



PLANNING COMMISSION MEETING AGENDA
TUESDAY NOVEMBER 16, 2021

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. October 19, 2021 Planning Commission Meeting
 - b. November 3, 2021 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Charlie Johnson and Hard Knocks LLC (Applicant/Owner) is requesting the following actions for the property located at 1470 County Road 90 (PID No. 26-118-24-22-0008) in the City of Independence, MN.
 - a. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.
 - b. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - c. A variance to allow a reduced rear yard setback for the proposed accessory building.
 - d. Site plan review to construct a new detached accessory structure and outdoor storage on the property.
5. **PUBLIC HEARING:** Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:
 - a. A conditional use permit amendment to allow the expansion of a building used by the commercial riding stable on the subject property.
6. **PUBLIC HEARING:** Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

- a. A variance to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.
 - b. A minor subdivision to permit the subdivision of the subject property into two parcels based on the bisection created by County Line Road.
- 7. **PUBLIC HEARING:** Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:
 - a. A variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.
- 8. **PUBLIC HEARING:** Ordinance Amendment Consideration.
 - a. Subdivision Standards – Rural Residential Cluster Development Standards
 - i. Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments.
- 9. Open/Misc.
- 10. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
SPECIAL MEETING
OCTOBER 19, 2021 – 7:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

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

3. Approval of Minutes:

- a. September 21, 2021 Planning Commission Meeting
- b. October 5, 2021 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the September 21, 2021 Planning Commission minutes, second by Volkenant. Ayes: Thompson, Volkenant, Gardner & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

4. **PUBLIC HEARING (Tabled Again):** 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.

Motion by Palmquist to table the public hearing for Adam Young/I & K LLC to a future date (TBD), second by Volkenant. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Jon Dailing (Applicant) and David Meyer (Owner) are requesting the following actions for the property located at 475 County Road 92 N (PID No. 32-118-24-13-0001) in the City of Independence, MN:

- a. A Conditional Use Permit Amendment to allow the expansion of the existing training building located on the property.

Property/Site Information:

The subject property is located on the south side of County Road 6, just west of County Road 92. The property is a golf course. The properties have the following characteristics:

Property Information 18 Golf Walk
(Specific Property) Zoning: Agriculture
Comprehensive Plan: Public/Semi-Public
Acreage: ~200 total acreage of golf course

Property 32-118-24-13-0001
Zoning: Agriculture
Comprehensive Plan: Agriculture
Acreage: ~20

Discussion:

The applicant is seeking an amendment to the existing conditional use permit to allow the expansion of the existing training building located in the northeast corner of the golf course property and on the east side of the existing driving range. The existing building serves as storage for the driving range and provides for a small teaching area used by the club professional to provide golf instruction. The proposed expansion would add a bathroom, storage area and covered practice area. The existing building is approximately 900 sf (30' x 30'). The proposed expansion would add a 20' x 20' enclosed addition and a 12' x 32' covered (open sides) practice area. The total enclosed building area in the proposed condition would be 1,300 SF. The existing building is currently accessed via paved path that runs between the parking lot/clubhouse and the building.

In order to consider the expansion of the existing building on the property, an amendment to the conditional is necessary.

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

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

"commercial golf course" a conditionally permitted use.

The existing and proposed building is generally screened from view by an existing berm and vegetation located along CSAH 6 and CSAH 92. The building and proposed expansion are required to be setback 85' from the centerline of CSAH 92. The existing portion of the building is located 89.4 feet from the centerline of CSAH 92 at its closest point. The proposed expansion would be setback 87.1 feet at its closest point from CSAH 92. The proposed building would be constructed of similar materials to the existing building.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed conditional use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The existing golf course is relatively secluded from the surrounding properties and County Roads. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The expansion of this building will likely result in minimal impacts to surrounding property. The City will need to determine if the proposed expansion of the training building is consistent with the use of the property as a golf course. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

There are a few additional considerations that should be noted:

1. The new bathroom will be connected to a new drain field that will also be used by the maintenance building to the south. The City will be reviewing and permitting this system. The existing maintenance building is currently connected to a holding tank.

2. The covered (open sided) portion of the proposed expansion will utilize radiant heaters for use in the late fall and early spring.
3. The existing facility is heated.

The Planning Commission will need to determine if the requested amendment to the conditional use permit meets all of the aforementioned conditions and restrictions.

Neighbor Comments:

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

Recommendation:

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

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment approves the expansion of the existing training building in accordance with the approved plans.
4. Prior to the City granting a building permit for the proposed building expansion, the applicant shall complete the following items:
 - a. Provide the City with a sanitary sewer plan for serving the proposed building.
 - b. Provide the City with cut sheets for any building lighting.
5. The applicant shall pay for all costs associated with the review and approval of the proposed conditional use permit amendment.
6. The applicant shall record the resolution with Hennepin County following City Council approval.

Kaltsas explained this is a request for a conditional use permit to allow the expansion of the existing training building. Any changes to the property are required to have an amendment. Since they already have the training building on the property, they would like to expand this building allowing a bathroom, additional storage, office, covered practice T

area. This would require an amendment to the existing conditional use permit. It is located on the very Eastern edge of the property. It is 900sqft. Adding a 20x20 enclosed addition to the S. side and 12x32 covered practice area with sides and heating. 1300sqft. They would be adding a bathroom that would be tied into a new drain field and service the maintenance building as well to the South of the site. It would have to go through approval with the City first. This could be served with a tank. The building does meet the setbacks with the addition. IT appears to have little impact on existing residences.

Open Public Hearing

Motion by Thompson to approve the CUP for Windsong based on staff's recommendations, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

6. **PUBLIC HEARING:** Colin Buechel (Applicant) and Aaron Ruhland (Owner) request that the City consider the following action for the property located at 6455 Meadow Ridge (PID No. 15-118-24-14-0007) in Independence, MN:
 - a. A conditional use permit to allow a ground mounted solar array.
 - b. A variance to allow a ground mounted solar array that exceeds the maximum size limitation of 500 square feet.

Aaron Ruhland lives at 6455 Meadow Ridge. He is seeking to install a ground mounted solar photovoltaic (PV) system on the property.

Minnesota §462.357, subd. 6, states that inadequate access to direct sunlight for solar energy systems is a practical difficulty. Due to the orientation of the residence there is limited access to direct sunlight on the rooftop. In order to maximize production of the system on the property, All Energy Solar has designed a ground mounted solar PV system to go on the South end of the property to maximize solar PV production. The solar will be interconnected to a meter that is located at the residence. The array will not be visible from Meadow Ridge.

Due to the largest roof planes of the residence being oriented East and West, the only ideal roof plane to put solar panels is the South facing roof plane on the South end of the house.

Additionally, imposing the required fire access setbacks included in the state building code make the area available for solar panels minimal.

The residence was built in 2005, but purchased by the current owner in 2008, meaning they could not design the residence to optimize a rooftop solar PV system.

Our design meets the 2020 State of Minnesota Building code; however, it does not meet one of the City of Independence's requirements outlined in Sec. 515.11 of Independence's Zoning Ordinance. Specifically Subd 5, letter h which states, "Ground-mounted systems shall have a maximum area of 500 SF.". The current area that the system covers, including the gaps between arrays, is 797 sqft.

This proposed system will not impact the character of the neighborhood and will not

affect the welfare, safety or health of the community. The proposed system will help Aaron Ruhland offset his electricity use and contribute to the State of Minnesota's clean energy goals.

Kaltsas explained that this property is zoned rural residential and is 6.5 acres. The applicant would like to exceed the 5,000sqft limitation for ground mounted solar array. He is asking for 3 arrays to be located on the South side that would be 636sqft. They are seeking a variance to allow 186sqft. We have criteria for these setbacks that they would meet. They have a height of 12'6". The solar panels are located far back and the area they would sit is lower than the rest of the property. They would be visible from County Road 90 but there is a horizontal separation. They are looking to meet their own demands for energy usage for their own property. These would generate approximately 17,500 kilowatts. The average is around 10,000 kilowatts. The criteria for granting a variance is that they would have to find a hardship and that the reason for the hardship is not created from the owner themselves. They did receive a letter from the neighbor supporting the CUP.

Thompson asked if any information can be shared on the historical power usage for this particular home. Kaltsas said that he did not ask and that information is protected and unavailable to the general public. Story asked if the panes are anti-reflective. Kaltsas said his understanding is that they are anti-reflective. They are at a 35-degree angle.

Open Public Hearing

Aaron Ruhland (homeowner) & Colin Buechel (rep) stated that it is ground mounted solar. The reason they are in 3 separate arrays is that they need a clearance on the bottom of those for a snow runoff. They are anti-reflective. The panel surface is over 500. The orientation of the house is not great for a roof-top mount. There is a 20% reduction in production of energy if they put it on the rooftop and that is why they are suggesting ground mounting.

Thompson asked about the current energy consumption on the house historically and what the average consumption is over the last 3 years. Aaron said he does not know the exact average of historical consumption. Thompson stated that a variance is granted for homeowners that are in hardship. He asked what is the practical difficulty related to the size? Aaron said there is a uniqueness to the rooftop. They wanted to put it somewhere that was not visible and there were limitations on this. Thompson said he wanted to hear something that isn't a financial hardship. Story asks if different models generate different amounts of energy. Volkenant said that on roof mounted vs ground mounted the city does not require a CUP so she asked why they are forming an attack on ground mounted. It is ecological. Thompson said that it is in the ordinance and like Mark suggested, maybe we need to take a look at the ordinances. This also could go on the roof. Palmquist asked if they could split the arrays and put some on the roof and some on the ground? Gardiner asked if they would be laying flat on the roof? Colin said that they could be at an angle. Gardiner said that they disappear more in visibility on the roof versus standing out in the yard.

Kaltsas said we are talking about two different items, a CUP and variance which is in regard to the size. They could act separately in a and b. Thompson asked if they want planning commission to split a and b? Aaron said it's a return on investment. Aaron asked if they could come back with other alternatives. Thompson said that they are looking for something that isn't perfectly economical and that is why he's asking for the average historical energy consumption to show that this is necessary or that the roof is not in the structural shape to hold these panels, etc. Kaltsas said that if the applicant can prove their usage will match this, it would look better to planning commission. The prior request for solar panels wanted to sell a lot back to grid. If the need for their house can be proven, they could ask for the variance. The variance is not causing them unreasonable use of the property. This could give us some coverage for not setting precedence. Thompson said that perhaps the ordinances need to be changed to say 500 sqft or whatever is needed to support the home. Gardner asked if they should table this again? Kaltsas asked if they should recommend this to the Council or is there something specific we can change? There is a big difference between roof and ground mounting.

We had big discussions. Volkenant asked if they can provide a future use? Aaron says they are also considering electric vehicles. Thompson asked if the system includes batteries. They do not. Thompson said even if we are talking about average consumption, they are still going to be pulling from the grid.

Story said that ground mounted is ugly. They could screen them or add a berm. Kaltsas asked what the average consumption is. Colin said that we design them for each situation. Gardner said that we chose 500 but that may not be the right number. He said that it is a poor ruler and they should be based off of house usage for measure. Palmquist asked if the evolution of solar panels is becoming more efficient. Colin said there are gains for sure. Kaltsas said that solar shingles are huge right now and this may go away. Colin asked is there specific wording in the ordinance for the surface area. Palmquist said it is the surface area.

Close Public Hearing

Motion by Thompson to close public hearing, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

Thompson said the ordinance is fairly clear and that we talked about some avenues to provide more information to prove the hardship and usage. He said he is struggling to allow this. Palmquist said he is concurring with Thompson and that council did not change our recommendation last time. He is struggling to grant a variance for the same reasons as Thomson. Palmquist mentioned he has no problems with solar panels or 500sqft, but this is more of a standard request, we need to revisit the ordinances and not rule by exception. Gardner said the goal was for average house with average needs. Thompson asked Kaltsas if there are any other communities that have unique condition in regard to solar panels. Kaltsas said that he has not seen anything in the solar realm. It has either been either in or it's out. We do a lot of things different in Independence than in suburban areas. The consumption is a good barometer to base it off of. Certain criteria could get us out of a variance mode. We are different, we're rural and not urbanized. Story said they are going to be looking at how much am I paying per watt. We are going to see more and more of these requests to help with efficiency. Volkenant asked when the ordinance was put into place. Kaltsas said in 2017. Thompson said he would suggest a CUP for ground mounted at 500sqft or should we table this to allow time for more information to be presented to the planning commission at the next meeting. Aaron asked if they are suggesting a 500sqft and a roof mounted. Kaltsas said roof mounting is permitted.

Motion by Thompson to approve the CUP for ground mounted solar array subject to staff recommendations 1 and a modified condition 2 to allow a 500sqft ground mounted solar system and a strike #3 for granting a variance, Palmquist suggesting expanding motion to work with staff to have suitable screening from Cty Rd 90, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

7.PUBLIC HEARING: Hennepin County (Applicant) is requesting the following minor subdivisions relating to the Highway 12/County Road 92 improvement project in Independence, MN:

- a. 7455 Hwy 12 (PID No. 16-118-24-43-0002)
- b. 7525 Hwy 12 (PID No. 16-118-24-43-0001)
- c. 7625 Hwy 12 (PID No. 16-118-24-31-0002)
- d. 7735 Hwy 12 (PID No. 16-118-24-34-0002)
- e. 7865 Hwy 12 (PID No. 16-118-24-32-0005)
- f. 7899 Hwy 12 (PID No. 16-118-24-32-0001)
- g. 7950 Egret Dr. (PID No. 16-118-24-32-0003)

Property/Site Information:

The subject properties are generally located at the intersection of County Road 92 N. and Highway 12. The properties all have the following site characteristics:

Property Information: All listed above.

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Discussion:

Hennepin County has been working on the acquisition of properties associated with the Highway 12/CSAH 92 realignment and overpass project. The properties have now been acquired by the County, but a formal approval of the actual subdivision is still required by the City. The subdivisions are unique in that the properties being broken off will be used for right of way (combined with the existing right of way) for the state highway or county road. No new properties are being created as a result of the requested subdivisions.

The City has reviewed the requested subdivisions and found them to be in keeping with the preliminarily reviewed property acquisitions necessary to construct the new road improvements. The detail of each subdivision is provided on the attached surveys for each parcel listed above.

Other Considerations:

1. All of properties to be subdivided are part of the overall Highway 12/County Road 92 N. realignment/overpass project.
2. The City does not have an administrative or other process for considering the subdivision of property. All subdivisions are required to go through the requisite process.

3. No new parcels are being created as a result of the proposed subdivisions. The 7735 Highway 12 property will have excess land associated with the right of way. This property will be owned by Hennepin County in the after condition.
4. No new non-conformities are being created as a result of the proposed subdivisions. The frontage requirements, applicable setbacks and minimum lot sizes are not being compromised in the after condition as a result of the proposed subdivisions.

Summary:

The requested minor subdivisions of the subject properties do not appear to create any adverse conditions in the after condition. 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 subdivisions.

Recommendation:

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

1. The proposed Minor Subdivisions meet 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 subdivisions which includes the following:
 - Prepare the requisite documents and legal descriptions needed to record all documents with Hennepin County.
3. The Applicant shall execute all applicable documents to allow recording of the minor subdivisions within six months from the date of the City Council approval.

Kaltsas explained that this is a part of the Hwy 12 and County Rd 92 realignment project that is currently underway. Hennepin County has acquired property from the impacted property owners and as a result of that Hennepin County would like to subdivide those properties creating a lot line rearrangement to move the right of way line to incorporate the additional land. These are all impacted by the project. These are all minor except the property with the roundabout. All subdivisions need City approval Hennepin County will be owning these properties. There were no written comments, and it is somewhat of a formality. They make sense and are consistent.

Public Hearing Open

Public Hearing Closed

Motion by Palmquist to approve the minor subdivision of these 7 properties, second by Story. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

8. *Preliminary Ordinance Amendment Discussion*
 - a. *Subdivision Standards – Rural Residential Cluster Development Standards*

Request:

Following consideration and discussion relating to several recent subdivisions, City Council directed the Planning Commission to review and consider possible changes to a few key standards. In order to start the process of amending the zoning ordinance, staff would like to begin a discussion with the Planning Commission pertaining to the possible amendments. The following are two possible ordinance amendments:

a. Discuss amending zoning ordinance pertaining to Cluster Developments.

The current Cluster Development standards requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. The question relating to this calculation recently came up during a sketch plan review. The City noted that it has historically taken the gross acreage of the development and multiplied it by 50% to determine the required preservation. The recent application challenged that method by suggesting that the calculation should be made on the net acreage remaining after existing and proposed public road right of ways are subtracted from the total acreage. It was noted that this would allow a number of additional lots to be realized on a given property.

b. Discuss future amendment to zoning ordinance relating to rural residential subdivision density table.

Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. Current

staff did not develop the adopted table nor fully understands the methodology behind the ranges established. The underlying density of properties zoned rural residential is one unit per 5 acres. The ranges provided are beneficial to some properties and potentially detrimental to some properties.

- c. There are several other minor considerations that staff would also like to discuss relating to the subdivision ordinances as follows:
 - i. Minimum lot width for cluster developments. There is not a currently prescribed minimum lot width for lots developed as a part of a cluster subdivision. The City generally uses 150 as a base minimum for cluster development lots.
 - ii. Ownership of the Outlots created within a development. There has been questions and discussion historically about the ownership, allowable use and maintenance of the outlots and open space created in cluster developments. The City should further discuss requirements relating to the opens space established as a requirement of the cluster developments (i.e., maintenance requirements/responsibilities, allowable uses, ownership (HOA) and what if HOA defaults or is no longer established).

Cluster Developments:

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

- (a) Purpose. *The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:*
 - (1) *Protect natural features in common open space.*
 - (2) *Improve the arrangement of structures, facilities and amenities on a site.*
 - (3) *Preserve the rural character of the community.*
- (b) Criteria. *A cluster development is a residential development in which a number of single family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.*
 - (1) *The development parcel must be 40 or more acres in size;*
 - (2) *A minimum of 50% of the development must be preserved as open space, recreational space or agricultural use;*
 - (3) *A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;*
 - (4) *Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;*

- (5) *The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;*
- (6) *Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of 10% 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.*

Rural Residential Developments:

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

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

Staff will provide an overview of the issues in the ordinance and facilitate additional discussion. Based on the discussion and direction provided, staff will draft an ordinance for further consideration.

Kaltsas said this is a preliminary ordinance amendment discussion. It is about the method in calculating open space in RR and cluster development standards. The city has a cluster standard that allows someone with a min of 40 acres to ask for a reduction in exchange for preserving open public space. The ordinance as it is written, for a cluster dev to be considered, a min of 50% of the development must be used for recreation/agricultural. A Min of 50% of the preserved space must be usable. The question is of the initial 50%, the way that it is written is if that included existing right of way

or future right of way. The way that we calculate that 50% is in question. Should we change this calculation? On the RR standards, we have this table to calculate density for RR range of acres. You have to have 7.5 acres of land you get one additional entitlement. At 7.6 you can get a 2nd lot. The table goes through 47.5 acres. Then you get 9 lots and one for each additional 5 acres of land. People would benefit from our ordinance until you get to 41.6 acres. When you get to 45 acres, the advantage goes away. He suggests talking about width for cluster subdivision standards. Also, when outlots are created by a development, who should own these? Should they be maintained privately, HOA or previous owner? He asked how we are doing these calculations. He wants it to be consistent.

Thompson said maybe we should just make it a flat 1 for every 5 acres. Or 7.6 gets you a second lot, then every 5 acres after that you get 1 more lot. Kaltsas confirmed that you get 2 on 7.6, then after that it is 1 for every 5 acres. Gardner says that people that have lived here all these years are counting on this. It's the language that trips up in this situation.

Thompson asked if there is a difference in existing road that borders their property. He said it may be easier time negotiating optimal road turnarounds, access to say that it is a credit for collective roads, connect through, cul-de-sac in a development. Getting the road right was a long-term investment. Gardner said he is in favor of taking Hennepin County guidelines that tells you to take the gross acreage regardless of the right-of-way. Story asked if there is any way to better define usable open space. Thompson asks about the ownership and access piece. Kaltsas asked what is the long-term ownership structure. Should it default to the city? Thompson asked if we have had issues with ownership or taxes. Kaltsas said no. Palmquist asked can the city deal with this with a professional development agreement. Kaltsas said we can establish retaining walls, etc. Volkenant asked what happens with these dev companies when they default or fold. Gardner said you can levy these individuals but not sure if you would be successful. Palmquist said there's a way to put teeth into this. Gardner said he's not crazy about outlots because they are "no man's land." Kaltsas said this is a good discussion. We will look at the language in cluster developments. In regard to the lot width, 200 is our minimum We require 1:4 frontage. Width need could be 1.5 contiguous. Is 130-150 appropriate width? Rather than do the math each time, let's just set this and clarify this. We want a proportional standard. Palmquist asked what the minimum was on the smallest lot. Palmquist said one of Tom Koch's lots, 150 was the smallest and this looked good. Tom Koch asked if the roads are open space.

7. Open/Misc.

8. Adjourn.

Motion by Thompson, second by Volkenant to adjourn at 9:15 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

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

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 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, Attorney Bob Vose
VISITORS: Gary Kroells

Johnson congratulated the two re-elected officials, Spencer and Betts.

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 October 19, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1, Checks Numbered 20798-20802 and Batch #2, Checks Numbered 20803-20821).

The last check for a rebate was added to the batch after the packet was mailed out.

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

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Planning Commission
- Workshop
- Ribbon Cutting

Spencer attended the following meetings:

- Planning Commission
- Workshop
- Ribbon Cutting

McCoy attended the following meetings:

- Workshop

Betts attended the following meetings:

- Planning Commission
- Workshop
- Ribbon Cutting

Johnson attended the following meetings:

- Planning Commission
- 4 TZD Virtual Sessions
- Orono School Board Meeting
- Al Gore Spoke at Swain Climate Seminar - U of M (virtual)
- SLUC
- Ribbon Cutting
- MN Prayer Breakfast (virtual)
- Election
- 4 Community Theater

Horner attended the following meetings:

- Planning Commission
- Workshop
- Ribbon Cutting

Kaltsas attended the following meetings:

- MnDOT

7. Jon Dailing (Applicant) and David Meyer (Owner) are requesting the following actions for the property located at 475 County Road 92 N (PID No. 32-118-24-13-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 21-1103-01** – Considering approval of a conditional use permit amendment to allow the expansion of the existing training building located on the property.

Kaltsas explained Windsong Farm Golf Club is seeking a CUP amendment to expand the training building. This is the NE corner of the NE property. The Planning Commission recommended approval with conditions listed. It is currently being used as a training facility/storage garage. They would like to add a bathroom, a small storage area and an expansion to the training area. The building will be closed in the Wintertime. It will be 1,300 sqft in finished condition. It does meet the requisite setbacks from County Rd 92. They would add a new drain field with the increased use. This building would be insulated and heated.

Spencer asked if they were going to move the training on the North side of County Road 6 and if they were still considering doing this. Kaltsas said that has come up a couple of times. They redid the driving range in the last couple of years. On the North side of the property, he believes that there will be a proposal coming up within the next 6 months to expand golf. Spencer said this would be more of a permanent structure then. Betts commented that the shape of the addition is so unusual. Kaltsas said that when they originally talked, they talked a lot about setbacks. The architect jogged the design so they wouldn't have to apply for a variance. Betts asked if there is an advantage to have it set that way. Kaltsas said that this works well with the driving range.

Motion by Spencer, second by Betts to approve Resolution 21-1103-01 for CUP amendment. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. Colin Buechel (Applicant) and Aaron Ruhland (Owner) request that the City consider the following action for the property located at 6455 Meadow Ridge (PID No. 15-118-24-14- 0007) in Independence, MN:

- a. **RESOLUTION NO. 21-1103-02** – Considering approval of a conditional use permit to allow a ground mounted solar array and denial of a variance to allow a ground mounted solar array that exceeds the maximum size limitation of 500 square feet.

Kaltsas states that Aaron Ruhland is seeking a CUP for ground mounted solar array that exceeds the maximum of 500 sqft and also a variance that exceeds 500sqft. The ground mounted solar array would be 686sqft. The initial plans had 3 arrays proposed. The planning commission had several points to consider. Planning Commissioners found that the applicant met the requirements for granting a CUP to allow the 500sqft solar array, but they failed to meet the criteria to grant a variance due to a hardship. The applicant came back with two array system rather than three. This would be 470sqft.

Dr. Aaron Ruhland stated that he wanted to meet their energy needs so that's why they applied for greater than 500sqft. Betts asked if there were any comments from neighboring properties. Kaltsas said there was support from neighboring properties. Grotting asked if they build a picnic pavilion and put it on top of the roof would that be compliant. Kaltsas said yes. They would have to split the system but that is a possibility. Kaltsas said we will be seeing a lot more of the solar requests soon.

Danielle represented the owner. She stated that sunlight or lack of, could be a practical difficulty. They are

looking to offset the energy bills.

Motion by McCoy, second by Grotting to approve Resolution 21-1103-02 to allow the CUP for 500sqft solar array. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Hennepin County (Applicant) is requesting approval of the following application:

a. **RESOLUTION NO. 21-1103-03** – considering approval of the following minor subdivisions relating to the Highway 12/County Road 92 improvement project in Independence, MN:

- 7455 Hwy 12 (PID No. 16-118-24-43-0002)
- 7525 Hwy 12 (PID No. 16-118-24-43-0001)
- 7625 Hwy 12 (PID No. 16-118-24-31-0002)
- 7735 Hwy 12 (PID No. 16-118-24-34-0002)
- 7865 Hwy 12 (PID No. 16-118-24-32-0005)
- 7899 Hwy 12 (PID No. 16-118-24-32-0001)
- 7950 Egret Dr. (PID No. 16-118-24-32-0003)

Kaltsas explained that Hennepin County is requesting a property line rearrangement for 7 properties. They are taking private property and adding it to public access or right-of-way. They are AG in the before condition and AG in the after condition. No building setbacks are becoming nonconforming or below minimum lot size. Planning Commission recommended approval for minor subdivision.

Motion by Spencer, second by Grotting to approve Resolution 21-1103-03 for lot line rearrangement on 7 properties listed. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

10. **RESOLUTION NO. 21-1103-04** – Accepting the donation from Jim and Diane Peters of a snowblower attachment that will be used by Public Works.

Motion by Betts, second by Spencer to approve Resolution 21-1103-04 to accept the donation of the snowblower attachment with an additional thank you note to be sent. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

11. Set date and time to canvas the November 2021 election results (between November 5-12)

Canvass election date: Friday, November 5 at 8:00am

Motion by McCoy, second by Betts to set a canvass election date of November 5 at 8:00am. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

12. Open/Misc.

Spencer made a statement about the elections. He thanked the community for the re-election. He stated he was very humbled by the support he received from the residents. He wanted to remind all residents to please reach out with any question they may have about the city. He stated that some information that was said and used about the city and city staff when campaigning for this election was false and offensive. He thanked the staff for the amazing work they have been doing and to counter these statements with saying that the staff efforts are appreciated, and we know how much work you are doing for the city. He encourages future candidates for council elections to provide factual statements in public campaigning, attend meetings and speak the truth.

13. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 6:18 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

City of Independence

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

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	November 10, 2021
<i>Applicant:</i>	Charlie Johnson and Hard Knocks, LLC
<i>Owner:</i>	Hard Knocks, LLC
<i>Location:</i>	1470 County Road 90

Request:

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

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

Property/Site Information:

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

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



Discussion:

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

- All expansion and or new construction on CLI – Commercial Light Industrial properties require site plan review and approval by the City. The proposed accessory building and associated improvements initiate the requirement for site plan review and approval.

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

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

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

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

530.23. - Building design requirements.

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

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

- All facades of new principal buildings;
- All facades of new accessory buildings;
- 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.
- Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

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

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

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

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). For this reason, accessory structures are treated the same as principal buildings.
 - a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural stone or stone veneers;
 - (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
 - (4) Glass curtain wall panels;
 - (5) Stucco or synthetic stucco;
 - (6) Exterior insulation and finish systems (EIFS).

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

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

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

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

building would add 11,200 square feet of warehouse space and require an additional 6 parking spaces for a total of 55 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

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

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

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

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

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

Subd. 5. Landscape standards.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

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

Neighbor Comments:

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

Recommendation:

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

1. The proposed site plan approval, variance and conditional use permit request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 56.1% of the total lot area.

4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a more detailed landscape plan prior to consideration by the City Council. The plan shall provide more detail relating to the type and size of the proposed trees.
5. The variance will allow the construction of a new building using exterior materials (steel panels) in accordance with the approved building elevations attached hereto as Exhibit C.
6. The setback variance will allow the proposed accessory building to have a reduced setback of 60 LF so that the required setback would be 40 LF from the rear property line.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The additional landscaping will provide a buffer between the existing residential properties and the proposed accessory building.
 - c. The variance will allow the expansion of a commercial business in the City's CLI zoning district. The City's approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City's applicable standards. The applicant shall submit cut sheets and a photometric plan to the City prior to obtaining building permit approval.
12. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
13. The Applicant shall pay for all costs associated with the City's review of the requested site plan, variance and conditional use permit approval.
14. The resolution shall be recorded against the property.
15. The applicant shall pay all applicable fees associated with the City processing the application for site plan review, variance and conditional use permit.

Attachments:

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

LEGAL DESCRIPTION:
That part of the Northwest quarter of Section 26, Township 118 North, Range 24 West of the 5th Principal Meridian, described as follows: Commencing at a point on the North line of said Northwest quarter distant 660 feet East, as measured along said North line, from the Northwest corner of said Northwest quarter; thence South parallel with the West line of said Northwest quarter a distance of 659.88 feet to the point of beginning of the property being described; thence continuing South parallel with said West line a distance of 330.06 feet; thence West parallel with said North line of the Northwest quarter to said West line of the Northwest quarter; thence North along said West line of the Northwest quarter a distance of 330.06 feet; thence East parallel with said North line of the Northwest quarter to the point of beginning.

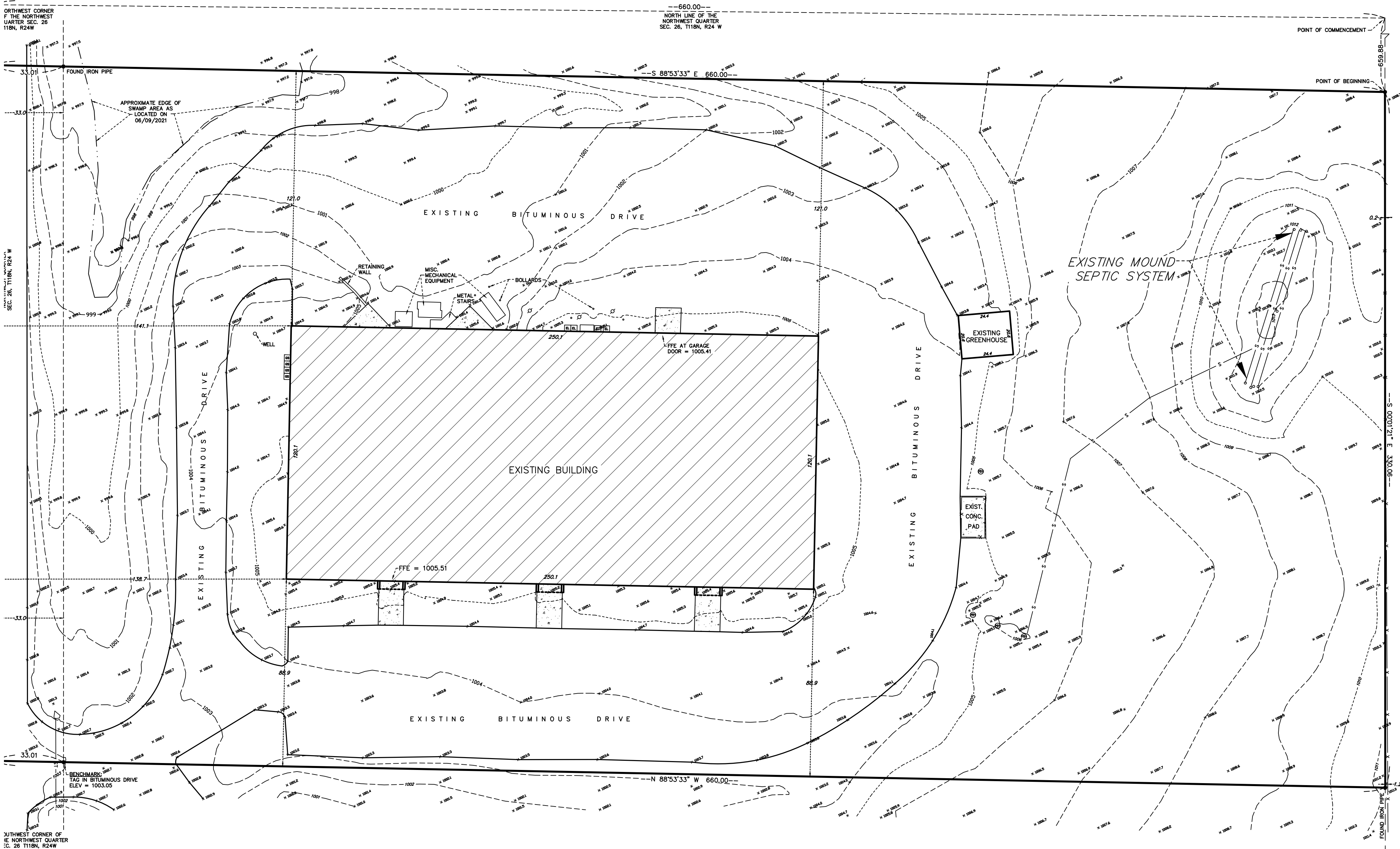
- SCOPE OF WORK & LIMITATIONS:**
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 - Showing the location of observed existing improvements we deem necessary for the survey.
 - Setting survey markers or verifying existing survey markers to establish the corners of the property.
 - Existing building dimensions and setbacks measured to outside of siding or stucco.
 - Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
 - Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
 - This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes iron survey marker, set, unless otherwise noted.

EXISTING HARDCOVER	
Building	30,075 Sq. Ft.
Greenhouse	504 Sq. Ft.
Drive/Road	69,427 Sq. Ft.
Concrete Bays/Walks	1,144 Sq. Ft.
Concrete Pad	236 Sq. Ft.
Retaining Wall	18 Sq. Ft.
TOTAL EXISTING HARDCOVER	101,404 Sq. Ft.
AREA OF LOT	217,797 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	46.6%

LEGEND

	POWER POLE
	MANHOLE
	ELECTRIC METER
	GAS METER
	FENCE LINE
	STORM DRAIN LINE
	CONCRETE
	SPOT ELEVATION



SEE SHEET 2

Advance

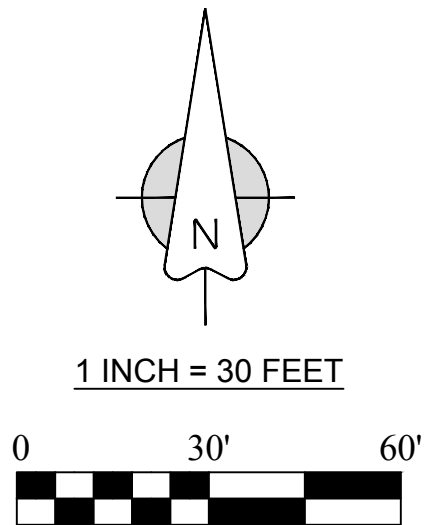
Surveying & Engineering, Co.

17917 Highway No. 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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Thomas M. Bloom
#42379
LICENSE NO.
06/16/2021
DATE:

DRAWING ORIENTATION & SCALE



CLIENT /JOB ADDRESS

HARD KNOCKS LLC

1470 COUNTY ROAD 90
INDEPENDENCE, MN

DATE	REVISION DESCRIPTION

SURVEYED DATE:
06/09/2021

DRAFTED DATE:
06/11/2021

SHEET TITLE
EXISTING CONDITIONS

SHEET SIZE: 22 X 34

DRAWING NUMBER
210934 KDS

SHEET NUMBER
S1

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.

- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.

- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.

- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.

- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.

- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.

- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.

- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.

- Moisture shall be applied to disturbed areas to control dust as needed.

- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.

- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.

- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.

- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

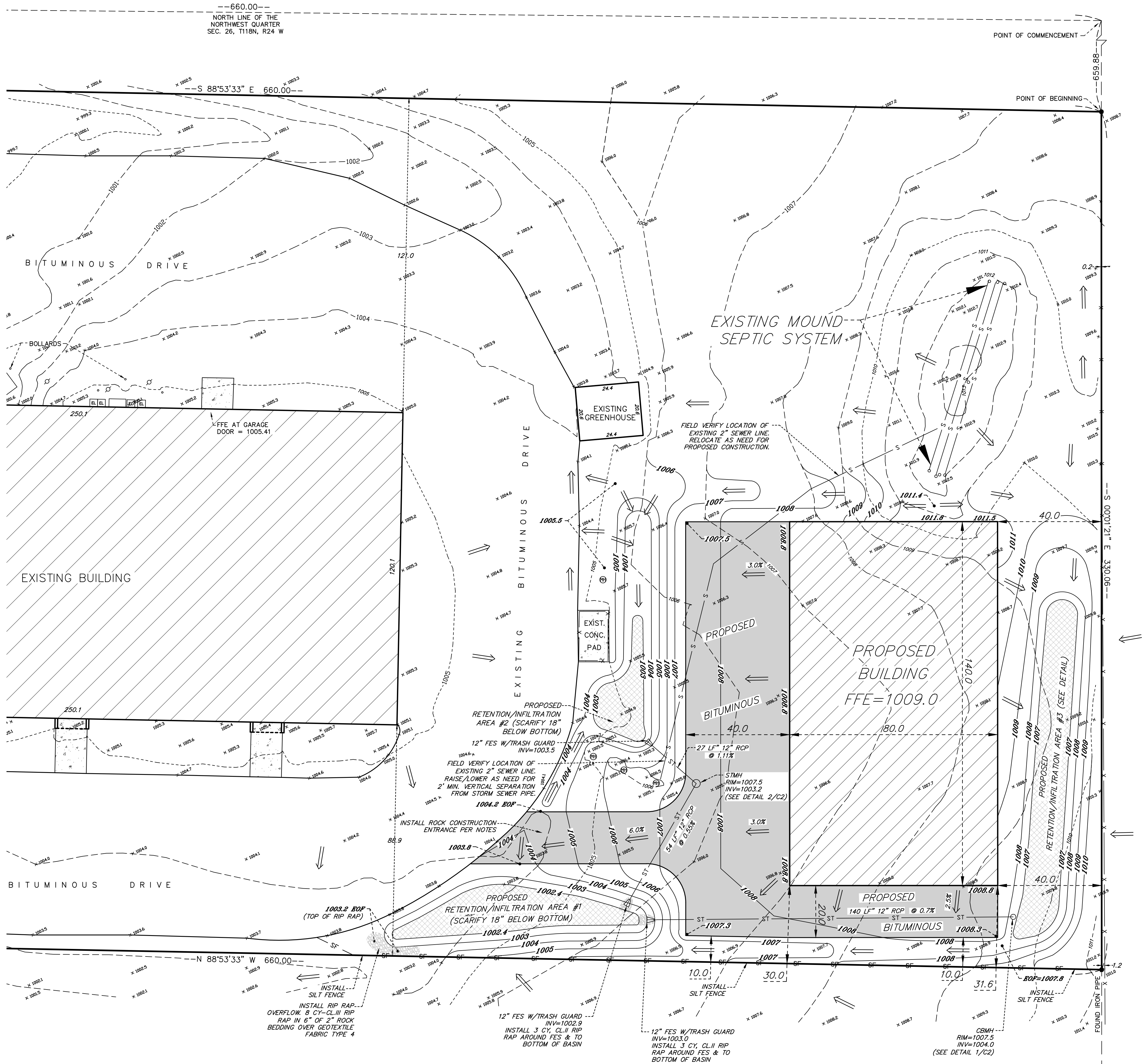
SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Independence requirements to insure that grading was properly done.

- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.

- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.

- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.



PROPOSED HARDCOVER	
Building	30,075 Sq. Ft.
Greenhouse	504 Sq. Ft.
Drive/Road	69,427 Sq. Ft.
Concrete Bays/Walks	1,144 Sq. Ft.
Concrete Pad	236 Sq. Ft.
Retaining Wall	18 Sq. Ft.
Proposed Building	11,200 Sq. Ft.
Proposed Bituminous	9,507 Sq. Ft.

TOTAL PROPOSED HARDCOVER	122,111 Sq. Ft.
AREA OF LOT	217,797 Sq. Ft.

PERCENTAGE OF HARDCOVER TO LOT	56.1%
--------------------------------	-------

LEGEND

EXISTING CONTOUR ---1005---

EXISTING SPOT ELEVATION X 1005.5

PROPOSED CONTOUR ---1005---

PROPOSED SPOT ELEVATION 1005.5

DRAINAGE ARROW - FLOW ==>

SILT FENCE/BIO ROLL ---SF---

STORM SEWER ---ST---

Advance
Surveying & Engineering, Co.

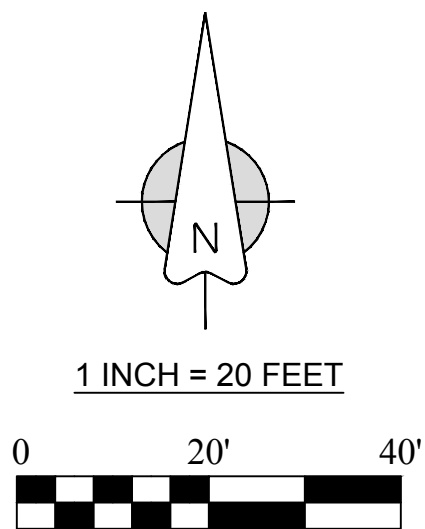
17917 Highway No. 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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Joshua S. Rinke
527116
LICENSE NO.

OCTOBER 12, 2021
DATE:

DRAWING ORIENTATION & SCALE



CLIENT /JOB ADDRESS

HARD
KNOCKS
LLC

1470 COUNTY
ROAD 90
INDEPENDENCE,
MN

DATE	REVISION DESCRIPTION

SURVEYED DATE:
06/09/2021

DRAFTED DATE:
10/12/2021

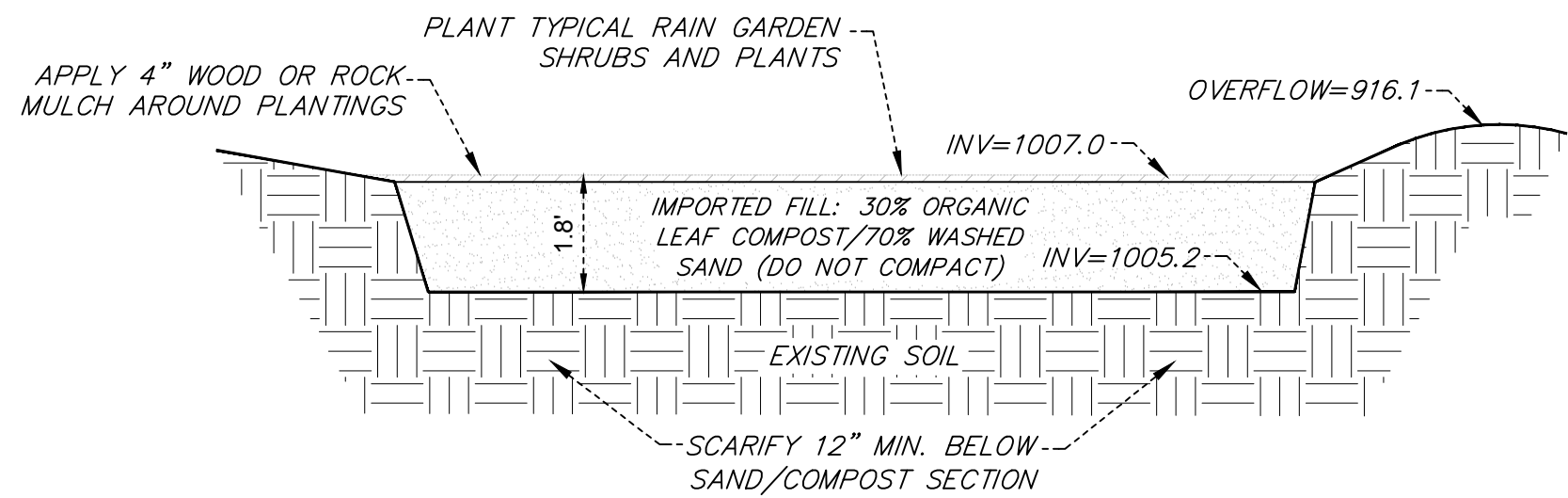
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PROPOSED SITE PLAN

SHEET SIZE: 22 X 34

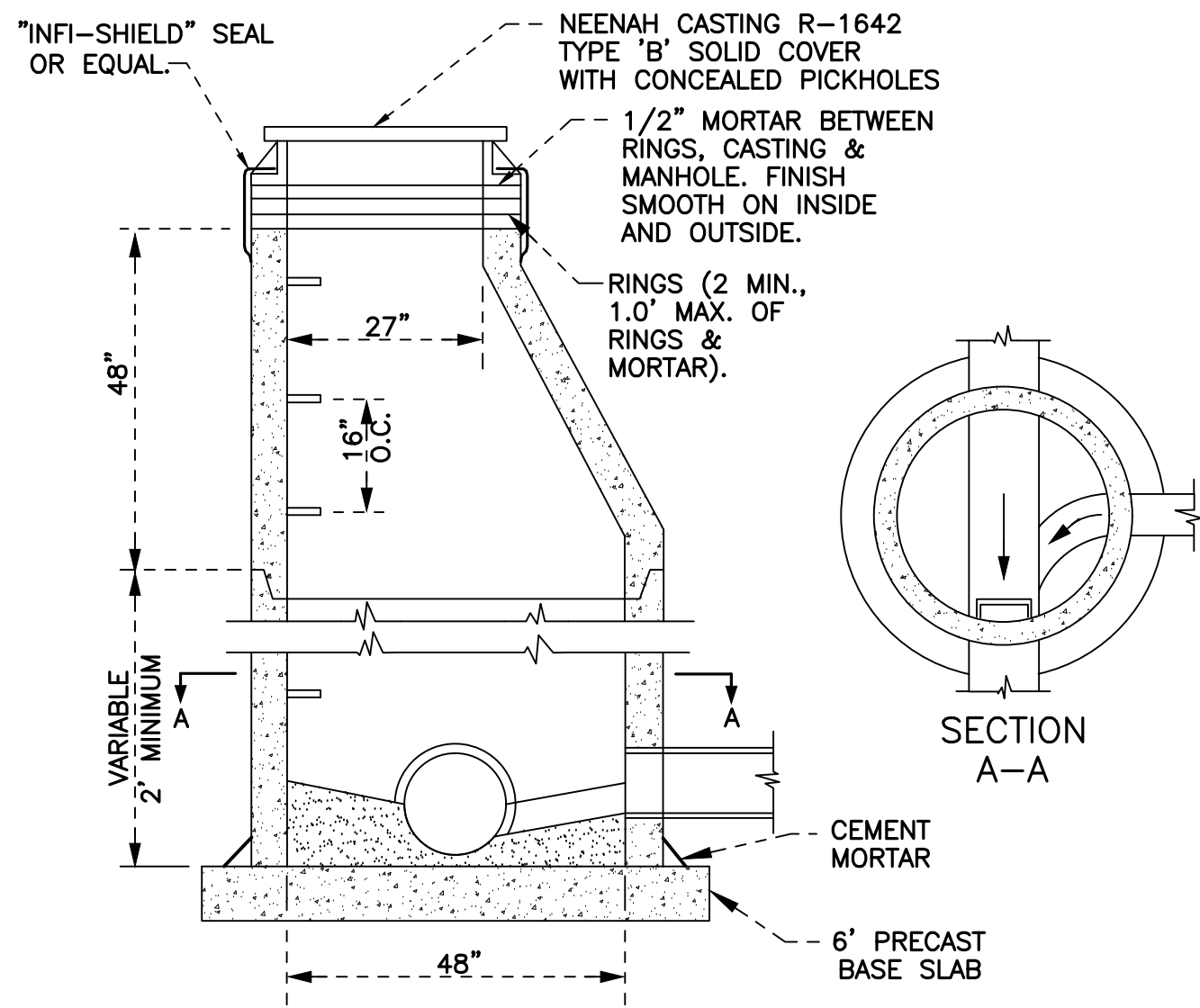
DRAWING NUMBER
211917 JR

SHEET NUMBER

C1



3 RETENTION/INFILTRATION #3 CROSS SECTION DETAIL
C2 NO SCALE



ELEVATION

NO WOOD SHALL BE USED FOR ADJUSTING CASTING; CEMENT MORTAR ONLY.

CAST IRON MANHOLE FRAME & COVER AS PER SPECIFICATIONS.

MANHOLE STEPS SHALL BE CAST IRON, ALUMINUM OR STEEL REINFORCED PLASTIC PER ASTM C478. LOCATION SHALL BE AS NOTED IN THE SPECIFICATIONS.

PRECAST REINFORCED CONCRETE MANHOLE SECTIONS & BASE SLAB PER ASTM C478.

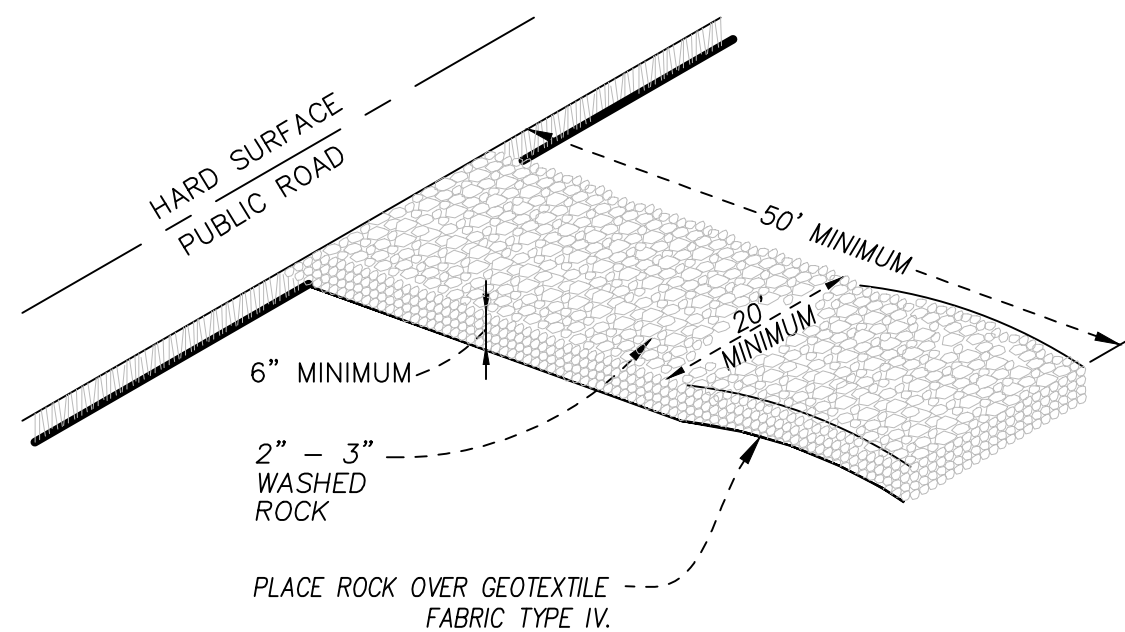
FURNISH PRECAST MANHOLE SECTIONS WITH O-RING GASKETS & LUBRICANT EXCEPT AS OTHERWISE SPECIFIED.

A 12" OR 16" BARREL SECTION SHALL BE INSTALLED UNDER THE CONE WHENEVER POSSIBLE.

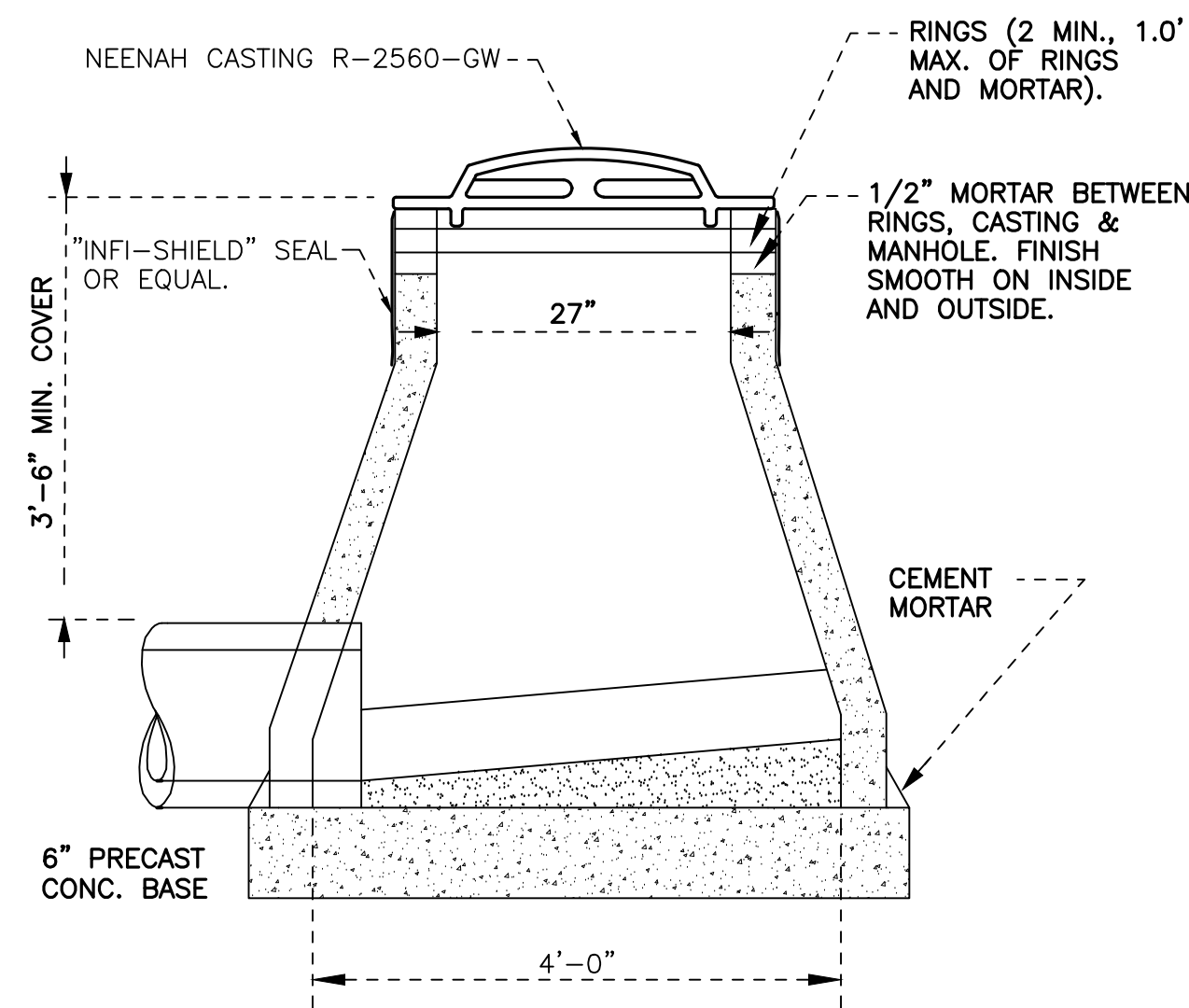
FILL OPENING BETWEEN PIPE & MH WALL WITH CEMENT MORTAR.

INSIDE SURFACE SHALL BE FINISHED SMOOTH.

2 STORM SEWER MANHOLE
C2 NO SCALE



5 ROCK CONSTRUCTION ENTRANCE
C2 NO SCALE



NO WOOD SHALL BE USED FOR ADJUSTING CASTING; CEMENT MORTAR ONLY.

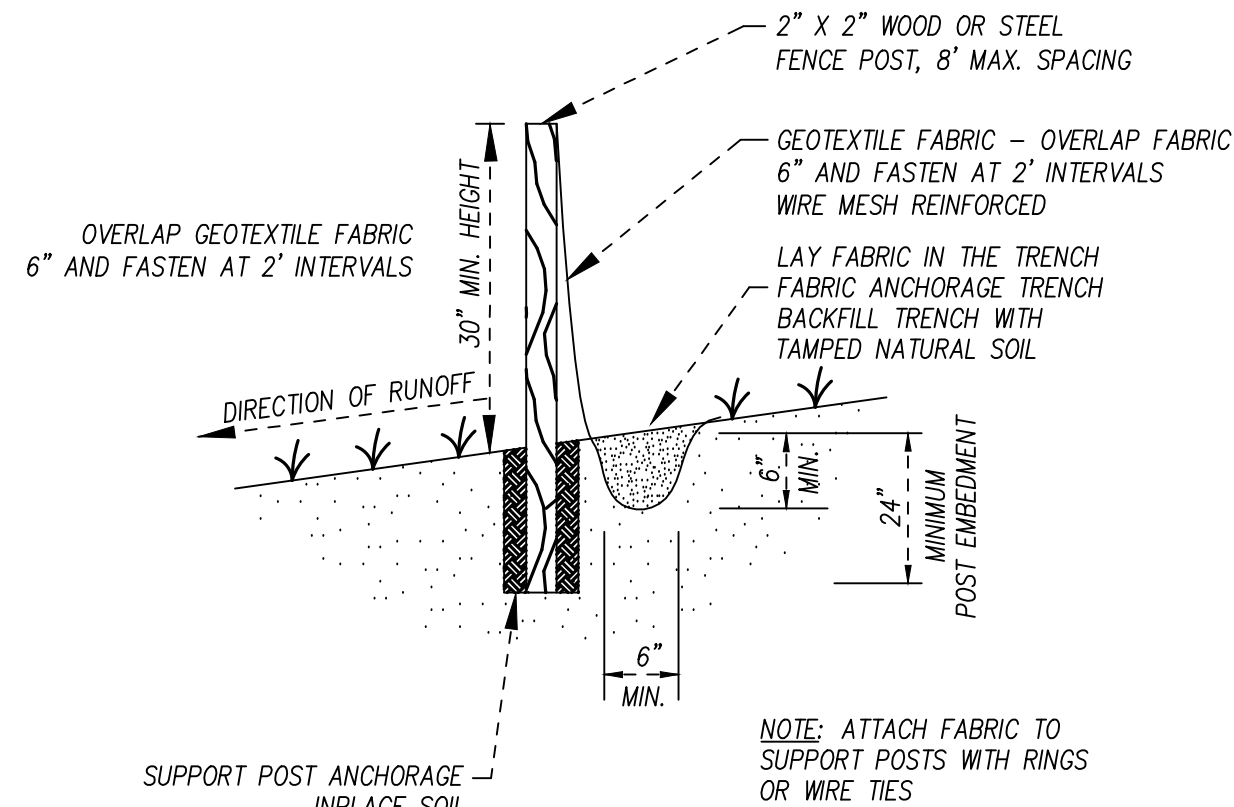
CAST IRON CATCH BASIN FRAME & COVER CASTINGS PER SPECIFICATIONS.

PRECAST REINFORCED CONCRETE CONE SECTION & PRECAST BASE PER ASTM C478.

FILL OPENING BETWEEN PIPE AND MANHOLE WALL WITH CEMENT MORTAR

INSIDE SURFACE SHALL BE FINISHED SMOOTH.

1 CATCH BASIN
C2 NO SCALE



4 SILT FENCE
C2 NO SCALE

DATE	REVISION DESCRIPTION

SURVEYED DATE:
06/09/2021

DRAFTED DATE:
10/12/2021

SHEET TITLE
DETAILS

SHEET SIZE: 22 X 34

DRAWING NUMBER
211917 JR

SHEET NUMBER
C3

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Joshua S. Rinke
Joshua S. Rinke

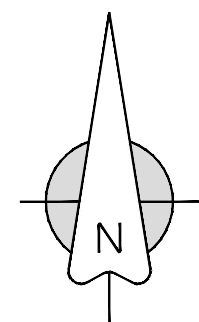
52716

LICENSE NO.

OCTOBER 12, 2021

DATE:

DRAWING ORIENTATION & SCALE



1 INCH = 30 FEET



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**HARD
KNOCKS
LLC**

**1470 COUNTY
ROAD 90
INDEPENDENCE,
MN**

DATE	REVISION DESCRIPTION

SURVEYED DATE:
06/09/2021

DRAFTED DATE:
10/12/2021

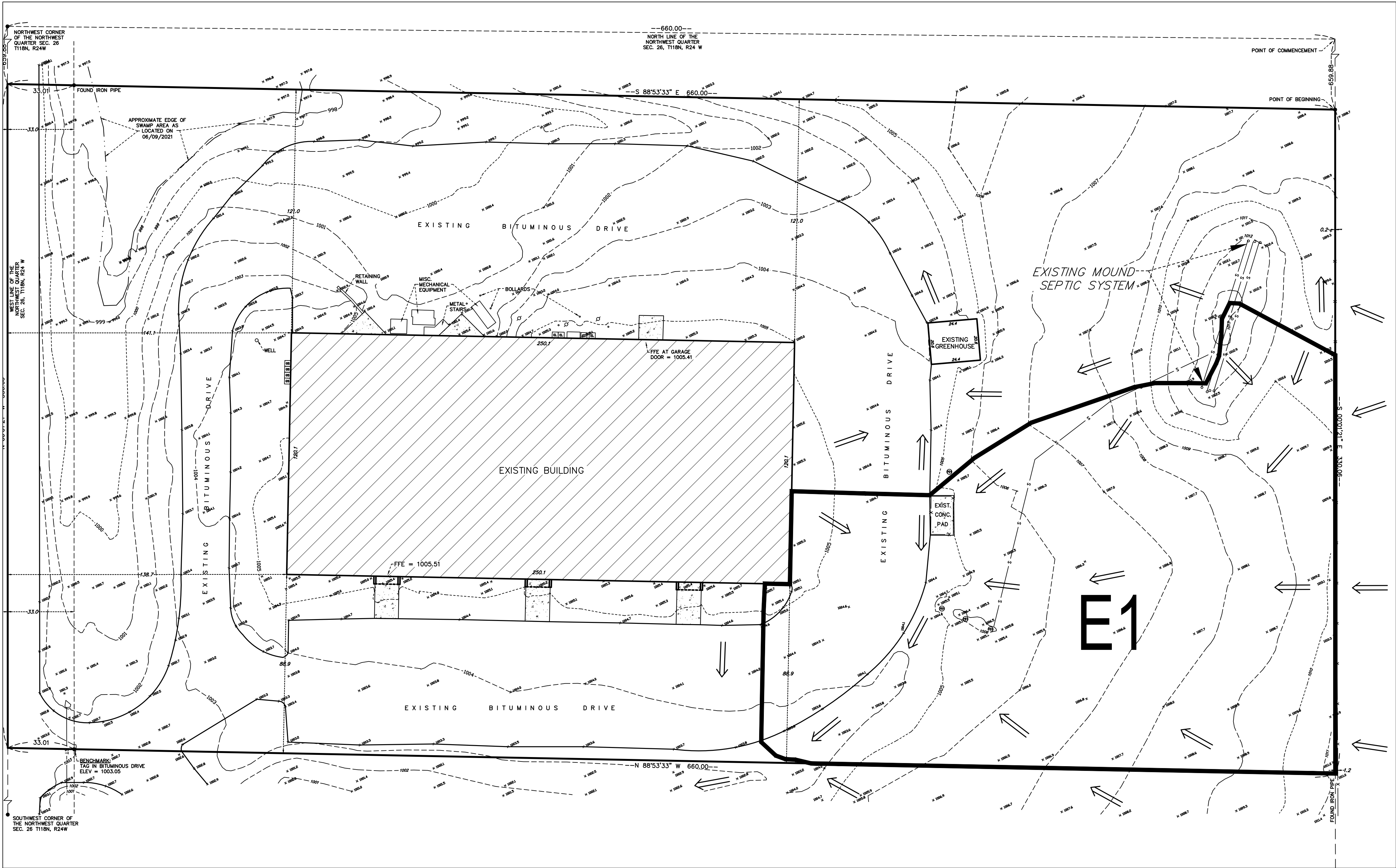
SHEET TITLE
**EXISTING STORMWATER
DRAINAGE MAP**

SHEET SIZE: 22 X 34

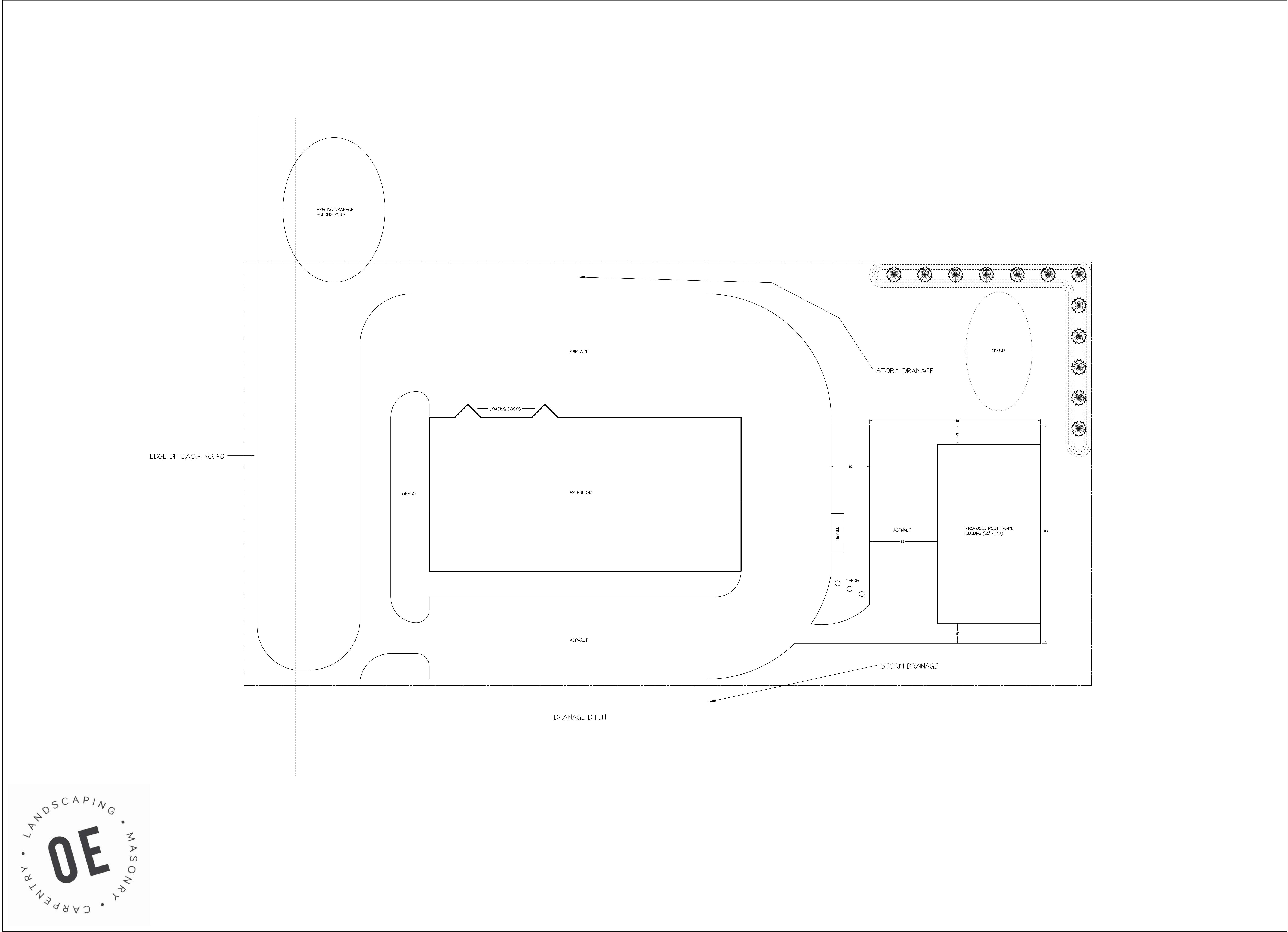
DRAWING NUMBER
211917 JR

SHEET NUMBER

D1



LEGEND	
EXISTING CONTOUR	--- 1005 ---
EXISTING SPOT ELEVATION	x 1005.5
PROPOSED CONTOUR	— 1005 —
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	— SF —
EXISTING DRAINAGE AREA ID	E1
PROPOSED DRAINAGE AREA ID	P1



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Joshua S. Rinke
Joshua S. Rinke

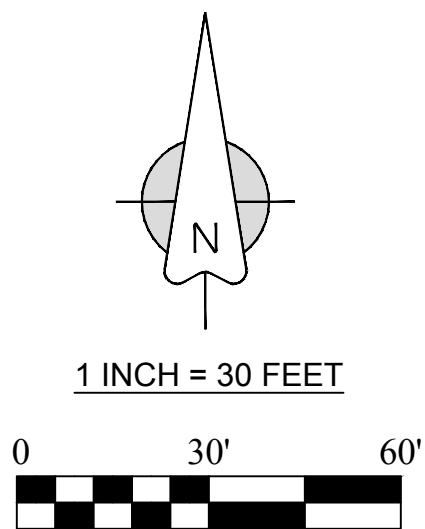
52716

LICENSE NO.

OCTOBER 12, 2021

DATE:

DRAWING ORIENTATION & SCALE



CLIENT /JOB ADDRESS

**HARD
KNOCKS
LLC**

**1470 COUNTY
ROAD 90
INDEPENDENCE,
MN**

DATE	REVISION DESCRIPTION

SURVEYED DATE:

06/09/2021

DRAFTED DATE:

10/12/2021

SHEET TITLE

**PROPOSED STORMWATER
DRAINAGE MAP**

SHEET SIZE: 22 X 34

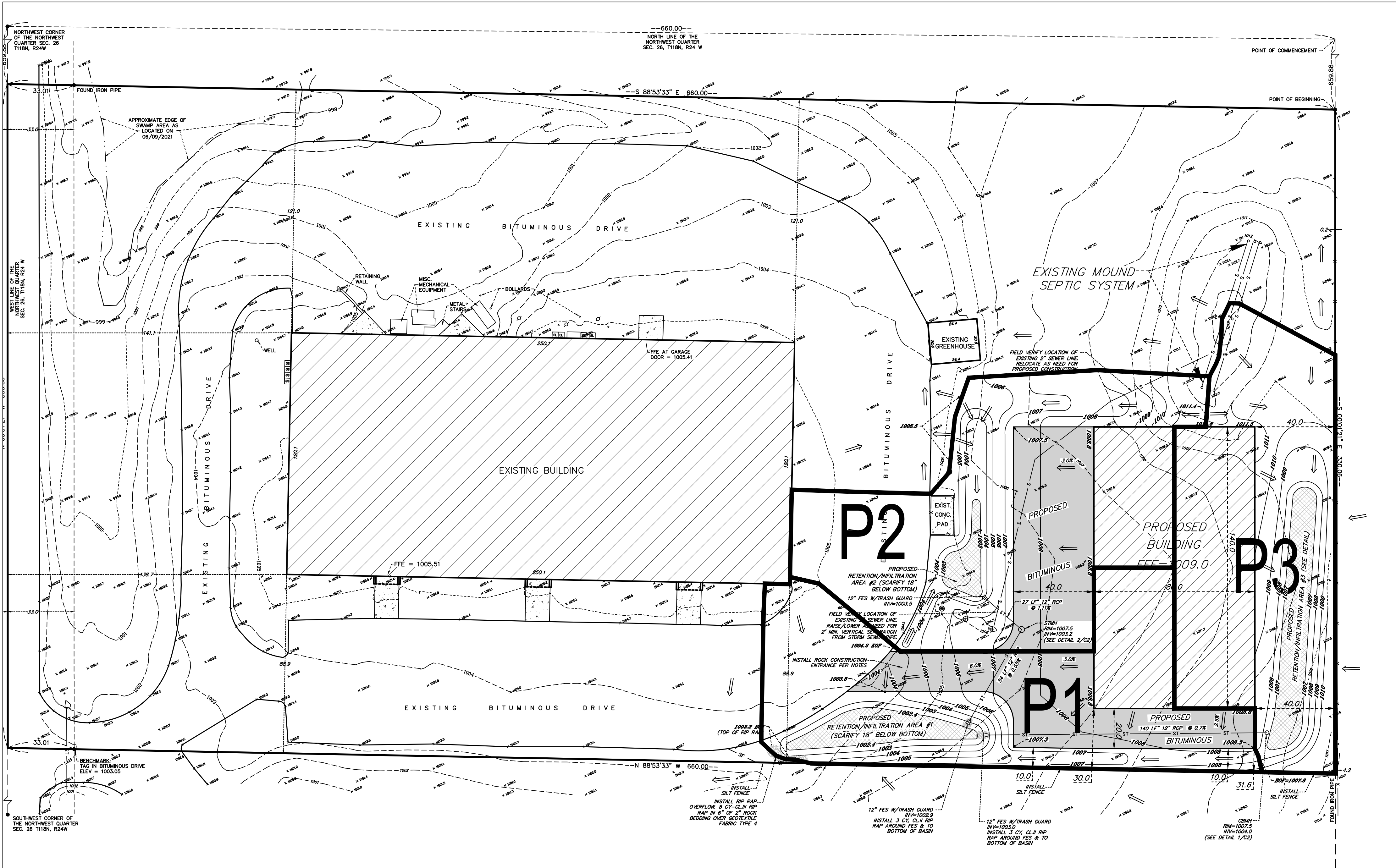
DRAWING NUMBER

211917 JR

SHEET NUMBER

D2

SHEET 2 OF 2



STORMWATER REQUIREMENTS

1. RATE CONTROL – NO NET INCREASE IN RUNOFF RATE FROM EXISTING TO PROPOSED SITE CONDITIONS FOR THE ATLAS 14, 1, 10, 100–YEAR STORM EVENTS. REFER TO STORMWATER RUNOFF RATE SUMMARY TABLE.

STORMWATER RUNOFF RATE SUMMARY (CFS)

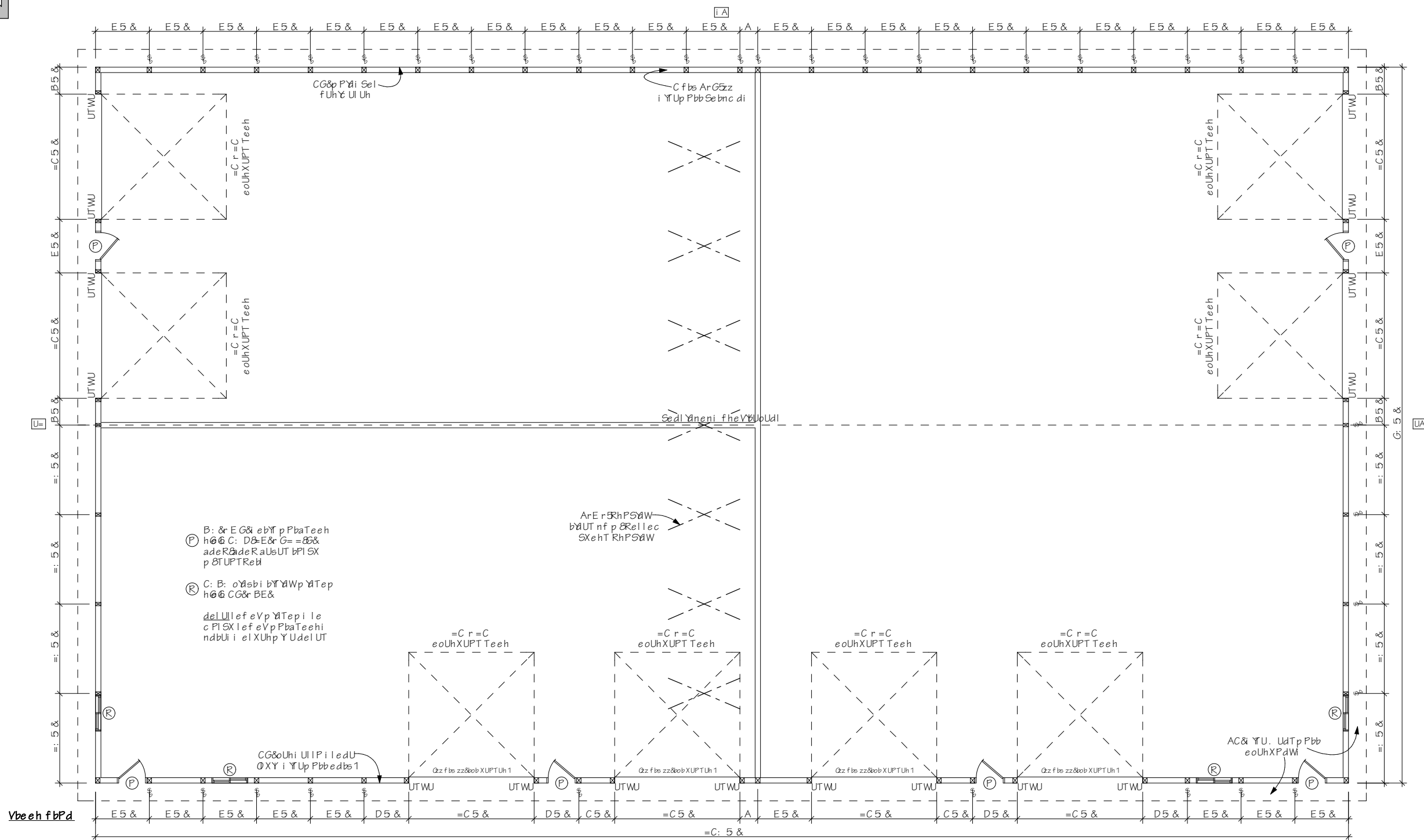
STORM EVENT	EXISTING DISCHARGE (CFS)	PROPOSED DISCHARGE (CFS)
1-YEAR	1.53	0.59
10-YEAR	4.01	3.02
100-YEAR	7.42	7.40

*NOTES:

1. RESULTS ARE DERIVED FROM HYDROCAD MODELING SOFTWARE UTILIZING ATLAS 14 STORM DATA.
2. TYPE D SOILS ARE LOCATED THROUGHOUT SITE.
3. RESULTS CONFIRM THAT THE RATE CONTROL REQUIREMENTS HAVE BEEN MET.

LEGEND

EXISTING CONTOUR	--- 1005 ---
EXISTING SPOT ELEVATION	X 1005.5
PROPOSED CONTOUR	— 1005 —
DRAINAGE ARROW – FLOW	⇒
SILT FENCE/BIO ROLL	— SF —
EXISTING DRAINAGE AREA ID	E1
PROPOSED DRAINAGE AREA ID	P1



DATE _____

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Fax 320-485-3625
www.rambuildings.com
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fhe_USI dnc RUh10A=5zz1

RnYbTYaWTUjShYfIYedi

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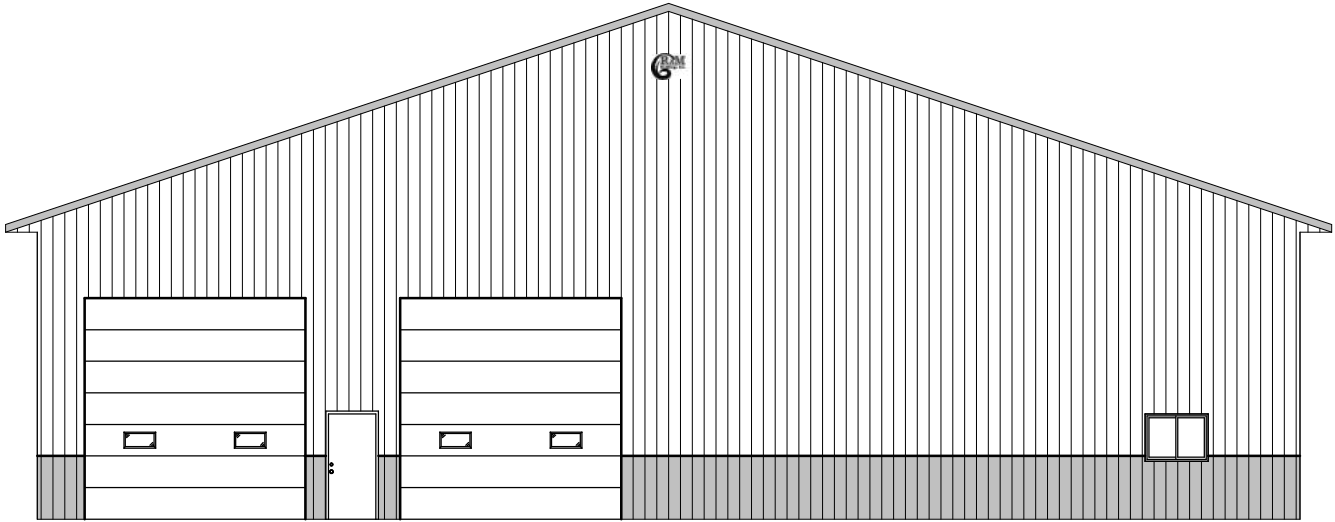
XPhT adeSai bbs6

$$G: \mathbb{R}^n \rightarrow \mathbb{R}^n, \quad G(x) = \begin{pmatrix} x_1 \\ x_2 \\ \vdots \\ x_n \end{pmatrix}$$

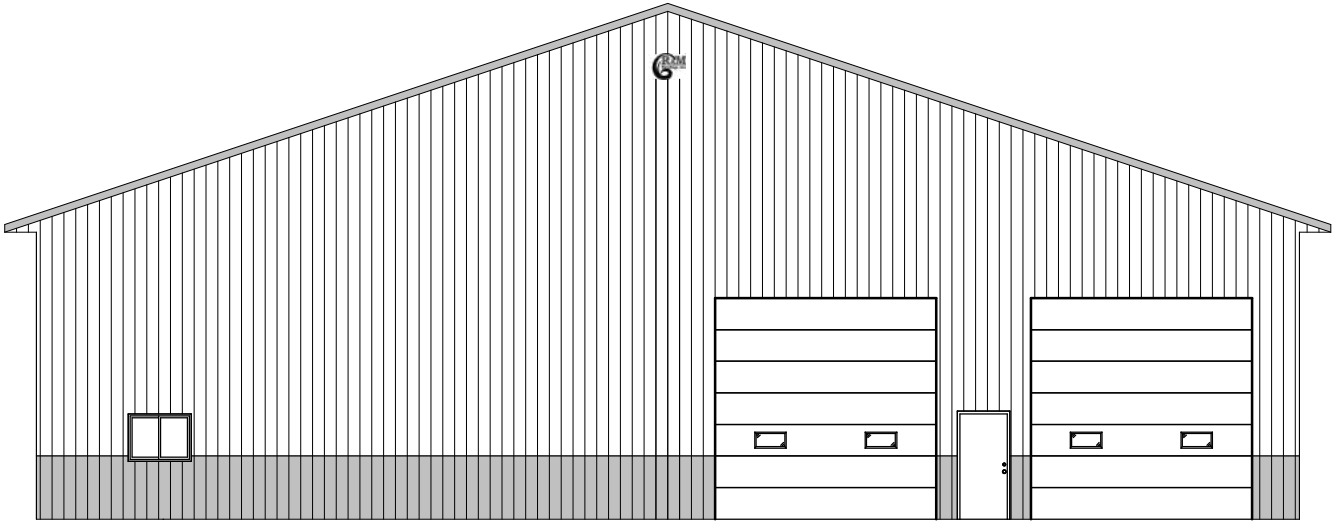
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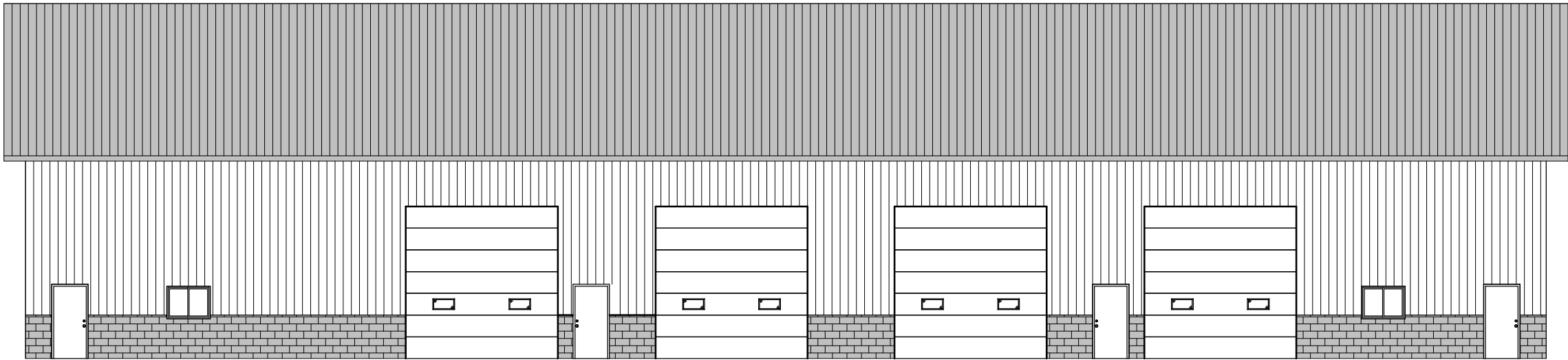
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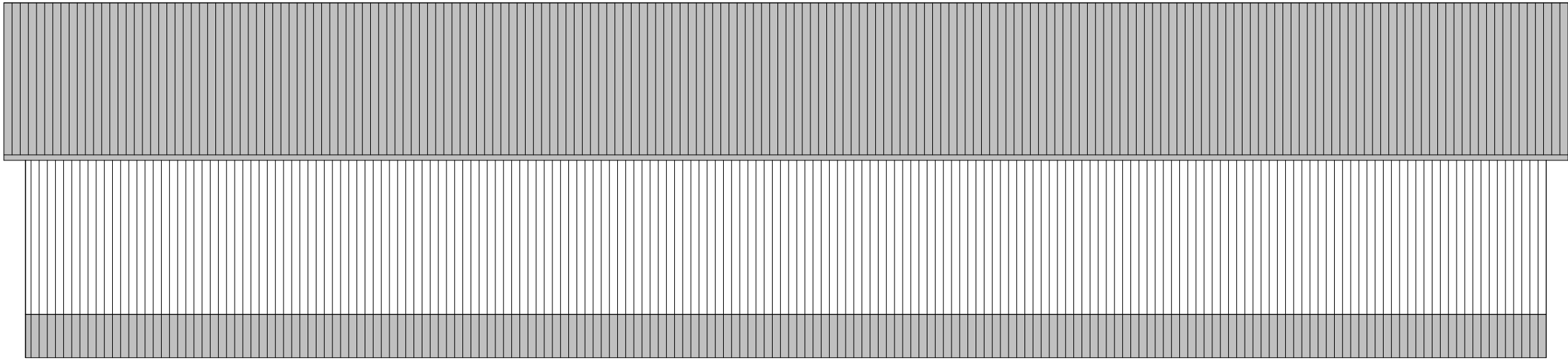
UdTp Pbb =



UdTp Pbb A



l YUp Pbb =



l YUp Pbb A

X _____

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DATE

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n © P © © Y 6 © © © hPc R Y 6 © 6 © © 6

ThPp d Rsl _UhUc s R6
TP l UI B&A: A=
i X UII = eV A

XPhT adeSai bbs

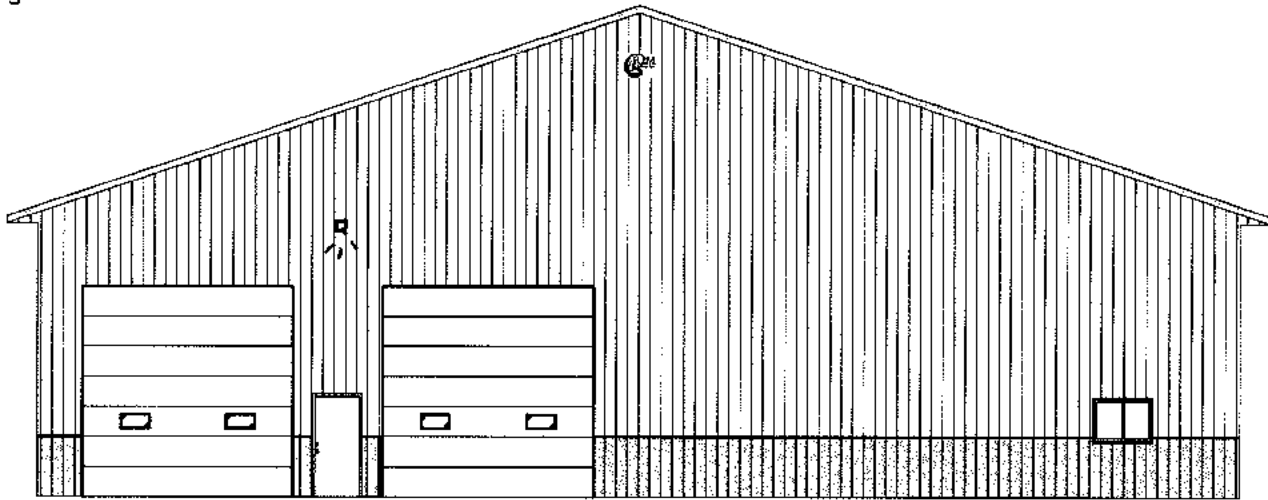
G: 5 &r =C: 5 &r =G5 &

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TUI Wd dnc RUhl fA=: CC

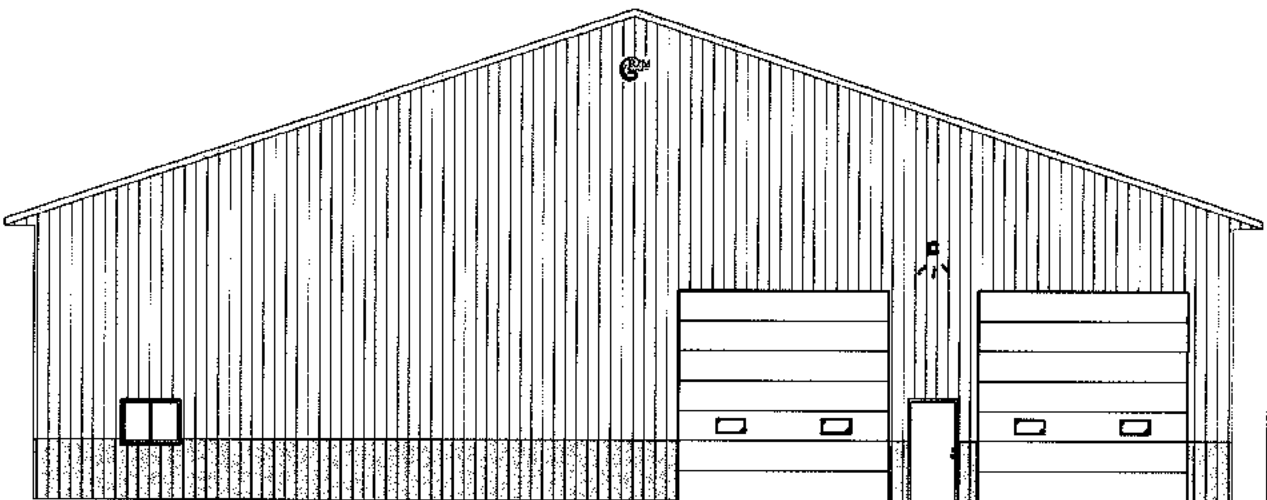
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Winsted, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
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Contractor License Number 20171976



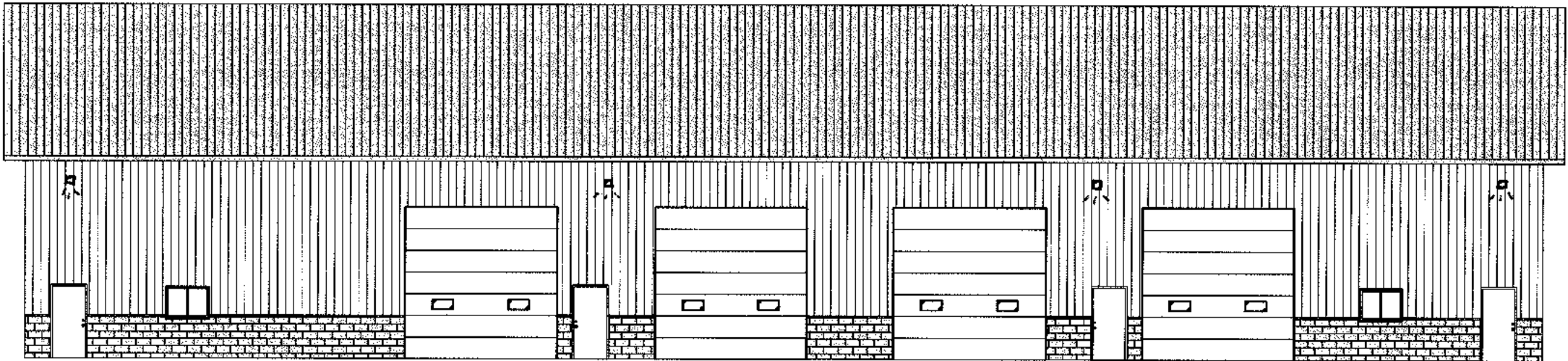
Exterior
Lighting



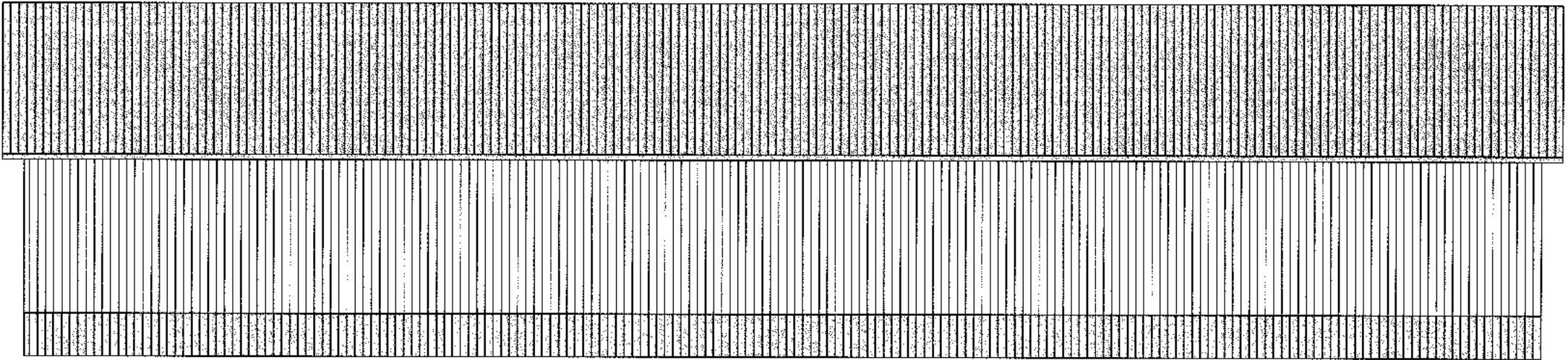
ENDWALL 1



ENDWALL 2



SIDEWALL 1



SIDEWALL 2

X

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DATE

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DRAWN BY: JEREMY B.

DATE: 5/4/2021

SHEET 1 OF 2

HARD KNOCKS LLC

PROJECT NAME:

PROJECT NUMBER: (21-)

BUILDING DESCRIPTION:

80'-0" X 140'-0" X 18'-0"

DESIGN NUMBER: P21044

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P.O. Box 660
Winsted, Minnesota 55395
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Fax 320-485-3525
Contractor License Number 20171976



City of Independence

Request for a Conditional Use Permit Amendment to Allow a Commercial Riding on the Property located 7220 Turner Road

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	November 16, 2021
<i>Applicant:</i>	Bellissimo Farms, LLC
<i>Property Owner:</i>	Bellissimo Farms, LLC
<i>Location:</i>	7220 Turner Road

Request:

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

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

Property/Site Information:

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

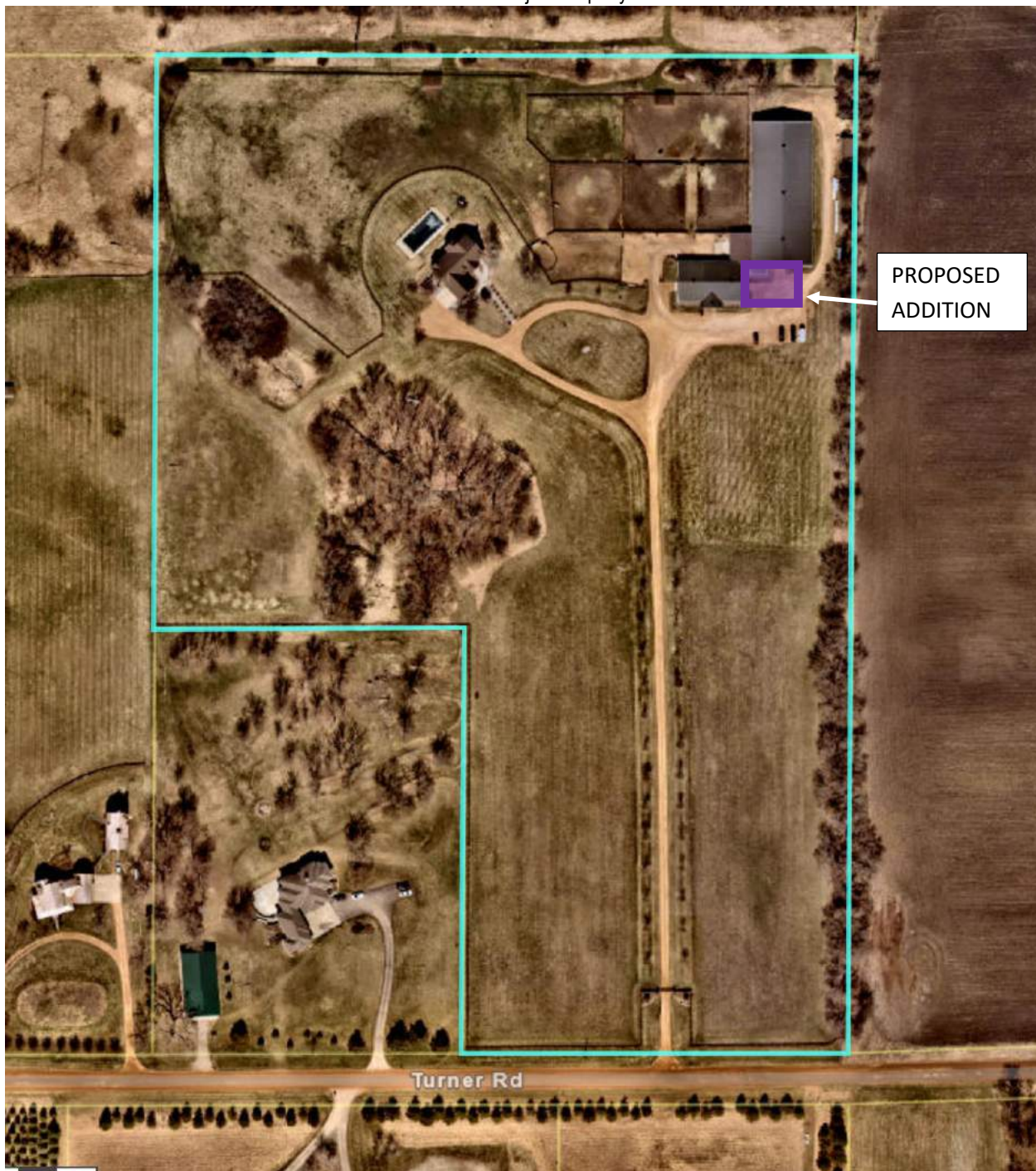
Property Information: 7220 Turner Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *21.46 acres*

Subject Property



Discussion:

The applicant currently has an existing home with large barn and indoor riding arena on the subject property. The applicant received a conditional use permit to allow commercial boarding on the property in

2018. The applicant is now asking the City to consider allowing an expansion of the existing barn to accommodate additional stalls, tack space, washing area and other similar uses. The proposed building addition would add an additional 1,824 SF to the existing building. Because the property has an existing conditional use, any expansion of the use or buildings requires an amendment.

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

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

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

Neighbor Comments:

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

Recommendation:

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

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. All conditions of the initial conditional use permit shall remain in full force:
 - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b) Any new signage shall comply with all applicable standards of the City's ordinance.
 - c) No more than 7 horses shall be boarded on the property.
 - d) The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
 - e) A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
 - f) The hours of operation are: summer 9:00 am – 10:00 pm.
 - g) Four (4) horse training clinics will be permitted per year and shall comply with the following provisions:
 - The horse clinics shall occur during the permitted hours of operation.
 - No more than 10 participants shall be permitted at each clinic.
 - h) No renting of hack horses.
 - i) No riding on adjacent private land unless authorized by owners.
 - j) No parking on public roads.
 - k) Utilize appropriate management practices to control flies and odor.

- l) No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall pay for all costs associated with the review and recording of the resolution.

Attachments:

1. Applicants Narrative
2. Site Plan/Survey



Your request has been submitted. Please note that your application is still incomplete. The City of Independence will follow-up with the required fees and items needed to complete your application.

Horse Barn Addition



Company Name
Berg Companies
5145 Industrial Street Suite #1
Maple Plain, MN 55359

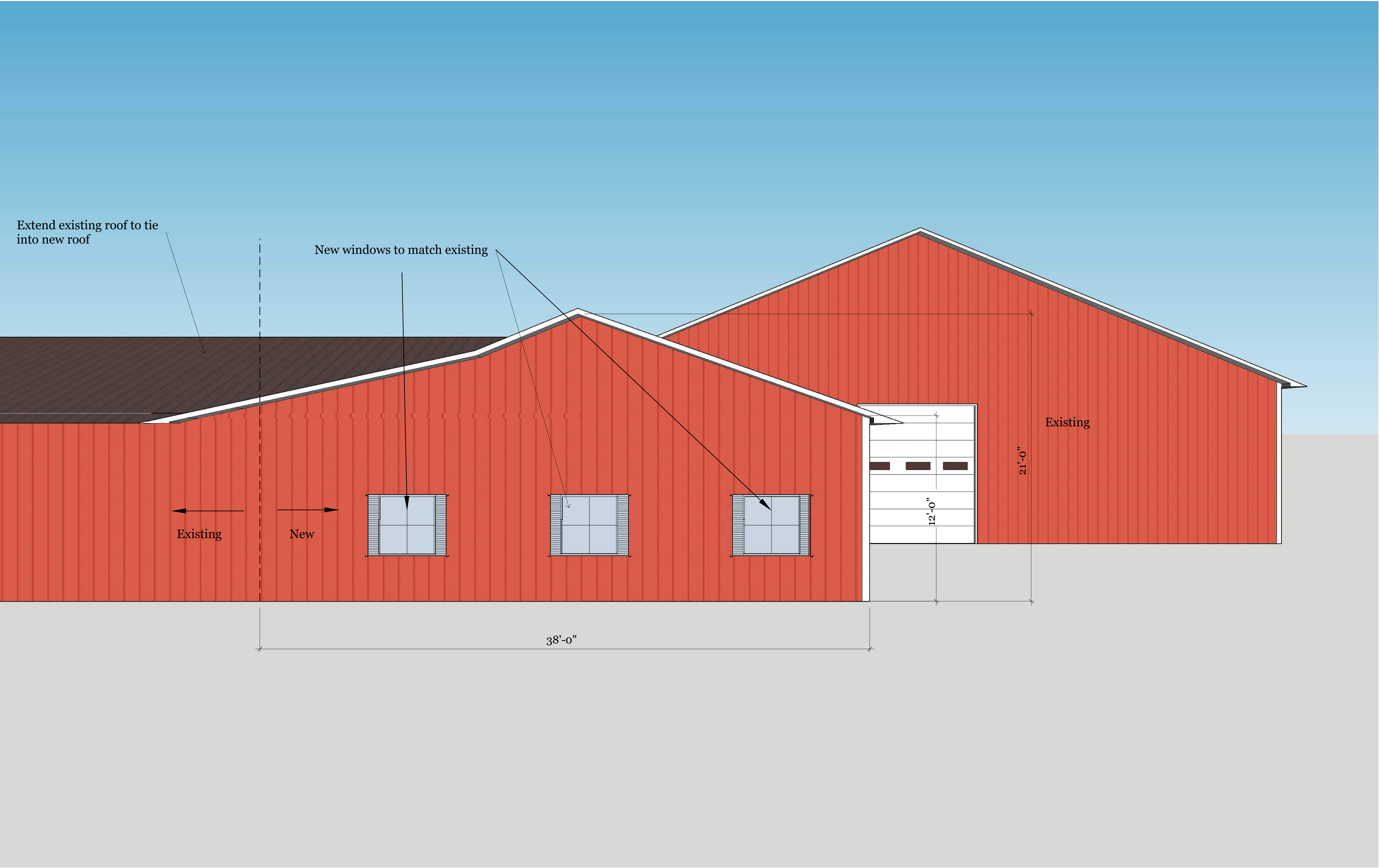
PROJECT
Horse Barn Addition

DRAWN BY
Nate Lysne

ISSUE
9.10.21

DESCRIPTION
Overall

A0.1



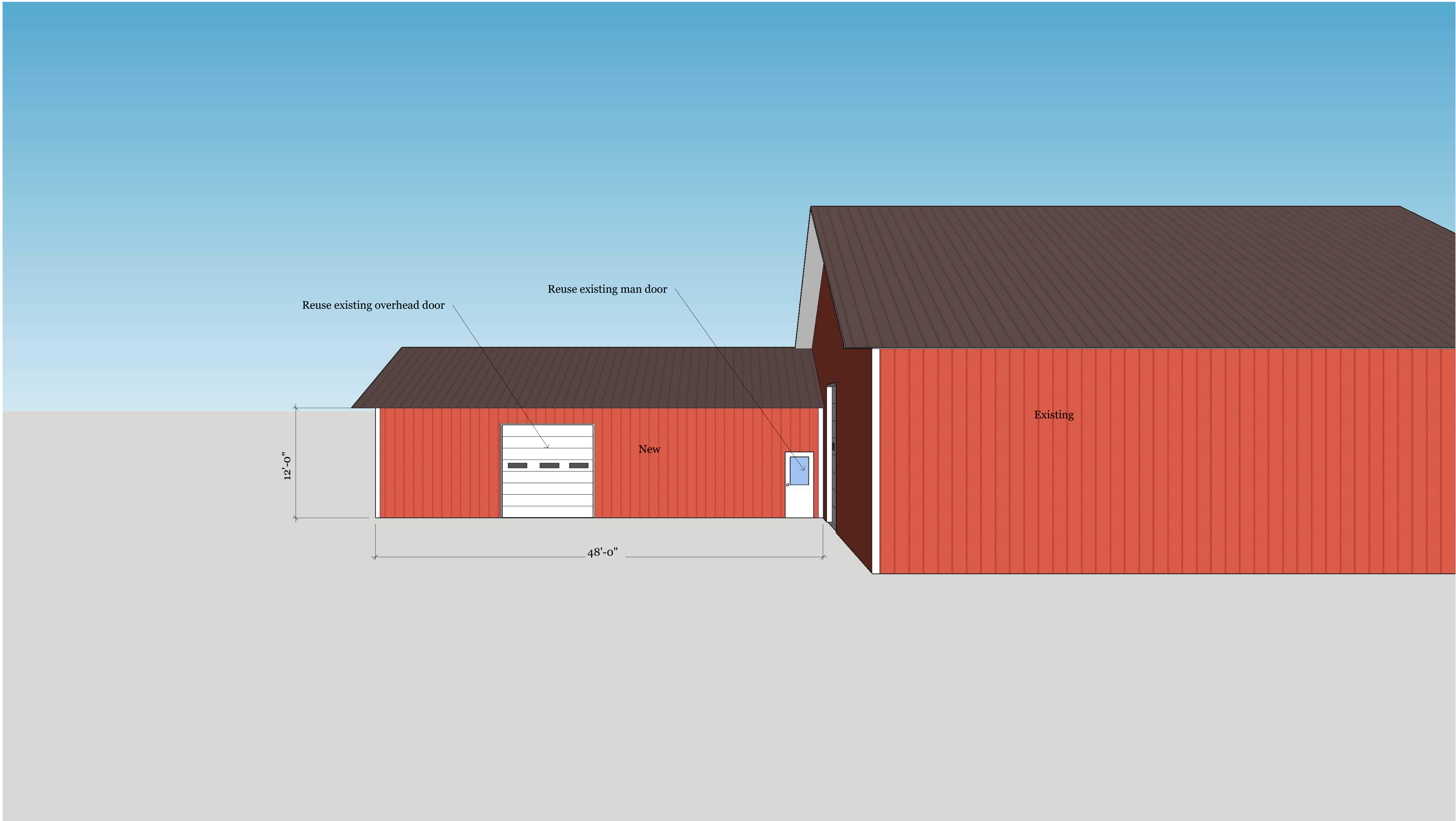
Company Name
Berg Companies
5145 Industrial Street Suite #1
Maple Plain, MN 55359

PROJECT
Horse Barn Addition

DRAWN BY
Nate Lysne

ISSUE
9.10.21

DESCRIPTION
Front Elevation



Company Name
Berg Companies
5145 Industrial Street Suite #1
Maple Plain, MN 55359

PROJECT
Horse Barn Addition

DRAWN BY
Nate Lysne

ISSUE
9.10.21

DESCRIPTION
Front Elevation

A0.3



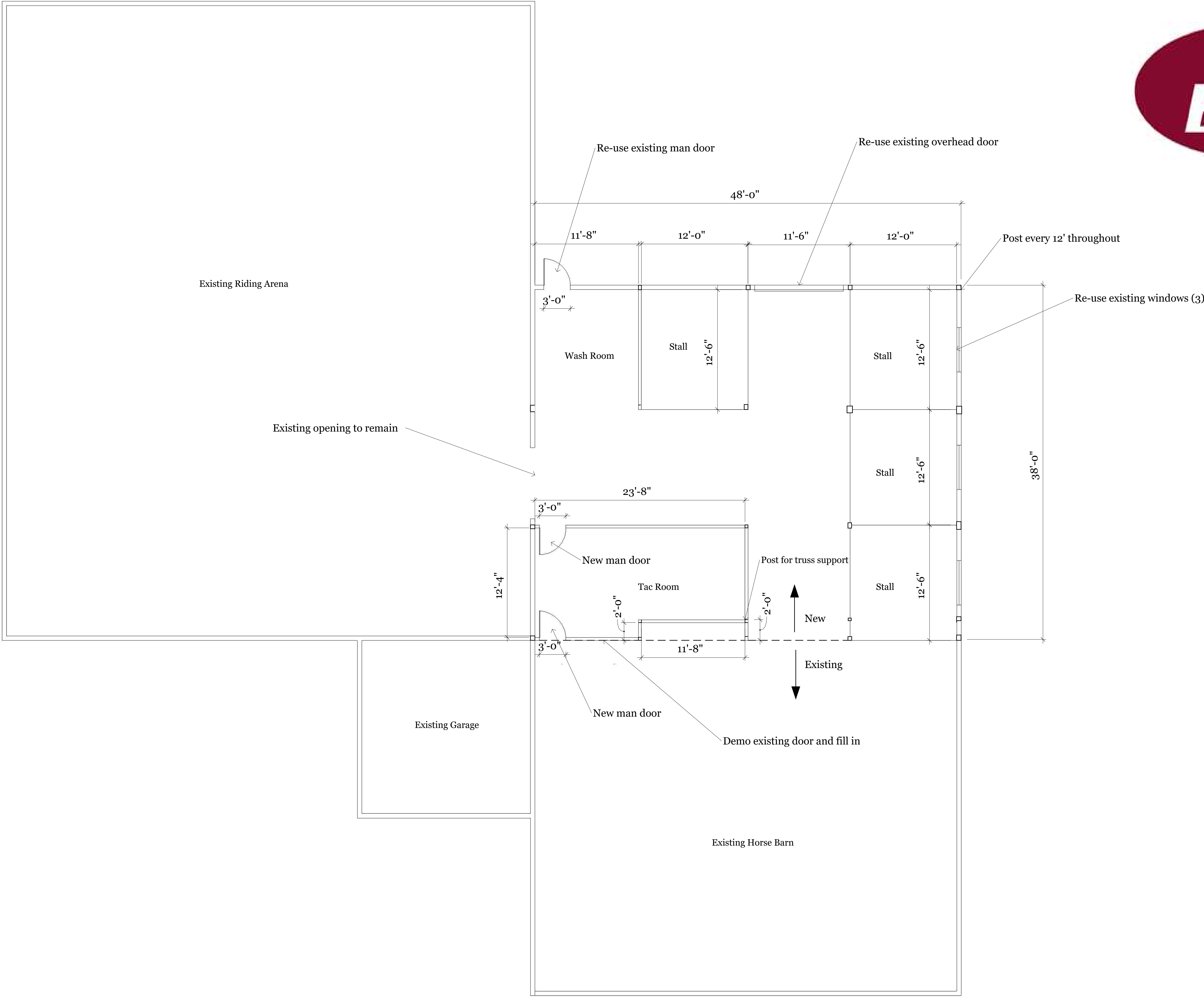
Company Name
Berg Companies
5145 Industrial Street Suite #1
Maple Plain, MN 55359

PROJECT
Horse Barn Addition

DRAWN BY
Nate Lysne

ISSUE
9.10.21

DESCRIPTION
Existing Conditions



Company Name
Berg Companies
5145 Industrial Street Suite #1
Maple Plain, MN 55359

PROJECT
Horse Barn Addition

DRAWN BY
Nate Lysne

ISSUE
9.10.21

DESCRIPTION
Floor Plan
3/16" = 1'-0"

A0.5

City of Independence

Request for a Minor Subdivision and Variance to Permit a Lot Line Rearrangement for the Property Located Near 1730 County Line Road

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: November 16, 2021
Applicant/Owner: Anita Branson/ P H Roth/A L Branson Et Al
Location: 1730 County Line Road

Request:

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

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

Property/Site Information:

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

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

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage (Before): 30.41 acres

Acreage (After – Tract A): 20.26 acres

Acreage (After – Tract B): 10.05 acres

County Line Road Property



Discussion:

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

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

Two parcels would be created as a result of the proposed subdivision:

Tract A: 20.26 acres

Tract B: 10.05 acres

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

- Both properties have adequate frontage (more than 300 LF) to meet the requisite minimum lot frontage requirements.
- Both properties have some wetlands, but considerably more than 2.5 acres of buildable upland.
- The City has not received verification of a primary and secondary septic system, but will require its submittal prior to City Council consideration.
- The City will require the dedication of the requisite perimeter drainage and utility easements.

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

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

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

(b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;

(c) the variance, if granted, will not alter the essential character of the locality.

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

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

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

Consideration of the criteria for granting a variance:

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

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

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

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

Neighbor Comments:

The City has not received any written comments regarding the proposed variance and minor

subdivision.

Recommendation:

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

1. The proposed variance and minor subdivision for a lot line rearrangement meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. City Council approval of the rural view lot subdivision is subject to the following:
 - a. The Applicant shall pay the park dedication fees in the amount of \$7,287.50, for the newly created Tract B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b. The Applicant shall provide the City with verification that both Tract A and Tract B can accommodate a primary and secondary on-site septic system.
3. The Applicant shall pay for all costs associated with the City's review of the requested variance and minor subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Attachments:

1. Application
2. Existing and Proposed Subdivision Survey

<http://www.ci.independence.mn.us/>**INDEPENDENCE**

MINNESOTA

[Fire \(/community/emergency-services\)](/community/emergency-services)[Bill Pay \(/bill-pay\)](/bill-pay)

(1)

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

PLANNING APPLICATION

Applicant Information

First Name *

Anita

Middle Name

Louise

Last Name *

Branson

Street Address

1730 County Line RD SE

City *

Delano

State *

Minnesota

Zip *

55328

Primary Phone *



39722407

CITY OF
INDEPENDENCE
MINNESOTA

163-972-2407

(1)

Email *

jbab1730@frontier.com

Is the applicant same as owner? * ☐ Yes ☐ No

This field is required.

Planning Application Type

- | | |
|---|--|
| <input checked="" type="checkbox"/> Subdivision | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Accessory Height Review |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Interim Use Permit | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Planning / Building | <input type="checkbox"/> Other |

Subdivision Type

- | | |
|--|---|
| <input type="checkbox"/> Lot Line Rearrangement | <input type="checkbox"/> Rural View Lot |
| <input checked="" type="checkbox"/> Minor Subdivision (3 lots or less) | <input type="checkbox"/> Preliminary Plan |
| <input type="checkbox"/> Final Plan | |

Proposal

Please describe here * *See attached*

request included in the agenda for the Planning Commission Meeting scheduled for

Documents

Supporting Documents *

- | | |
|---|--|
| <input checked="" type="checkbox"/> Site Survey (Existing Conditions) | <input type="checkbox"/> Site Survey (Proposed Conditions) |
| <input type="checkbox"/> Building Plans | <input type="checkbox"/> Construction Plans |
| <input type="checkbox"/> Wetland Delineation | <input type="checkbox"/> Preliminary/Final Plan |

Upload Documents *



Upload a file CITY OF
INDEPENDENCE
MINNESOTA



(/)Applicant's Signature *

Ante L Brown

Reset Signature

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

Application for Planning Consideration Fee Statement

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

Submit

Planning Application description:








RE: Parcel ID 19-118-24-34 0002 – I believe that you have discussed this division request with Kelly Brouwer on several occasions in the last month or month and a half. The property belonged to June Sutton until her passing. It now belongs to "Roth Family Properties" of whom I am a member. Legal ownership may not show up on Hennepin County records yet. However, the documents have been submitted/filed. We wish to split this property between the south and north sides of County Line RD. The south side consists of 20.26 acres and the north side 10.05 acres per the recent survey – copy included.

We would like to be on the Planning Commission Meeting scheduled for November 16, 2021.

Thank you,

Anita Branson
763-972-2407
1730 County Line RD SE
Delano, MN 55328

No internet connection.

← Back     Archive  Move  Delete  Spam

10/24/2021 10:31:35 AM

Anita,

I'm writing today to keep you updated on my conversation with the planner at the City of Independence, Mark Kallsas. I had asked him about splitting the 27 acre parcel (PID 1911824340002) as well as the question about confirming driveway access for PID 1911824330002.

He has said that he will look into the access question at PID 1911824340002 and will get back to me.

He has also said that it is likely that the city would grant the request for a variance to split the 27 acre parcel into two parcels (using the road as a dividing line -- one 17-acre parcel and one 10-acre parcel), but he didn't know if the city would allow you two 5-acre parcels on Nelson Road. I've asked him to send me the variance paperwork for us to look at. I'll forward that to you when he gets back to me.

For your reference, attached is a copy of the sketch that I sent to him when asking him those questions as well as the aerial photo with some potential wetlands shown in red.

Please feel free to call me with any questions.

Sincerely,

Kelly Brouwer
Schoborg Land Services, Inc.
763-442-2715 (mobile)
763-972-3221 (office)
kelly@SchoborgLand.com

----- Forwarded Message -----

From: Kelly - Schoborg Land Services, Inc.
<kelly@schoborgland.com>
To: Mark Kallsas <mark@terra-mark.com>
Sent: Tuesday, August 24, 2021, 11:04:46 AM CDT
Subject: Re: Survey for PIDs 1911824330002 & 1911824340002

See attached -- on the Hennepin County wetland layers for PID 1911824330002, it looks like the nearby probably wetland doesn't impede that 50-foot portion. Please do check with PW to confirm (what's PW stand for?), and let me know if they need us to stake that area of the right of way prior to a determination being made. The owners are nearing the point where they're going to list that parcel for sale and would need to prove availability to access it.

Regarding the split at PID 1911824340002, please send me the paperwork for the variance application. Thank you.

Kelly Brouwer
Schoborg Land Services, Inc.

763-442-2715 (mobile)
763-972-3221 (office)
kelly@SchoborgLand.com

On Tuesday, August 24, 2021, 10:31:35 AM CDT, Mark Kallsas <mark@terra-mark.com> wrote:



Kelly - Schoborg Land
Services, Inc.

kelly@schoborgland.com
(763) 442-2715
+ Add to contacts



Kelly,

No internet connection.

Currently there is only one entitlement for the property id 1911824340002. The minimum lot size for the City to consider granting subdivision of the property is 40 acres. The City has considered allowing a subdivision of property through a variance process for properties that are separated by a public road. This would be a possibility in this case. I am not sure if the City would consider allowing two lots on the north side of the property. The property id 1911824330002 is an existing lot of record. I have not looked at a potential driveway location along that 50', but could have PW look at the general location to see if it would be an acceptable driveway location. You may want to consider whether or not there is a wetland or other obstacle in that general area?

Please let me know if you have any questions or comments?

Thanks,

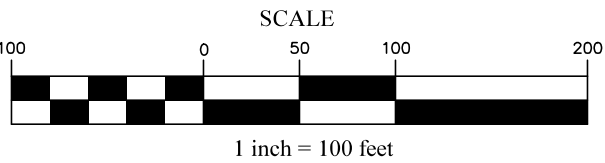
Certificate of Survey

Prepared for:
Anita Branson



Legend

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



Existing PID No.1911824340002 (per Doc. No. A10551166)
The Southeast Quarter of the Southwest Quarter of Section 19,
Township 118 North, Range 24 West, less the following described tract:

That part of the Southeast Quarter of the Southwest Quarter lying
northerly of the center line of county line road, EXCEPT the East
440.00 feet thereof, all in Section 19, Township 118 North, Range 24
West.

Proposed Tract A
That part of the Southeast Quarter of the Southwest Quarter lying
southerly of the center line of County Line Road, Section 19, Township
118 North, Range 24 West, Hennepin County, Minnesota.

Subject to road right-of-way.
Subject to any and all easements of record.

Proposed Tract B
That part of the East 440.00 feet of the Southeast Quarter of the
Southwest Quarter lying northerly of the center line of County Line
Road, Section 19, Township 118 North, Range 24 West, Hennepin
County, Minnesota.

Subject to road right-of-way.
Subject to any and all easements of record.

Surveyor's Note
The right of way of County Line Road is shown on this survey as 33
feet on both sides of traveled center line, per the county half section
map. The owner states that the oral testimony of previous owners
indicated that it is actually a cartway. We have inquired with the city
and county regarding the road alignment and right of way width, but
no supporting legal documentation was able to be provided, to date.

Bearings based on Hennepin County coordinate system.

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

Paul B. Schoborg
Paul B. Schoborg

Date: October 5, 2021 Registration No. 14700

**SCHOBORG
LAND SERVICES
INC.**

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Job Number: 9360
Survey Date: 9/29/21
Drawing Name: branson.dwg
Drawn by: DMS
Revisions:

City of Independence

Request for a Variance from the Side Yard Setback for the Property Located at 3110 County Road 90

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	November 16, 2021
<i>Applicant:</i>	Jeremy and Sadie Kolbe
<i>Owner:</i>	Jeremy and Sadie Kolbe
<i>Location:</i>	3110 County Road 90

Request:

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

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

Property/Site Information:

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

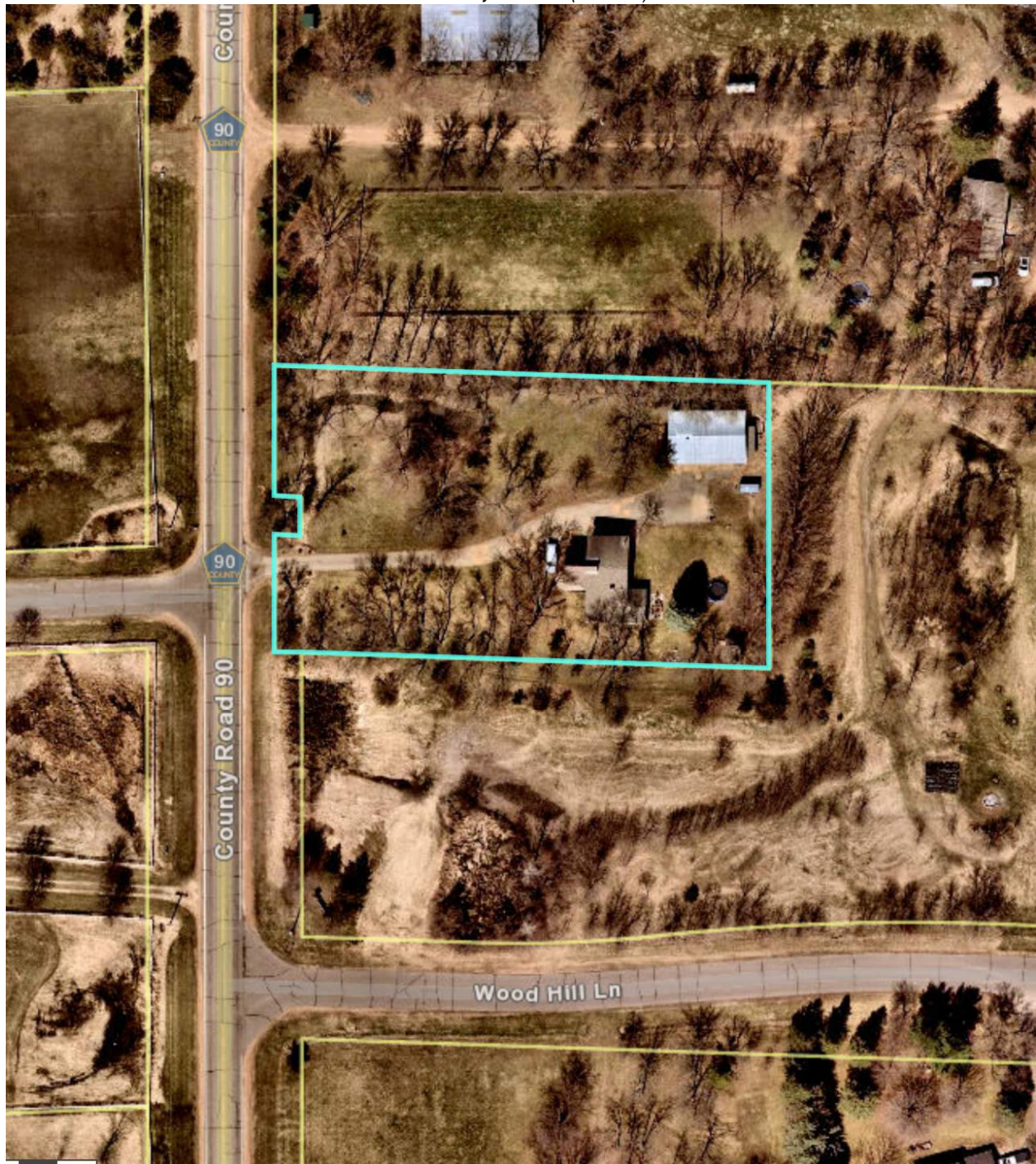
Property Information: **3110 County Road 90**

Zoning: *AG-Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *1.35 acres*

3110 County Road 90 (blue line)



Discussion:

The applicant is seeking approval to construct an addition onto the existing home. The addition includes living space as well as a new garage. The existing home is currently a legal non-conforming structure that

does not meet all applicable setbacks for this property. Specifically, the home does not meet the south side yard setback (30 feet required).

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

Front Yard Setback:

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

Existing: \pm 211 feet from centerline

Rear Yard Setback:

Required: 40 feet

Existing: \pm 78 feet

Side Yard Setback (West Side):

Required: 30 feet

Existing: 28.55 feet

Proposed: 28.87 feet (variance of 1.13 feet)



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

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

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

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

- 1. Staff discussed alternative options for expanding the existing home with the applicant. The proposed addition stays in line with the existing structure and allows for the remodel of the existing home without jogging the house 1.13 feet to the north to comply with applicable setbacks.

2. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.
3. The proposed remodel of the existing home would likely increase the value of and bring an update to this property.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. Due to the configuration of the house on the property and the layout of the existing house itself, there are limited ways to expand the structure without jogging the addition. The setback of the proposed addition has limited visibility from the surrounding properties and there is a berm and screening to the southeast on the adjacent property which appears to help mitigate the potential impacts.

Public Comments:

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

Recommendation:

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

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
 - b. The location of the proposed addition/remodel is in line with the existing home and building setback from the south property line. The alignment, updated building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
 - c. The character of the surrounding area is residential. The proposed building addition and remodel would be in keeping and consistent with the surrounding uses found in this neighborhood.
 - d. Prior to City Council consideration of the proposed variance, the applicant shall provide an updated survey depicting the full proposed building addition.
3. The variance will permit a 1.3-foot reduction (from 30 feet to 28.87 feet) of the south side yard setback to allow the proposed addition to the existing structure as depicted on the site plan and building plans

attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.

4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. The Applicant shall record the City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Application
2. House Plans/Elevations
3. Partial Site Survey



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Sadie Kolbe

Address: 3110 County Rd 90
Independence, Minnesota
55359

Primary Phone: 6126185665

Email: Skolbe17@gmail.com

Owner Information

Name: Sadie Kolbe

Address: 3110 County Rd 90
Independence, Minnesota
55359

Primary Phone: 6126185665

Email: Skolbe17@gmail.com

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Existing Conditions), Building Plans

Signature:

THIS PROJECT SHALL BE CONSTRUCTED TO THE CURRENT MN RESIDENTIAL BUILDING CODE, INCORPORATING THE AMENDED 2012 IRC AND MN RULES 1322 RESIDENTIAL ENGRY CODE.

BID SET BLUEPRINT

GENERAL NOTES:

THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

- 1 ALL CONTRACTORS MUST FAMILIARIZE THEMSELVES WITH ALL FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, BUILDING CODES, AND ANY REGULATIONS WHICH IN ANY MANNER, AFFECT THOSE ENGAGED IN OR EMPLOYED ON THE WORK, OR THE MATERIALS OR REQUIREMENTS USED, OR WHICH- IF ANY WAY- AFFECT THE CONDUCT OF THE WORK, FI NOT SPECIFICALLY STATED ON THE PLANS OR IN THE SPECIFICATIONS, THE APPROPRIATE CODE SHALL GOVERN SIZES, QUALITIES, AND QUANTITIES OF ALL WORK.
2. VERIFY LOCATION & INVERT ELEVATION AT SANITARY SERVICE. PENETRATION THRU FOOTING MAY BE NECESSARY.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND PROPER FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS. THE GENERAL CONTRACTOR SHALL NOTIFY THIS OFFICE WITH ANY PLAN CHANGES REQUIRED FOR DESIGN AND FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS.

THIS OFFICE SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS, ACTS OR OMISSIONS OF THE CONTRACTOR OR SUBCONTRACTOR, OR FAILURE OF ANY OF THEM TO CARRY OUT WORK IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS. ANY DEFECT, ERRORS OR OMISSIONS DISCOVERED IN THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THIS OFFICE BEFORE PROCEEDING WITH WORK. REASONABLE TIME NOT ALLOWED THIS OFFICE TO CORRECT THE DEFECT SHALL PLACE THE BURDEN OF COST AND LIABILITY FROM SUCH DEFECT UPON THE CONTRACTOR.

THIS STRUCTURE SHALL BE ADEQUATELY BRACED FOR WIND LOADS UNTIL THE ROOF, FLOOR AND WALLS HAVE BEEN PERMANENTLY FRAMED TOGETHER AND SHEATHED.

INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS

INSULATE WASTE LINES FOR SOUND CONTROL.

ALL RECESSED LIGHTS IN INSULATED CEILINGS TO HAVE THE I.C. LABEL.

PROVIDE SOLID BLOCKING UNDER ALL BEARING WALLS PERPENDICULAR TO JOISTS AND OTHER BEARING POINTS NOT OTHERWISE PROVIDED WITH SUPPORT.

FRAMING NOTES:

PROVIDE DOUBLE JSTS. UNDER ALL WALLS RUNNING PARALLEL TO JOISTS.

PROVIDE POSITIVE VENTILATION AT EA. END OF EA. RAFTER SPACE AT VAULTED CEILING AREAS.

PROVIDE FIRE BLOCKING, DRAFT STOPS AND FIRE STOPS AS PER I.B.C. SEC. R502.12.

PROVIDE POSITIVE CONNECTIONS AT EACH END OF ALL POSTS AND COLUMNS TO RESIST LATERAL DISPLACEMENT.

BUILDING PERFORMANCE:

HEAT LOSS CALCULATIONS SHALL COMPLY WITH THE REQUIREMENTS OF REGIONAL AND LOCAL CODES. ALL EXHAUST FANS TO BE VENTED DIRECTLY TO THE EXTERIOR. ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

FLASHING NOTES:

(IRC. R103.8 FLASHING)
ALL OPENINGS TO THE EXTERIOR MUST BE CAULKED AND FLASHED. FLASHING IS REQUIRED WHERE ALL ROOF & VERTICAL SURFACES MEET, AT WALL AND ROOF INTERSECTIONS, AND WHERE SIDING MATERIAL CHANGES.

ICE DAM PROTECTION:

1 LAYER OF 40# COATED ROOFING OR COATED CLASS C BASE SHEET SHALL BE APPLIED FROM THE EAVES TO A LINE 12" INSIDE THE EXTERIOR WALL LINE WITH ALL LAPS CEMENTED TOGETHER

ATTIC VENTILATION:

NET FREE AREA TO BE EQUAL TO 1/50TH OF THE ATTIC AREA, OR 1/300TH OF THE ATTIC AREA PROVIDED WITH AT LEAST 50% IN THE UPPER PORTION OF ROOF WITH THE BALANCE IN VENTED SOFFIT.

GRADING NOTES:

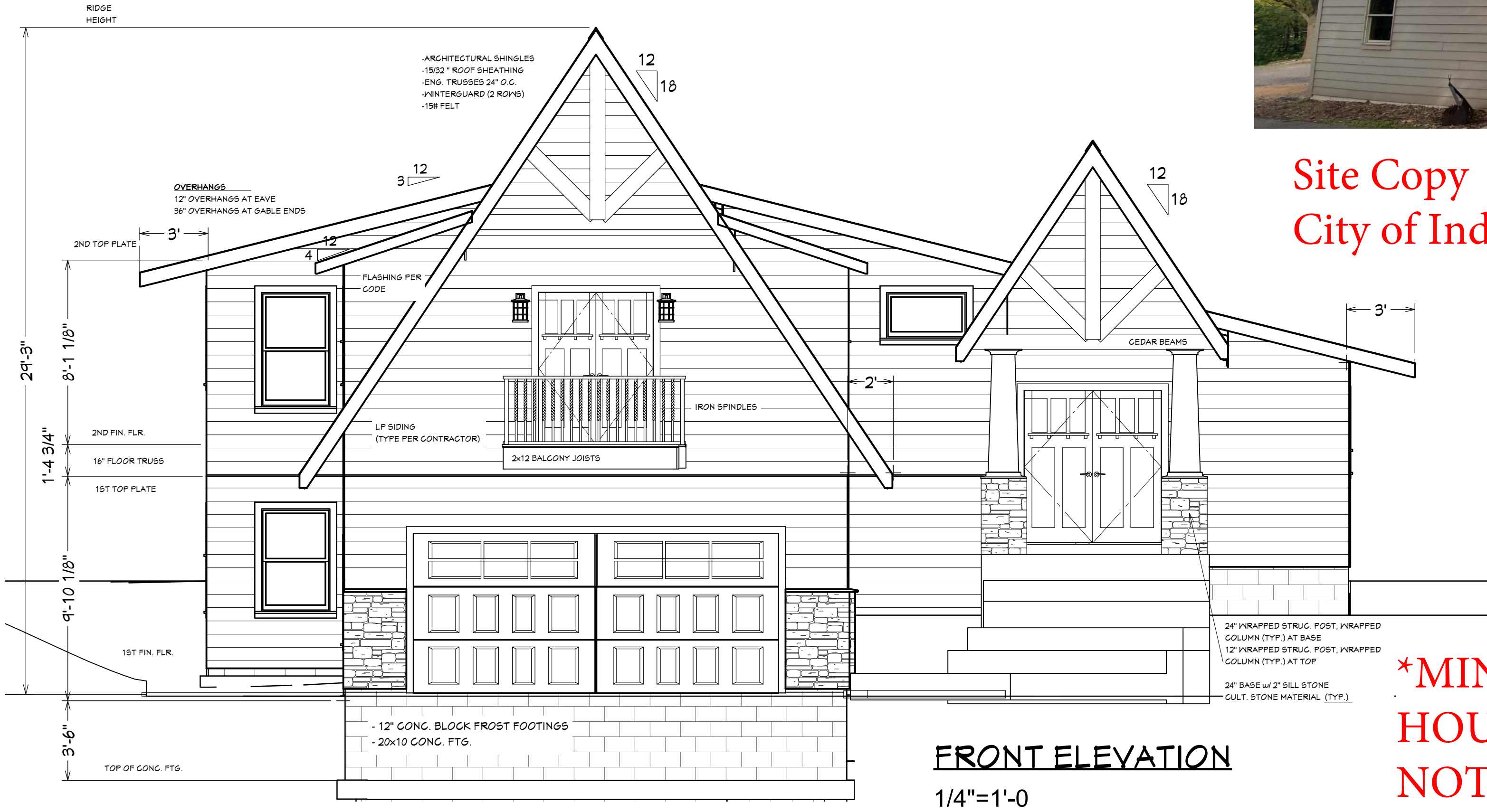
- 1 CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
- 2 PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
- 3 FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.
- 4 AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND STRIPPED OF TOPSOIL.
- 5 PLACE FILL SLOPES WITH A GRADIENT STEEPER THAT 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

EROSION CONTROL NOTES:

- 1 INSTALL SILT FENCE PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- 2 MINIMIZE SITE DISTURBANCE BY TIGHT CONTROL OF EXCAVATION LIMITS.
- 3 ALL EXPOSED SOIL SHALL BE MULCHED WITH STRAW OR WOOD CHIPS TO MINIMIZE SOIL EROSION. NO SOIL SHALL BE LEFT IN AN EXPOSED CONDITION. IT IS RECOMMENDED THAT THE CONTRACTOR MAINTAIN A STOCK PILE OF THIS MATERIAL ON SITE FOR QUICK APPLICATION.
- 4 HYDROSEED WITH A WOOD CELLULOSE FIBER MULCH APPLIED AT A RATE OF 2,000#/ACRE. USE AN ORGANIC TACKIFIER AT NO LESS THAN 150 #/ACRE OR PER MANUFACTURE'S RECOMMENDATION IF HIGHER. APPLICATION OF TACKIFIER SHALL BE HEAVIER AT EDGES, IN VALLEYS AND AT CRESTS OF BANKS AND OTHER AREAS WHERE SEED CAN BE MOVED BY WIND OR WATER.
- 5 DISPERSION TRENCHES SHALL OVERFLOW ONTO NATIVE UNDISTURBED GROUND. NO SITE DISTURBANCE BELOW TRENCHES.

PROJECT SCOPE:

- NEW FRONT ENTRY ADDITION 22'-0"x12'-0" WITH FULL BASEMENT
- REMODELED GARAGE WITH 22'-0"x14'-0" EXTENSION
- REMODELED MASTER SUITE WITH 22'-0"x14'-0" EXTENSION OVER GARAGE

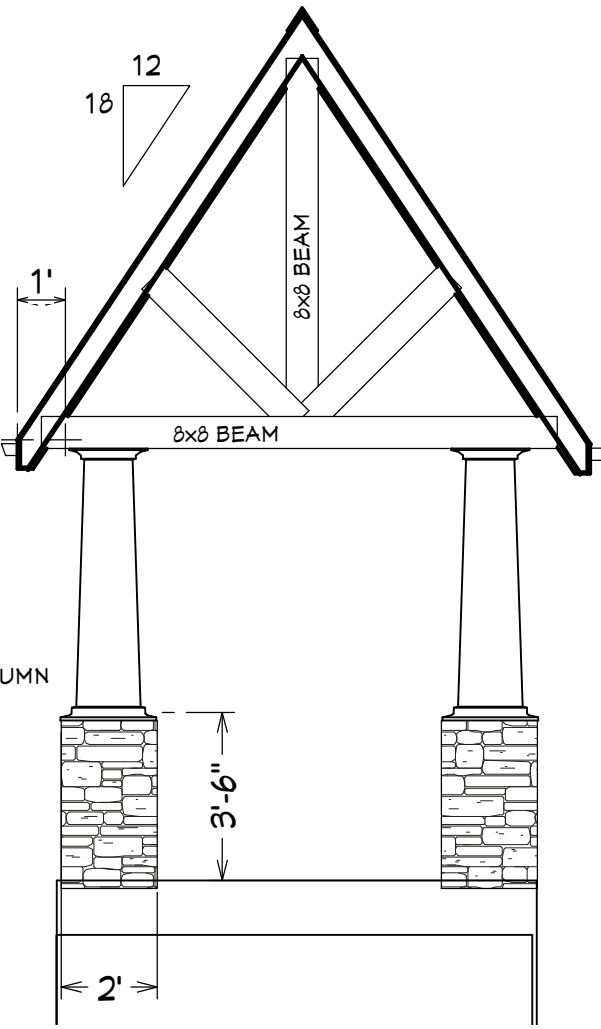


FRONT ELEVATION
1/4"=1'-0

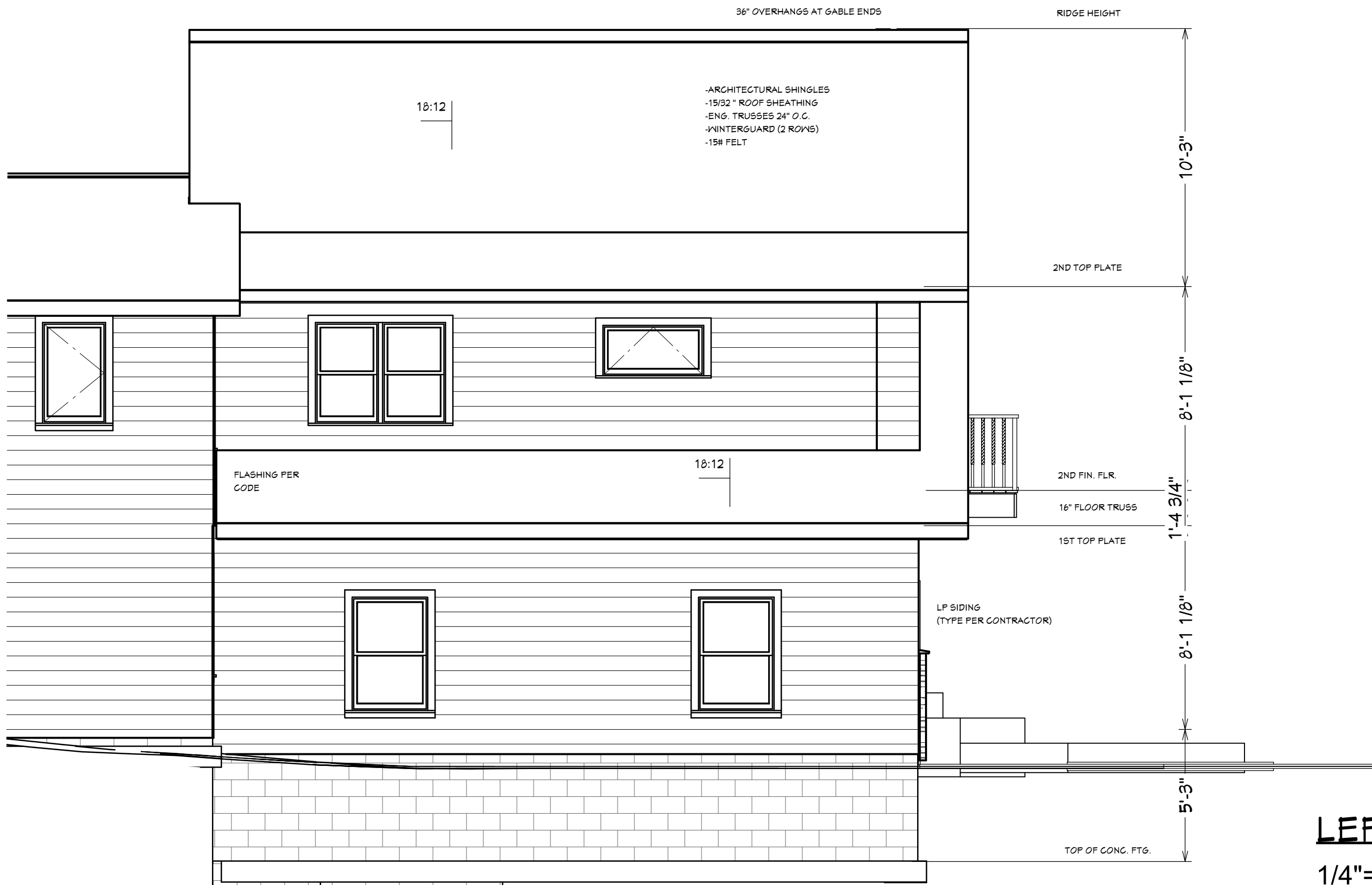


Site Copy
City of Independence

*MINIMUM 24
HOUR
NOTICE For
all inspections
763-479-0527



FRONT PORCH
CROSS SECTION
1/4"=1'-0



LEFT ELEVATION
1/4"=1'-0



BUILDER:

Client:

Jeremy & Sadie Kolbe
3110 CR 90
Independence, MN 55359

DATE:

10/24/2018

REVISION

12/10/2020

ELEVATIONS

SHEET:

A-1

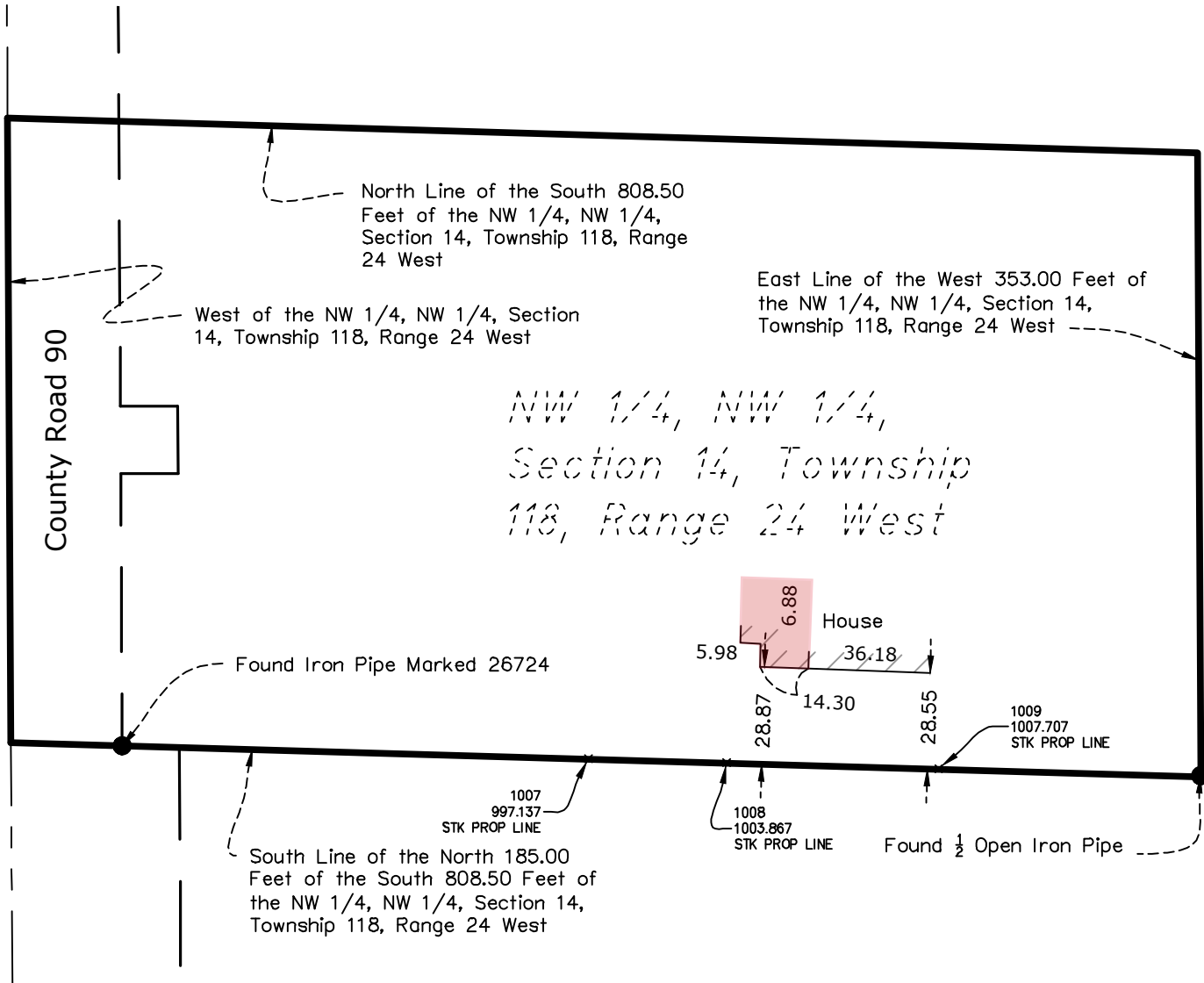
edmonson ink
drafting & design

PO Box 331 Annandale, MN 55302
eiddprints@gmail.com 320-223-1519
www.eiddprints.com

Boundary Line Exhibit
PID: 14-118-24-22-0004
3110 County Road 90, Independence, MN 55359

DESCRIPTION

The West 353.00 feet of the North 185.00 feet of the South 808.50 feet of the Northwest Quarter of the Northwest Quarter of Section 14, Township 118 North, Range 24 West of the Fifth Principal Meridian, Hennepin County Minnesota



Notes

1. Please Note that this exhibit was prepared to show the house and addition location relative to the southerly property line only. Other Boundary information is shown for orientation purposes only.
2. This exhibit was prepared without the benefit of a title commitment
3. The legal description is shown per provided documents by the client.

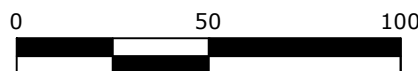
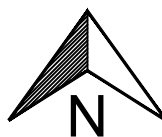
MINNESOTA CERTIFICATION

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.

Dated this 26th day of October, 2021

Rory L. Synstelien

Minnesota License No. 44565



SCALE IN FEET

CivilSite
GROUP

4931 W. 35TH ST. SUITE 200
ST. LOUIS PARK, MN 55416
CivilSiteGroup.com

Drawn By: RLS
Project No. 21-451

SHEET 1 OF 1

City of Independence

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

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: November 16, 2021

Request:

Subdivision Standards – Rural Residential Cluster Development Standards

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

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

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

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

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

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

Cluster Developments:

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

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

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

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

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

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

Rural Residential Developments:

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

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

Planning Commission Consideration/Action:

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