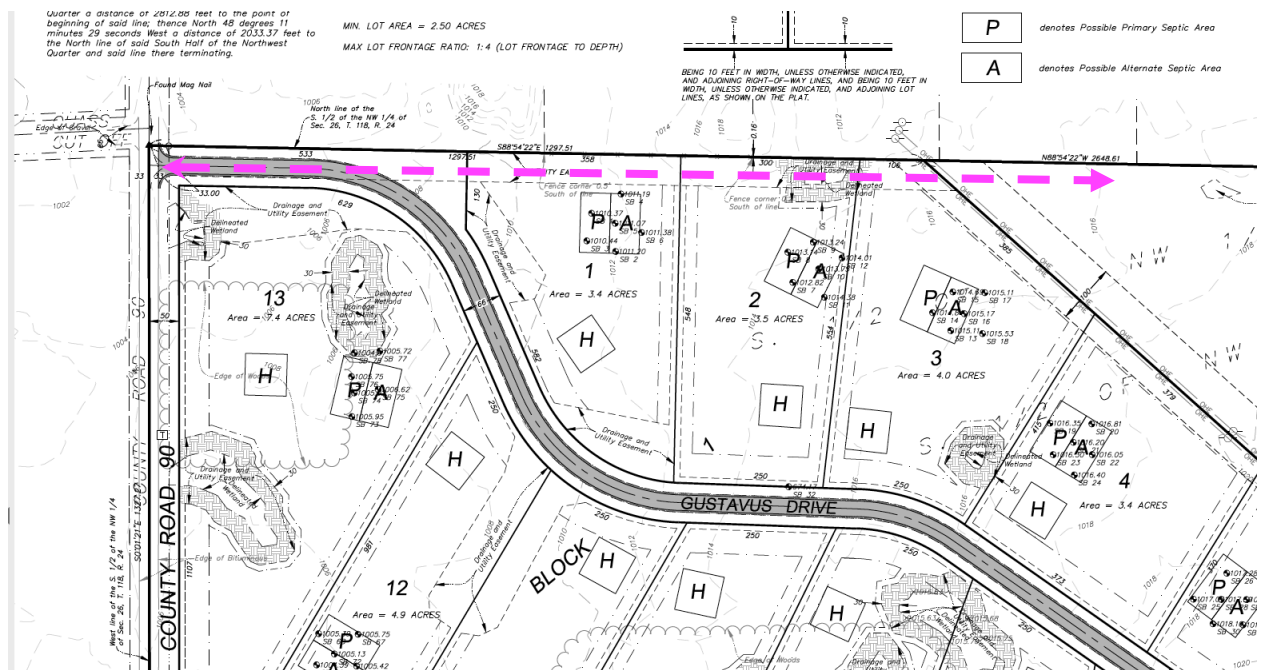
The City has discussed the potential subdivision of this property with the applicant. The City discussed a couple of key considerations relating to the future development of this property and adjacent properties. The City noted that the Metropolitan Council has identified a potential future (beyond 2040) sewer expansion area which encompasses this property (see map below).



The City has completed a detailed review of the subdivision and preliminary plat, including storm water, grading, wetlands and infrastructure. The following comments should be considered by the City:

1. The City had considerable discussions relating to access to this development. The City discussed potential access to this development using the Turner Road right of way easement located along the south property line. The City has further reviewed the possibility of Turner Road. Due to the existing trees, existing homes that back up to Turner Road, future need for the road to accommodate potential through traffic, wetlands and other similar limitations, it was recommended that other access options be explored. The applicant, City and Hennepin County discussed the possibility of providing access to the property from a location across from Quass Cut Off. This location would provide an access that could be used in the future to provide access to/from the remaining property to the east. This location would also provide a road that would create separation between the commercial property to the north and the subject residential property.

There are several potential issues with this location that would have to be resolved. The applicant is proposing to maintain a 50' wide drainage and utility easement along the north property line. In order to provide for a future road, the City would want to maintain a minimum of a 66' wide road easement to facilitate a future road to serve the property to the east. The alignment of the proposed road and Quass Cut Off do not match in the proposed condition, the City would want to work with the applicant (also owns the property on the west side of County Road 90) to realize the necessary alignment of the two roads.



2. 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 has reviewed the initial layout and provided feedback and direction relating to the proposed preliminary plat. The applicant will need to obtain

approval from Hennepin County. This includes approval of the proposed turn lanes (both northbound and southbound turn lanes). In addition, the applicant is proposing to dedicate 50 feet of right of way along County Road 90. The County will need to approve the proposed dedication and width.

3. 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. At a minimum, the City may want to consider requiring dedication of the additional 33 feet of right of way for a to be determined distance from County Road 90 heading east. This would allow for a future road to be developed which could provide access to the property to the south.
4. The property abuts an industrial property to the north. The proposed road will provide separation between the two land uses; however, the City is recommending that the applicant provide a berm and landscaping along the north property line of Lot 1. Similarly, the future road along the north property line would likely carry traffic into and out of the adjacent development to the east. The City is recommending that the applicant provide a berm and landscaping along the north property line of Lots 1-3 to screen the potential impact of a future collector type street.
5. There is an existing powerline easement that now runs along the northeast side of the property. This power line and associated easement provides the proposed separation between this subdivision and the remaining property to the east.
6. There applicant has prepared a wetland delineation for the property. The City is in the process of reviewing the delineation
7. The applicant has confirmed that all lots meet the minimum of 2.5 acres of upland (buildable) area. In addition, the applicant has confirmed that all lots can accommodate a primary and secondary septic site (shown on plans).
8. The minimum lot frontage requirements have been reviewed and found to meet applicable requirements. The minimum frontage required on a public street for lots is as follows:

2.5 acres – 3.49 acres	– 200 LF
3.5 acres – 4.99 acres	– 250 LF
5.00 acre plus	- 300 LF
9. It is anticipated that the proposed homes would be custom built.
10. The proposed grading plan indicates a drainage swale located on the south side of the proposed road along Lots 11-13 that is located outside of the right of way and drainage and utility easement. The City is recommending that the applicant provide a drainage and utility easement to cover the drainage swales that convey water from the proposed street to the ponds.

11. The City has completed a more detailed review of the grading and stormwater. The comments provided by the City's engineers will need to be reviewed and addressed by the applicant. The City did not identify any significant issues relating to the more detailed and technical review. Please see the engineers review letters attached for more information.
12. In order to facilitate the development of this property, the City will need to approve the minor subdivision of the overall property into two parcels. The applicant has prepared a minor subdivision application and exhibit which depicts this property being split into Parcel A and Parcel B. The City has reviewed this subdivision and finds that it would meet all applicable criteria of the City's subdivision ordinance.

Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. Based on the concept plan discussion, the City is not requesting a trail and or park to be dedicated in this development. Instead, the City will require the standard park dedication as cash in lieu of land. The park dedication is broken down as follows:

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

The park dedication fee requirement for this development is anticipated to be \$47,375 (13 lots x \$3,500 = \$45,500, plus 2.5 additional acres for Lot 13, Block 1 (\$1,875).

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a Minor Subdivision, Rezoning and Preliminary Plat. Should the Planning Commission recommend approval of the development, the following findings and conditions should be included:

1. The proposed Minor Subdivision, Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Planning and Land Use Regulations and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Minor Subdivision, Rezoning and Preliminary Plat shall be subject to the following:
 - a. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and as outlined in the water resources review letter from Hakanson Anderson Associates, dated August 26, 2021.

- c. The Applicant shall address all comments and applicable requirements made in the City Engineer's review letter dated, August 13, 2021 (Bolton & Menk, Inc.).
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Organization and receive all applicable approvals.
 - e. The Applicant shall comply with all applicable regulations and conditions prescribed by Hennepin County and receive all applicable approvals.
 - f. The Applicant shall enter into a development agreement with the City for this development.
 - g. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 4. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.
 5. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Attachments:

1. Application
2. Preliminary Plat
3. Engineering Review Letters

PROPOSED PROPERTY DESCRIPTIONS:

That part of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter of Section 26, Township 118, Range 24, Hennepin County, Minnesota lying Southwesterly of the following described line:

Commencing at the Southwest Corner of said South Half of the Northwest Quarter; thence on an assumed bearing of South 88 degree 55 minutes 11 seconds East along the South line of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter a distance of 2812.88 feet to the point of beginning of said line; thence North 48 degrees 11 minutes 29 seconds West a distance of 2033.37 feet to the North line of said South Half of the Northwest Quarter and said line there terminating.

TOTAL AREA = 62.60 ACRES

PARCEL IDS: A portion of 2611824130001

TOTAL LOTS PROPOSED = 13 LOTS

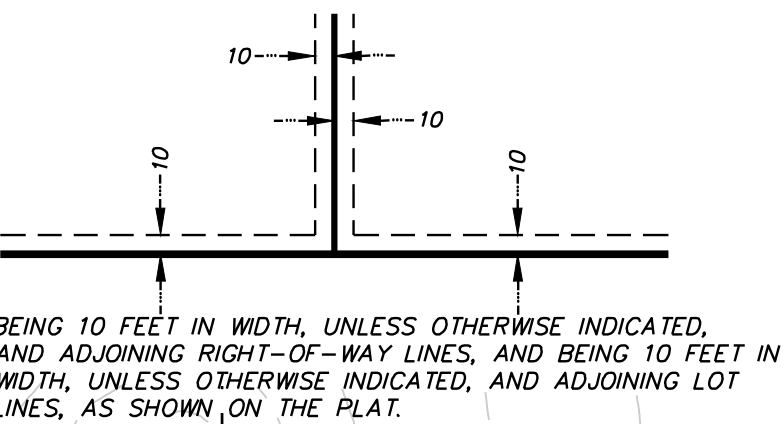
ZONING CLASSIFICATION: RURAL RESIDENTIAL DISTRICT

MIN. LOT AREA = 2.50 ACRES

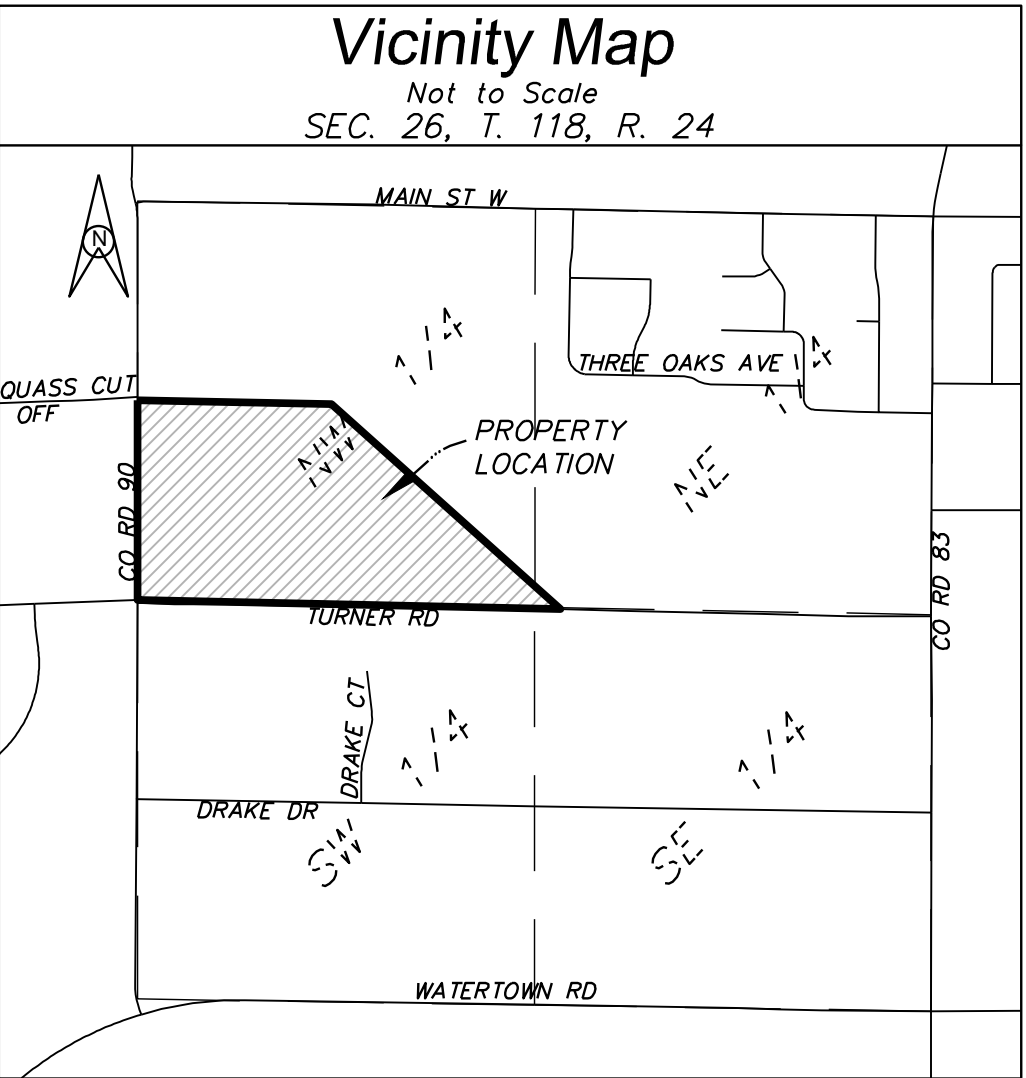
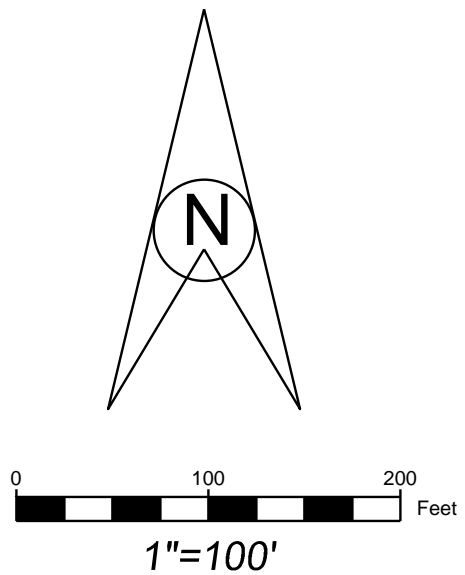
MAX LOT FRONTAGE RATIO: 1:4 (LOT FRONTAGE TO DEPTH)

PRELIMINARY PLAT OF HILLTOP PRAIRIE

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



- H denotes Possible House Area
- P denotes Possible Primary Septic Area
- A denotes Possible Alternate Septic Area

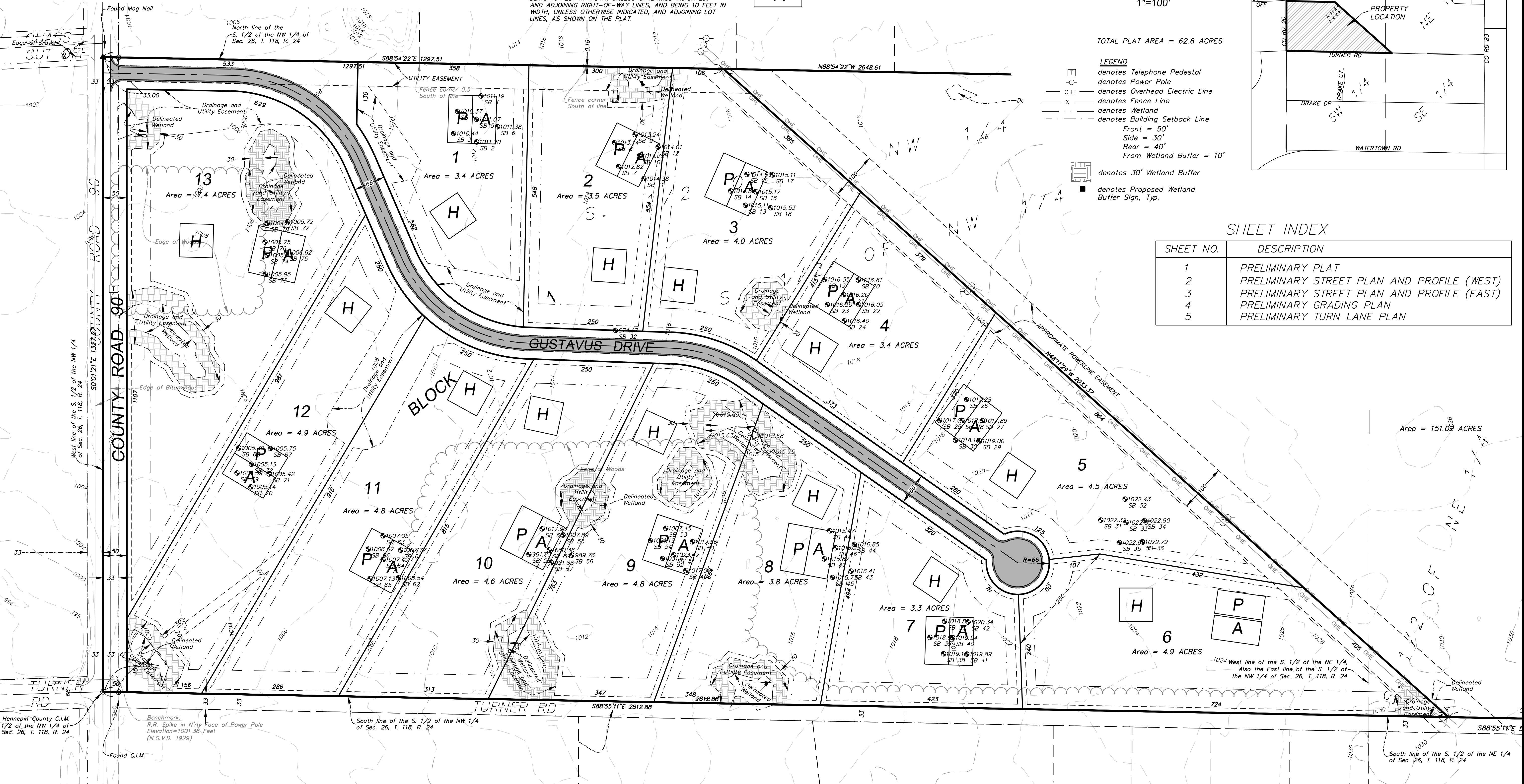


TOTAL PLAT AREA = 62.6 ACRES

- LEGEND
- denotes Telephone Pedestal
 - denotes Power Pole
 - OHE denotes Overhead Electric Line
 - X denotes Fence Line
 - denotes Wetland
 - denotes Building Setback Line
 - Front = 50'
 - Side = 30'
 - Rear = 40'
 - From Wetland Buffer = 10'
 - denotes 30' Wetland Buffer
 - denotes Proposed Wetland Buffer Sign, Typ.

SHEET INDEX

SHEET NO.	DESCRIPTION
1	PRELIMINARY PLAT
2	PRELIMINARY STREET PLAN AND PROFILE (WEST)
3	PRELIMINARY STREET PLAN AND PROFILE (EAST)
4	PRELIMINARY GRADING PLAN
5	PRELIMINARY TURN LANE PLAN



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
P.E.O.	M.L.O.
CHECKED	
P.E.O.	

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

Paul E. Otto
License #40062 Date: 7-14-21

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.
www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

HILLTOP PRAIRIE
HILLTOP FARM, INC.
MAPLE PLAIN, MN

PROJECT NO:	20-0476
DATE:	2-9-2021
PRELIMINARY PLAT	
SHEET NO. 1 OF 5 SHEETS	

PROPOSED PROPERTY DESCRIPTIONS:

That part of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter of Section 26, Township 118, Range 24, Hennepin County, Minnesota lying Southwesterly of the following described line:

Commencing at the Southwest Corner of said South Half of the Northwest Quarter; thence on an assumed bearing of South 88 degree 55 minutes 11 seconds East along the South line of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter a distance of 2812.88 feet to the point of beginning of said line; thence North 48 degrees 11 minutes 29 seconds West a distance of 2033.37 feet to the North line of said South Half of the Northwest Quarter and said line there terminating.

TOTAL AREA = 62.60 ACRES

PARCEL IDS: A portion of 2611824130001

TOTAL LOTS PROPOSED = 13 LOTS

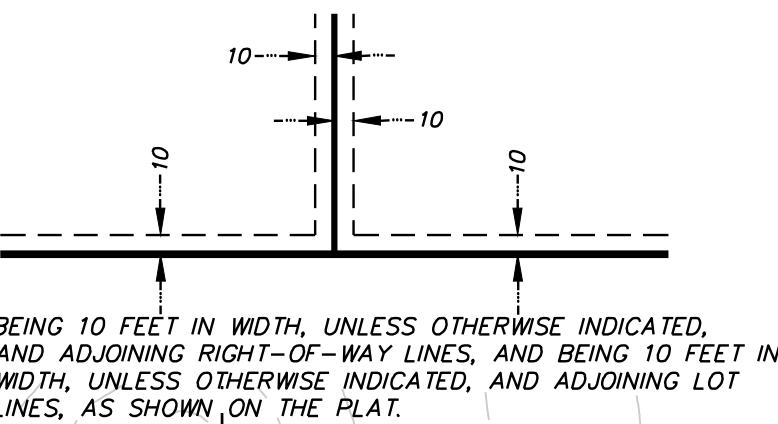
ZONING CLASSIFICATION: RURAL RESIDENTIAL DISTRICT

MIN. LOT AREA = 2.50 ACRES

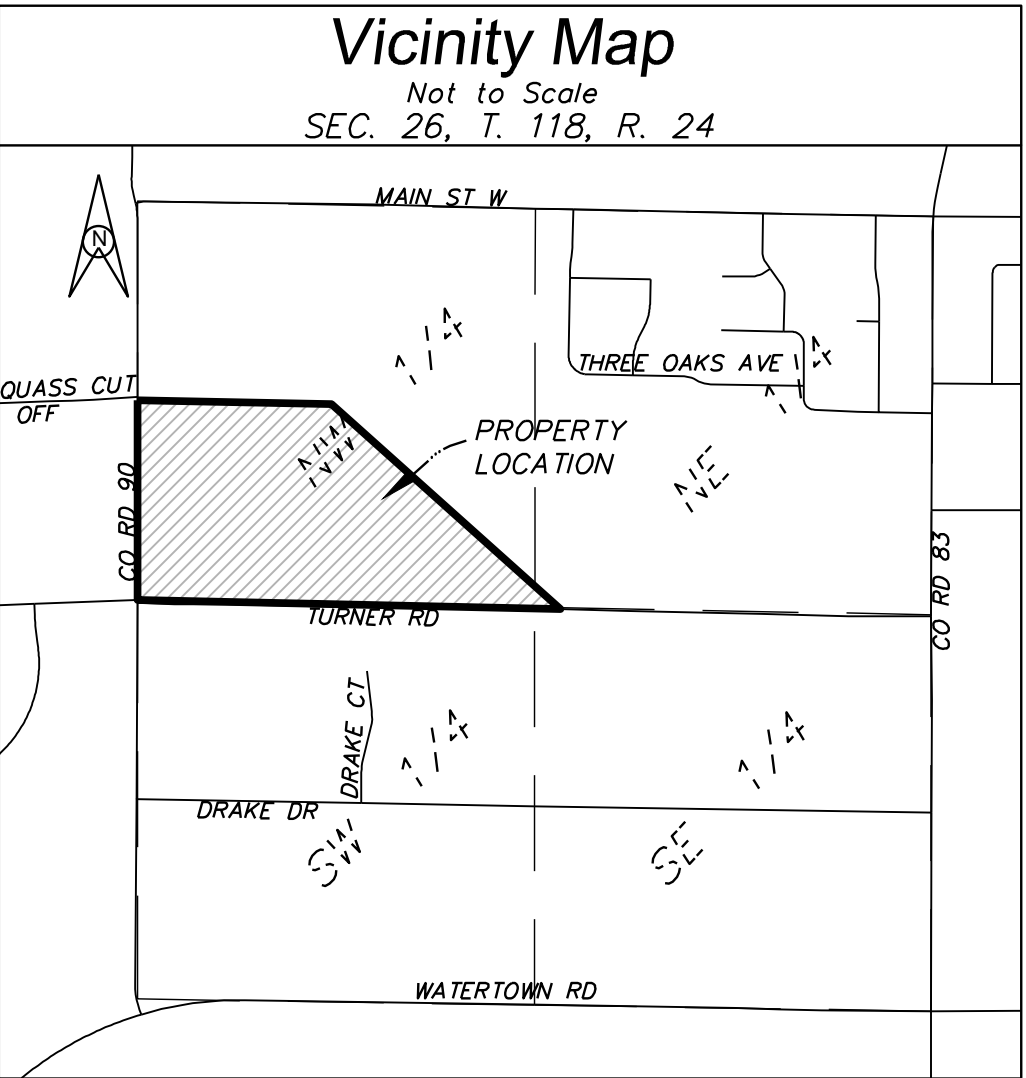
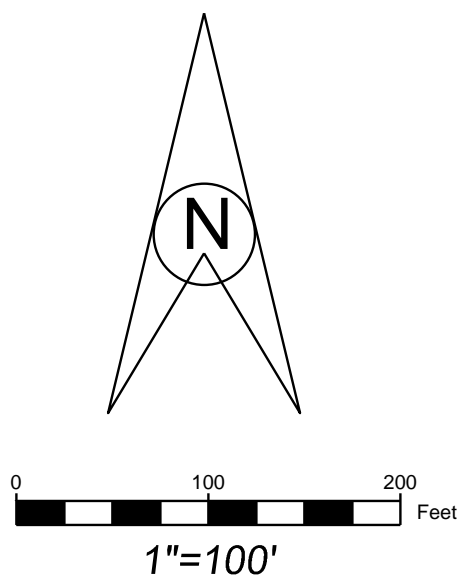
MAX LOT FRONTAGE RATIO: 1:4 (LOT FRONTAGE TO DEPTH)

PRELIMINARY PLAT OF HILLTOP PRAIRIE

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



- H denotes Possible House Area
- P denotes Possible Primary Septic Area
- A denotes Possible Alternate Septic Area

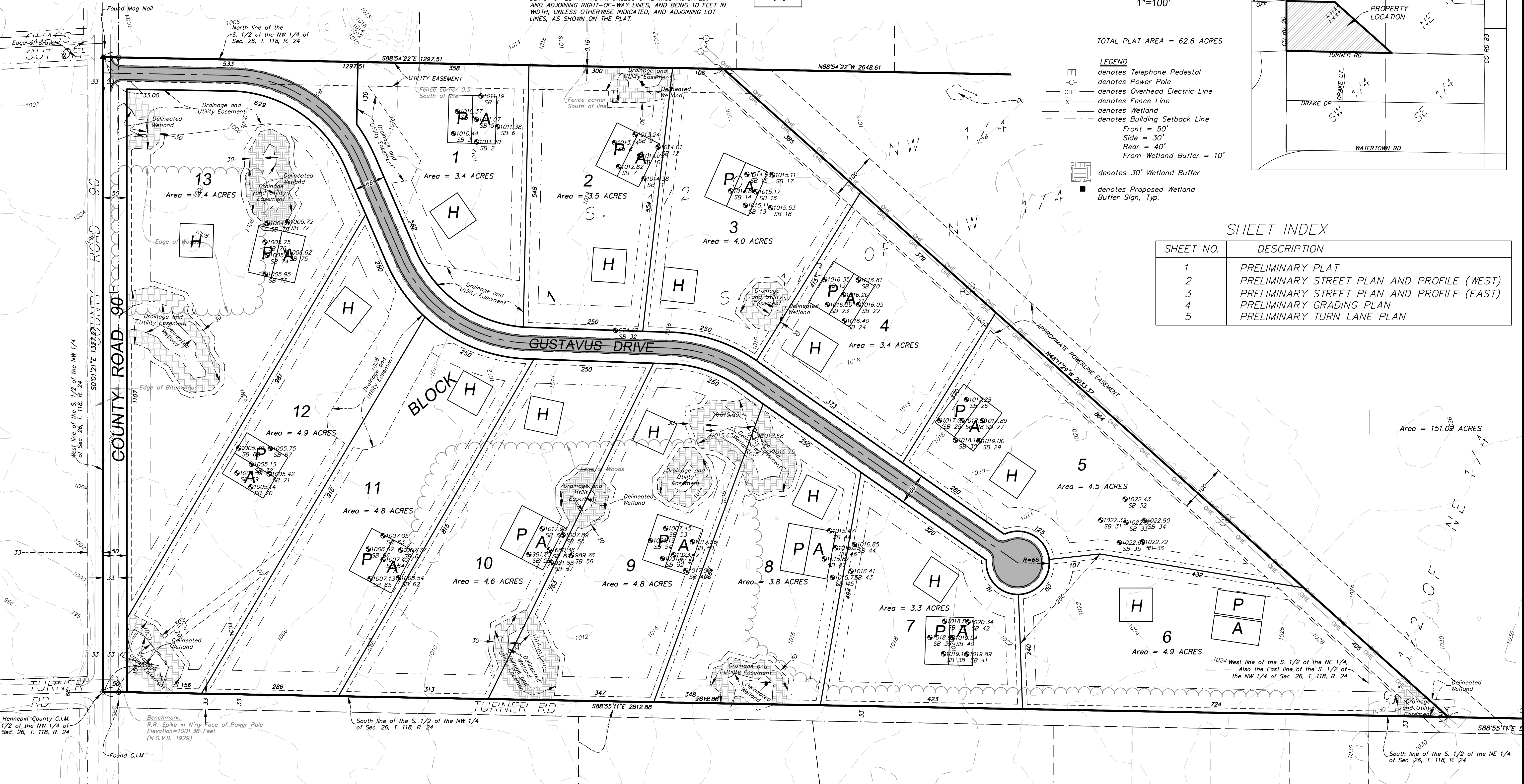


TOTAL PLAT AREA = 62.6 ACRES

- LEGEND
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 - denotes Building Setback Line
 - Front = 50'
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 - From Wetland Buffer = 10'
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SHEET INDEX

SHEET NO.	DESCRIPTION
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5	PRELIMINARY TURN LANE PLAN



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
P.E.O.	M.L.O.
CHECKED	
P.E.O.	

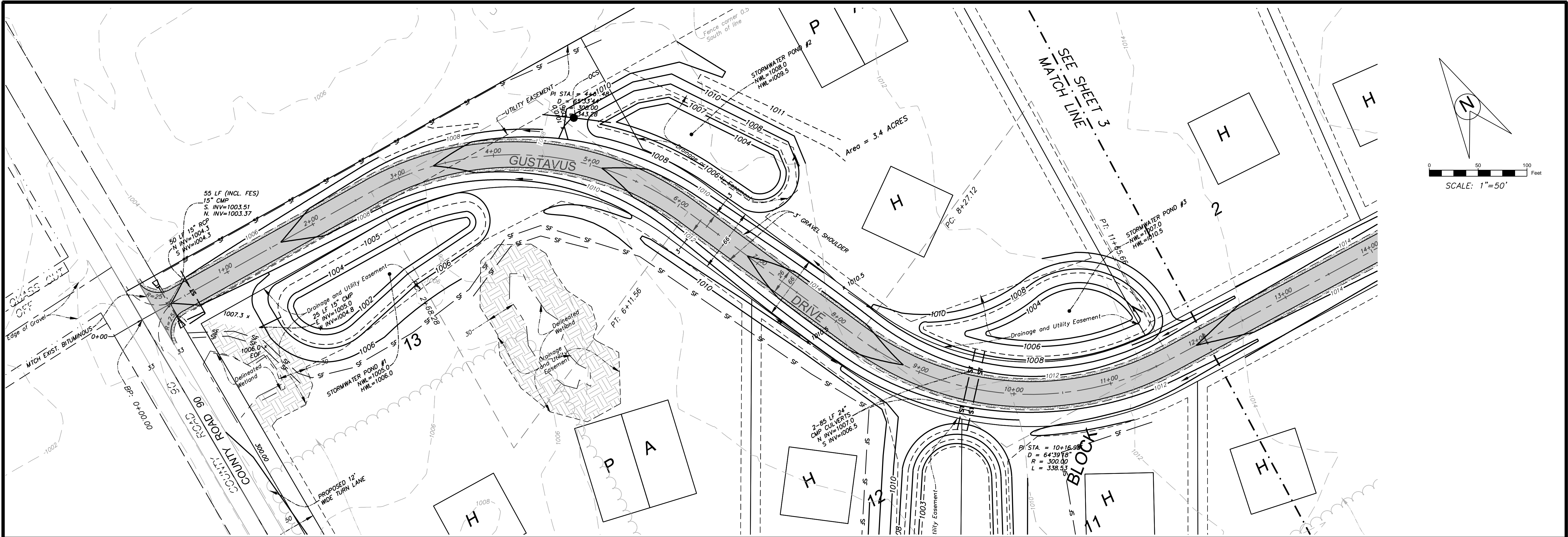
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul E. Otto
License #40062 Date: 7-14-21

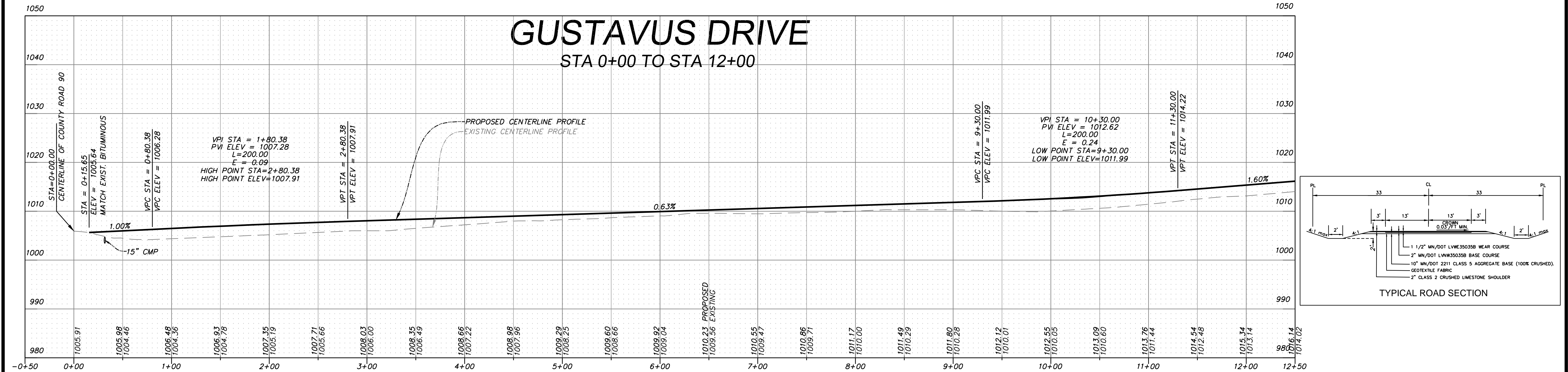
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www.ottoassociates.com
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Fax: (763)682-3522

HILLTOP PRAIRIE
HILLTOP FARM, INC.
MAPLE PLAIN, MN

PROJECT NO:	20-0476
DATE:	2-9-2021
PRELIMINARY PLAT	
SHEET NO. 1 OF 5 SHEETS	



SCALES:
1"=50' HOR
1"=10' VER



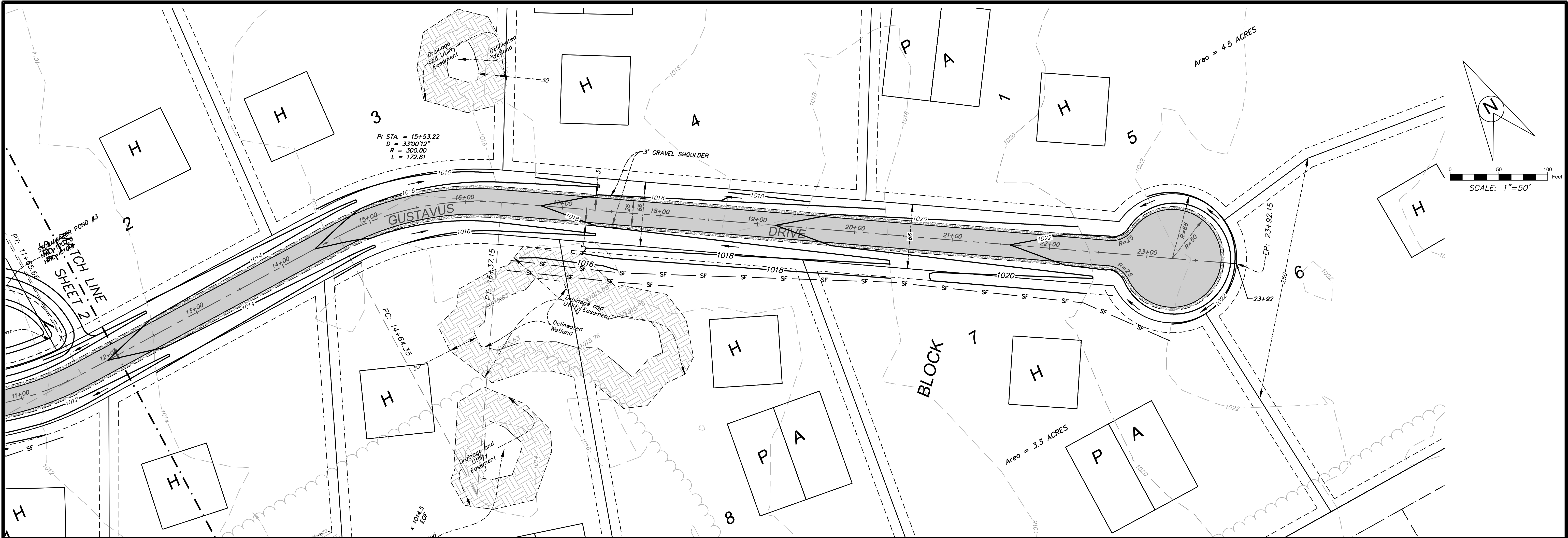
REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.	DRAWN T.J.B.	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Paul E. Otto</i> Paul E. Otto License #40062 Date: 7-14-21
CHECKED P.E.O.		

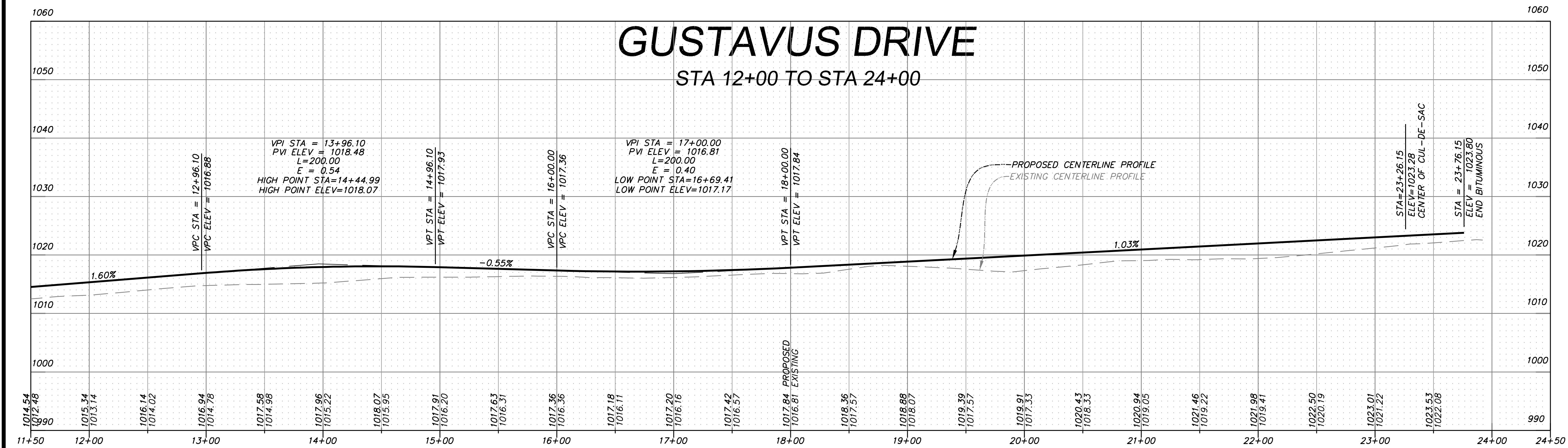
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Fax: (763) 682-3522

HILLTOP PRAIRIE
HILLTOP FARM, INC.
MAPLE PLAIN, MN

PRELIMINARY STREET & STORM SEWER PLAN - GUSTAVUS DRIVE (WEST)	PROJECT NO: 20-0476
SHEET NO. 2 OF 5 SHEETS	DATE: 2-9-2021



SCALES:
1"=50' HOR
1"=10' VER



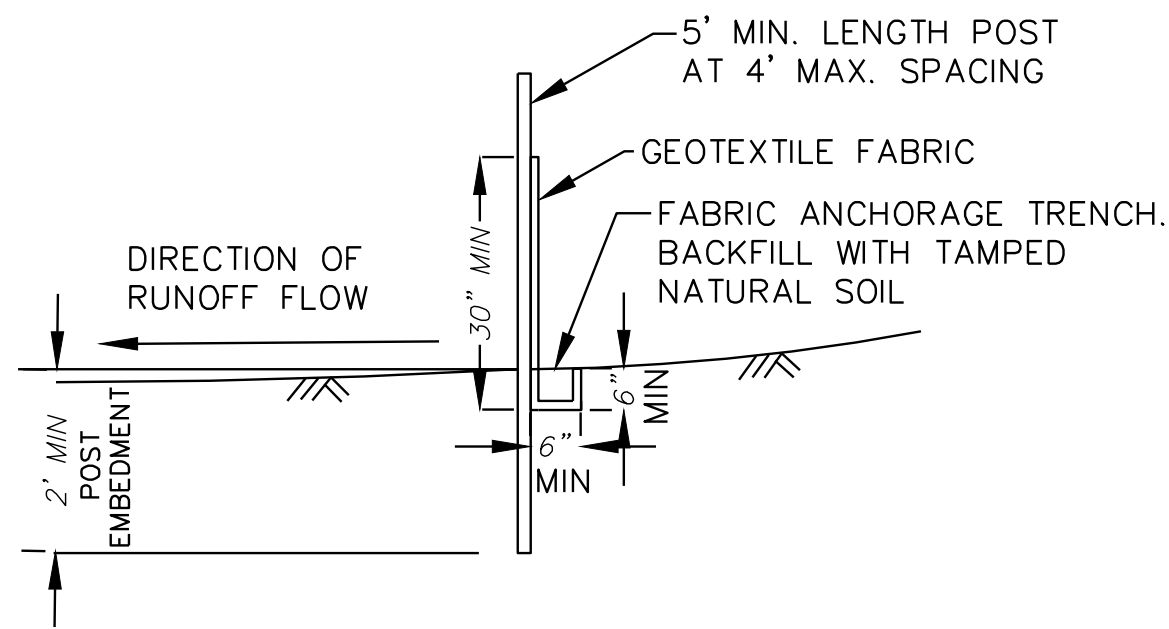
REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN	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: 7-14-21
P.E.O.	T.J.B.	
CHECKED		
P.E.O.		

OTTO ASSOCIATES
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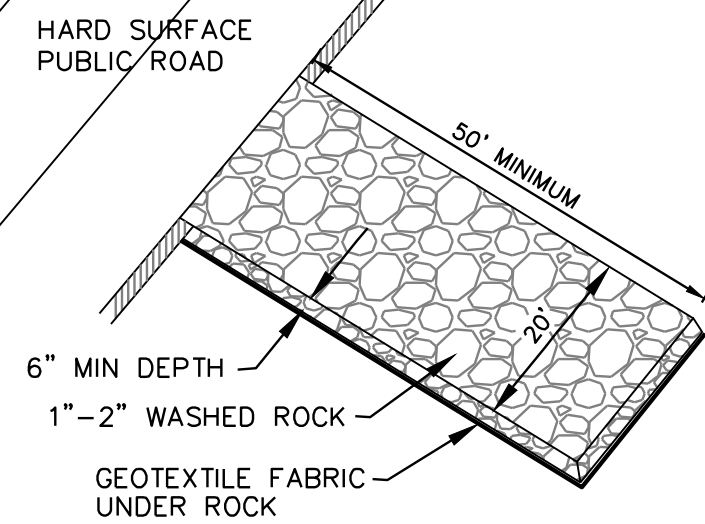
HILLTOP PRAIRIE
HILLTOP FARM, INC.
MAPLE PLAIN, MN

PRELIMINARY STREET & STORM SEWER PLAN - GUSTAVUS DRIVE (EAST)	PROJECT NO: 20-0476
SHEET NO. 3 OF 5 SHEETS	DATE: 2-9-2021

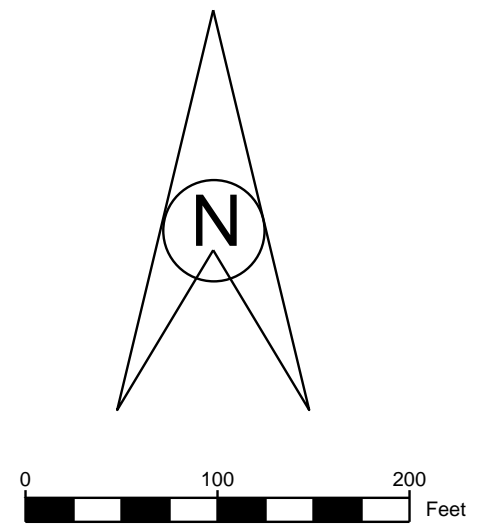


SILT FENCE DETAIL

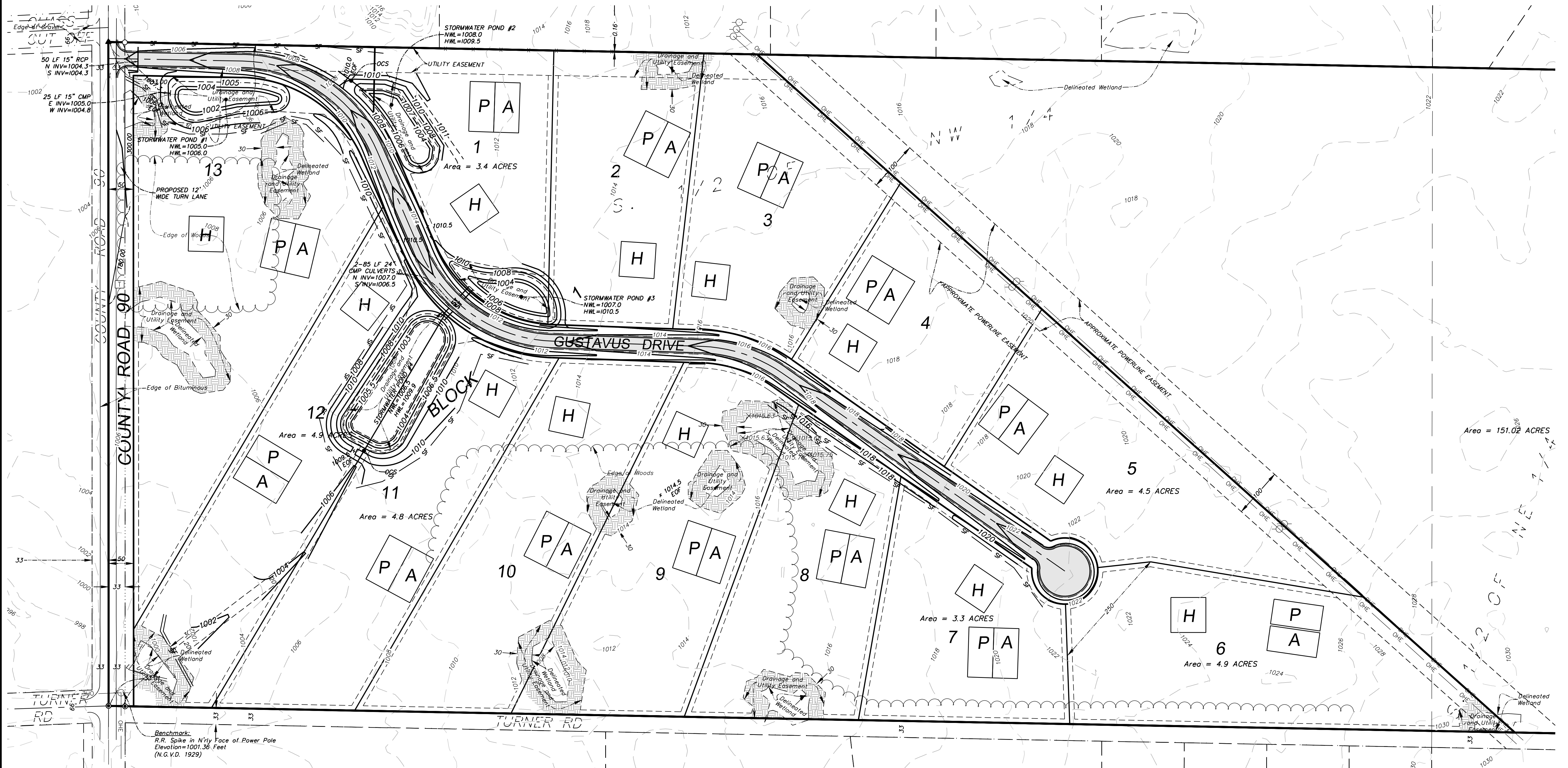
SF—SF—SF—DENOTES SILT FENCE



ROCK CONSTRUCTION ENTRANCE



- LEGEND**
- denotes Telephone Pedestal
 - denotes Power Pole
 - OHE denotes Overhead Electric Line
 - x denotes Fence Line
 - denotes Wetland
 - denotes Building Setback Line
 - Front = 50'
 - Side = 30'
 - Rear = 40'
 - From Wetland Buffer = 10'
 - denotes 30' Wetland Buffer



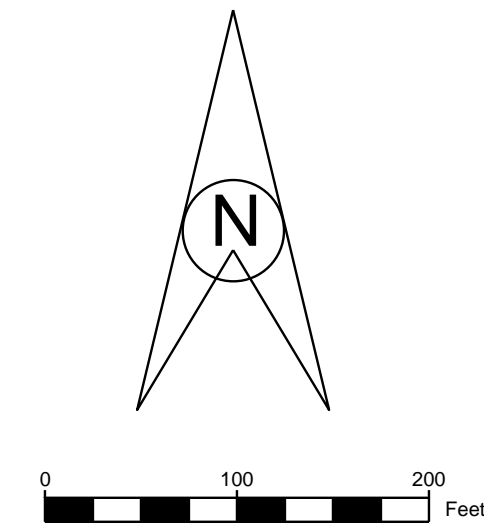
REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.	DRAWN M.L.O.	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Paul E. Otto License #40062 Date: 7-14-21
CHECKED P.E.O.		

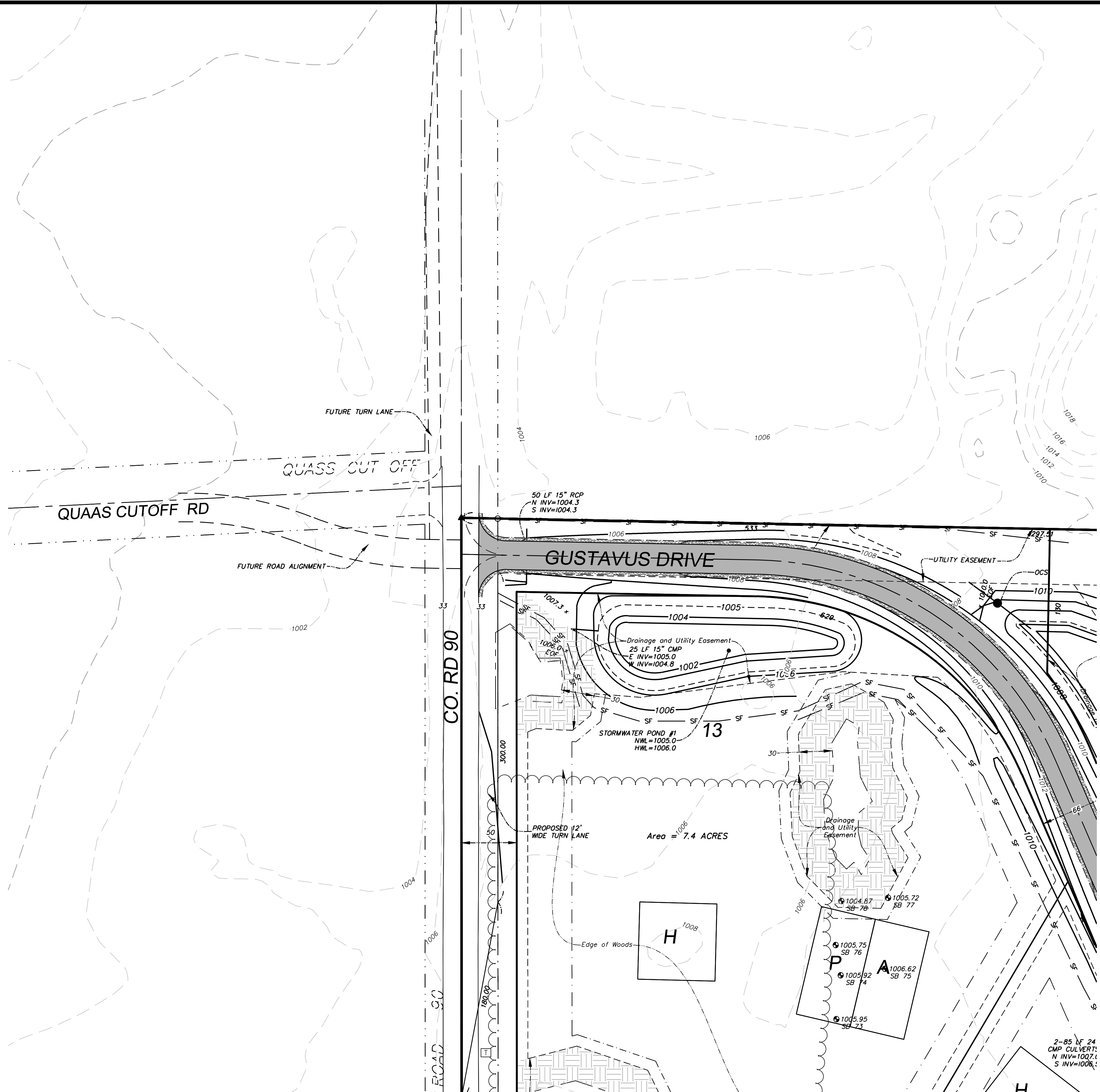
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HILLTOP PRAIRIE
HILLTOP FARM, INC.
MAPLE PLAIN, MN

GRADING PLAN	PROJECT NO: 20-0476
SHEET NO. 4 OF 5 SHEETS	DATE: 2-9-2021



- LEGEND**
- denotes Telephone Pedestal
 - denotes Power Pole
 - OHE denotes Overhead Electric Line
 - X denotes Fence Line
 - denotes Wetland
 - denotes Building Setback Line
 - denotes 30' Wetland Buffer
 - denotes Proposed Wetland Buffer Sign, Typ.
- Front = 50'
Side = 30'
Rear = 40'
From Wetland Buffer = 10'



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN
P.E.O.	M.L.O.
CHECKED	
P.E.O.	

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

Paul E. Otto
Paul E. Otto
License #40062 Date: 7-14-21

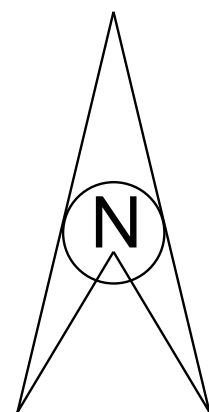


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HILLTOP FARM
HILLTOP FARM, INC.
MAPLE PLAIN, MN

TURN LANE PLAN	PROJECT NO: 20-0476
SHEET NO. 5 OF 5 SHEETS	DATE: 2-9-2021

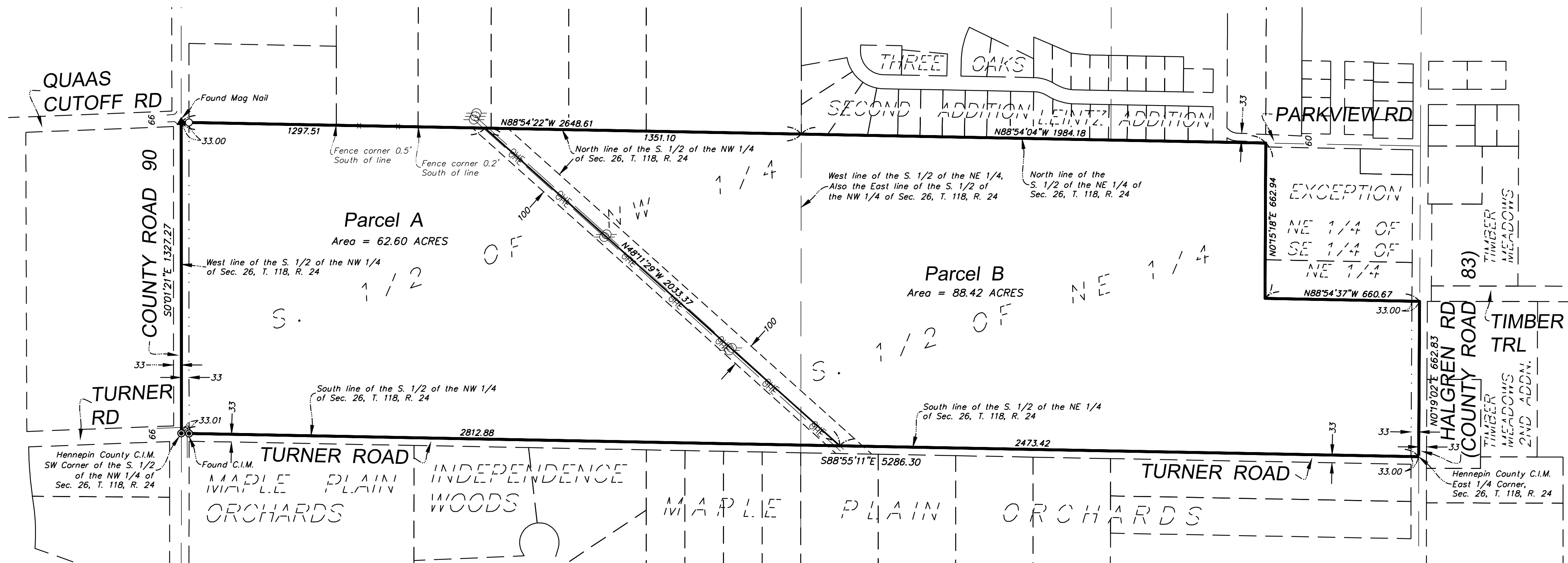
Certificate of Survey



0 300 600
Feet

LEGEND

- denotes Telephone Pedestal
- denotes Power Pole
- denotes Overhead Electric Line
- denotes Fence Line
- denotes Wetland



PROPOSED PROPERTY DESCRIPTIONS:

PARCEL A

That part of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter of Section 26, Township 118, Range 24, Hennepin County, Minnesota lying Southwesterly of the following described line:

Commencing at the Southwest Corner of said South Half of the Northwest Quarter; thence on an assumed bearing of South 88 degree 55 minutes 11 seconds East along the South line of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter a distance of 2812.88 feet to the point of beginning of said line; thence North 48 degrees 11 minutes 29 seconds West a distance of 2033.37 feet to the North line of said South Half of the Northwest Quarter and said line there terminating.

PARCEL B

That part of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter of Section 26, Township 118, Range 24, Hennepin County, Minnesota lying Northeasterly of the following described line:

Commencing at the Southwest Corner of said South Half of the Northwest Quarter; thence on an assumed bearing of South 88 degree 55 minutes 11 seconds East along the South line of the South Half of the Northwest Quarter and the South Half of the Northeast Quarter a distance of 2812.88 feet to the point of beginning of said line; thence North 48 degrees 11 minutes 29 seconds West a distance of 2033.37 feet to the North line of said South Half of the Northwest Quarter and said line there terminating.

EXCEPT

The Northeast Quarter of the Southeast Quarter of said Northeast Quarter of said Section 26.

Certificate of Survey on the S. 1/2 of the NW 1/4 and part of the S. 1/2 of the NE 1/4 of Section 26, Township 118, Range 24, 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: 5/4/2021

Requested By:

Hilltop Farm, Inc.

Date:

3/24/21

Drawn By:

J.J.A.

Scale:

1"=300'

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.

20-0476

MEMORANDUM

TO: Mark Kaltsas, Independence City Planner/Administrator

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

FROM: Shane Nelson, Water Resources Engineer

DATE: August 26, 2021

RE: Hilltop Prairie – Water Resources Review

We have received and reviewed the Construction Plans, dated July 14, 2021, and Stormwater Report, dated July 13, 2021, for Hilltop Prairie prepared by Otto Associates in the City of Independence and the Wetland Delineation Report, dated December 18, 2020, prepared by Braun Intertec. We would offer the following comments in regards to water resources:

Hilltop Prairie is a proposed 13 lot, 62.6-acre residential development. The existing site contains a mixture of woodland, meadow/wetland and row crops. The site is adjacent to and drains to an unnamed tributary of Pioneer Creek, located 1,500 feet to the west, is currently listed as an impaired water for E-coli downstream from Painter Lake, which is adjacent to the proposed development.

1. The Water quality volume for the development was calculated using 1.0" over the new impervious surfacing. Pioneer-Sarah Watershed requires 1.1" over new impervious surfacing. The Applicant shall revise the report and model accordingly.
2. Stormwater is proposed to be controlled by 4 NURP basins located within drainage and utility easements. The Stormwater Report includes a brief statement indicating that infiltration is infeasible, however, no supporting information has been received.
3. NURP basins require skimmer structures for the discharge. The skimming device should discharge at no greater than 0.5fps on a 2-year event or the outlet shall be submerged no less than 0.5 feet from the normal water to the crown of the outlet. Outlet details are not provided so it is unclear if this criterion is met.
4. Impervious area calculations indicate that 5.0 acres of impervious surfacing will be created as part of this development. This is expected to sufficiently cover 1.7 acres for the roadway, ~5,500 square feet for the proposed turn lane leaving 138,248 sq ft for the 13 lots. This appears to be a reasonable estimate of impervious surfaces.
5. The Applicant shall provide a Geotechnical Report showing depth to groundwater as well as soil types. Please provide at least 1 soil boring at the location of all stormwater basins in addition to the soil borings required by the City Engineer for the road construction.
6. Pond 4 discharges to a swale that discharges to the southwest into the right of way for County Road 90. The outlet for this stormwater is unclear. If there is an existing culvert under County Road 90, it shall be clearly depicted on the Preliminary Plans and also included in the stormwater model.

7. There is a low point along the proposed Gustavus Drive located near station 17+00. The watershed map indicates this stormwater is directed to Basin #4, however, the routing is unclear. The Applicant shall clarify the stormwater flow and routing for this location and indicate if a special ditch is proposed at this location. Further, the Applicant should review the drainage arrows at this location to determine if they are indicating the correct flow direction.
8. The Grading Plans do not depict any agricultural field tile. Please provide a signed statement indicating whether or not agricultural field tile is believed/known to exist. If existing, please depict on the plans.
9. Access routes for maintenance purposes to structures outside the right of way and inlets/ outlets at ponding areas shall be depicted on the plans. All access routes are required to have an 8% maximum grade, 2% maximum cross slope, shall be 10' wide and within an easement. Please clearly depict on the plans the maintenance route for Pond 4 and revise the Preliminary Plat to depict the easements (min 20' width). Also please clearly depict the access routes for Ponds 1, 2, and 3 on the Preliminary Plans.
10. Two (2) feet of cover is recommended over all roadway cross culverts.
11. Water quality calculations must be submitted to ensure that no net increase in total phosphorus and Total Suspended Solids (TSS) will result as part of the development. The Applicant shall provide a P8 or MIDS model for review.
12. The Wetland Delineation Report has recently been received and is under review.
13. Buffer strips will need to be established as part of this project. The Preliminary Plans shall indicate an appropriate BWSR, MnDOT, NRCS, OR SWCD seed mixture for establishing buffer vegetation. Buffer signage and a buffer maintenance plan and agreement will also need to be prepared and submitted to the City and Watershed. This agreement shall cover the first two growing seasons following initial establishment to ensure proper vegetation.
14. The project will require a watershed permit from Pioneer Sarah Creek Watershed Management Commission.
15. The project will require a NPDES permit (General Permit MNR100001) from the Minnesota Pollution Control Agency (MPCA).

At this time, we have not received sufficient information to confirm that this project meets City ordinances related to water resources. It is recommended that the applicant revise and resubmit addressing the comments above.



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

August 13, 2021

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

RE: Preliminary Plat Application
Hilltop Prairie
Engineering Review #1

Dear Mark:

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

1. Final plat should identify what will be occurring on remaining parcel east of overhead powerlines. Consider ghost platting parcels to the east to plan for and provide connecting through streets with multiple access points.
2. The city has identified a future trunk gravity sanitary sewer line that would generally be routed along the north edge of the proposed plat. The city will need to have further discussions on the size of gravity sewer to route thru this area as it will have impact on the future depth of sewer and required easement widths. Developer should plan on providing a drainage & utility easement that would be adequate for future open trench installation. It is anticipated that the sewer future sewer line could be approximately 30 feet deep.
3. The preliminary plat should be routed to Hennepin County for comment since the development is requiring access from CR 90 and abuts the highway.
4. The roadway profiles do not match the proposed grading contours at the high points and low points in the profile.
5. All applicable city standard details and specifications should be followed for the final construction plans.
6. Four wet retention ponds are proposed for stormwater runoff management to meet regulatory requirements. The following must be considered regarding stormwater management:
 - a. The stormwater runoff management system must meet the requirements of the Pioneer Sarah Creek Watershed Management Commission (PSCWMC) and the City's requirements set forth by the NPDES MS4 permit. The PSCWMC requires proposed peak runoff rates for the 2, 10, and 100-year – 24-hour events be maintained at or below existing rates, retain a volume equal to 1.1" over the new impervious surfaces on site, and maintain proposed Total Suspended Solid (TSS) and Total Phosphorus (TP) loads to existing conditions. By meeting PSCWMC requirements, the system will meet the MS4 requirements. A stormwater runoff management plan meeting these requirements must be submitted to verify adequate siting for facilities has been provided.
 - b. Stormwater runoff management facilities necessary for the ultimate development (street construction, driveways, buildings, etc.) should be installed with street construction to ensure all drainage ways, watersheds, and runoff management systems are constructed per the approved Stormwater Management Plan.

7. Final Plans should include the following:
 - a. Grading, Drainage, and Erosion Control Plan
 - b. Street Construction Plan
 - c. Landscape and Restoration Plan (including invasive species removal)
 - d. SWPPP meeting NPDES requirements
8. The following permits will need to be obtained and copies provided to the City conditional to City approval:
 - a. NPDES Permit for Stormwater Discharge
 - b. PSCWMC Permit
 - c. Wetland Conservation Act (WCA) Permit (MCWD and HAA are listed as the LGU)
 - d. Hennepin County, Access/Utility Permit (a turnlane may be necessary)
9. The applicant will be required to submit a Maintenance Agreement for all stormwater management structures and facilities. The agreement must define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
10. Drainage and Utility Easements must be provided as follows:
 - a. Over all stormwater management facilities used to meet regulatory requirements.
 - b. Over all wetland and buffers.
 - c. All swales and piping providing drainage for multiple properties.
 - d. 10' along all front lot lines, side lot lines, rear lot lines, and adjacent to Development boundary.

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

Sincerely,

Bolton & Menk, Inc.



Andrew Budde, P.E.
Principle

City of Independence

Request for a Minor Subdivision to Permit a Lot Split of the Property Generally Located at the Northwest Corner of County Road 11 and Lake Sarah Drive S.

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 31, 2022
<i>Applicants:</i>	Jessie Koch
<i>Owners:</i>	Christopher and Wendy Leines
<i>Location:</i>	Northwest Corner of CSAH 11 and Lake Sarah Dr. S. (PID No. 02-118-24-34-0003)

Request:

Jessie Koch (Applicant) and Christopher and Wendy Leines (Owners) are requesting the following action for the property generally located near the northwest corner of County Road 11 and Lake Sarah Drive and identified by (PID No. 02-118-24-34-0003) in the City of Independence, MN:

- a. A minor subdivision to permit the creation of a new lot on the subject property.

Property/Site Information:

The subject property is generally located at the northwest corner of the intersection of County Road 11 and Lake Sarah Drive S. The property has no existing structures and is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

Property Information: PID No. 02-118-24-34-0003 - County Road 11

Zoning: Rural Residential

Comprehensive Plan: Rural Residential

Acreage Before: 31.17 acres

Acreage After – East Parcel: 5.25 acres

Acreage After – West Parcel: 25.92 acres



Discussion:

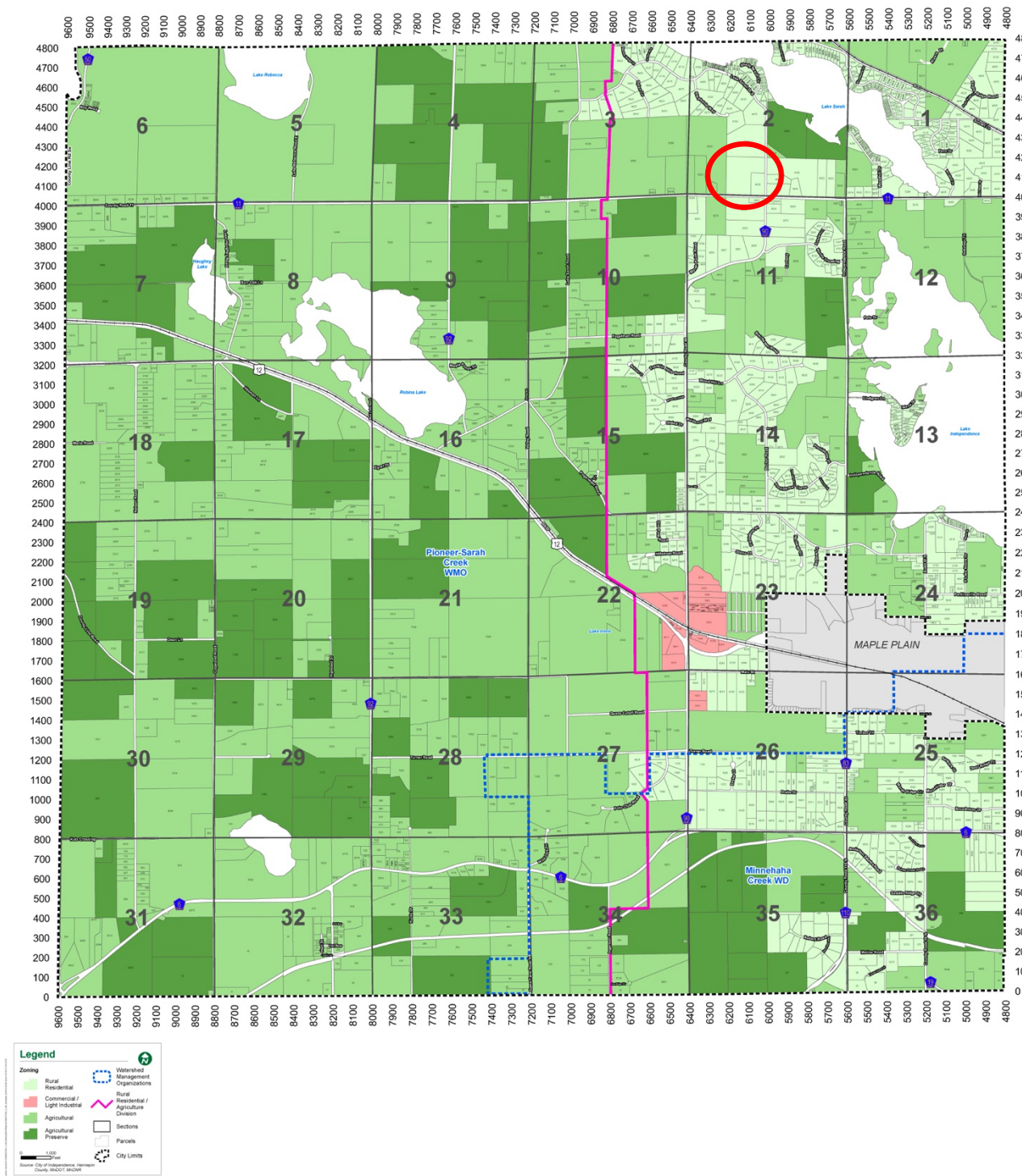
The subject property is zoned RR-Rural Residential and guided RR-Rural Residential by the City's Comprehensive Land Use Plan. The applicant is seeking a minor subdivision of the property to create two lots. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance.

Zoning Map



Zoning Map
City of Independence, MN

May 2019
POLTON & MENK
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Minor Subdivision

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be six (6). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots without the construction of a new public road due to the limited public road frontage. The City's applicable standards are further defined as follows:

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

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
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.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

- (a) Minimum lot area ^a 2.50 acres buildable land*
- (b) Maximum lot area 10 acres*
- (c) Minimum lot frontage on an improved public road or street:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200 feet
3.50 – 4.99 acres	^b 250 feet
5.00 – 10.00 acres	^b 300 feet

- (e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.*

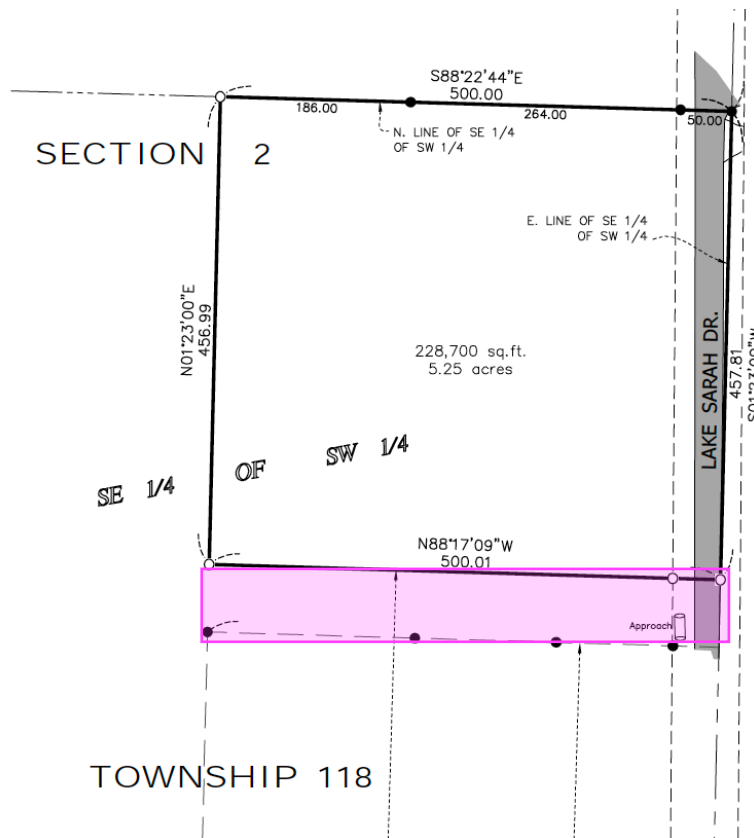
^a A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

^b A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

Lot No.	Gross Acres	Upland Acreage	Frontage	Lot Frontage/Depth
East Parcel	5.25 acres	~5.00 acres	457.81 LF	~1:1
West Parcel	25.92 acres	~23.7 acres	822.02 LF	~1:4

The proposed subdivision would create one new lot in addition to the existing. The applicant is proposing to subdivide the property so that the new lot would have access on Lake Sarah Drive S. The existing and remainder lot would still have frontage on CSAH 11. The applicant is also proposing to maintain a 66-foot-wide access point to Lake Sarah Drive S.



The 66 foot wide access would provide the applicant with a potential access for a new road to be constructed to serve the remainder property. The City would generally support the concept of maintaining a future connection to Lake Sarah Drive to serve the remaining property.

As historically has been required, 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 right of way is not currently shown on the plans and would need to be added.

In addition, the proposed east parcel would be required to provide the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2).

The newly created east parcel will be required to pay the City's requisite park dedication fee.

The total park dedication fee collected will be \$3,695.00. The park dedication fees will need to be paid prior to the City 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*

Other Considerations:

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed rezoning and subdivision are in keeping with the intent and guidance provided by the Comprehensive Plan.
2. The applicant is in the process of providing the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site. It should be noted that there is an existing sanitary sewer that runs along Lake Sarah Dr. S. This property is not included in the current service area for sewer.

Summary:

The proposed subdivision of this property appears to be in keeping with the comprehensive plan and with the character of the surrounding properties. The proposed lot being created conforms to all applicable criteria for rural residential lots. The proposed subdivision would not prevent the future development of the remainder property and provides for an additional access to the

property from Lake Sarah Drive S. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed subdivision to permit a rural view lot.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Minor Subdivision. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Minor Subdivision is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council. This includes, but is not limited to the following:
 - Prepare the requisite documents and convey the perimeter drainage and utility easements.
 - Submit and receive approval from Hennepin County.
 - Prepare the requisite documents and convey the additional 17 feet of right of way to the City as requested by Hennepin County.
 - Provide verification of a primary and secondary septic site for each property.
 - c. The Applicant shall comply with all applicable Hennepin County transportation review comments and requirements.
 - d. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.

3. The Applicant shall pay the park dedication fees in the amount of \$3,695.00.
4. The Applicant shall pay for all costs associated with the City's review of the minor subdivision.
5. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

Attachments:

1. Application
2. Proposed Minor Subdivision Survey (Before and After)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Jessie Koch
Address: 1115 3rd Street SW
Delano, Minnesota
55328
Primary Phone: 763-245-6075
Email: jkoch@plymouthmn.gov

Owner Information

Name: Chris Leines
Address: PO Box 353
Loretto, Minnesota
55357
Primary Phone: 239-315-1936
Email: leines@frontiernet.net

Property Address:

PID:

Planning Application Type: Subdivision

Subdivision Type: Minor Subdivision (3 lots or less)

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions)

Signature:

Jessica Koch



Chris & Wendy Leines

**Sec-2, Twp-118, Rng-24
Hennepin County**

DATE OF ORIGINAL: May 19, 2014

REVISION: _____ DATE _____, 20__

REVISION: _____ DATE _____, 20____

REVISION: _____ DATE _____, 20____

JOB NO: 14044

DRAFTED BY: CRM

DRAFTED BY: CRM

CHECKED BY: DSH

HORIZONTAL DATUM:

NAD83
Hennepin Coun

VERTICAL DATUM:
N/A

DOCUMENT No. 10042390:

The Land referred to in the Commitment is abstract property situated in the County of Hennepin, State of Minnesota and is described as follows:

The Southeast 1/4 of the Southwest 1/4, except the South 800 feet of the East 500 feet, of Section 2, Township 118 North, Range 24 West of the 5th Principal Meridian.

Subject to easements of record.
Containing 31.17 Acres, more or less.

Note: Northstar Surveying prepared this survey without the benefit of current title work. The property shown is based on a legal description provided by you the client or a general request at the appropriate County Recorder's office. Easements, site restrictions or adjoining deed conflicts may exist which affect subject property and are not shown by this survey. We reserve the right to revise the survey upon receipt of a current title commitment or title opinion.

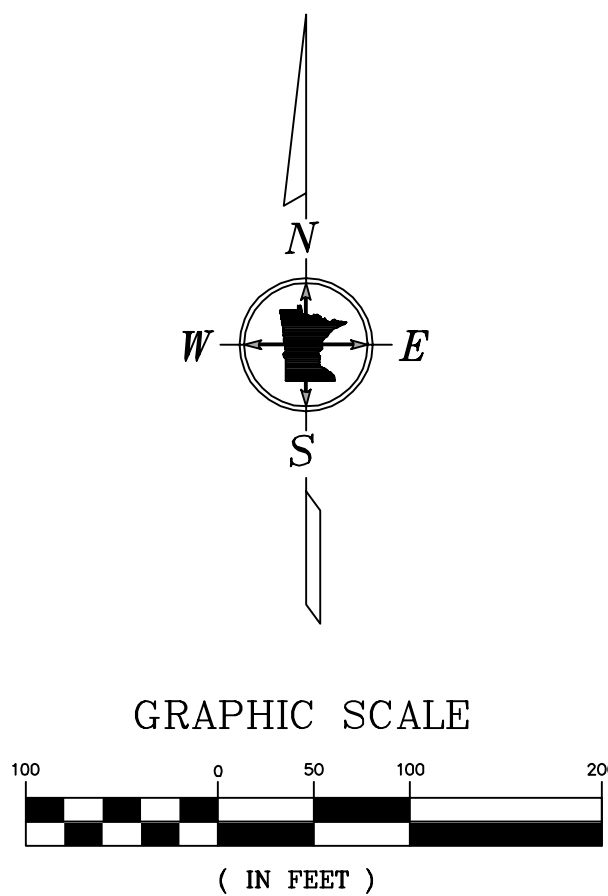
CERTIFICATION: I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Licensed Surveyor under the Laws of the State of Minnesota.

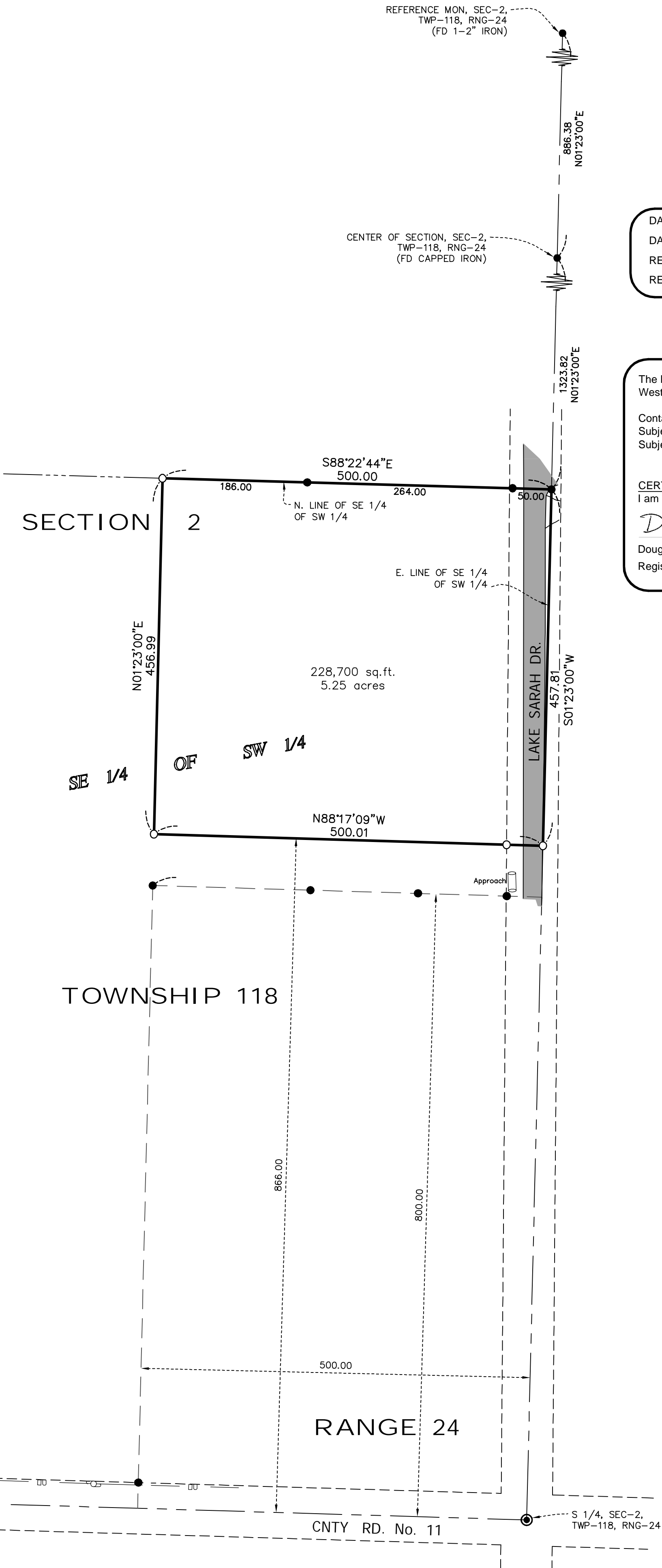
Dear Helen

Doug Huhn PLS 43808

Legend

- Set 1/2 Inch by 14 Inch Iron
- Pipe with Plastic Cap Inscribed with License No. 43808
- Found Monumentation
- △ Set P.K. Nail
- ⊙ Cast Iron Monument
- Set Lath on Line
- ⌋ Utility Pole
- ☀ Pine Tree
- 🗿 Cultvert
- x x
- _____
- Fence Line
- DU
- _____
- Overhead Line





(320)693-3710
310 East Depot Street
Litchfield, MN 55355
ns_doug@qwestoffice.net
ns_chuck@qwestoffice.net

CLIENT NAME:

Herb Koch JR

PROJECT ADDRESS

Section 2, Township 118,
Range 24

DATE OF FIELD WORK: July 14, 2021	JOB NO: 2021213	HORIZONTAL DATUM: Hennepin County Coordinate System
DATE OF MAP: July 14, 2021	DRAFTED BY: CRM	VERTICAL DATUM: N/A
REVISION: DATE, 20	CHECKED BY: DSH	
REVISION: DATE, 20		

Surveyed Description

The East 500.00 feet of the Southeast 1/4 of the Southwest 1/4, of Section 2, Township 118 North, Range 24 West of the 5th Principal Meridian, lying north of the South 866.00 feet.

Containing 5.25 Acres, more or less.
Subject to easements of record.
Subject to any and all enforceable restrictive covenants.

CERTIFICATION: I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Licensed Surveyor under the Laws of the State of Minnesota.

Doug Huhn

Doug Huhn
Registration No. 43808 - In the State of Minnesota

GRAPHIC SCALE

(IN FEET)

Legend

- Set 1/2 Inch by 14 Inch Iron
- Pipe with Plastic Cap Inscribed with License No. 43808
- Found Monumentation
- Cast Iron Monument
- Utility Pole
- Culvert
- Overhead Line
- Bituminous Surface