



PLANNING COMMISSION MEETING AGENDA
TUESDAY JUNE 27, 2023

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. May 16, 2023, Planning Commission Meeting Minutes.
 - b. June 6, 2023, City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Jon Dailing/Windson Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32- 118-24-31-0001 and 32-118-24-14-0002) in the City of Independence, MN:
 - a. A conditional use permit amendment to allow the inclusion of 550 CSAH 92 N. for storage of materials and equipment associated with the golf course.
5. **PUBLIC HEARING:** James Ruehl (Applicant) and Jeffery Athmann (Owner) are requesting the following action for the property located at 6935 Pagenkopf Rd. (PID No. 15-118- 24-32-0005) in the City of Independence, MN:
 - a. A conditional use permit to allow the construction of an accessory structure greater than 5,000 SF.
6. Open/Misc.
7. Adjourn.



MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, MAY 16, 2023, AT 7:30 PM

1. Call to Order

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

2. Roll Call

PRESENT: Commissioners Gardner (Chair), Tarse, Thompson, Alternates Story and Usset.
ABSENT: Dumas and Volkenant.
STAFF: City Administrator Kaltsas, Administrative Services Director Simon.
VISITORS: See Sign-In Sheet

3. Approval of Minutes:

- a. April 18, 2023, Planning Commission Meeting Minutes.
- b. May 2, 2023, City Council Meeting Minutes (For Information Only)

Motion by Tarse, seconded by Usset to approve minutes. Ayes: Gardner, Thompson, Story and Usset. Nays: None. Absent: Dumas and Volkenant. Abstain: None. Motion Approved. 4.0.

4. **(PUBLIC HEARING)** BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):

- a. An ordinance amendment to allow planned unit developments as a conditional use in the Rural Residential Zoning District.
- b. A conditional use permit to allow a planned unit development.
- c. Final plat for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.

Property/Site Information:

The property is located on the north side of Perkinsville Road and in-between South Lake Shore Drive and County Road 19. The property has frontage on Lake Independence and is comprised primarily of agriculture land. There are two homes on the subject property along with several detached accessory buildings. The property is comprised of densely wooded areas, wetlands and tillable acreage.

Property Information: 2236 South Lake Shore Drive

Zoning: Agriculture (S-Shoreland Overlay), Rural Residential

Comprehensive Plan: Lakeshore Estates

Acreage: ~48 acres

Discussion:

The City approved the rezoning and preliminary plat for the proposed development in 2022. The applicant has now submitted an application for the final plat of the property (and associated PUD/CUP) for a 28-unit subdivision developed across the 2 subject properties. The City reviews the final plat to ensure consistency with the approved preliminary plat. There were several items that were noted during the review of the preliminary plat which have been addressed and revised by the applicant. The City provided guidance and feedback during the preliminary plat review process and has now completed a comprehensive and detailed review of the proposed final plat and associated construction drawings.

The City has completed a detailed review of the proposed subdivision as follows:

1. The City approved the proposed subdivision subject to approval of the Comprehensive Plan. The Comprehensive Plan is in the final stages of approval by the Metropolitan Council and is anticipated to be fully adopted by the end of June 2023. The subject property is now guided for Lakeshore Estates (see attached Comprehensive Plan Future Land Use Map).
2. The City has completed plans for the upgrade to the existing sanitary sewer lift station that will allow the new homes to connect to City sewer. In addition, the City of Medina has approved an amendment to the Quad City Agreement to allow the additional connections.
3. The proposed layout shows that those lots with direct shoreland would be developed so that the homes could be located at the top of the existing slope. This configuration is preferable due to the existing vegetation and slopes moving from south to north.
4. The proposed development would preserve a buffer and open space area along Perkinsville and South Lake Shore Drive. This area is proposed to be planted to help screen the proposed development from the surrounding properties. The applicant has prepared a preliminary landscape plan for further consideration. The applicant has provided a final landscape plan for these areas.

- a. The City will want to see buffering and screening along the rear yards of Lots 15-18, Block 1.
5. The subject property has a significant natural feature that consists of a wooded “ravine” that runs from west to southeast through the northern portion of the property. The proposed plans have identified this area and show that a significant portion of this area would be preserved. The City is requiring that a condition of the approval requires the establishment of a protective easement or similar conveyance tool and that it is shown on the final plat.
6. This plan has been approved by the Pioneer Sarah Creek Watershed Commission.
7. The proposed final plat indicates six lots with riparian access (frontage or access) on Lake Independence. Any lot directly abutting the lake would need to comply with applicable shoreland overlay standards. The shoreland overlay requires a minimum lot size of 1 acre and a minimum shoreland lot width of 100 linear feet. The subject property has approximately 700 linear feet of shoreline on Lake Independence. Detailed review of each riparian lot relating to slopes, bluffs and general grading will be required if the development is approved.
8. **Stormwater:** the applicant has agreed to strengthen the proposed stormwater management system for this development in several key locations. The applicant is now proposing to add a rain garden/infiltration area on the northern edge of Lot 3. This rain garden area will add an additional level of filtration for water that runs off of Lots, 1, 2, and 3 prior to heading towards the lakeshore. The applicant is also proposing to add a rain garden/infiltration area to Outlot A that will further filter stormwater that drains to the west under South Lake Shore.

Along with these stormwater mitigation measures, the applicant has provided the City with a table showing that the proposed stormwater system will be reducing the peak runoff rates (from the current condition) for stormwater heading towards Lake Independence that goes to the ravine system to the east and the drainage system to the west (see attached drainage exhibit).

9. **Common Area Dock:** The applicant is proposing to move the location of a potential pontoon boat dock. The applicant is no longer proposing an Outlot, but is now proposing a trail easement between lots 5 and 8 and connecting to the common area of Outlot D. This location is internal to the development. The applicant has also provided a narrative of the proposed restrictions relating to the use of the easement and dock (see attached). If recommended for approval, the City would include a condition as a part of the Planned Unit Development that would place more regulation on this development and the dock

access and dock number permitted.

10. The applicant is proposing to deed Outlot E to the City of Independence. The City's lift station currently occupies a portion of this property. There would be no access to the Maple Street easement from this property.
11. The City does not have applicable zoning for this type of sewer residential development. It is proposed that the City's Rural Residential zoning ordinance be amended to allow Planned Unit Developments (PUD) in the Rural Residential zoning district. The City will need to adopt physical lot standards associated with the PUD. The PUD will maintain that all riparian lakeshore lots be required to comply with applicable shoreland district standards. The City is recommending the following additional lot standards:

Minimum lot size:	1 acre (43,560 SF)
Minimum lot width:	100 feet at right of way line
Front yard setback:	35 feet from right of way line
Side yard setback:	15 feet
Corner yard setback:	35 feet
Rear yard setback:	40 feet
Shoreland setback:	100 feet
Setback from lake:	100 feet from ordinary high mark
Setback from wetland:	10 ten feet from the outside edge of the required wetland buffer

The plans will need to be revised to clearly show the building setbacks. It is also recommended that a plan be prepared that shows a "typical" house plan for each lot to verify that the lots can accommodate a home site. A draft ordinance amendment has been drafted for review and consideration.

12. The City would propose developing a new accessory structure provision with the PUD similar to the following:

Accessory Structure Maximum Size: 1,000 square feet (combined attached garage and detached accessory structures).

Accessory Structure Setbacks:	Front Yard – located to the rear of the principal structure.
	Side Yard – 15 feet
	Rear Yard – 40 feet

Accessory Structure Height:

Maximum height shall be limited to 14 feet or height of principal structure, whichever is less. Maximum garage door height is eight 8 feet.

13. The proposed plan indicates open space around the perimeter and includes Outlots A, B, C, D, and F. Outlot D, which is centrally located is proposed to contain an HOA community amenity space (see attached detailed plan). Outlot E will be dedicated to the City. All remaining Outlots will become the responsibility of the homeowner's association established for this development. Documentation indicating the conveyance of this ownership and the maintenance responsibility has been provided to the City. The Outlots will be maintained as described in the HOA documents as mowed and managed landscape open areas.
14. The final plat indicates a 66-foot-wide ROW and a 26-foot-wide road in accordance with applicable standards.
15. There is an existing tree stand located on the property which is primarily along the ravine/drainage area. The City is concerned and desires that these areas are preserved and protected in the after condition of the property. The City has shoreland alteration limitations specified in the shoreland ordinance. In order to ensure that these trees and the ravine are fully preserved, it is recommended that a condition of the approval include adding language to the PUD relating to tree preservation on the lakeshore properties.
16. Cash in lieu of land will be required in accordance with the City's current park dedication fee of \$3,500 per lot (less than 4.99 acres). One park dedication credit will be given for the existing house proposed to remain. The park dedication fee requirement for this development is anticipated to be approximately \$94,500 (27 lots x \$3,500).

Recommendation:

The Planning Commission is being asked to consider the application for final plat, conditional use permit and planned unit development. If recommended for approval, the following findings and conditions should be included:

1. The proposed final plat, conditional use permit and planned unit development meet all applicable conditions, criteria and restrictions stated in the City of Independence Ordinance.
2. City Council approval of the final plat, conditional use permit and planned unit development is subject to approval and completion of the following items:

- a) Metropolitan Council approval of a Comprehensive Plan Amendment.
- b) Review and adoption of an ordinance amendment to include planned unit developments as a conditional use in the RR-Rural Residential zoning district.
- c) Rezoning of the property from AG-Agriculture to RR-Rural Residential.
- d) Review and approval of a conditional use permit approving a planned unit development.
- e) Approval of the Quad City Agreement (stipulates sewer connections through Medina) by the applicable cities that are a party to the agreement.
- f) The Applicant shall address all outstanding engineering comments made by the City's Civil Engineer.
- g) The Applicant shall address all engineering comments made by the City's Water Resource Engineer.
- h) The Applicant shall make all revisions requested in the staff report, Planning Commission and City Council.
- i) The Applicant shall prepare a restrictive and protective easement over and across the area generally described as the "ravine" to the satisfaction of the City.
- j) The proposed PUD will include the following provisions and restrictions:
 - a. Regulations relating to tree removal on all riparian lots within the proposed subdivision. The final language shall include the following additional provisions:
 - i. Any tree removal or vegetative clearing on Lots 1-10, Block 1 shall require the approval of the City of Independence. An application for vegetation alteration/removal (City to provide form) will need to be filled out by the applicant and submitted to the City for review and approval.
 - ii. Tree and vegetation removal shall be limited to the removal of invasive species, dead, dying or diseased trees, and removal associated with approved grading for lakeshore structures, stairs, ramps or similar improvements.

- iii. Effort shall be made to reduce the extent of tree and vegetation removals.
 - iv. Pruning of trees or vegetation to provide views of the lake shall be considered on an individual basis following the submittal and review of a vegetation alteration/removal permit.
- b. Regulations relating to the number and location of docks.
 - k) The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Organization.
 - l) The Applicant shall receive the approval of the Department of Natural Resources.
 - m) The Applicant shall enter into a development agreement with the City for this development.
 - n) The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
 - o) The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance plantings and storm water easements.
 - p) The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
- 3. The Applicant shall pay for all costs associated with the City's review of the comprehensive plan amendment, subdivision, rezoning, ordinance amendment and conditional use permit and preliminary plat and general plan.
- 4. The Applicant shall record final plat with Hennepin County within 180 days of the final plat approval.

Kaltsas said this project came to the city for consideration of a preliminary plan and rezoning to RR and part of the request was put off until further discussion was had such as CUP and RR zoning. Tonight, there I a final plat, ordinance and CUP. The CUP and ordinance are a Public Hearing, but not the final plat. This property is located at 2236 S. Lake Shore Dr and is guided as

Lake Shore Estates. It is subject to a series of things that need completion. This is a 28-unit subdivision, and the final plat is consistent with the preliminary plat.

MetCouncil allowed the city to include overall the 2040 comp plan. In the 2040 comp plan, this property is guided as Lake Shore Estates. It will be RR with a PUD for the lakeshore estates designation. It will have an upgraded sanitary life station to all properties and attached to city sewer. This will involve an amendment to the quad cities' agreement with Loretto, Medina, Greenfield and Independence. Greenfield will bring it to their council at their next meeting. Medina was the biggest because they are the gatekeeper to that pipe. They approved the additional 27 units (one is already connected). The proposed layout shows direct shoreland would be developed. The developer has done vegetation and is moving along with preliminary grading permits. There are some additional landscape plans for entryway landscaping as part of the overall development. The plan has been approved by Pioneer Sarah Creek Watershed.

Stormwater management areas are being added to the plan to help mitigate such as rain gardens to help infiltrate water prior to it leaving the property in response to some concerns that came up from residents. There are some other questions from other properties on stormwater. Stormwater management has not been installed in accordance with the plans at this time because we have not allowed for it to move forward at this point yet. There have been soil and erosion control issues and the developer has done corrective work. There are some depression areas that are starting to shape that area, but it is not complete.

Something that changed in the plans was that the common dock moved to an easement area that would be between two existing lots and removed it from Outlot E and the adjacent properties with existing housing. It is between lot 5 and 8 with a private trail and one single dock will be allowed with 1 boat to be allowed on the dock on a permanent basis.

The city recommends provisions to amend a RR ordinance. It is consistent with how we consider other developments that are unique or have separate features. We allow cluster development as a CUP. It will maintain the RR district; it is part of the shoreland district. A Planned unit development can occur in a RR district. It has a minimum of 40 acres, it is connected to city sewer, it meets a minimum lot size of 1 acre and it meets the setbacks. All requirements are met. There would be utility access and easements along Maple St, outlots would be dedicated. There is some tree removal requested and we need to review vegetation clearing and preservation. We would have a permit and review process for each lot, not as a whole. Applicant is also subject to park dedication fees.

The Hennepin County and Three Rivers Park trail connection is still being discussed. There is no clear resolution today, but we will continue to work on this.

Story asked where the Lakeshore Estates designation came from.

Kaltsas said we approved the comp plan amendment to allow development to 28 units.

MetCouncil asked us to just name it something different. They had us specifically designate it as 27 lots. He said we will zone it specific to lakeshore estates to maintain consistency. It would need a PUD for lakeshore estates.

Gardner asked if we would have new names for the new colors on our 2040 comp plan map.

Kaltsas said yes, if we develop those. We had medium density called out in our 2030 comp plan. We had Urban Commercial and we had high density by Delano, but it got denied by MetCouncil. We are meeting their requirements now. The lakeshore estates was factored in our Metcouncil

plan.

Story asked about the public dock. He said we have never done it before because they are generally not a good idea, so he asked why we want to do it now.

Gardner said it is a police issue for the HOA if there are people abusing it. He said he isn't sure if he likes it either. It depends on the people involved.

Usset asked what the limitations are as far as the lake.

Kaltsas said we do not have a lake association or bylaws like other area lakes. The city follows the DNR on restrictions. With the PUD, we have the ability to dictate these things. We said no to the common dock with docking ability. We said yes to one common dock only for the residents of this development.

PUBLIC HEARING OPENED

Randy Stinson - he said he lives across the street from the development. He said there is a hill on South Lake Shore Dr. He has called the police about making it a no parking zone. He said there are cars parked on the hill and you can't see who is coming. He asked if we could put a no parking zone sign on the hill. He also stated that there were construction vehicles and potential buyers parking there. The city allows construction from 6:30am-10:00pm and 7:00am-7:00pm on Saturday and Sunday nothing. He said they were tortured last Fall with a lot of beeping all day and night.

Kaltsas said in the development agreement the city restricts the construction times. That has been a problem and WHPS has been talked with too. They are going by the ordinance and not the more limiting factor in the development agreement.

Story asked what the construction hours are in the agreement.

Kaltsas said 7:00am-6pm Monday – Friday, 8:00am-4:00pm on Saturdays and nothing on Sunday.

Stinson asked about the holding ponds being full. He asked what is going to happen with them.

Kaltsas said those are not fully constructed. The piping, manholes and infrastructure will be done once it is approved to move forward.

Gardner asked about parking.

Kaltsas said he will talk to WHPS about that and work with the developer so site lines are not a problem.

Brittany said she lives on Perkinsville. She said she hasn't heard much about this yet. She asked if there is going to be a lot more people coming in and out at the corner of Perkinsville and 19.

She asked if there is any talk about that corner.

Kaltsas said it is something that is top of mind for the city. The solution is a pretty major cost factor. He said the city has had a lot of conversations with the county and with Medina. He stated that the city is trying to find a solution which may be a roundabout, but the question is about how to fund that. It is roughly \$4m and the city would be a solo funder in that. Funding priorities with HC have been an issue. There was a high focus on Hwy 12 that accomplished a lot but that is the most difficult intersection that needs to be done.

Thompson said there have been traffic studies done for this.

Brittany asked if the developer and buyers can help fund this project.

Kaltsas said the state of MN does not allow impact fees. He said the city has to identify how that can get funded and go after funding measures. Perkinsville is a feeder to many other people not

just residents.

Keith Becker lives on S. Lakeshore Dr. He said he is the property surrounded by the development. He asked if every homeowner would have deeded access to the dock or just the HOA.

Kaltsas said the city is working on conveyance language.

Becker said if it is deeded, the city wrote in 24 people to a dock to a lake, it is a special condition with no public benefit without access to Baker Park. Once it is established, what is stopping the members down the road from saying they want overnight docking and turning it into a marina. He said when everyone is not focused on this anymore, it is easier to slide through.

Nick lives on Perkinsville. He asked what this development will do for their property values, taxes and the extra number of cars on Perkinsville Rd.

Kaltsas said the city is doing maintenance on Perkinsville Rd. There is no plan to make changes right now. The city is bearing the cost to that. As far as property taxes, it is hard to understand or know. The assessor assesses on the home itself. The lakeshore will be more valued for like type homes. He is unsure on how it will affect values. The prices have gone up everywhere so it could cause properties to go up. This valued on the 28 houses.

Usset said it is the county that does the assessing, not the city.

Kaltsas said more than 50% of our residents had a decrease instead of increase. The city does have some control.

Steve Bohl thanked Mark for the effort to get to this point. He said they make a lot of plans to accommodate all the concerns. He addressed the trail and dock. He said they moved it from the outlot to between the two lots. There is only one boat on that dock at any given time. The lots surrounding will want to make sure there is nothing going on. He said they provided restrictions relating to the trail. IF those get out of hand, the HOA will monitor and restrict it. The management company that will be in charge is working on limiting hours, more restricting than any other dock on the lake. He said they have a lot of things in place on how we will allow use of the boat.

Thompson asked if lots 7 and 8 sold.

Bohl said lot 8 is.

Thompson asked why they changed to an easement from an outlot.

Bohl said outlot E was in between Beckers.

Thompson said the MLS shows that it has deeded access to the water. He asked whose easement is it and if it is reasonable to say that the HOA could change the rules.

Bohl said not without city approval. It will not be deeded access. There is trail access.

Thompson asked who holds the easement.

Bohl said the HOA does.

Thompson said that he sees the confusion with 28 units showing deeded access to the lake on MLS. That is where the concern is coming from.

Gardner asked if Bohl has done this type of dock before.

Bohl said yes, in Plymouth. He said they did have to call the police a couple of times.

Gardner said that is their concern.

Bohl said it will be posted that the pavilion, trail and easement are all private to the HOA.

Gardner said the dock is an issue.

Motion by Tearse, seconded by Thompson to close the Public Hearing.

PUBLIC HEARING CLOSED

Gardner said we have A, B and C to consider. He said this is the most complicated thing he has ever done. He asked why is it RR and lakeshore.

Usset asked if Kaltsas can restate the stipulations that made it unique to sewer access right now. Kaltsas said this would change RR ordinance to include PUD 40 acre minimum and sewer access. It is the same as a cluster development.

Story asked why we need to make a new one instead of just using cluster development.

Kaltsas said a cluster is a 5 acre cluster septic. These will be 1 acre minimum with sewer access.

Gardner asked how this density works with MetCouncil.

Kaltsas said they looked at the community as a whole. This needs to be included in the calculation. He said you will see this in the comp plan.

Thompson asked what is the city track record to enforce community docks.

Kaltsas said we do have community docks. This one is being set up not as an outlot. Now it is not an owned piece of property. It is an easement in favor of the HOA. The PUD is also enforceable for the city. The city attorney said these could be blown up if it was a challenged item.

Thompson asked what are the city standards and how does the city enforce this.

Kaltsas said the access plan does not allow for public to drive into this location. It is much different than the Maple Street issue.

Thompson said if he was the owner of Lot 7 and 8, he would have a high interest on that easement.

Usset asked if there are additional pieces that the city could recommend to council such as this is in lakeshore overlay that this is a one off and not for future issues.

Thompson said the lakeshore estates has to touch a lake. It can't fit anywhere else. It has to have shoreland regulated parcels.

Kaltsas said he can take that to council to include that additional language in the PUC. You couldn't do a cluster development in AG. This is explicit to RR.

Motion by Thompson, seconded by Tearse to approve the application for Final Plat, CUP and PUD subject to the recommendations of city staff numbered 1-4 with additions to the ordinance language under section B (criteria) to include reference to the lakeshore estates being an interval component of granting a PUD. Ayes: Gardner, Thompson and Usset. Nays: Story. Absent: Dumas and Volkenant. Abstain: None. Motion Approved. 3.1.

5. Open/Misc.

6. Adjourn.

Motion by Thompson, seconded by Tearse to adjourn the meeting at 8:55p.m.

Meeting adjourned.

Respectfully Submitted,
Amber Simon/ Recording Secretary

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 6, 2023 – 6:30 P.M.
City Hall Chambers

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None.

STAFF: City Administrator Kaltsas, City Administrative Director Simon, and City Attorney Vose

VISITORS: Steve Bohl, Randy Stinson, Sally Simpson, Marsh Halberg, Dudley Bartholow

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 May 16, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 22050-22059 and Batch # 2; Checks Numbered 22060-22075 and Batch # 3; Checks Numbered 22076-22084).
- c. Large Assembly Permits:
 - i. Reception – 5280 Lake Sarah Heights. Dr. on June 24, 2023
- d. First Quarter Financial Report – ABDO (For Council Information Only)

Johnson asked if there was anything particular on the financial report. Kaltsas said that the budget is tracking as they expected for the year so far.

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

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

Spencer attended the following meetings:

- LMCC Budget meeting
- WHPS citizens academy graduation

McCoy attended the following meetings:

- Memorial Day services – Lewis Cemetery and Christ Lutheran

Betts attended the following meetings:

- WHPS citizens academy graduation

Johnson attended the following meetings:

- Planning
- Orono Healthy Youth
- Orono Awards Night (~\$100k in scholarships awarded)
- Mound, Hopkins, Wayzata and Minnehaha historical societies meeting on merging
- Orono school choir concert
- Dorothy Welch Funeral
- Sensible Land Use dinner on water issues
- MetCouncil Environmental services hearing (Virtual) (6.8% increase in budget across the board)
- WHPS police academy graduation
- Memorial Day Services – all 3 city cemeteries
- Common Bond meeting with WHPS Chief and MP Mayor
- Party in the Park in Maple Plain
- Regional Council of Mayors
- Resident on Kuntz phone call

Marilyn Hayes and Kathleen Blatz were the top donors for the new monuments in the cemeteries.

Simon attended the following meetings:

- Planning

Kaltsas attended the following meetings:

- Meeting with MnDot

7. Copeland Road Feasibility Study Discussion.

Kaltsas said there was a petition put together by the residents on Copeland Road to look to make improvements to the road. He said the city had conversations with several residents previously about the issues. The portion is being talked about is between County Road 6 and Hwy 12 and is about 3 miles long. There is a short portion of the road that is paved in front of the Golf Course and the rest is gravel. There was drain tile installation that was completed on that road. The city discussed a plan to put together a city-wide

gravel overlay project. This would be a 2024-2025 project. It is a large-scale overlay that the city would likely have to issue debt to get the roads back to where they should be and make it easier to maintain. Kaltsas stated that gravel roads everywhere were horrible this year. He explained that this could be an assessed project to the benefiting property owners. It depends on how in depth the repair would have to be such as storm water project that would be above and beyond a normal conveyance system, turning a gravel road to a bituminous road, different shoulders, larger scale drainage or gravel overlay. There is a statutory process in order to do this. Many other cities do this often, but Independence does not so we will have to follow procedure.

The process would be that the city first needs to talk with the city engineer, Geotech, site visits, design for more formal designs and options, Public Hearing, bids, assessment hearing and then council would decide. Kaltsas said before they proceed, they should do a site visit with public works and the city engineer, walk it, and look at drainage issues, historical improvements and how they have been holding up. Then they could look at design options and costs, schedule a meeting with residents and talk through what these things look like as well. One thing to note with rural roads is that there are extensive frontages on those roads so the benefiting properties may see significant numbers due to how much frontage they have on the road.

Betts asked if there is more density on the North side of Copeland.

Kaltsas said yes, it's not that far down on Copeland in comparison to Nelson.

Johnson asked if we have ever taken a traffic count in the summer to see if there are a lot of golfers that use that road.

Kaltsas said they have not recently done that in the last 20 years.

Betts asked if we have ever paved parts of roads in more dense areas.

Kaltsas said yes, Nelson has that.

Johnson said we demanded the golf course to pave in front of their frontage.

Betts asked if Nelson residents have been satisfied with their partial pavement.

Johnson said no. The people to the South of the pavement would like to see the pavement to continue in front of their properties as well. He asked if the tile that was put in a couple years ago was doing what it was supposed to do.

Kaltsas said he has seen good success with the tile installs, but there is limited material on top and this year was just a tougher year.

Johnson said we have a couple residents in the audience from Copeland Road and asked if they would like to speak.

Sally Simpson stated her name and that she lives at 2840 Copeland Road.

Marsh Halberg stated his name and lives at 2752 Copeland Road. He said he appreciates everyone that came together to discuss this. He stated that if someone drove down Copeland Road, it was down to 7mph this year because the roads were so bad. It led to all the residents talking. Sally and himself supplied a questionnaire to the residents and gave the results of that to the residents and the city. With 50 residents he said there are many opinions on what should happen with the road. He said he would like a walkthrough to talk about things that may not even be on their radar as possible solutions to the road. He also discussed that the timing of improvements to the road could be at the same time as other possible projects such as burying the power lines, the fiber optic cable or if there would be a roundabout happening on Hwy 12. He asked about educating the public works staff on grading or plowing to help maintain the roads condition. He said street funding is expensive and some residents will agree, and others will not.

Spencer said that he suggested to Sally that it is more feasible to have a community open house with staff, public works and a councilmember to talk about the concerns and discuss costs, positives, negatives and to update the residents on the city's future plans that are already in place. There are tiles that need to be completed before any work is done on the roads as well.

Sally said that she accepts this option and that there are probably more things that the residents do not know

about the city's plans than they actually know. It would be good to better understand this and get the discussion going.

Spencer said there have been several complaints about all the gravel roads in the city this year. The city does have plans for this and are already working on it.

Marsh said there are golfers coming down Copeland to get to Hwy 12.

Johnson said if it became a blacktop road, the traffic would increase.

Grotting said the quality of the gravel seems to be changing as well. It seems more like ag lime than gravel. He said he had a conversation with Shawn about it and Shawn had to specify the kind he wanted and stepped it up a notch due to the quality.

Johnson said we are limited to where we can get it.

Kaltsas said the city is only receiving one bid per year now.

Johnson said one good thing from the legislator is that we are getting a fund for roads of about \$99k. It will be permanent.

McCoy said Greenfield got money on a bonding bill and the city could maybe look into that when they are ready.

Grotting said Franklin Township went to granite and maybe there is a trade off there.

Kaltsas said he will look at it with the city engineers and bring back more information. He will initiate a project to go out and look at it with the residents.

8. BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):
 - a. **ORDINANCE No. 2023-01** – Considering an ordinance amendment to allow planned unit developments as a conditional use in the Rural Residential Zoning District.
 - b. **RESOLUTION No. 23-0606-01** - Considering a conditional use permit to allow a planned unit development.
 - c. **RESOLUTION No. 23-0606-02** - Considering approval of a final plat and development agreement for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.
 - d. **ORDINANCE No. 2023-03** – Considering establishment of the BridgeVine Storm Sewer Improvement Tax District.

Kaltsas said after being considered for final plat and ordinance from PC the applicant asked the city to consider final plat for the 28 lots. The city would have to adopt an ordinance to allow a planned unit development and CUP. He said he talked with the city attorney to notice the establishment of that district. The final plat is something that is reviewed on a more detailed level after approving the preliminary plat. The final plat is almost identical to the preliminary plat with the one difference being with the dock. MetCouncil has approved the comp plan and will be bringing it forward to respective communities this month. We will know on June 20th if any issues come of it. This plan was approved by Pioneer Sarah Watershed since then.

As related to comments about stormwater – the applicant did propose the addition above and beyond what was required such as a rain guard, rain garden on the SW side of the site and along Maple Street. Another high-level topic was the common dock. They are changing the outlot to an easement now along the lakeshore where the dock will go. The easement is in favor of association that gives access to a singular dock and is maintained by the HOA for one boat at any given time. This dock and boat would be utilized by the homeowners in this development. In the CUP permit, there is a section relating to the singular dock specifying that it is limited to one dock and one boat. It would be a condition of our CUP approval as well as their HOA.

The City currently doesn't have provisions for a PUD so we would be creating an ordinance to allow it as a PUD. Planning Commission talked about them being fine with the PUD but they thought it ought to be restricted. One thing planning recommended was to put a provision in the PUD that the property has to be guided by the comp plan and it is guided as lakeshore estates. The other provision of that ordinance is that a PUD needs to be 40+ acres, guided as lakeshore estates and connected to city sanitary sewer. Within the PUD, we would establish standards for this development such as the acre size and setbacks. These standards are right in between. We put additional provisions on accessory structures we are limiting to 1000sqft total. These are different lots than we have zoned. Outlots A, B, C, D and F are all open space with existing vegetation. Outlot D is a community amenity space that is internal to the development with a gathering space, covered structure, and is HOA regulated. There is a restrictive easement relating to preservation and protection of the ravine. There will be park dedication fees for the 27 lots with one existing lot. Planning reviewed the development, had more discussion on the PUD and CUP and they came up with lakeshore estates piece and inclusion of that in the final ordinance approval.

Kaltsas said we are including this in the comp plan amendment. It will be purple on the map and will be 0.75 units per acre for lakeshore estates. North of the park in Maple Plain is where Metcouncil will require us to do affordable housing. MetCouncil rejected the plan to put the affordable housing up against Delano since it couldn't connect to the sewer system. They would like to see 30-50 units per acre.

He stated that the comp plan will come back for adoption. It will be the same concept, same plan, just moving pieces around to get them to agree. If you look at density, when we proposed this plan, we had 2.7 units per acre.

Attorney Vose stated that there are some title issues with the property that will need be fixed prior to recording this subdivision. He also noted that the DA includes some provisions for the lift station.

Motion by Spencer, seconded by Betts to approve ORDINANCE 2023-01 to allow planned unit developments as a conditional use in the Rural Residential Zoning District. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Grotting, seconded by Johnson to approve RESOLUTION 23-0606-01 to allow a conditional use permit to allow a planned unit development. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Spencer, seconded by McCoy to approve RESOLUTION 23-0606-02 for the final plat and development agreement for Bridgevine subdivision. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Ordinance 2023-03 is delayed until a future date.

9. Request Approval of Funds Transfer as Recommended to Close Project Funding Accounts.

- e. **RESOLUTION No. 23-0606-02** – Considering an amendment to the City’s Employee Handbook based on recent legislative approvals.

Kaltsas explained that at the last legislative meeting the state recognized Juneteenth as a holiday effective this year instead of next year. It was signed into law. The city is looking to update the handbook to reflect this as a holiday.

Spencer noted that if Juneteenth is on a weekend, it would follow the state as far as which day it would be recognized, either Friday or Monday. The decision is to either grant staff another holiday or take one away. He said he would recommend granting it as another holiday.

Motion by Spencer, seconded by Betts to amend the Employee Handbook to add Juneteenth as a paid holiday effective immediately. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

10. Open/Misc.

11. Adjourn

Motion by Spencer, seconded by Grotting to adjourn the City Council Meeting at 7:45pm. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Meeting Adjourned.

Respectfully submitted,

Amber Simon, Recording Secretary

City of Independence

Request for an Amendment to the Conditional Use Permit for the Windsong Farm Golf Club Located at 18 Golf Walk

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 27, 2016
<i>Applicant:</i>	Windsong Farm Golf Club
<i>Owner:</i>	David Meyer
<i>Location:</i>	18 Golf Walk

Request:

Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32- 118-24-31-0001 and 32-118-24-14-0002) in the City of Independence, MN:

- a. A conditional use permit amendment to allow the inclusion of 550 CSAAH 92 N. for storage of materials and equipment associated with the golf course.

Property/Site Information:

The subject properties are located on the north side of County Road 6, just west of County Road 92. The properties are comprised of rolling topography, ponds, wetlands and tree coverage. The properties have the following characteristics:

Property Information: 550 County Rd. 92 N.
Zoning: Agriculture
Comprehensive Plan: Agriculture
Acreage: ~20.23 acres



Discussion:

Windsong Golf Club recently acquired the property northeast of the existing golf course (550 CSAH 92 N.). The applicant approached the City about the possibility of expanding their current CUP to allow the use of a small portion of the property to support their maintenance operations of the golf club. Windsong had previously been utilizing the existing barn and land on the north side of CSAH 6 that is now in the process of being developed as their second golf course.

The subject property is approximately 20 acres in size and contains a single-family home, four (4) detached accessory buildings, pasture and tillable acreage. The single-family home is currently rented, and the applicant is proposing to continue farming the tillable acreage on the east side of the property (approximately 15 acres). The applicant is seeking an amendment to allow the following on the subject property:

- Utilization of a small portion of the property for bulk material storage (mulch, sand, aggregate), compost associated with the golf course (will be reused as compost) and brush and other organics. If permitted, the use would be limited to the areas depicted below which would become an exhibit to the approval.

- Indoor storage of equipment and vehicles within two (2) of the existing detached accessory structures as depicted. The applicant noted that the remaining detached accessory structure would not be suitable for indoor storage.
- Overflow staff parking for events. This would be limited to a maximum of 5 annual events. The City would have to be notified at least 2 weeks prior to any event. The applicant noted that the proposed overflow parking would eliminate any on-street parking that currently occurs on CSAH 92. N. This provision would be noted as a condition of the CUP.



In order to consider the expansion of the golf course facility to the subject 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 and 2013, 2016, 2021 and 2022. The CUP allows two golf courses, their associated 29,000 SF club house/pro shop, guest house and 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.

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

The subject property is located at the S.E. corner of CSAH 92 and CSAH 6. The property has historically been used as a horse farm and agricultural property. Windsong's main maintenance facility is located almost directly across the street from the subject property (S.W.). Most impacts that would result from the use of the property for bulk materials, organics storage and indoor equipment would be mitigated by the remaining open space and existing vegetative screening. Golf courses are permitted as a conditional use in the Agriculture zoning district. The City will need to find that use of the property is considered an extension of the golf course and consistent with the existing zoning. 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 applicant is not proposing to make any permanent improvements to the land to accommodate the proposed material and organics. The outdoor storage areas would be utilized only during the golf season.
2. The City may want to consider establishing a minimum setback from the south property line to further mitigate any potential impacts (i.e. 50 feet). Staff will look for direction and feedback from Planning Commission relating to setbacks.
3. The use of the property for overflow staff parking would eliminate the use of CSAH 92 and CSAH 6 for on-street parking during a few larger course events (i.e. Annual Big 10 college golf tournament)
4. The applicant has worked well with the City with other expansions and has followed all applicable conditions.
5. If considered for approval, the City would want to provide a specific exhibit and associated conditions relating to the use of the subject property. This would limit the CUP use to specific areas of the property and not allow for its expansion without an additional amendment to the CUP. The City would also tie the proposed use of the property to the golf course CUP. This would eliminate any possibility that the CUP could exist on the property without the golf course.

The proposed use would increase the footprint of the golf course and would result in some equipment moving back and forth between the existing maintenance area and the subject property. This condition exists between the golf course, the property to the north and Pioneer Creek Golf Course. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed expansion as long as the uses are limited to those areas identified.

The Planning Commission will need to determine if the requested amendment to the conditional use permit and comprehensive plan 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 and comprehensive plan 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 use of a portion of the subject property and further defined on the approved plans and exhibits. The following conditions should be added to the conditional use permit:
 - a. In addition to the golf course, Windsong Farm Golf Club can use the property located at 550 CSAH 92 N. for additional outdoor storage, indoor storage and staff overflow parking with the following limitations:
 - 1) The outdoor storage area shall be limited to the area designated on the approved plans and attached to the approval resolution as an Exhibit. Outdoor storage shall be limited to compost of grass clippings, temporary storage of fallen trees or limbs (approval of trees and limbs will be limited to piles that are not a cause for nuisance as defined in the City's approved nuisance ordinance), bulk materials (mulch, aggregate and similar organics).
 - 2) The indoor storage will be limited to the two (2) detached accessory buildings designated on the approved plans and attached to the approval resolution as an Exhibit.
 - 3) The overflow parking shall be limited to area designated on the approved plans and attached to the approval resolution as an Exhibit. The maximum number of events where overflow parking will be permitted is five (5). Each event shall be no more than three consecutive days in length.
 - 4) Any lighting of the storage areas, temporary parking or indoor storage

building lighting shall be subject to the requisite City ordinances pertaining to outdoor lighting. Any existing lighting shall be modified to be fully compliant.

- 5) Any expansion of the outdoor storage areas, indoor storage areas, overflow parking areas, and or expansion of the existing buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
 - 6) The remainder of the property that is not specifically designated on the approved plans shall only be used for permitted or accessory uses as specified in the City's zoning ordinances for A-Agriculture properties.
4. Prior to the City granting a grading permit for the proposed expansion, the applicant shall complete the following items:
 - a. Provide a scaled site plan indicating all designated areas.
 5. The applicant shall pay for all costs associated with the review of the conditional use permit amendment application.

Attachments:

1. Application



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Jonathan Dailing
Address: 18 Golf Walk
Independence,
Minnesota 55359
Primary Phone: 9527973727
Email: jdailing@wsfarm.com

Owner Information

Name: David Meyer
Address: 18 Golf Walk
Independence, Minnesota
55359
Primary Phone: 7634797161
Email: davidmeyernd@gmail.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

Windsong Farm Golf Club is proposing to add 550 County road 92 into its existing conditional use permit. This property consists of 25 acres, with 20 acres of farmland. In the upland field east of the existing house and barns this area would be used as an area for compost of grass clippings, and an area to place any fallen trees or limbs from the golf course just west of the property. Other materials that will be stored onsite will include mulch piles and aggregate materials for repairs to the grounds of the golf courses.

All access to the property will be from county road 92. We are proposing the large front yard could be utilized as an employee overflow parking lot in the event of Windsong hosting a large-scale event (possibly one to two times a year) rather than employees parking on the shoulder of county road 6. Employees will access the south course by walking to the maintenance facility and then to the clubhouse using cart paths.



■City of Independence

***Request for a Conditional Use Permit to
Allow a Structure Larger than 5,000 SF on the
Property located at 6935 Pagenkopf Road***

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	June 27, 2023
<i>Applicant:</i>	James Ruehl
<i>Property Owner:</i>	Jefferey Athmann
<i>Location:</i>	6935 Pagenkopf Road

Request:

James Ruehl (Applicant) and Jeffery Athmann (Owner) are requesting the following action for the property located at 6935 Pagenkopf Rd. (PID No. 15-118- 24-32-0005) in the City of Independence, MN:

- a. A conditional use permit to allow the construction of a structure greater than 5,000 SF.

Property/Site Information:

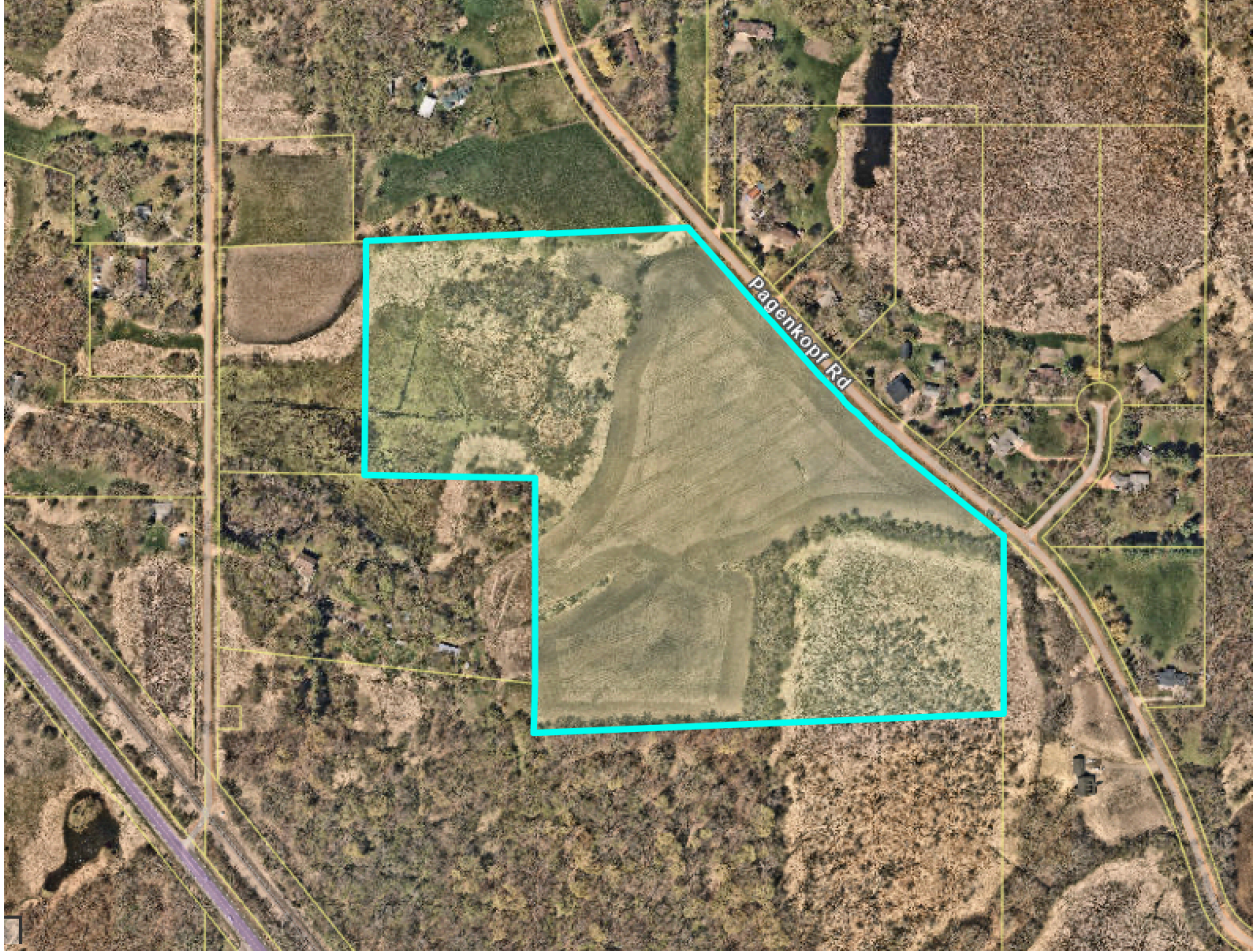
The property is located on the west side of Pagenkopf Road south of the intersection of Valley Road and Lake Sarah Road. The property has no structures and is primarily comprised of tillable acreage woodlands and wetlands. The property has the following characteristics:

Property Information: 6935 Pagenkopf Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: 35.32 acres



Discussion:

The subject property was recently subdivided as a part of a larger subdivision of the Pagenkopf Family property. The applicant approached the City with plans to construct a new horse farm and associated facility on the subject property. The proposed facility would consist of a new 27,504 square foot building. The building would be comprised of a 1,200 SF living quarters (principal residence), a barn with 6 horse stalls, an equipment storage room, and a riding arena. In addition, there will be two horse shelters in the Paddock area. This is proposed to be a private facility and the living quarters will be the residence for the owner's family.

The building will be located on the northern part of the property and situated to allow a future building site for a home just to its south. The fenced pasture for the horses will be to the west and south of the buildings. The proposed project is proposed to be constructed in two phases: the first phase consisting of the living quarters, barn and the equipment room, and the second phase consisting of the indoor arena. While there is no specific timeline for the indoor arena, it is expected that it will be built in the next 5 years.

The proposed 27,500 square foot building would exceed the maximum square footage permitted of 5,000 without a conditional use permit. The applicant would like the City to consider granting a conditional use permit to allow the proposed 27,500 SF building.

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

530.01 Agricultural District established.

Subd. 3. Accessory uses.

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

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

Phase I of the proposed facility will initially be comprised of the residence, a barn with six (6) horse stalls and an equipment storage room. The square footage of the Phase I facility is approximately 11,000 square feet. The proposed Phase II indoor riding arena is approximately 16,500 square feet in size (84' x 198'). The proposed building would be used solely for the applicant's personal use and own horses. There would be no commercial use or commercial boarding of horses allowed within the proposed accessory structure.

The applicant has provided the City with a site survey, floor plan and building elevations of the proposed building.

The proposed building has the following characteristics:

Required Setbacks:

Front Yard:	85 feet from centerline
Side Yard:	30 feet principal structure 15 feet accessory structure
Rear Yard:	40 feet
Wetland Buffer:	10 feet

Proposed Setbacks:

Front Yard:	113 feet from CL of Pagenkopf Rd.
Side Yard:	N/A - far exceeds requirement
Rear Yard:	N/A - far exceeds requirement
Wetland Buffer:	26 feet at closest point

The proposed building meets all applicable building setbacks.

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

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

The City has visited the site and discussed the proposed site improvements with the applicant. The conditional use permit would allow an accessory structure larger than 5,000 SF. The City is being asked to determine whether or not the proposed structure larger than 5,000 SF would meet the criteria for granting a conditional use permit. The applicant has designed the site to take advantage of the existing views, maximize useable land for the private horse facility and set the site up to accommodate a future single-family residence on the property. There is a natural high area that runs down the center of the property and best accommodates the proposed and future structures. There are several considerations that should be noted by the Planning Commission during your review.

Additional Notes/Considerations:

- The applicant has completed a wetland delineation for the property. The City has approved the delineation and reviewed the prescribed wetland buffers.
- The applicant is proposing to construct a stormwater detention and conveyance system to both regulate rate of runoff and water quality in accordance with applicable stormwater requirements. The City is in the process of finalizing a review of the proposed stormwater system. The applicant will be required to obtain all applicable permits (PSCWMO) relating to the proposed stormwater system.

- The applicant has provided a narrative and additional illustrations of the proposed building. This includes additional information relating to the proposed building materials, building height, and architectural details.
- The applicant is proposing to install wall mounted building lighting. The proposed “wall pack” lights appear to meet applicable lighting requirements; however, a photometric plan will be required to be submitted. The City typically reviews building lighting during the building permit review process.
- The applicant does indicate the location of a manure pit on the property. The applicant will be subject to meeting all provisions within the City’s Manure Management Policy.
- The Fire Chief has reviewed the proposed facility and requested that the applicant provide a secondary fire service road on the northwest side of the building.
- The proposed facility will be located along Pagenkopf Rd. There are several residential properties located on the north side of the road across from the proposed new facility. The applicant has noted that the proposed facility will be for private use only and be compatible with the surrounding land use. It should be noted that the proposed Phase II indoor riding arena would be setback from the right of way of Pagenkopf Road a distance of 80 feet. There is currently no landscaping proposed along the most public facing portion of the facility. Staff will look for Planning Commission discussion and feedback relating to the proposed proximity to the adjacent road and whether or not any mitigation measures are warranted.
- The applicant has noted that there is a longer-term plan to convert the proposed 1,200 square foot residence to an accessory dwelling unit and construct a single-family home on the property. The applicant is aware of the current ADU requirements and understands that the approval of any future single-family home will be subject to the standards and processes in place at the time it is proposed.
- The applicant has prepared detailed site plans, grading plan, stormwater plans and building plans for the proposed site improvements. The City has reviewed the plans to ensure that the proposed facility meets applicable standards but will perform a full review of the project and associated improvements at the time an application for a building permit is made.

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. Should the Planning Commission recommend approval of the application to the City Council, the following findings and conditions should be included:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The Conditional Use Permit will be issued subject to the following items being completed:
 - a. Obtaining all applicable permits from the Pioneer Sarah Creek Watershed Management Commission.
 - b. The Conditional Use Permit for the proposed facility will be subject to the applicant constructing the residence in accordance with applicable residential requirements and obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - c. The applicant shall provide the City with a photometric plan confirming conformance with applicable requirements. All lighting will be required to comply with the City's applicable lighting standards.
3. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. No commercial use of the proposed detached accessory structure shall be permitted.
5. No future expansion of the structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
6. The owner of the property will be required to meet all requirements of the City's Manure Management Policy. The City will want to further review the proposed manure management for this property.
7. The maximum number of horses permitted on the property would be subject to the City's applicable animal unit density requirements.
8. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Application
2. Narrative
3. Site Survey/Site Plan/Grading Plan/Stormwater Plan

4. Building Floor Plan
5. Building Elevations
6. Colored Rendering

Narrative of Proposed Project

Project: Living Quarters, Barn, and Arena
Location: 6935 Pagenkopf Road, Independence, MN 55359
Owner: Jeff, Cindy, and Lauren Athmann
Owner Address: 1140 Drake Court, Independence, MN 55359

Project Description

The Athmanns own a 35.32acre parcel located on Pagenkopf Road in Independence, MN. They propose to construct a 27, 504 SF. building consisting of a 1,200 SF living quarters, a barn with 6 horse stalls, an equipment storage room, and a riding arena. In addition, there will be two horse shelters in the Paddock area. This is a private facility, and the living quarters will be the residence for Lauren Athmann.

The building will be located on the northern part of the property and situated to allow for a building site for a future home just to its south. The fenced pasture for the horses will be to the west and south of the buildings.

The proposed project is proposed to be constructed in two phases: the first phase consisting of the living quarters, barn and the equipment room, and the second phase consisting of the arena. While there is no specific timeline for the arena, it is expected that it will be built in the next 5 years.

Also, there is no specific timeframe for the construction of a future home. The evolution of Lauren's life will determine when a home will be built.

Description of Building

Building Height: The living quarters, barn, and equipment storage will have a sidewall height of 12', and the arena will have a sidewall height of 16'. The slope of the arena roof will be 2.98/12, resulting in an overall truss height of 13' 6" and an overall peak height of the building of 30' 0". The barn and living quarters will have a 6/12 top-chord slope, resulting in a peak height of 23' 6".

Building Materials and Color: The building will be constructed using the frame building structural system and will be clad with metal roofing and siding. The general color scheme will be black and white – a black roof and white metal siding. The windows and front door will be black in color, and the service doors and garage doors will be white, similar to the color of the siding.

Exterior Lighting: The exterior lighting for the facility will consist of recessed lighting in the soffits (over garage doors) and LED wall packs on the face of the buildings near service doors and the face of the garage. The wall packs will be mounted 15' above the ground and will have a fifteen degree "cut-off" feature to prevent light from leaving the property on . Attached is a plan showing the location of the proposed lights along with a specification of fixture.

Conditional Use Criteria Responses

1. **The Conditional use will not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.** *The Athmanns will be using the property in a manner that is consistent with other private residential and horse facilities in the City of Independence.*
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.** *The properties in the immediate vicinity of the Athmann home are used for agricultural and private residential use. The residence, horse barn, and arena – all for private use - will have no detrimental effects on the adjacent properties.*
3. **Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.** *The traffic to and from the Athmann site will be typical of residential and private equestrian use. Athmann's will have occasional visitors, but no commercial events. There will be two access drives from Pagenkopf Road servicing the property. The main access will be for the living quarters, barn, and arena, and will also be used as access for a future home. A secondary access at the rear of the property will serve primarily as Fire Access, with occasional use as access to the manure storage area. Since there is a drive-through provided in the barn, there is day-to-day access to the back of the property.*
4. **Sufficient off-street parking and loading space will be provided to serve the proposed use.** *The site has been designed to accommodate the parking, maneuvering, and servicing needs typical of an equestrian facility. A single gravel courtyard provides access and maneuvering space to the living quarters garages, barn drive-through, equipment storage and arena. Deliveries (hay, supplies) will also be via the courtyard.*
5. **The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and a sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.** *The project civil engineer has performed soil tests and is currently preparing septic system documents. The general location for the septic system is noted on the attached site plan and engineered drawings will be submitted at time of permit.*
6. **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.** *As a private residence and equestrian facility there is nominal vehicular traffic or other activity that would create undue dust, noise, vibration, etc. Proper manure storage and management will be provided to minimize offensive odor.*
7. **The proposed conditional use is consistent with the comprehensive plan of the City of Independence.** *The combination of uses for this proposed project is consistent with the zoning ordinances and comprehensive plan of the City. The need for conditional use is due to the size of the facility, and we believe the project, as designed, meets the City's requirements.*
8. **The proposed use will not stimulate growth incompatible with prevailing density standards.** *The use is consistent with the City's ordinances and plans and will not stimulate growth incompatible with prevailing density standards.*

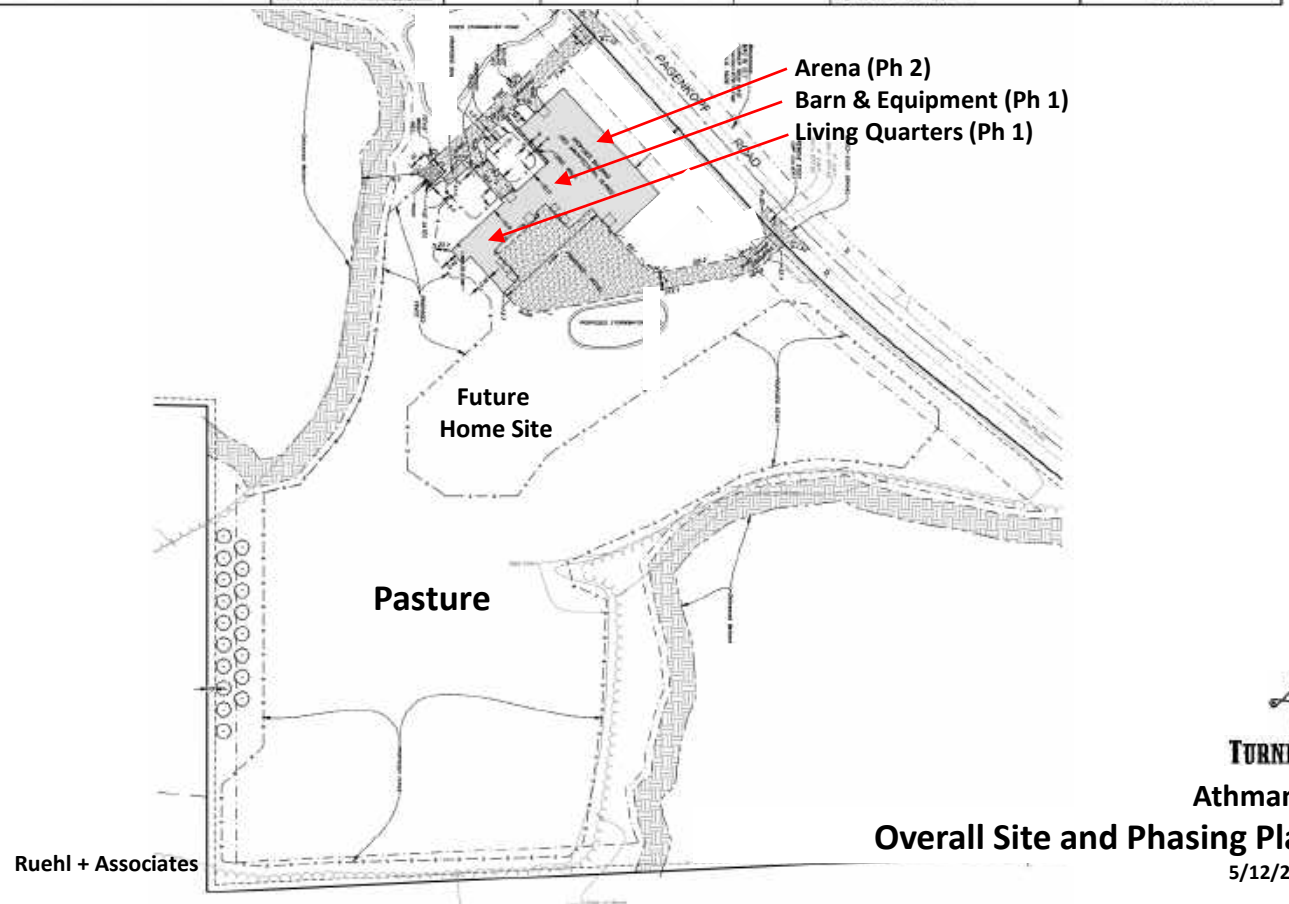
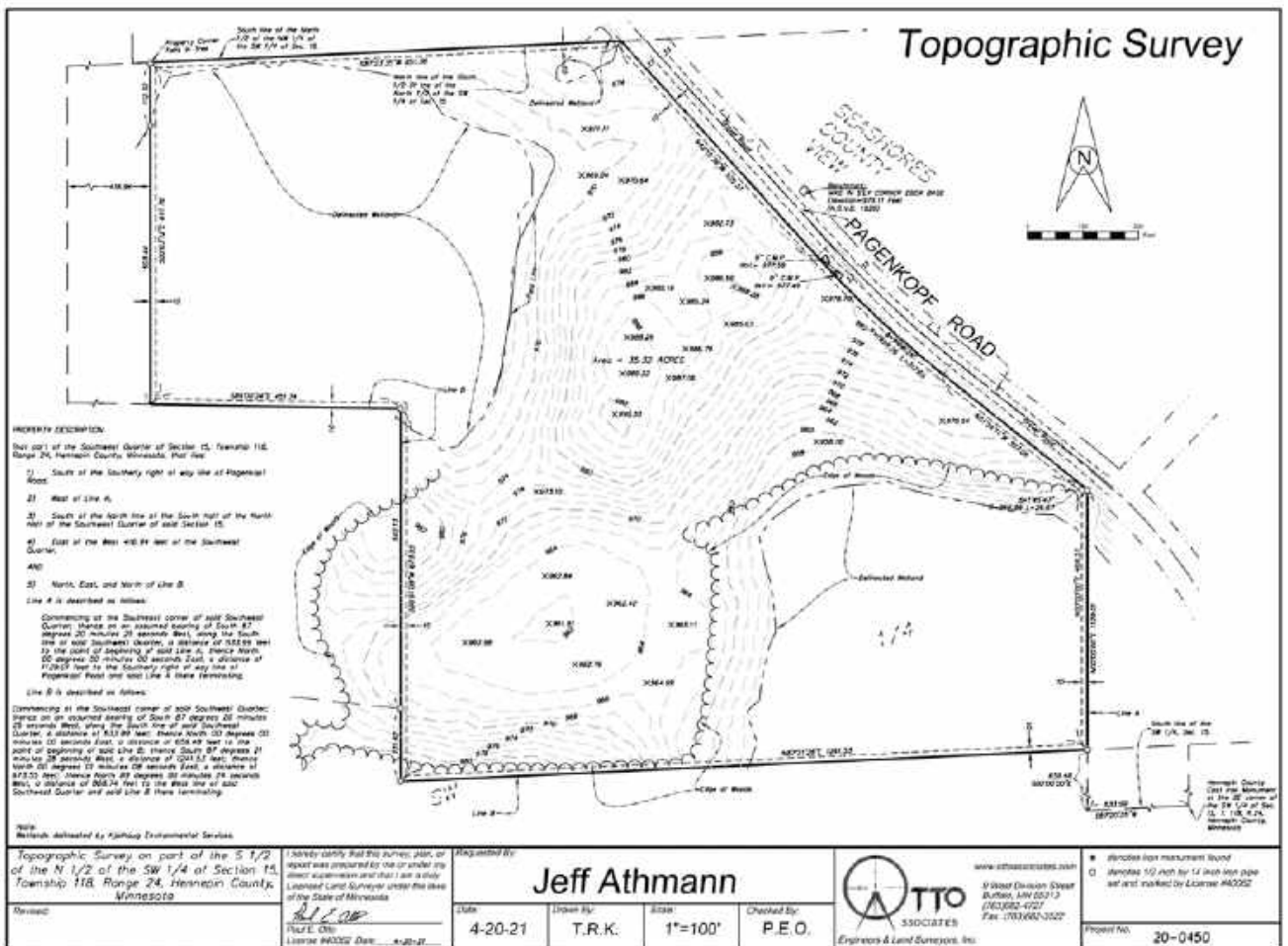


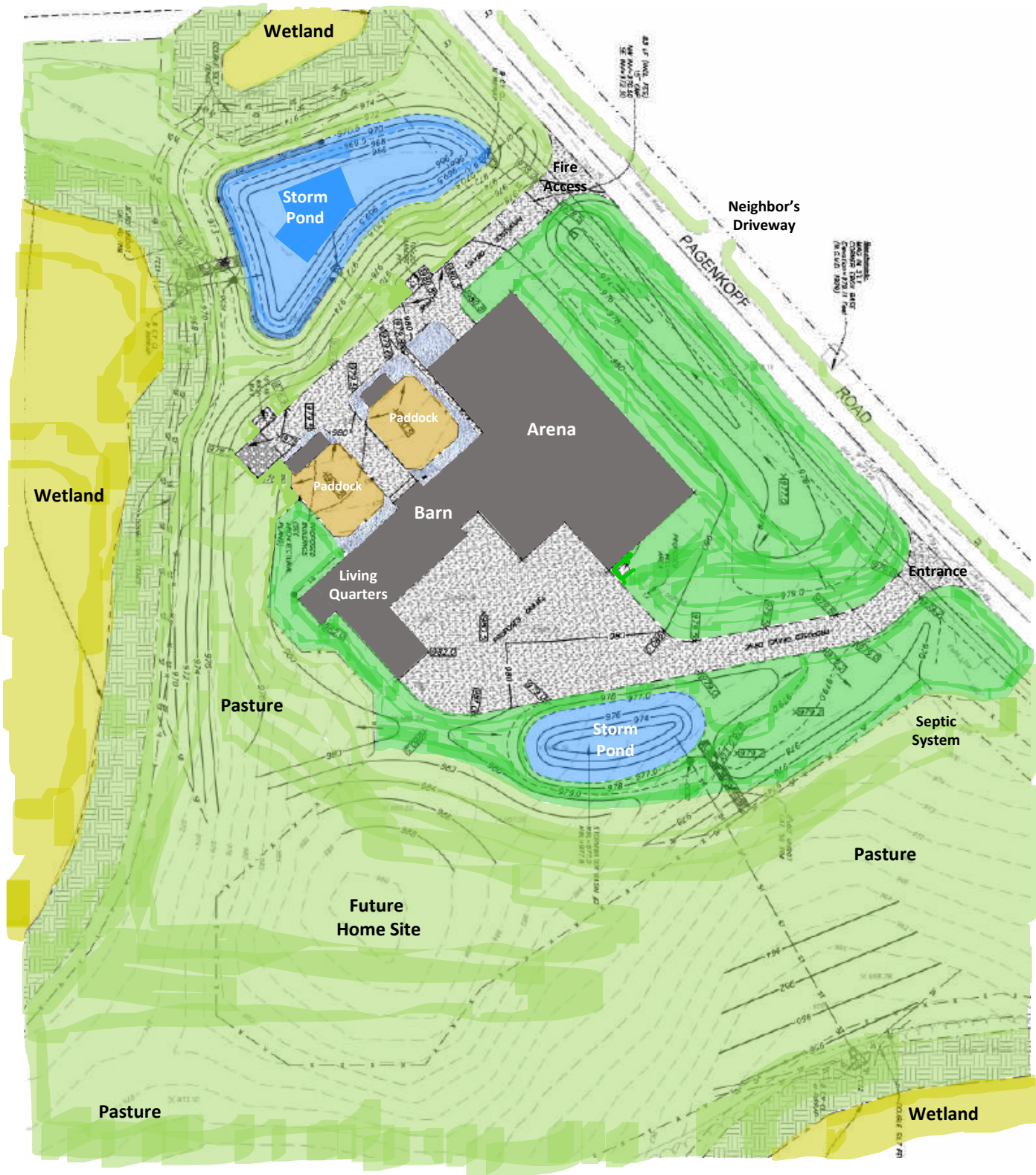
TURNIN3

Athmann

Conditional Use Responses

5/12/2023





TURNIN3

**Athmann
Project Site Plan**

5/12/2023



LPACK 104W

400W MH equivalent. More light with 75% less energy. The LED Wall Pack you've been waiting for.

[Ordering Matrix](#) [View Price & Availability](#) [Product CSV](#) [Instructions](#)

104W

Standard Cutoff Full Cutoff

5000K Cool	4000K Neutral	3000K Warm
14,159 Lumens	14,515 Lumens	13,728 Lumens
108 sq ft	111 sq ft	108 sq ft
132 sq ft	131 sq ft	127 sq ft
71 ft	74 ft	71 ft

RAB

Replaces Up To **400W** MH

Finishes

Brushed White



Arena Addition

Architectural floor plan of the Arena Addition, showing a detailed layout of a stable and living quarters. The plan includes a large central area with multiple stalls (e.g., STALL 12X12, STALL 12X10), a tack room, and a horse laundry. To the right, there is a living area with a kitchen, dining room, living room, and bedrooms. The plan also shows various utility areas, including a laundry room, a screen room, and a storage area. Dimensions and door types are indicated throughout the drawing.



5/12/2023



Materials

- *Metal Roofing & Siding*
- *Porch Siding / Vertical T&G Wood*

Colors

- *Roof / Black*
- *Siding / White*
- *Windows & Front Door / Black*
- *Service Doors & Garage Doors / White*
- *Front Porch Wood / Tan*

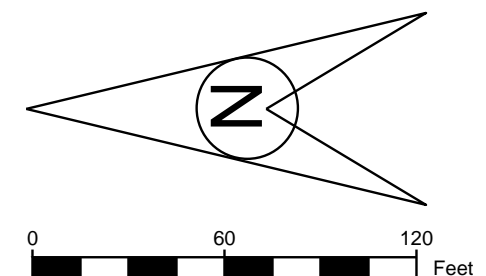
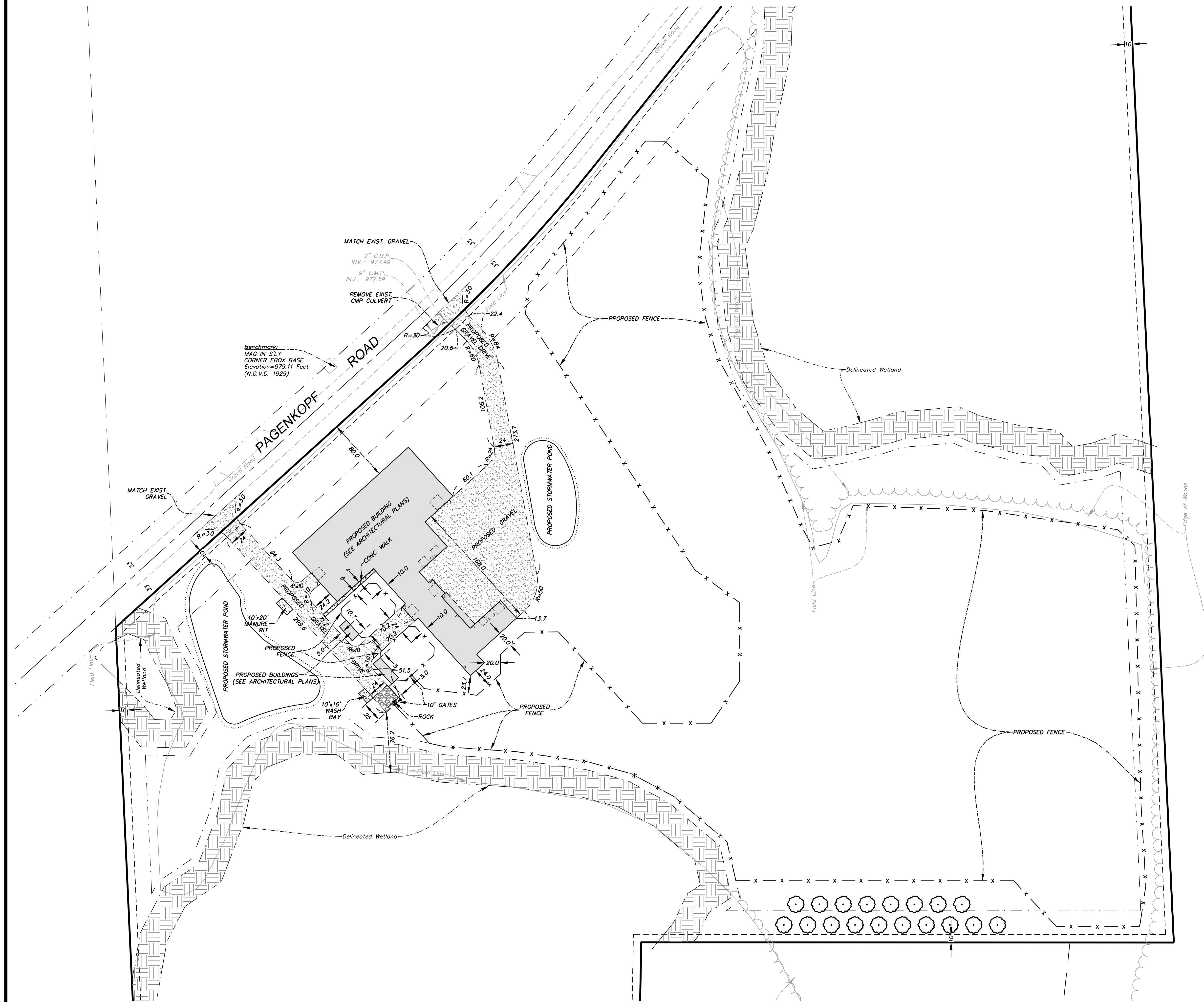


TURNIN3

Athmann

Project Images

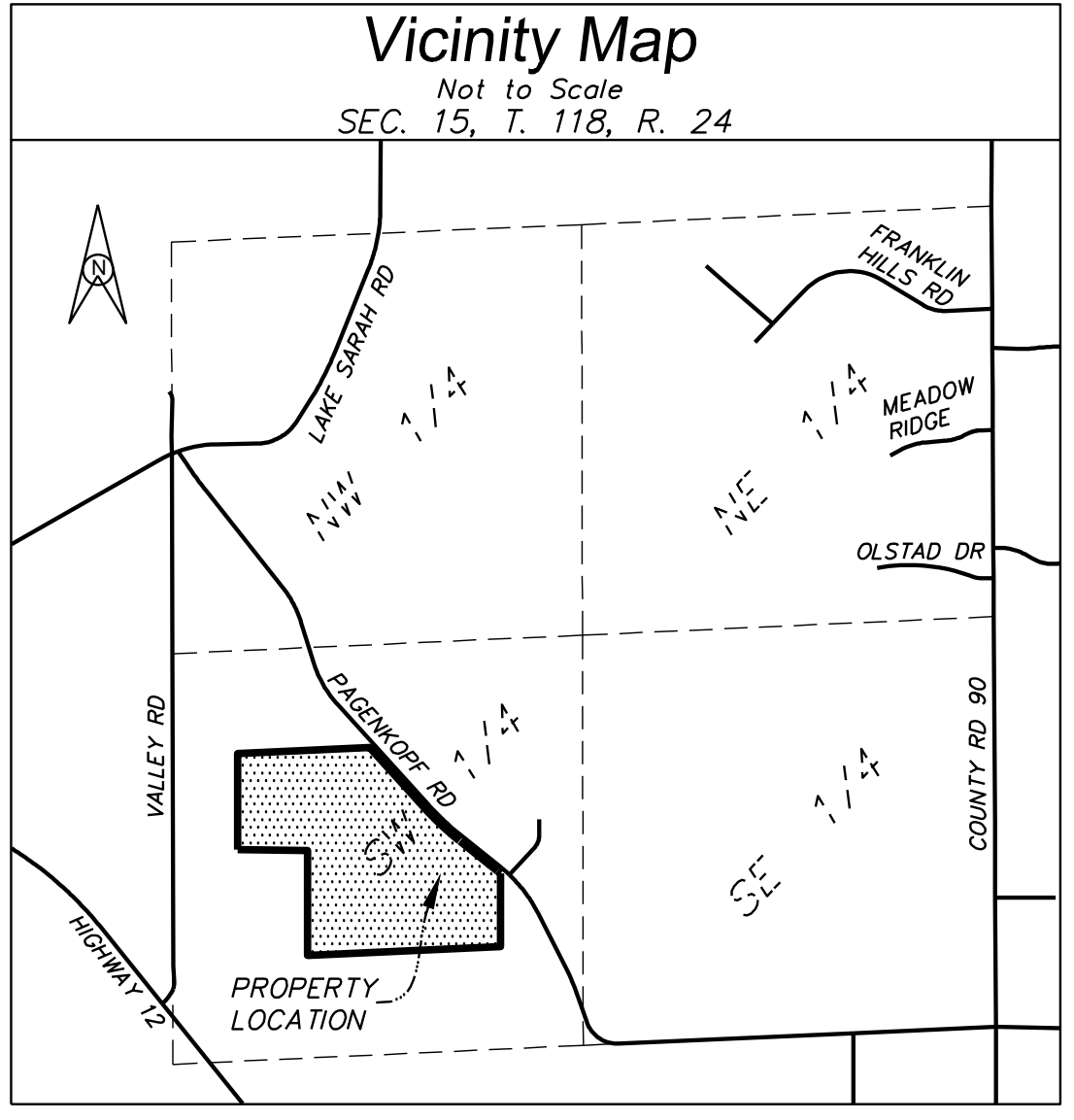
5/12/2023



SCALE: 1"=60'
EXISTING ZONING: AG-PRESERVE

- LEGEND**
- denotes Delineated Wetland
 - - - denotes Drainage and Utility Easement
 - ~~~~~ denotes Edge of Woods
 - denotes Proposed Tree
 - denotes 35' Wetland Buffer
 - · - · - denotes Building Setback Line
Front = 52'
Side = 30'
Rear = 40'
Wetland Buffer = 10'

Note:
Wetlands delineated by Kjolhaug Environmental Services.



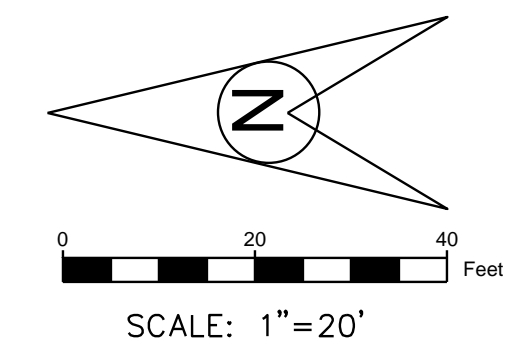
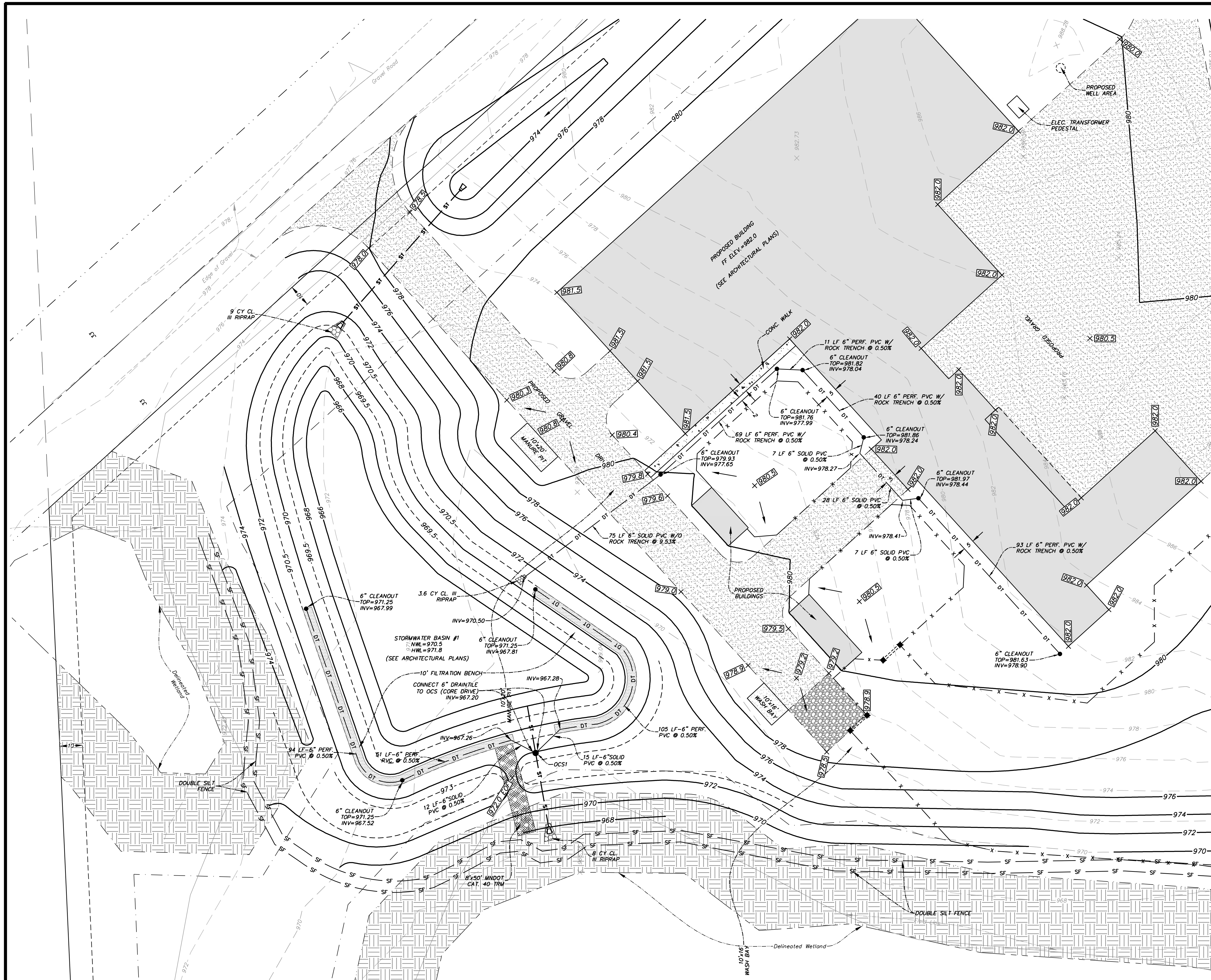
SHEET INDEX

SHEET NO.	DESCRIPTION
1	SITE PLAN
2	GRADING PLAN
3	POND FILTRATION BENCH & DRAINTILE PLAN
4	SWPPP PROJECT INFORMATION
5	STORMWATER POLLUTION PREVENTION PLAN NARRATIVE
6	STORMWATER POLLUTION PREVENTION PLAN
7	RESTORATION PLAN
8	DETAILS
9	DETAILS



Note:
Wetlands delineated by Kjolhaug Environmental Services.

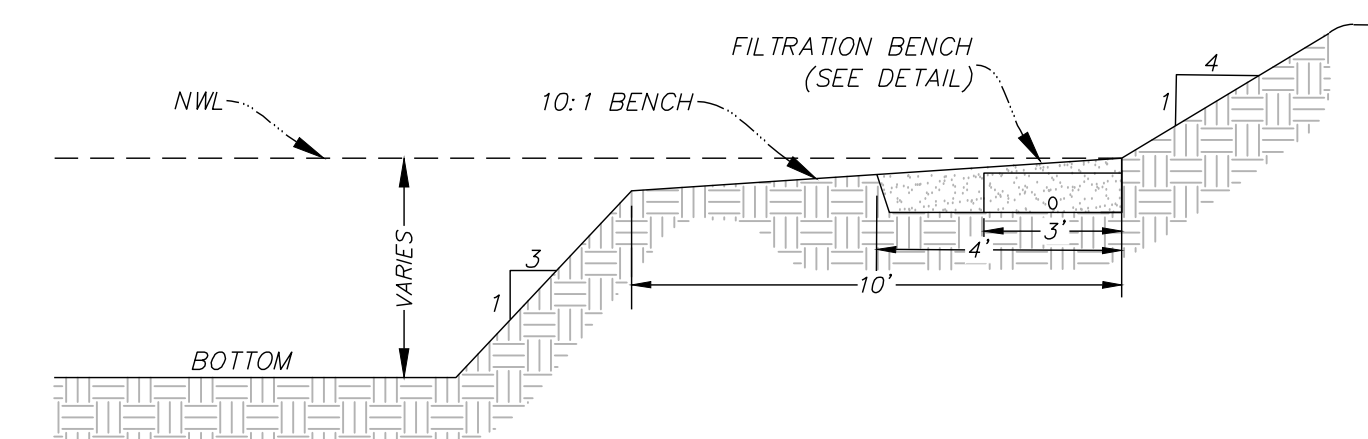




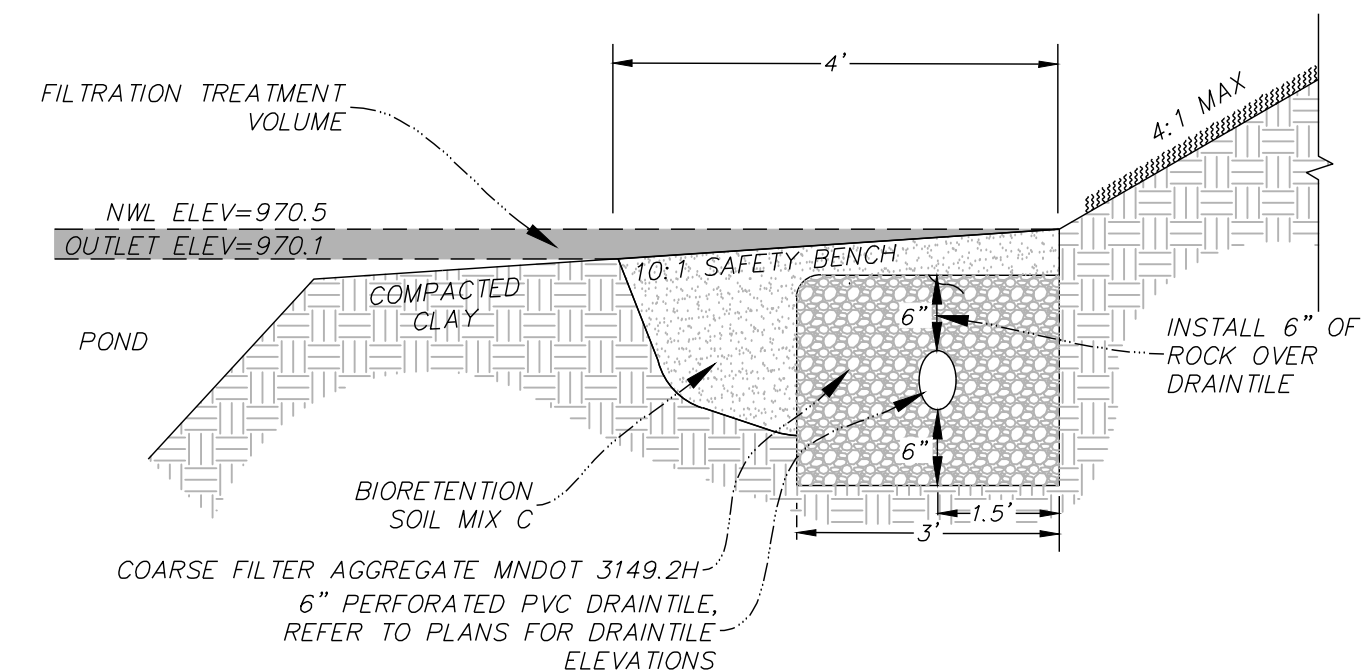
- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 x denotes Existing Spot Elevation
 - 988 — denotes Proposed Contour
 - 988.0 x denotes Proposed Spot Elevation
 - > denotes Proposed Drainage
 - ST — denotes Proposed Storm Sewer
 - DT — denotes Proposed Drainile
 - SF — denotes Pre-construction Silt Fence
 - - - denotes Delineated Wetland
 - - - denotes Drainage and Utility Easement
 - ~~~~~ denotes Edge of Woods
 - [Symbol] denotes 35' Wetland Buffer
 - - - denotes Building Setback Line
Front = 52'
Side = 30'
Rear = 40'
Wetland Buffer = 10'

Note:
Wetlands delineated by Kjolhaug Environmental Services.

**POND #1 SECTION
w/ FILTRATION BENCH**



FILTRATION BENCH



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.	www.ottoassociates.com	6935 PAGENKOPF ROAD	POND FILTRATION BENCH & DRAINTILE PLAN	PROJECT NO:
				P.E.O.	T.J.B.		9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522	JEFF ATHMANN		22-0514
				CHECKED				INDEPENDENCE, MN	SHEET NO. C3 OF C9 SHEETS	DATE:
				P.E.O.		Paul E. Otto License # 40062				5-3-23
						Date: 5-3-23				

PROJECT LOCATION AND NARRATIVE:

CONSTRUCTION ACTIVITIES INCLUDE GRADING, AGGREGATE SURFACING, AND BUILDING CONSTRUCTION. CONSTRUCTION IS PLANNED TO BEGIN SUMMER OF 2023 AND COMPLETED FALL OF 2023.

SITE DRAINAGE: THE SITE DRAINS TO THE WEST AND SOUTHEAST TO WETLANDS.

RESPONSIBLE PARTIES:

	ENTITY	CONTACT PERSON	PHONE	EMAIL
OWNER				
SWPPP DESIGNER	OTTO ASSOCIATES, INC.	PAUL OTTO Design of SWPPP cert. – Expires 2025	763-682-4727	PAUL@OTTOASSOCIATES.COM
CONTRACTOR				
CONSTRUCTION SWPPP MANAGER				
PARTY RESPONSIBLE FOR LONG TERM O&M	PROPERTY OWNER	JEFF ATHMANN	763-315-7900	jeffrey.athmann@eainstitute.com

PROJECT AREAS:

STORMWATER MANAGEMENT:

X	WET SEDIMENTATION BASIN
	INFILTRATION/FILTRATION
	REGIONAL POND
	PERMANENT STORMWATER MANAGEMENT NOT REQUIRED

WATER QUALITY VOLUME = 1.49 AC. X 1" = 5,409 CF
WATER QUALITY PROVIDED IN PONDS = 6.600 CF

A map of the project area. A large red circle indicates a 1-mile radius around the project site. The project site is marked with a black arrow pointing to a grey rectangular area. Surrounding the project site are various features: Robina Lake to the northwest, Pioneer Creek to the south, and Lake Irene to the southeast. Roads shown include Fogelman Rd, Beaver Rd, Old Post Rd, Armstrong, and Babcock Blvd. A north arrow and 'NO SCALE' text are in the top right corner. Red dashed lines and arrows point to 'UNNAMED WETLANDS', 'PIONEER CREEK (IMPAIRED)', and 'LAKE IRENE (IMPAIRED)'.

RECEIVING WATERS:

NAME OF WATER BODY	TYPE (DITCH, POND, WETLAND, LAKE, ETC.)	SPECIAL, PROHIBITED, RESTRICTED WATER ²	IMPAIRED WATER ²
UNNAMED WETLAND	WETLAND	NO	NO
PIONEER CREEK	CREEK	NO	YES

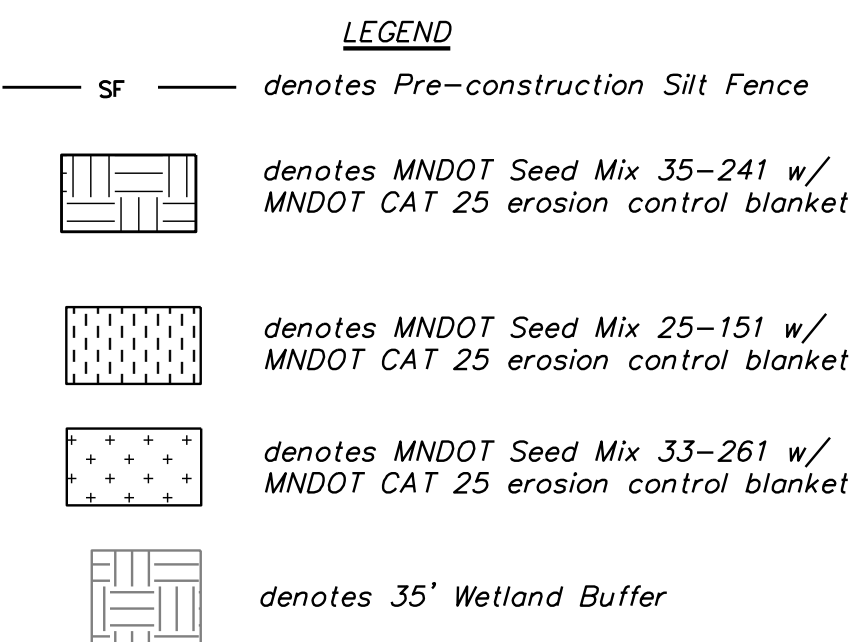
Map unit symbol

Map unit name

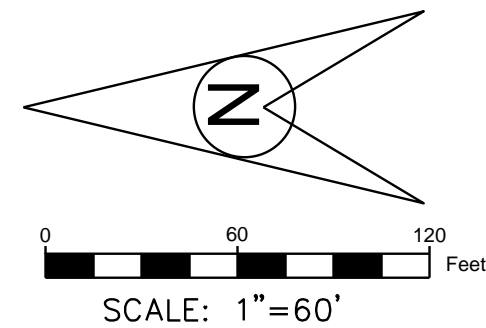
Rating

L22C2	Lester loam, 6 to 10 percent slopes, moderately eroded	C
L22D2	Lester loam, 10 to 16 percent slopes, moderately eroded	C
L22E	Lester loam, 10 to 22 percent slopes	C
L24A	Glencoe clay loam, 0 to 1 percent slopes	C/D
L25A	Le Sueur loam, 1 to 3 percent slopes	C/D
L36A	Hamel, overwash-Hamel complex, 0 to 3 percent slopes	C/D
L40B	Angus-Kilkenny complex, 2 to 6 percent slopes	C/D
L41C2	Lester-Kilkenny complex, 6 to 10 percent slopes, moderately eroded	C
L41D2	Lester-Kilkenny complex, 10 to 16 percent slopes, moderately eroded	C
L41E	Lester-Kilkenny complex, 16 to 22 percent slopes	C
L50A	Muskego and Houghton soils, 0 to 1 percent slopes	C/D

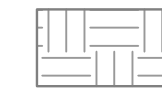



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  Paul E. Otto License # 40062 Date: 5-3-23	 www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522 Engineers & Land Surveyors, Inc.	6935 PAGENKOPF ROAD JEFF ATHMANN INDEPENDENCE, MN	SWPPP PROJECT INFORMATION	PROJECT NO: 22-0514		
				CHECKED								
				P.E.O.								
SHEET NO. C4 OF C9 SHEETS										DATE: 5-3-23		



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				CHECKED					
				P.E.O.					
								SHEET NO. C6 OF C9 SHEETS	DATE: 5-3-23




LEGEND

-  DENOTES UNDISTURBED WETLAND BUFFER
-  DENOTES WETLAND BUFFER RESTORATION: DECOMPACT TO A DEPTH OF 18" WITH INCORPORATION OF ORGANIC MATTER PRIOR TO SEEDING WITH MNDOT 35-241 MIX AND TYPE 1 MULCH
-  DENOTES RESTORATION WITH MNDOT SEED MIX 33-261
-  DENOTES RESTORATION WITH MNDOT SEED MIX 25-151 AND TYPE 1 MULCH

--- DENOTES DELINEATED WETLAND

- NOTES:
- 1) 6 INCHES OF TOPSOIL AT A MINIMUM MUST BE APPLIED TO ALL DISTURBED AREAS PRIOR TO SEEDING.
 - 2) WETLANDS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES.

REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.	DRAWN T.J.B.
CHECKED P.E.O.	
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Paul E. Otto License # 40062 Date: 5-3-23	

 **OTTO ASSOCIATES**
Engineers & Land Surveyors, Inc.

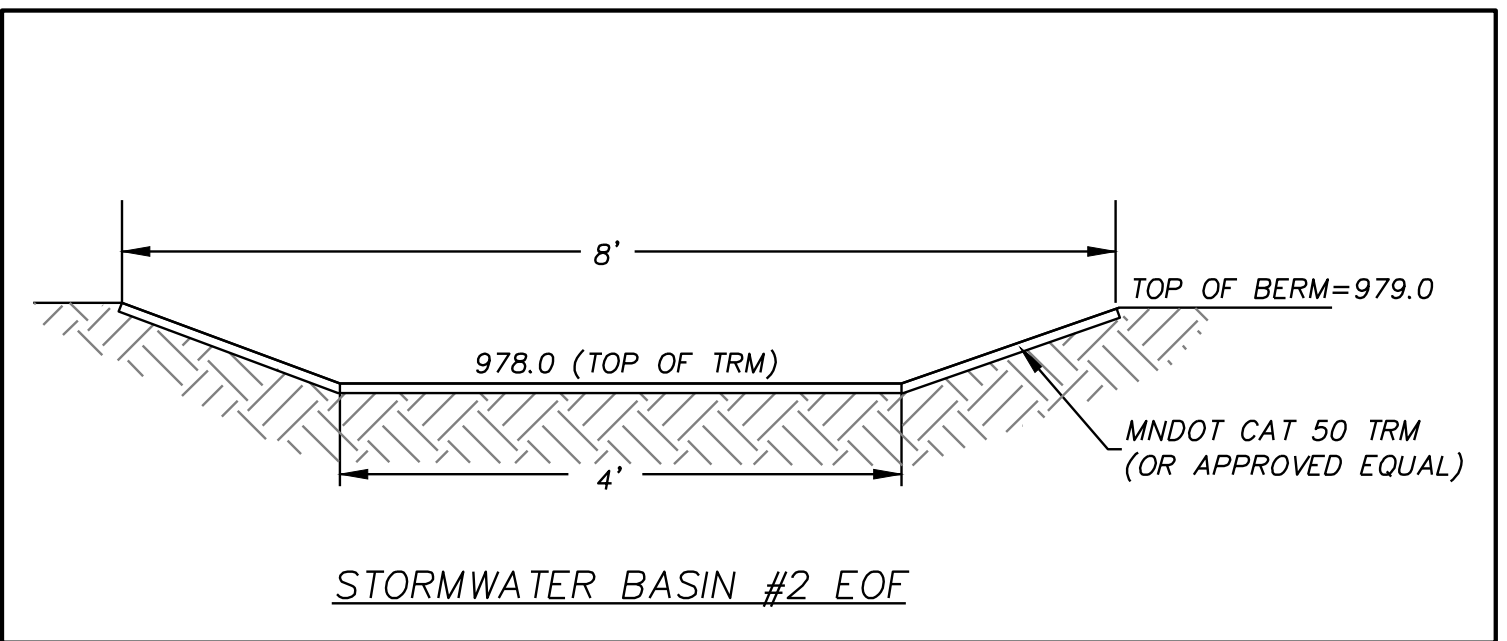
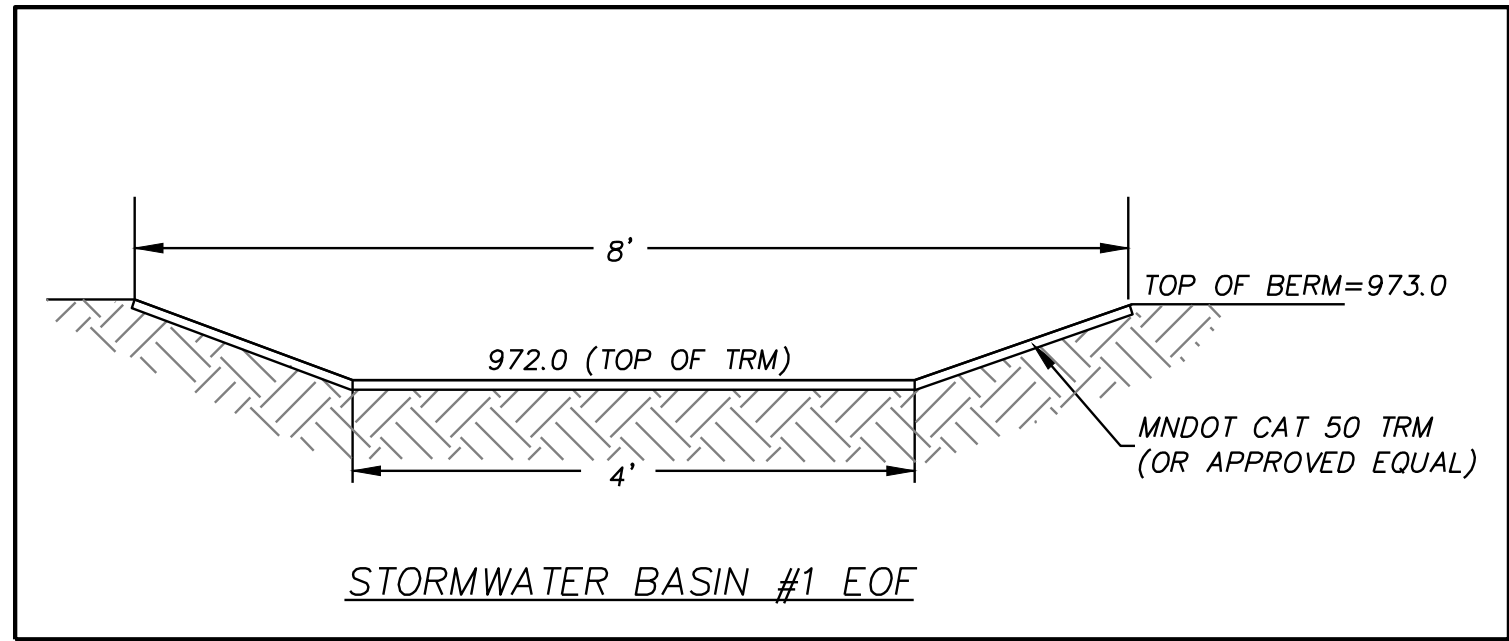
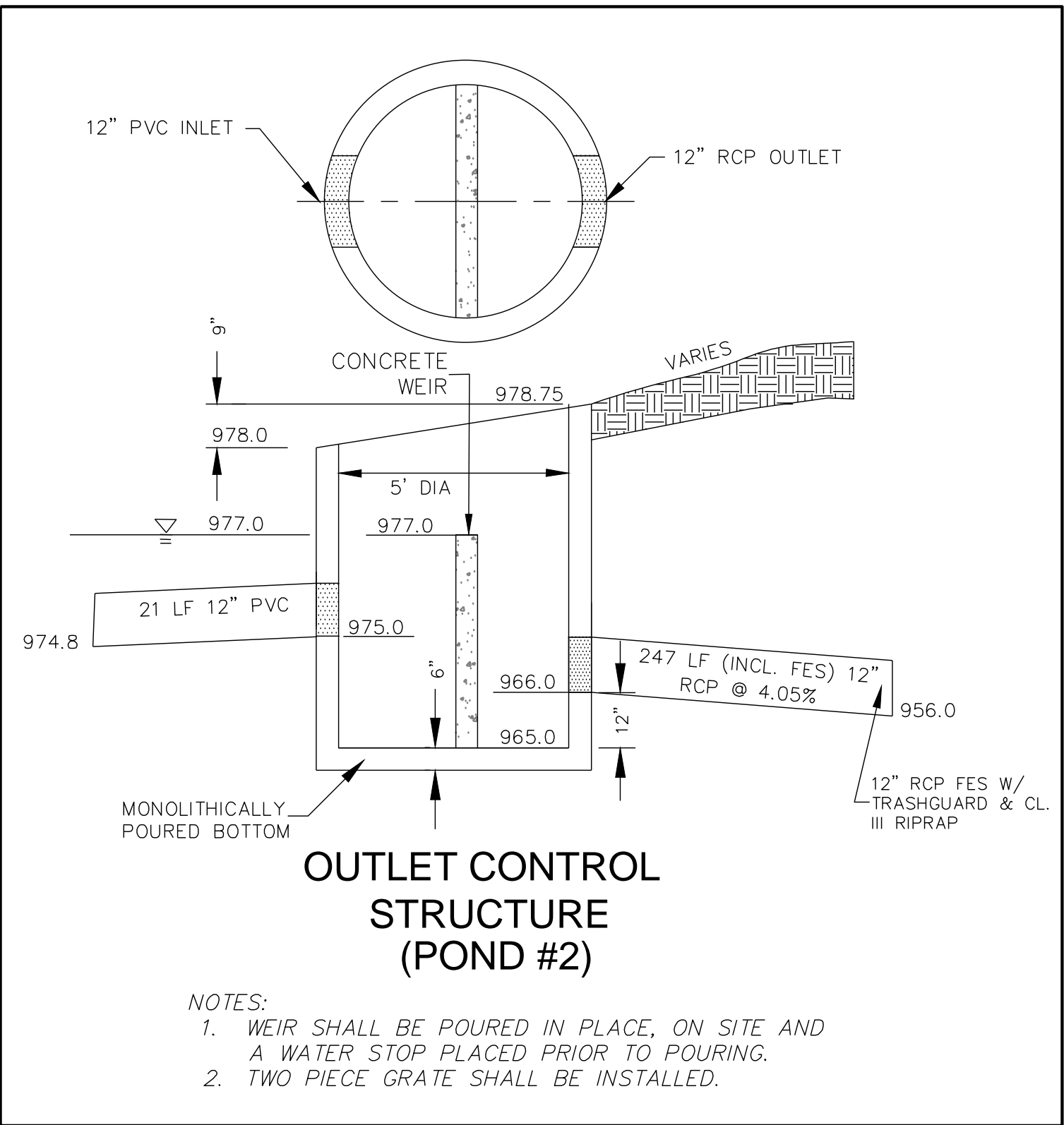
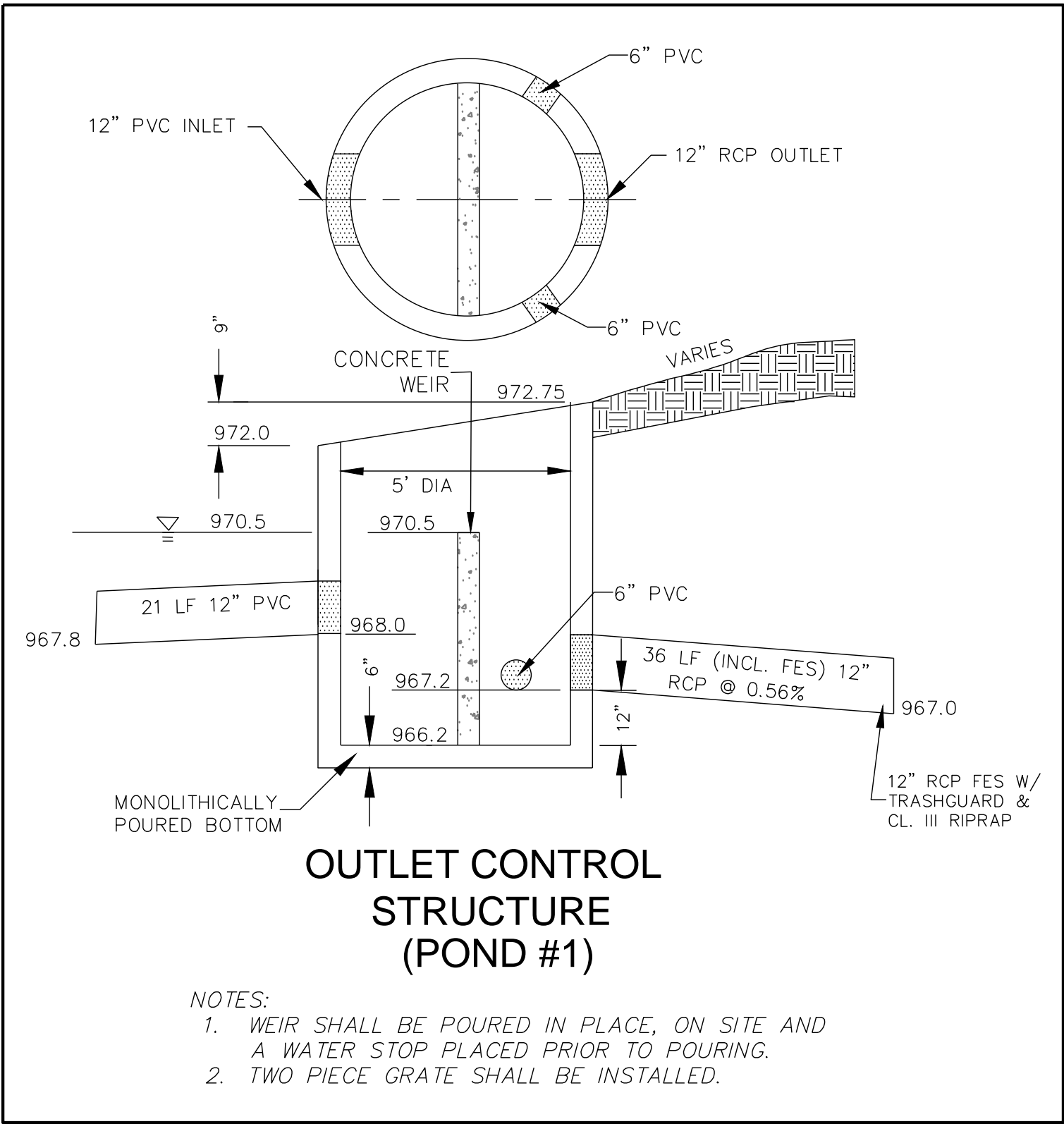
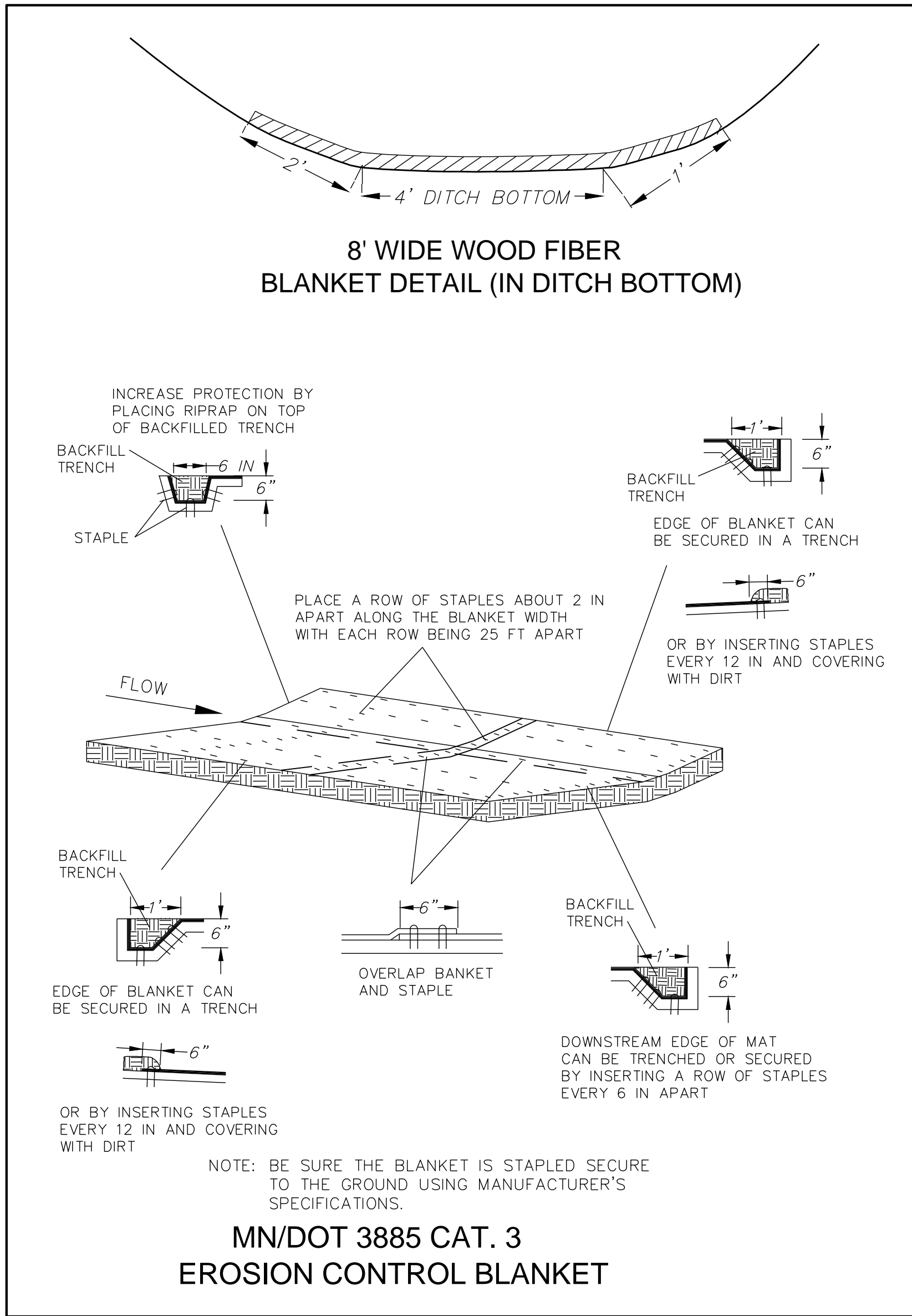
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Buffalo, MN 55313
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JEFF ATHMANN
INDEPENDENCE, MN

RESTORATION PLAN
SHEET NO. C7 OF C9 SHEETS

PROJECT NO:
22-0514
DATE:
5-3-23

PROJECT NO:	22-0514
DATE:	5-3-23



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P.E.O.		



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INDEPENDENCE, MN

DETAILS
SHEET NO. C9 OF C9 SHEETS

PROJECT NO:	22-0514
DATE:	5-3-23