



PLANNING COMMISSION MEETING AGENDA
TUESDAY JULY 16, 2024

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. May 21, 2024, Planning Commission Meeting Minutes.
 - b. June 18, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING (Continued)** – Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.
 - a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.
5. **PUBLIC HEARING** - Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:
 - a. A conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.
6. **PUBLIC HEARING** - Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.
 - a. A conditional use permit to allow an accessory structure greater than 5,000 SF.
7. **PUBLIC HEARING** – Robert Berens (Applicant) and Andrea Berens (Owner) are requesting the following action for the property located at 5845 Lake Sarah Heights Drive (PID No. 02-118-24-12-0012) in the City of Independence, MN.
 - a. A variance permitting a 10’ reduction of the front yard setback (from 85’ to 75’) to allow the construction of a car port in front of the existing house.

8. Open/Misc.

9. Adjourn.



MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY MAY 21, 2024

7:30 PM REGULAR MEETING

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 Thompson at 7:30 PM.

2. **Roll Call**

Present: Gardner, Thompson, Tearse, Dumas, Story, Usset

Staff: Kaltsas, Simon

Absent: Volkenant,

Visitors: See Sign in sheet

3. **Approval of Minutes:**

a. April 16, 2024, Planning Commission Meeting Minutes.

b. May 7, 2024, City Council Meeting Minutes (For Information Only).

Motion by Thompson, seconded by Tearse to accept the minutes as written.

Ayes: Gardner, Thompson, Tearse, Dumas, Story and Usset.

Nays: None.

Absent: Volkenant,

Abstain: None.

Motion Approved. 5-0

4. **PUBLIC HEARING (Continued):** Mosiah Willis (Applicant) and Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:

a. A variance to allow the existing detached accessory structure to be used as an accessory dwelling unit which will exceeds the maximum size of an accessory dwelling unit permitted; and

b. A conditional use permit to allow an accessory dwelling unit to be located in the existing detached accessory structure.

Property/Site Information:

The property is located on the west side of Independence Road and north of Pagenkopf Road. The property is mostly wooded with some wetlands to the east and west. The property has an existing home and two detached accessory buildings.

Property Information: **2485 Independence Road**

Zoning: *Agriculture*

Comprehensive Plan: *RR-Rural Residential*

Acreage: *15 acres*

Discussion:

The applicant is seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the most westerly existing detached accessory structure on the property. The upper floor (the structure has a finished upper level and garage and storage on the lower level) of the existing detached accessory structure had previously been converted into finished space without obtaining the requisite permits for its conversion. The applicant approached the city about the possibility of using the upper floor of the structure for the purpose of housing an adult family member on the subject property. The city discussed the conversion of the existing space and reviewed the requirements relating to ADU's with the applicant. It was noted that the existing square footage of the upper floor exceeds the allowable square footage for an accessory dwelling unit based on the square footage of the existing principal structure on the property.

The applicant proposed to only finish a portion of the upper floor of the existing structure and leave a portion as unfinished space (finish 877 SF of the total 1,232 SF). The remaining space was proposed to be used for "storage". The city reviewed the application at the April 16, 2024, Planning Commission Meeting and discussed the requested ADU. Commissioners noted that the unfinished space would be difficult for the city to administer and created a generally unusable area within the structure. Commissioners recommended that in this instance, a variance to allow an ADU that exceeded the allowable SF may be a more reasonable solution.

Accessory dwelling units are a conditional use within the AG-Agriculture zoning district. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit and also the criteria for granting a variance. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

(a) Physically attached to or within a single-family dwelling unit or within a detached accessory building that has a principal structure on the parcel; and

The applicant is proposing to use the accessory dwelling unit located within the

existing detached accessory structure.

(b) Subordinate in size to the single-family dwelling unit; and

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The existing structure is a two-story structure with a storage space on the first (lower) level.

(c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and

The proposed accessory dwelling unit would be separated from the single-family home.

(d) Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and The proposed accessory structure is existing and appears to be generally similar to the principal home on the property.

(e) The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet.

The principal structure has ~2,658 square feet of above ground space not including the basement (1,727 SF main floor, 958 SF upper floor). 33% of 2,658 square feet equals 877 square feet. The existing detached accessory structure is 44 x 28 feet (outside dimensions) or 1,232 SF. The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor and would be 1,232 SF. Staff has reviewed the plans and notes that the proposed SF exceeds the permitted 877 SF; however, the applicant is seeking a variance to allow the additional square footage.

(f) Not in excess of the maximum square footage for accessory structures as permitted in this code; and

There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 1,232 SF (28 x 44) and therefore would comply with applicable standards.

(g) Has permanent provisions for cooking, living and sanitation; and

The existing structure has permanent provisions for cooking; living and sanitation (see attached depiction).

(h) Has no more than 2 bedrooms; and

The existing structure has one bedroom within the accessory dwelling unit.

(i) Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

(j) Uses the existing on-site septic system or an approved holding tank; and

The applicant would need to confirm septic compliance for the existing structure.

(k) Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and

The detached accessory building is a conforming structure that is currently in existence.

(l) In compliance with the adopted building code relating to all aspects of the dwelling unit.

The proposed accessory structure will meet all applicable building codes and may be required to obtain requisite after-the-fact permits.

a) On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.

b) The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.

The location of the existing accessory building and its proximity to the surrounding properties helps to mitigate potential impacts of allowing a portion of the structure to be used as an accessory dwelling unit. The surrounding properties have limited visibility and or site lines to the existing property due to the large wetland surrounding the property and Lake Independence to the east. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

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.

2485 Independence Road CUP/Variance Request Page 6

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 applicant is seeking a variance in addition to the CUP. 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 allowable uses within the AG-Agriculture Zoning District.*
- b. The applicant is applying for a CUP to allow and accessory dwelling unit within the existing detached accessory building. The proposed ADU would meet all other applicable requirements of the CUP criteria. The existing building was legally constructed on the property and could be used for living space without a kitchen and bedrooms.*
- c. The character of the surrounding area is residential. The detached accessory building is existing and generally consistent with other properties in the area that also have detached accessory structures. There are no proposed changes to the exterior dimensions or character of the existing building.*

Consideration for the proposed conditional use permit and associated variance should weigh the impact of having an accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate most potential impacts resulting from the use of the existing detached structure as an accessory dwelling unit. The city will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit and variance.

The Planning Commission should consider the following issues as noted:

- The applicant is proposing to locate an ADU within the existing detached accessory structure. The size of the detached accessory structure is larger than the allowable square footage for an ADU on this property. The applicant could meet the allowable ADU square footage by limiting the “finished space” within the ADU. The remaining space does not have a secondary access and could easily be converted into additional ADU space and or blurs the line between the proposed storage and finished ADU.
- Should the Planning Commission consider an approval recommendation, the following conditions should be included:

The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City, and all new improvements.

The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City has not received any comments.

Recommendation:

The Planning Commission is being asked to provide direction to the City Council relating to the requested CUP and Variance. Should the Planning Commission recommend approval of the requested actions, the following findings and conditions should be included:

- a) The proposed Conditional Use Permit and variance meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, and Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
- b) 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 an ADU to be located within the existing detached accessory structure on the property.
 - b) The location of the existing detached accessory structure aids in mitigating many of the potential impacts resulting from the use of the existing detached accessory structure as an ADU.
 - c) The character of the surrounding area is rural residential/agriculture. The proposed use of the existing accessory structure as an ADU would be in keeping and consistent with the surrounding uses found in this portion of the city.
3. The variance will permit the proposed ADU to be constructed in accordance with the approved plans attached hereto as Exhibit A. The maximum square footage of the ADU shall be 1,232 SF which represents a 355 SF variance. Any modification, alterations or expansion of the existing structure and corresponding ADU will require additional review and approval in the form of a conditional use permit amendment.
- a) The conditional use permit is to allow an accessory dwelling unit to be located within the existing permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
 - b) The conditional use permit will be issued subject to the following items being completed:
 - o The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
 - c) Applicant shall pay for all costs associated with the City's review of the requested conditional use permit and variance.

PUBLIC HEARING OPEN

PUBLIC HEARING CLOSED

Kaltsas – now a variance. Came before the city at the last meeting. With discussion that occurred, rather than a CUP to keep as a storage space, a variance would be better. Application is now CUP to allow ADU to be constructed within existing detached structure and allowing ADU of the top floor. Total structure of 1,232sqft. We noted last month that based on size of principle structure, up to 877sqft. In order to build out entirety they would need a variance in total square footage. Applicant met all other criteria for CUP and ADU with exception of that finished square footage. There is already an existing detached building, applicant proposed subtracting and closing off area in pink. We have consideration for granting CUP and variance. Accessory structure was there prior to current owners. The hardship would be to close off or cut off a couple hundred square feet and saying it's not associated with the ADU it would be storage or

something like that. Character of building and how it is set up still fits into the area. No exterior or dimensional changes. They would take it down to the studs and redo it with permits since no permits were pulled prior. The extent of the variance 355 square feet to allow the ADU to be a total of 1232 square feet.

Story – any changes?

Kaltsas – no. exactly what we discussed.

Motion by Thompson, seconded by Tearse to recommending approval of the variance of and CUP to allow for the construction of the ADU to be 1232 square feet in overall size

Ayes: Gardner, Thompson, Tearse, Dumas, Story and Usset.

Nays: None.

Absent: Volkenant,

Abstain: None.

Motion Approved. 5-0

5. **PUBLIC HEARING** - Nathan Mendiola (Applicant) and Pam and Andy Krominga (Owners) are requesting the following action for the property located at 3585 William Way (PID No. 11-118-24-42-0004) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory dwelling unit to be located within the proposed new home.

Property/Site Information:

The property is located within the new Koch Farm Sanctuary Development on the west side of Independence Road and north of Pagenkopf Road.

Property Information: 3585 William Way

Zoning: RR-Rural Residential

Comprehensive Plan: RR-Rural Residential

Acreage: 2.17 acres

Discussion:

The applicant is proposing to construct a new home within the Koch Farm Sanctuary Development. As a part of the new home construction, the applicant is seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the proposed principal structure. The proposed ADU would be for a family member of the owners. The city discussed the request and noted that the attached ADU is possible but would require a conditional use permit. The applicant is proposing to construct a 726 SF ADU on the first floor of the proposed home. The ADU would be located behind the garage and would connect internally to the principal home via an internal doorway.

Accessory dwelling units are a conditional use within the RR-Rural Residential zoning district. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating

to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

- (a) Physically attached to or within a single-family dwelling unit or within a detached accessory building that has a principal structure on the parcel; and

The proposed ADU is attached to/within the principal structure.

- (b) Subordinate in size to the single-family dwelling unit; and

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The new home is a two-story structure and the proposed ADU meets applicable size requirements.

- (c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and

The proposed accessory dwelling unit would be separated from the single-family home by a wall and doors.

- (d) Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and

The proposed ADU is attached to/within the principal structure and fully compatible.

- (e) The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and

The principal structure has t of above ground space not including the basement and proposed ADU. 33% of 4,455 square feet equals 1,470 square feet. The applicant is proposing that the accessory dwelling unit would be 726 SF which is less than the maximum permitted and therefore meets applicable requirements.

- (f) Not in excess of the maximum square footage for accessory structures as permitted in this code; and

The proposed ADU is attached to/within the principal structure.

- (g) Has permanent provisions for cooking, living and sanitation; and

The proposed ADU has permanent provisions for cooking; living and sanitation (see attached depiction).

(h) Has no more than 2 bedrooms; and

The proposed ADU has one bedroom within the accessory dwelling unit.

(i) Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

(j) Uses the existing on-site septic system or an approved holding tank; and

The applicant has confirmed septic compliance for the proposed home and ADU.

(k) Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and

The proposed ADU is attached to/within the principal structure.

(l) In compliance with the adopted building code relating to all aspects of the dwelling unit.

The proposed accessory structure will meet all applicable building codes.

- a) *On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.*
- b) *The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.*

The applicant is proposing to integrate the ADU into the proposed new home so that it is wholly contained within the structure within no external distinction or identifiable components. The resulting architecture, appearance from surrounding properties and general use would be consistent with a residential property.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

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.

Consideration for the proposed conditional use permit and associated variance should weigh the impact of having an accessory dwelling unit located within the proposed principal home. The location of the proposed accessory dwelling unit within the structure and its full integration with architecture, interior and exterior layout appear to mitigate potential impacts resulting from the proposed ADU. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:
 - The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements.
 - The proposed ADU cannot be expanded or enlarged without the review and approval of the City. Any expansion of the ADU will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City has not received any comments.

Recommendation:

The Planning Commission is being asked to provide direction to the City Council relating to the requested CUP. Should the Planning Commission recommend approval of the requested action, the following findings and conditions should be included:

1. The proposed Conditional Use Permit 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:
 - The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements.
 - The proposed ADU cannot be expanded or enlarged without the review and approval of the City. Any expansion of the ADU will require an amendment to the conditional use permit following all applicable procedures.
3. Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Kaltsas – request for CUP for ADU. New property in the Kochs farm sanctuary development, Rural Residential, guided Rural Residential. Over 2 acres in area. Recently approved area. Within new home they would like a ADU for a family member to live in the home. Has to be attached for under 2.5 acres. We issued a building permit. The CUP takes that ADU being a separate living unit. 726 square feet behind garage connected internally. Sits behind garage and is unnoticeable given the layout. Needs to be physically attached or within. Subordinate in size. 4, 455sqft. Separated from primary. Fully integrated. 1 bedroom with a kitchen and bath. Limited to owner occupants. Uses onsite septic tank or approved holding tank. Building permit has been reviewed and approved for meeting building codes. Applicant has the benefit of building this in from the start instead of adding later on. Subject to obtaining building permit for the ADU specifically and cannot be changed with dimensions without an amendment to ADU.

PUBLIC HEARING OPEN

PUBLIC HEARING CLOSED

Thompson – do development agreements or neighborhood covenants have anything to say about ADUs.

Kaltsas – no for dev. Agreements unless we specified. We do have provisions like Bridgevine but not necessary for ADU internally. If development had covenants, they would have to enforce it. We wouldn't look at those from our perspectives.

Motion by Thompson, seconded by Dumas to recommending approval of the CUP for ADU incorporated into the structure subject to staff recommendations 1-3.

Ayes: Gardner, Thompson, Tarse, Dumas, Story and Usset.

Nays: None.

Absent: Volkenant,

Abstain: None.

Motion Approved. 5-0

6. **PUBLIC HEARING** - Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.
 - a. A conditional use permit to allow a dog kennel on the subject property.

Property/Site Information:

The property is located south of Highway 12 and on the west side of County Road 92 near Cardinal Way. The property has pasture, woodlands and a substantial wetland along the east property line. The property has the following characteristics:

Property Information: 2510 County Road 92

Zoning: *Agriculture* Comprehensive

Plan: *Agriculture* Acreage:

Discussion:

The applicant is seeking a Conditional Use Permit to allow a dog kennel on the subject property. A kennel is defined as follows:

"Kennel." Any structure or premises on which four or more dogs over six months of age are kept.

The applicants recently purchased and moved into the subject home. The applicant would like to board up to 10 dogs within the existing principal home located on the property. The applicant would keep the dogs inside of the home and allow them to go outside within the existing fenced area located to the east of the house. The dogs would primarily stay within the walk out basement inside the home.

The applicant has stated that customers would drop off or pick up dogs during regular "business hours" 8:00 AM – 6:00 PM. Typical clients would be dropping off dogs for an extended period and the applicant is not intending this to be a "day care" type facility. The applicant would be the primary care provider for the dogs and there would be no other employees of the kennel.

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 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
 9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The city has issued conditional use permits for similar kennels. Kennels often have issues relating to noise due to dogs barking. The owner has run a kennel in another city previously and acknowledged noise as an issue that she would actively manage. The owner has proposed to add wooden panels to the fencing located along the front (west facing) façade of the house to block visibility to anyone coming to the house or driving by as a way to mitigate barking.

As the proposed Conditional Use Permit relates to the criteria for granting a CUP, the following items should be noted:

- The number of dogs permitted on the property shall be limited to 10.
- Sanitary waste created by the operation of the proposed facility shall not create any offensive odors and be handled in a manner that complies with all applicable city, state and federal regulations.
- The applicant is not proposing to use any portion of the existing detached accessory building for the kennel. The use of the detached accessory structure for any part of the kennel operations should be prohibited.
- The dogs will be permitted within the principal structure and fenced area noted on the attached exhibit. Dogs to be kenneled will not be permitted outside of the designated areas.
- The additional uses proposed should not create an increase (beyond that of the existing horse farm) in noise or offensive odors, fumes dust, or vibrations for the surrounding properties.
- Given the limitation on the number of dogs to be kenneled, traffic associated with the operation and use should be minimal.
- Hours of operation, specifically, the hours the dogs can be outside would not be initially restricted.

The Planning Commission will need to review the request and determine that all criteria for granting a conditional use permit have been satisfied by the applicant. Based on the discussion and public hearing it may be necessary to consider additional conditions if recommended for approval.

Neighbor Comments:

The City has not received any written comments regarding the proposed conditional use permit. The applicants have discussed the proposed CUP with some of the surrounding property owners.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for a Conditional Use Permit. Should Planning Commission recommend approval of the request, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The number of dogs permitted on the property at any time shall be limited to 10.
3. Sanitary waste created by the operation of the proposed facility shall not create any offensive odors and be handled in a manner that complies with all applicable city, state and federal regulations.
4. The applicant is not proposing to use any portion of the existing detached accessory building for the use of the detached accessory structure for any part of the kennel operations should be prohibited.
5. The dogs will be permitted within the principal structure and fenced area only as noted on the attached exhibit. Dogs to be kenneled will not be permitted outside of the designated areas.
6. The proposed kennel should not create an increase (beyond that of the existing horse farm) in noise or offensive odors, fumes dust, or vibrations for the surrounding properties.
7. Given the limitation on the number of dogs to be kenneled, traffic associated with the operation and use should be minimal.
8. Hours of operation, specifically, the hours that the dogs can be outside would not be initially restricted. Should the city determine that the hours need to be restricted, the applicant will agree to comply with restricted hours as determined by the city.
9. There shall be no employees other than property owner and family staffing this kennel at any time on the property.

10. The proposed kennel is permitted as shown on the approved site plan. Any expansions, additions or other changes to the proposed site plan will require an amendment to the Conditional Use Permit

Kaltsas – CUP to allow a kennel at 2510 County Road 92. South of Hwy 12 near cardinal way. Currently AG, guided AG, 23 acres in overall area. Seeking dog kennel 4+ dogs. Recently purchased and moved into their home. Board up to 10 dogs including their own. Do that within the home, not outside. Go outside in the fenced area for bathroom's. Customers would drop off during regular business hours. Typical clients are extended stays, not a daycare. No employees of the kennel. City has permitted CUP for kennels. Noise and barking was an issue in the past. Owner noted they had run a kennel in another city and will limit noise. Will put up panels on the fence to the North of the house so dogs cannot see out and less building. Dogs will be in the pasture area or inside the house only. Number of dogs limited to 10, odors limited, no portion of detached accessory. Limited to just SFD. Designated area only for the dogs. They are talking about 10 dogs but they already own a few dogs already. Longer term stays, less traffic because of extended stay. Hours of operation would not be restricted. We could do annual reviews to see how it is going and review the CUP and conditions associated with it. I did have a conversation with the neighbor, wondered if the city could consider an interim use to not extend to future potential owners.

Dumas – neighbors within 350ft. What is the criteria for noise?

Kaltsas – barking can be a nuisance. We have that in our ordinance. If you are disrupting general enjoyment, we could fine that. Congregation of animals could be tricky. The owners intent is to have clients with dogs they know and dogs that get along.

Thompson – is there anything about the animal count that crosses it over to the CUP nature.

Kaltsas – yes, you can have 4 dogs of your own. IT is a CUP over that for a kennel.

Tearse – what about puppies

Kaltsas – as long as you get rid of them before 6 months of age its fine. We had another one on Nelson Rd a couple years ago and that was denied because it was a breeding facility.

Story – what's the acreage

Kaltsas – 23 acres

Duams – plenty of space. Interim vs CUP. This would be something that there wouldn't be a kennel there when this person moves.

Thompson – can we pivot to interim vs CUP

Story – is there any downside to iup?

Kaltsas – no, it might make the most sense. IT is most advantages to the city to do an IUP. You can't have a memorialized kennel to be sold with the property. We lose control with ownership.

PUBLIC HEARING OPEN

Karen Malinak – owner of the property. I started boarding 9 years ago in Minnetonka, moved to Greenfield. I tried to apply for this property before taking possession but the person we bought from would not allow that. We have strict rules to control the barking. When we know someone is coming we bring the dogs inside where they can't see. I try to be a good neighbor. We have letters from our past neighbors saying they didn't know we had dogs because we don't let them bark.

Gardner – does the IUP and CUP change anything at all?

Malinak – no.

Gardner – selling a kennel and goat business?

Malinak – I'd like it as a package but I can't guarantee that.

PUBLIC HEARING CLOSED

Thompson – what is the city's plan to for additional investment for taking action where necessary and checking in on all of these CUPs and maybe adding 3, 4 or more.

Kaltsas – if we were doing 3 or 4 a month, we need to look at having too many. We do have an inordinate amount and part of the amnesty program. We have about 70 CUPs throughout the city. Because of our staffing, we inspect those on a bi-annual basis instead of annual because it takes 3-4 month by the time of first notice to actual inspection. CUPS allow us to be in the know of monitoring that use. They are positive for us to follow through to see if they are meeting those. We usually take 2 or 3 each year because of no longer being used or violations. Right now there isn't a concern in the quantity we are talking about, but not right now.

Thompson – this CUP seems like a good idea for IUP to not pass on to future owners since it is not requiring build outs or other space. It says 10 dogs. Is there any metric for how many dogs per square feet, etc.

Kaltsas – no. We don't. With the acreage they have, 10 seemed like a good number for a max.

We have had that discussion with the breeder for 10 acres for 12 animals. They had other spaces that were not big enough. We have odors, dust, fumes, etc, if that became a feed lot or was over run, that could be in our conditions to have that addressed.

Thompson – commercial driveway?

Kaltsas – no this is not a lot of traffic.

Motion by Thompson, seconded by Tearse to recommend approval Interim Use Permit for dog kennel for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

Ayes: Gardner, Thompson, Tearse, Dumas, Story and Usset.

Nays: None.

Absent: Volkenant

Abstain: None.

Motion Approved. 5-0

7. **PUBLIC HEARING** – Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.
- a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Property/Site Information:

The property is located west of County Road 92 on the north side of Turner Road. The property has an existing home, large barn/indoor riding arena, pasture and wetlands along the north property line. The property has the following characteristics:

Property Information: 7550 Turner Road

Zoning: *Agriculture Comprehensive*

Plan: *Agriculture Acreage*

Discussion:

The subject property has had a conditional use permit to operate a commercial riding stable since its issuance in 2008 (copy of approval resolution attached to this report). In the fall of 2023, the applicant constructed an outdoor riding arena in the southeast corner of the property in an area that had previously been pasture. The work was done without a permit and upon learning of the work, the city issued a stop work order on the project. The city notified the property owner that an outdoor riding arena would be an expansion of the conditional use and require consideration by the city. In addition, the city noted that a grading permit would be required as grading activities may have impacted existing wetlands.

The city's wetland specialist further reviewed the wetland issue. It was ultimately determined in December of 2023 by a technical advisory panel that no violation or wetlands impact had occurred on the property. The city outlined the process for applying for a conditional use permit amendment and the applicant worked on providing the necessary documentation.

The owner is asking the city to consider an amendment to the existing conditional use permit to add the (now constructed) outdoor riding arena (after the fact). Commercial riding stables are a conditional use in the agriculture zoning district. The subject property is zoned Agriculture. Any expansion of a conditional use permit requires an amendment. Outdoor riding arenas are common facilities associated with many of the city's commercial or private riding stables. The city typically reviews all expansions of conditional use permits to determine if the expanded use meets the initial criteria for granting a conditional use permit. The city has review considerations for planning commission consideration:

- The constructed outdoor riding arena is 100' x 200'
- The owner brought in approximately 5,000 CY of soil to level the area.

- The owner provided the city with an “as built” grading and drainage plan. The city’s engineer reviewed the plan and noted that if all improvements were completed, the proposed grading and drainage would meet applicable grading/drainage requirements. It should be noted that the drain tile has not been installed and finished grading has not been completed at this time. Additional work would need to be done by the owner’s contractor if approved by the city.
- No outdoor lighting for the arena or use outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
- The owner has indicated a willingness to continue a landscape screen to replace/continue the existing coniferous tree line along their southern property line. Should the city recommend approval, additional detail could be required relating to a possible screen or enhanced planting.
- The city notes that the location of the outdoor arena is 30’ from both the east and south property lines. The location is directly north of the existing residence located at 7526 Turner Road.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The applicant noted that they currently have 19 horses (including a donkey) on the property.

There are 7 total clients of the farm that own the 19 horses. It was noted that they provide lessons within the outdoor area 4-5 times per week. The owner also noted that they no longer ride on the south side of the arena along the south property line to get to the bridal trail located around the property perimeter.

The area where the arena is located was historically fenced and used for pasture, training and riding in association with the riding stable. The owner also noted that this area was occasionally used for jumping and related riding/training. The property previously sloped from south to north.

The criteria for granting an amendment to the conditional use permit are clearly delineated in the City’s Zoning Ordinance. The criteria for a conditional use permit amendment are the same as for the initial issuance of the conditional use permit. The criteria are as follows (Section 520.11 subd. 1, a-i):

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 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
9. The proposed use will not stimulate growth incompatible with prevailing density standard

The city also reviewed the conditions of the original CUP and whether or not the property was in compliance. The use of the facility appears to be in compliance with applicable conditions of the original conditional use permit with one exception. One condition noted by the city and may need to be addressed separately if confirmed to be in violation of the requisite conditions.

Condition 3). *That no employees of the business reside at the residence.*

The Planning Commission will need to review the requested amendment, information provided and determine whether or not the criteria for granting a conditional use permit amendment have been satisfied by the applicant.

Neighbor Comments:

The city was also contacted by the adjacent property owner located at 7526 Turner Road. He is concerned with several issues relating to the proposed amendment including, but not limited to:

- The adjacent owner is concerned with the drainage and its impact on the condition of his property along the south property line. There is a concern noted that the drainage has caused water to pond on his property.
- The adjacent owner is concerned with the increase in activity and intensification of the use in proximity to his property.
- The adjacent owner noted that the sand base becomes a dust bowl and impacts his use and enjoyment of his property.
- The adjacent owner noted that they ground carpet and mixed it with the sand in the riding arena.
- The adjacent owner is concerned with the location of the outdoor arena in proximity to his property and the impact that has to reasonable use and enjoyment.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the conditional use permit. Should the Planning Commission make a favorable recommendation to the City Council, the following findings and conditions should be included:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. City Council consideration of the conditional use permit amendment shall be subject to the following:
 - a. The applicant shall revise the plans in accordance with all comments made by Planning Commissioners.
 - b. The applicant shall revise the plans to accommodate all comments made by the City Engineer.
 - c. The city shall co e original conditional use permit are in full compliance.
3. The conditional use permit will be amended to allow an outdoor riding arena. The outdoor riding arena shall be constructed in accordance with the approved site and grading plans. All
4. All conditions of the original conditional use permit issued on September 8, 2008, by RESOLUTION No. 08-0908-02, shall remain in effect.
5. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Kaltsas – amendment to CUP to allow and outdoor riding arena. Applicant owner to allow the addition of an outdoor riding arena that is in place. West of 90, north side of Turner Road. Property zoned AG, Guided by the city’s plan as AG, 23 acres in overall. Granted CUP in 2008 for commercial riding stable. Fall of 2023 began construction of riding arena without a permit. Did grading work, brought in 5000 cu of dirt. Raised grade 5-6ft. City was notified work was being done. Put a stop work. Notified they need a grading permit and an amendment of CUP. Outdoor riding arena is a facility which is part of the CUP. One of the initial issues identified, concern of wetland that was filled because of fill and dirt. Specialists did go out and do some tests and it was determined no violation or wetland impact was made. After the fact for consideration. Any expansion of CUP requires an amendment. Outdoor riding arenas are common, in this case, they did not have this when the CUP was approved. The area that was constructed is 100x200ft. Owner did provide an as built grading and drainage plan. Drain tile has not been installed and finished grading has not been completed. No outdoor lighting is proposed or used. 7am-9pm business hours. Owners willing to do a landscape screening between this and property to the south. General location is 30ft from east and south property lines. Directly north of 7536 residents. When we visited, they have 19 horses, 20 allowable horses with CUP. 7 clients own these. Provide lessons 4-5 per week. No longer ride on the south side of arena. No employees reside at the residence – not satisfied. Comments provided by 7536 Turner – he has concerns with the construction of the facility. Satisfaction by applicant or mitigated by applicant use of the property and in full compliance with those criteria.

Story – is the applicant seeking to amend #3.

Kaltsas – no.

Story – is that a good housekeeping item?

Thompson – we don't know why.

Kaltsas – I couldn't find context on why you would need to be an owner occupant. Most of our commercial stables are not owner occupied. They have other means for caretaker or guesthouses. This may need to be dealt with separately.

Thompson – one of the concerns is the fill. Does city have standards to type of fill?

Kaltsas – yes if you were bringing in concrete fill or railroad ties. There are carpet grinds that were ground into the sand. I would have to do more research on that. We may need to talk about it more.

Dumas – is there any restrictions at all that you have to operate the business.

Kaltsas – it's not renting the business, it's just that the owner doesn't live there. Fairly common. Commercial stables are the nature of the business where someone else operates it.

Thompson – what are these guided

Kaltsas – this is guided AG for both.

PUBLIC HEARING OPEN

Jeanne Hoene – owner

Ty Hoene

Rachel Wolf - Renter

Jenny Harris – lives at the residence

Jeanne – purchased in Oct 2021, prior was a horse farm. We are on a road with other horse farms and outdoor arenas. Past two summers we set up jumps and tried to ride. They excavated that area from the barn. It never got corrected from then, wavy and 2 horses went lame. We looked for a plan to build an outdoor arena. Proximity to barn and driveway for safety purposes and we could get in with Emergency vehicles easy. We have a lot of shifts. This was the one area that was a safe flat surface. We wanted to address the water flow issues. Nature spring from north part of his property and turner road along eastern edge of fence line. We have been mitigating that area. We didn't get permit at first, I didn't know I needed a formal permit if I wasn't building a structure.

Thompson – how many trucks is that?

Neil with precision grading – I already supplied with a grading permit. We have the as-built. I have trucking tickets. Most of that is handled with general contractors. I can't explain why it didn't get done. 2500 yards of material with after the fact grading permit.

Jenny – the company we bought from – does help with dust mitigation.

Jeanne – part of the maintenance. We have 7 clients – never more than 2 riders on the area at once. We want a safe environment. Horses need to get used to outdoor space. WE wanted to correct the water flow to the neighbor's place.

Thompson – the point of the CUP is to control the usage. We would have had this discussion beforehand to give a drainage plan or placement, etc. Now we are talking about removing all the soil and having you put it somewhere else. We didn't have this discussion before. This all would have came out. This is a difficult position to put us in.

Rachel Wolf – When we were talking about that location, proximity to the driveway. When we talked about the front, it is not safe, more water mitigation issues.

Dumas – looking at grading area, it seemed like a cost issue. It would have taken more fill.

Wolf – some of that came from the polo club. The racket from horse trailers.

Thompson – did you discuss this with your neighbor?

Jeanne – no. We would like to redo the shield.

Usset – how frequently would this be watered?

Wolf – as much as needed.

Gardner – more trees and screening?

Jeanne – offered to mitigate the water into the bridal area.

Neil – proposed main drain tile and French drain tile and bring it up to edge of his property.

Jeanne – of his 5 complaints, 4 of them involve finishing the project.

Tom Bren – no issues with the people at the property. Lived here since 1996. This evolved without no discussion and now we have 100x200 sandbox in immediate view of our backyard. The previous owner moved in 2006/2008. They didn't plant those trees; they have been there. No trees there because they died in the wet areas. The fact that they don't live on the property is a violation. Is that a major concern, no. They knew going through the CUP, it doesn't follow the rules. Do it and ask for forgiveness later. Huge eye sore. It impacts how we enjoy our property. No consideration for us. The fill could have been a cut and fill. I am a builder; I have been doing this since 11. I know the processes for applying for a permit.

Thompson – did you engage with the CUP process.

Bren – no. I built the home for the previous owners. This process is completely wrong. My opinion is that it was intentional. We should get a chance to speak about it and where to put it and get feedback. They did not reach out to us. They used to walk their horses up through our yards to get to an adjacent property. I am a previous horse owner, I like horses.

Thompson – what's your reaction to the drainage plan when completed alleviated condition.

Bren – I have owned my area and there was no issue before. They attempted to make a drainage swail around. It has become a pond. It doesn't drain. The issue is that they put it there without permission and the solution is to put a drain tile. There is more of an issue than that. The carpet material – I don't know regulation, but this area drains into PSC and seems like there should be a permit with watershed for permitting and regulation.

Thompson – can you characterize it – were they back there before vs what's there now?

Bren – when you take that same group of people and move them right there vs across the yard.

Thompson – the only thing subject to review here is the ring.

Bren – they took all of the training out in the pasture and put it all on the arena. The wetland was a drainage area the entire time I have lived there. If it was drain tiled it wouldn't be wet.

Thompson – how many 5-acre properties on Turner

Kaltsas – there is another 5 to the East and a 10-acre SE

Thompson – both parties are right. It is a no-win situation for the city because it is entirely possible that this is the outcome we would have gotten to and we would have felt different about or we could have gone down a different path.

Dumas – there are other locations. Being in the contracting business there is zero possibility that the contractor didn't know that a permit was required.

Thompson – I agree but I will say a neighbor should be calling after quite a few truck loads. The fact that it got to this point is unimaginable.

Story – how many cubic yards are required

Kaltsas – 100.

Dumas – what is the disturbance size?

Kaltsas – they fell under the threshold.

Thompson – can city provide and context similar in scale with a CUP.

Kaltsas – after the fact permits. I'd have to go back and look. Cities enforce their rules. The grading would have to be looked at separately.

Thompson – if they peeled 6 in off and planted grass again, it would be right back to

Kaltsas – we would have approved grading most likely.

Usset – they could have put fence there within the bounds. The issue at hand with the CUP is the surface with the grading.

Thompson – how do we say in good faith the answer we would have come to? How would that PH have gone?

Kaltsas – if you looked at it, the proximity to the property, it is close. If it was further away it would have been different. It is where it is not screened. If you looked at the whole site and front site wasn't good, behind the house there isn't room, behind barn you would have to move paddocks. Is there mitigation from a drainage standpoint?

Thompson – shifting to the left, reusing some of the work, ordering them to double trees with offsets, compromise.

Dumas – when I looked at the original cup, 3 of the 5 have been violated. If this had come before the commission, we would have come up with a different plan, not where it is. Where it is today, it would not have ended up.

Gardner – is there any wetland in moving it now

Kaltsas – I think it was below the 946. There was a borrow area that they pulled out of that area. There is upland on that site.

Neil – if you move it to the west, it gets in the middle of that pasture where there is a drainage from west to east. That will impact that area and the water that comes from the south side of property.

Thompson – rather than being landscape designers, what's the question before us. Not amending the CUP. Can we take our feedback and get a new plan and represent that for possible approval by moving it. Its unfinished, it is worse than it was before right now but its unfinished. It has to move, be better for drainage, visual, etc.

Story – we put a lot of weight on not affecting our eligibles. To what extent with sharing a horse farm.

Dumas – I would maybe agree with that and the house wasn't there first.

Thompson – everything has been fine until now with the horse farm. Do we need a motion to ask for a resubmittal, do we table it?

Thompson motion to table this and directing Blue Valley Farm to reapproach planning with a plan that reflects guidance and feedback heard tonight including screening, mitigating water and moving arena. Seconded by Dumas.

Ayes: Gardner, Thompson, Tearse, Dumas, Story and Usset.

Nays: None.

Absent: Volkenant

Abstain: None.

Motion Approved 5-0

8. **PUBLIC HEARING** – Jon and Patricia Malecek (Applicant/Owner) are requesting the following action for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN.

- a. A rural view lot subdivision to divide a 7.37-acre parcel from the subject property.

Property/Site Information:

The subject property is bounded on two sides by public roads (Copeland on the east and Nelson on the west). It is located north of CSAH 6. There is an existing home several detached accessory structures on the property. The property is primarily agriculture with some tree coverage and Pioneer Creek bisects the property from north to south. The property has the following site characteristics:

Property Information: 1215 Copeland Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage (Before): 64.82 acres

Acreage (After): Tract A - 7.37 acres

Parcel B – 57.45 acres

Discussion:

The applicant approached the city about the possibility of subdividing the property and to create a rural view lot. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 64.82 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed – Tract A – 7.37 acres

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

Minimum lot frontage proposed – Parcel A – 438 LF

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

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:2 (438:735)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have 7.37 acres of useable upland and 438 LF of frontage on Nelson Road. The proposed lot depth to lot frontage ratio for the rural view lot would be ~1:2.

The proposed newly created property would be “in line” with the property to the north and located primarily along Nelson Road. The proposed Tract A would accommodate a new building pad given its overall size, topography and proposed dimensions. Any development on the property would need to meet all applicable setbacks. The City received an on-site septic report verifying that the proposed rural view lot can accommodate a primary and secondary on-site septic system. Access to the property would be from Nelson Road. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.’s 1 and 2) for the proposed parcel.

The remaining 57.45 acres would continue to be a conforming lot of record. The existing home and detached accessory structures meet all applicable setbacks in the after condition. It should be noted that there are no remaining rural view lot eligibilities associated with Tract B in the after condition.

The newly created Tract A will be required to pay the City’s requisite Park Dedication fee. For this property the requirement is \$5,277.50. 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*

Summary:

The proposed subdivision appears to meet all of the applicable standards of the City’s zoning and subdivision ordinance. The lot being created will fit into the surrounding area and have minimal impacts on the surrounding properties.

Neighbor Comments:

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

Recommendation:

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

1. The proposed minor subdivision for a rural view lot 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. The Applicant shall pay the park dedication fees in the amount of \$5,277.50, for the newly created Tract A, prior to the applicant receiving final approval to record the subdivision by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested 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.
6. The remaining Tract B will have no remaining rural view lot eligibilities.

Kaltsas – bounded by two roads, Copeland and Nelson. Existing home and tree coverage. Zoned AG and guided AG. Every 40 acres you have the ability to realize one rural view lot. This can have 2. Rural must be between 2.5-10 acres. Meeting all requirements. 2.5 acres of buildable upland and all of it is. In line with property North of it. Access to Nelson rd. Primary and secondary septic sites are provided. Existing home would be a conforming lot of record. They would not be creating any nonconformities. The newly created would be required to pay park dedication fees. Lot would fit into the surrounding properties. No comments from public.

OPEN PUBLIC HEARING

CLOSED PUBLIC HEARING

Motion by Story, seconded by Tearse to approve a rural view lot subdivision to divide a 7.37-acre parcel from the for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN.

Ayes: Dumas, Volkenant, Gardner, Tearse and Usset

Nays: None. Absent: Thompson

Abstain: None.

Motion Approved. 5-0

9. **PUBLIC HEARING** – Katy Swanson on behalf of Crown Castle (Applicant/Owner) is requesting the following action for the property located at 8590 County Road 6 (PID No. 32-118-24-23-0001) in the City of Independence, MN.

- a. A conditional use permit amendment to allow two additional antennas to be mounted on the existing structure located at the base of the existing cellular tower on the subject property.

Property/Site Information:

The property is located on the north side of County Road 6, just east of Copeland Road. The property is surrounded by the new Windsong Golf Course. The property has the following characteristics:

Property Information for 8590 County Road 6

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 69.91 Acres

Discussion:

The applicant is seeking an amendment to the existing conditional use permit to allow the installation of two (2) new satellite dishes to be located on the existing accessory structure located at the base of the existing tower. The tower and accessory structure were approved as a conditional use permit in 1997 (see attached). Any modification that increases the number of antennas is subject to a conditional use permit amendment.

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.

The applicant is proposing to locate 2 new 15" antennas on the existing accessory building. The antennas would be mounted to the roof of the structure (see elevation below). The city regulates the tower, accessory structure and all associated cabling, transmission devices, generators, etc. associated with cellular telecommunications towers. The city allows replacement, minor modifications and similar changes to be made to cellular towers and their equipment with administrative and building permit review and approval. Any increase in size, number or type of antennas, expansion of buildings, location of generators or similar equipment generally prompts an amendment to the conditional use permit to ensure compliance with all conditions and to better track and manage tower development.

The city has recently worked with one of the other carriers on this tower scape screening around the base so that it was in compliance with approved conditions.

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:

- a) The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
- b) 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.*
- c) Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
- d) Sufficient off-street parking and loading space will be provided to serve the proposed use.*
- e) 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.*
- f) 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.*
- g) 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.*
- h) The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
- i) The proposed use will not stimulate growth incompatible with prevailing density standards.*

The existing tower has a conditional use permit and is currently in compliance. The location of the tower and its proximity to any residential or commercial structure generally mitigates potential impacts resulting from the proposed additional antennas. The low height of the antennas also aids in their mitigation. The Planning Commission will need to determine if the requested additional 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 actions, the following findings and conditions should be considered:

1. The proposed conditional use permit amendment, site plan review and variance meet 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 2 new antennas to be located on the roof of the existing equipment shelter and in accordance with the approved plans.
4. The Conditional Use Permit Amendment shall include the following conditions:
 - a. The conditional use permit shall be reviewed annually by the City.
 - b. This amendment approves two (2) new antennas to be located on the roof of the existing equipment shelter.
 - c. The antennas shall be installed in accordance with the approved plans and elevations attached hereto as EXHIBIT B.
 - d. The City can administratively approve any replacement of existing antennas. Any expansion or increase to the size of the existing ground equipment, buildings or number of antennae will be subject to the City's review and an amendment to the conditional use permit.
5. The applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

Kaltsas – their plans and what they say can be very different.

Motion by Tarse, seconded by Story to approve a conditional use permit amendment to allow two additional antennas to be mounted on the existing structure located at the base of the existing cellular tower for the property located at 8590 County Road 6 (PID No. 32-118-24-23-0001) in the City of Independence, MN.

Ayes: Dumas, Volkenant, Gardner, Tarse and Usset

Nays: None. **Absent:** Thompson

Abstain: None.

Motion Approved. 5-0

10. Open/Misc.

11. Adjourn.

Motion by Thompson, seconded by Tearse to ajourn the Planning Commission Meeting at 9:41pm.

Ayes: Dumas, Volkenant, Gardner, Tearse and Usset

Nays: None. Absent: Thompson

Abstain: None.

Motion Approved. 5-0



CITY COUNCIL MEETING MINUTES
TUESDAY JUNE 18, 2024

CITY COUNCIL MEETING TIME: 6:30 PM

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, Councilors Spencer, Betts and McCoy

Absent: Councilor Grotting and City Administrator Kaltsas

Staff: Simon

Visitors: WHPS Director Kroells

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 21, 2024, Regular City Council Meeting.
- b. For Information: ABRC Meeting Minutes from the May 28, 2024, ABRC Meeting.
- c. Approval of Accounts Payable (Batch #1; Checks Numbered 22881-22897 and Batch #2, Checks Numbered 22898-22914).
- d. Agriculture Preserve Application for the following property:
PID No. 28-118-24-31-0002.

Motion by Spencer, seconded by McCoy to approve the Consent Agenda item. Ayes: Johnson, Spencer, McCoy and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

Betts

None

Spencer

Vinland Center Open House

Hennepin County Watershed & MPCA regarding possible hazardous waste in Lake Sarah (it was actually natural – biological events that produce a sheen)

Meeting with Maple Plain Fire Dept, WHPS & MP for the upcoming Battle of the Badges (some time in August)

McCoy

Orono School Board meeting honoring Independence residents

Orono Public Works Open House

Orono Graduation

Johnson

Vinland Center Open House

Metcouncil Environmental Services (virtual)

Orono Graduation (virtual)

Orono Retirement teachers

NLC Small Cities (virtual)

Midco Meeting with Mark Kaltsas

NW League

1006 Society Governor's Mansion Annual meeting

Simon

None

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the May 2024 Activity Report.

Director Kroells stated there were a total of 1816 incidents. Of that, 215 were in Independence and 97 were in Maple Plain.

See full report.

8. Open/Misc.

Russell and Katia Harnois asks to discuss their neighborhood
Katia says she emailed Mark Kaltsas but he's not here tonight.

Spencer explained that they need to provide supporting materials in advance and get added to a council agenda.

Katia explains that their property is subject to two easements for drainage. She says Lake Sarah is in their yard right now. The second easement is for neighborhood access. Access to Lake Sarah was given to 29 households additionally. Since 1977 there was no problem. People would walk or drive to the lake with no disputes. She said the house next door was sold last year. The new owners gathered the neighborhood together and the Harnois received a letter from their attorney that the new owners are proposing to install a dock. In addition to the road, there is an area that is 43ft by 157ft where they are proposing a dock, benches and equipment for the lake. It is given to 29 households. Not everyone supports it. Eight properties have their own shoreline. Katia said they have talked to lawyers and the DNR; everyone says it is a city zoning question now. The lot is zoned residential. The easement is only written on her lot.

Spencer said we have looked at it and it is not a zoning issue. It is an issue whether the abstract was written over the property or not. That is an issue for the courts. The city isn't going to determine if an easement over private property is valid or not. This needs to be resolved by the courts. The city does not zone in a way that people can grant easements or not. Unfortunately, this most recent document is curious. If they want to challenge you, they will have to take it to the courts to tell you that it is valid.

Spencer explained that back in the 70s when Fern was subdivided, a drainage easement was written in there and a gravel driveway. It has been maintained by Russ and was a way to get down to the lake. There was nothing on the original subdivision that indicated anything else. There is another document that shows a much larger easement for multiple use. It would allow a dock, firepit, etc. It has some interesting qualities and not sure if it is valid or not valid. It is on them to prove that they have rights. Someone needs to adjudicate that.

Katia said let's imagine there is no easement and there's no land. There is no shoreline down there right now, it is a swamp. Over 80% of it is under water. There are 100ft of cattails and then a swamp behind it. To make it for a public use, can we request a study from a water engineer. It is not safe. Is that area suitable for heavy use?

Spencer said you have multiple different agencies for different areas. What they do with the property can be controlled by the DNR, etc. whether this is valid or not. It does carry with the property unless the courts says it doesn't.

Katia said they are concerned what is going to happen when they sell their house. No one wants to go to court. It's given to 29 households evenly.

Betts said the easement is not owned by the city; it is the property owner that is there. It is registered to make them legal.

Spencer said if a neighbor that doesn't currently care to use it sells to someone that does want to use it, they can use it.

Katia said most of the neighbors want to settle it down and not end up in court. She asked if she could file a variance and include the beneficiaries of the easement.

Spencer said you can amend the easement as long as everyone agrees to it. As long as it exists it rides with the property. You can decline them access and they can sue you for it. This is something that needs to be adjudicated to have it settled.

Katia said she would like to define the easement to the road, not to docks, etc. A variance would be to define that easement better.

Spencer said you could take that to court to press that. If someone decides they don't want to use the easement, they can do that, but you can't do that.

Katia asked if they need to take everyone to court with her in order to do an amendment.

Betts said you can record as a group.

Battle of the Badges

Spencer said the game will be held on August 19th, a Monday night, before school starts so there is hopefully less conflict with kids going back to school. He said we might lose some to vacations. It might change again in years to come based on the turnout. He said this is a joint city event going forward. Independence is happy to be involved with our first responders.

This will be a fundraiser for mental health for all first responders, not just police and fire. If anyone has any other fun ideas, we welcome that input. There is lots of discussion going on. There is currently a training for the fire department that night but that could be changed, or it could be a part of their training.

9. Adjourn.

Motion by Spencer, seconded by Betts to Adjourn meeting at 7:33pm. Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

Recording Secretary,

Amber Simon

■City of Independence

Request for an Amendment to the Conditional Use Permit to Allow an Outdoor Riding Arena to be Added to the Subject Property in Association with the Commercial Riding Stable on the Property located at 7550 Turner Road

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 16, 2024
<i>Applicant:</i>	Blue Valley Farm LLC
<i>Property Owner:</i>	Blue Valley Farm LLC
<i>Location:</i>	7550 Turner Road

Request:

Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.

- a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Property/Site Information:

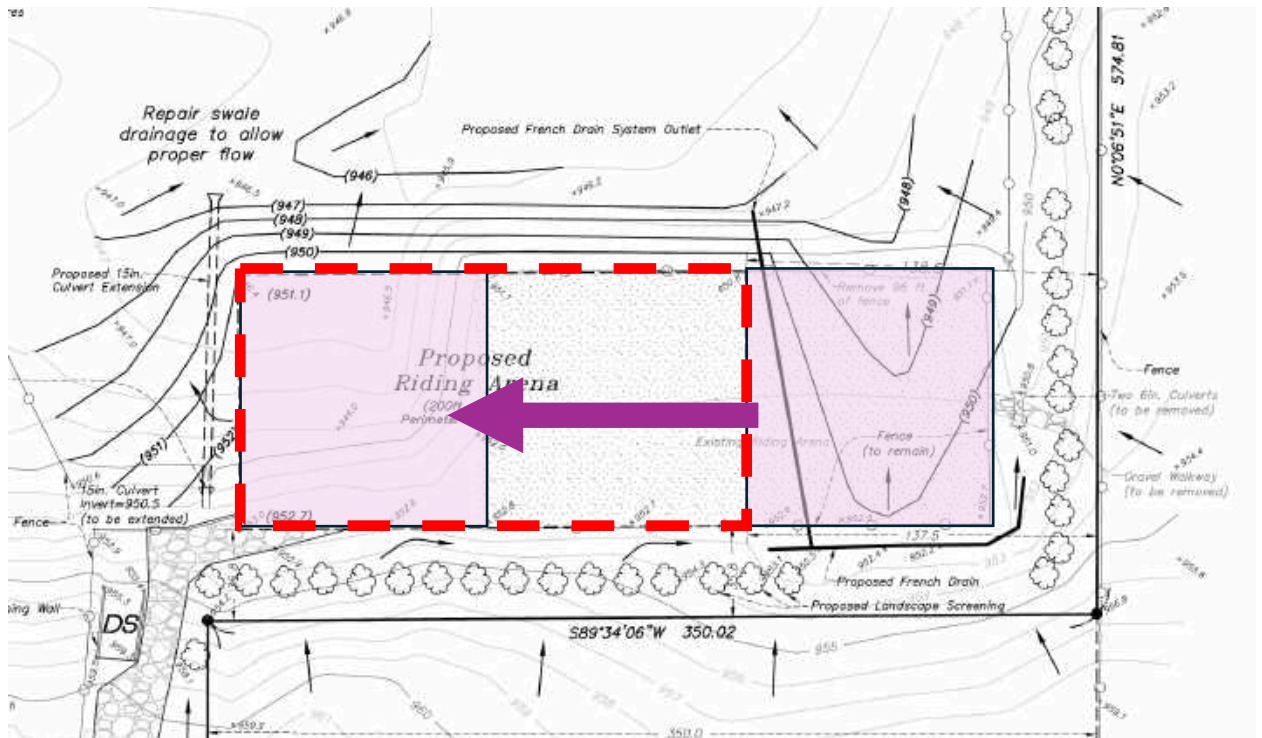
The property is located west of County Road 92 on the north side of Turner Road. The property has an existing home, large barn/indoor riding arena, pasture and wetlands along the north property line. The property has the following characteristics:

Property Information: 7550 Turner Road
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: 23.06 acres

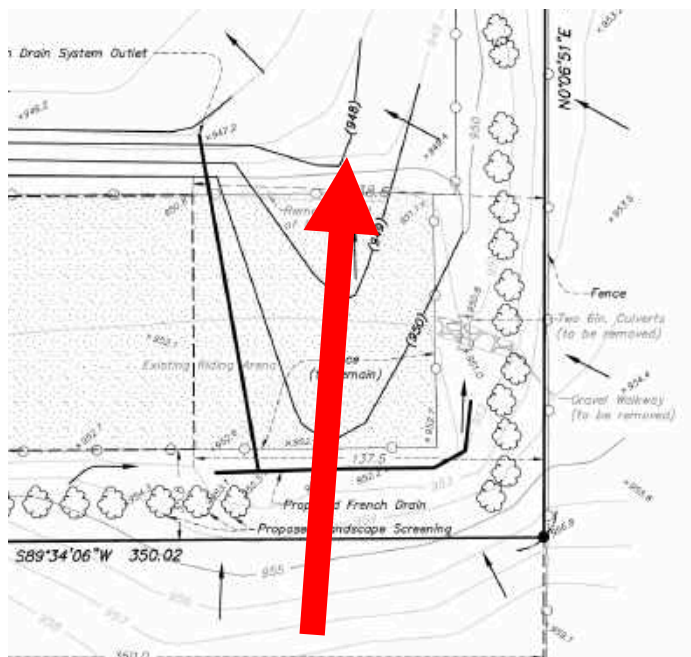


UPDATE:

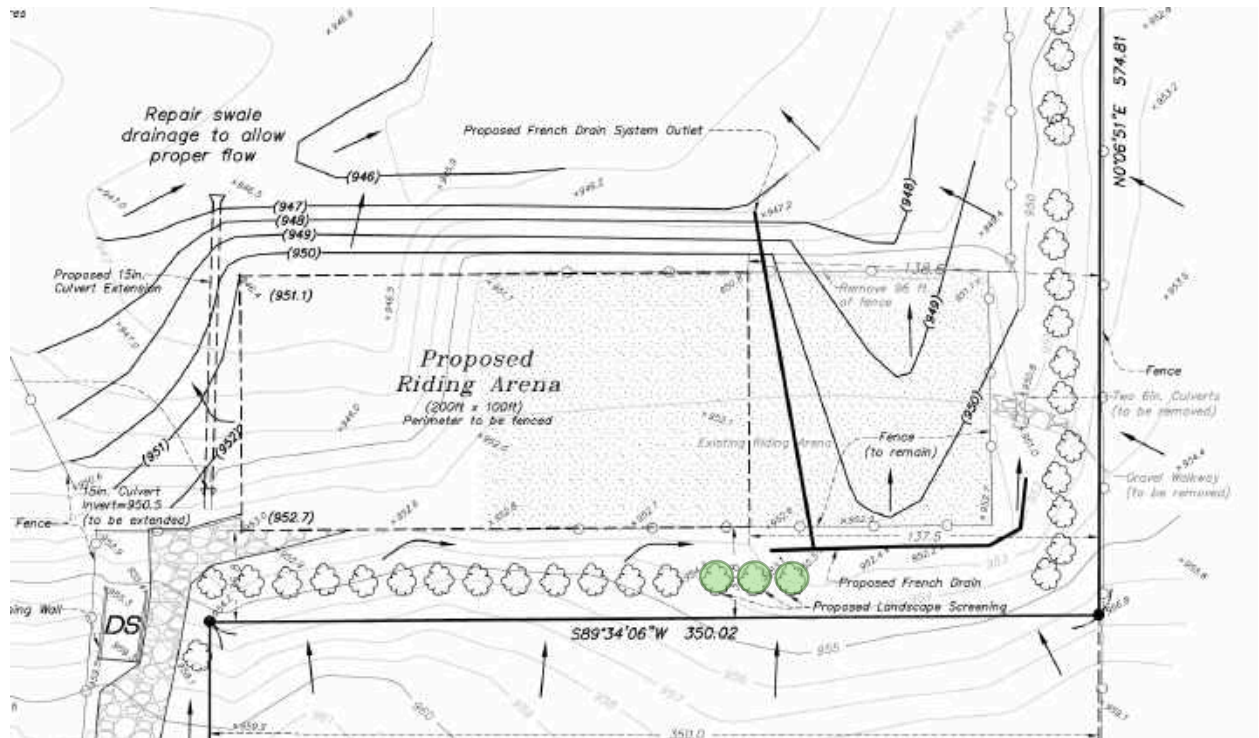
Based on the discussion and direction provided by the Planning Commission and an additional site meeting with the applicant, the applicant has prepared a revised plan for further discussion and consideration. The proposed plan for the outdoor riding arena has been shifted to the west approximately 100'. The shift to the west is intended to address the following noted issues:



- The shift will allow grading to address the drainage issues created by raising the area adjacent to the south property line. A proposed swale and French drain are proposed to take drainage from subject and adjacent property.



- Applicant is proposing to extend the existing evergreen buffer to further screen the outdoor riding area from the adjacent property. It was noted that the historic drainage from the adjacent property had caused several of the trees to fail in this area. The applicant's proposal adds mechanical and physical drainage that should alleviate some of the water in this area. Combined with better plant selection, the proposed additional buffer planting should be more successful. The city would condition any approval on the perpetual maintenance and (if the plants fail) replanting of the proposed buffer.



- The applicant further researched the footing material that was installed in the arena and obtained the Safety Data Sheet (SDS – OSHA and EPA regulated) from the manufacturer. The city reviewed the information presented and it was determined that the material was better suited for indoor use. The applicant then further researched footing material that was suitable and rated for outdoor use. The applicant is proposing to remove the original footing material and install new material and provided the city with the new SDS sheet for the proposed material (attached). The city agrees that the material provided would be a better solution. The city is recommending that the applicant maintain a barrier along the north, east and west sides along with the proposed vegetative buffer to prevent the material from leaving the arena.
- The applicant discussed the current condition CUP condition number 3.

3) That no employees of the business resided at the residence; and

The applicant noted that the residence is occupied by the owner of the business – Windamawr Stables LLC (not property). The language noted is not typical of other CUP's for commercial riding

stables and presents some challenges if the owner of the property is also the owner of the business. If the owner of property owns the business, they would be employed by the business and could not reside in the residence per the language provided. This condition could be clarified by the city through this amendment. If clarified, the language could state that the principal single-family home must be used as a single residence without additional permanent guest quarters for employees of the commercial business. Furthermore, no employees of the business can reside in any accessory structure located on the property. Staff is seeking clarification and direction from Planning Commission on this issue and based on that direction, could work with the city attorney to draft appropriate language.

Planning Commissioners will need to review the supplemental information submitted and provide direction relating to the requested amendment to the conditional use permit. The city has provided findings and conditions relating to a recommendation at the end of this report.

Discussion:

The subject property has had a conditional use permit to operate a commercial riding stable since its issuance in 2008 (copy of approval resolution attached to this report). In the fall of 2023, the applicant constructed an outdoor riding arena in the southeast corner of the property in an area that had previously been pasture. The work was done without a permit and upon learning of the work, the city issued a stop work order on the project. The city notified the property owner that an outdoor riding arena would be an expansion of the conditional use and require consideration by the city. In addition, the city noted that a grading permit would be required and identified a concern that the grading activities may have impacted existing wetlands.

The city's wetland specialist further reviewed the wetland issue. It was ultimately determined in December of 2023 by a technical advisory panel that no violation or wetlands impact had occurred on the property. The city outlined the process for applying for a conditional use permit amendment and the applicant worked on providing the necessary documentation.

The owner is asking the city to consider an amendment to the existing conditional use permit to add the (now constructed) outdoor riding arena (after the fact). Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. Any expansion of a conditional use permit requires an amendment. Outdoor riding arenas are common facilities associated with many of the city's commercial or private riding stables. The city typically reviews all expansions of conditional use permits to determine if the expanded use meets the initial criteria for granting a conditional use permit. The city has reviewed the outdoor arena and offers the following considerations for planning commission consideration:

- The constructed outdoor riding arena is 100' x 200'.
- The owner brought in approximately 5,000 CY of soil to level the area.

- The owner provided the city with an “as built” grading and drainage plan. The city’s engineer reviewed the plan and noted that if all improvements were completed, the proposed grading and drainage would meet applicable grading/drainage requirements. It should be noted that the drain tile has not been installed and finished grading has not been completed at this time. Additional work would need to be done by the owner’s contractor if approved by the city.
- No outdoor lighting for the arena or use outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
- The owner has indicated a willingness to continue a landscape screen to replace/continue the existing coniferous tree line along their southern property line. Should the city recommend approval, additional detail could be required relating to a possible screen or enhanced planting.
- The city notes that the location of the outdoor arena is 30’ from both the east and south property lines. The location is directly north of the existing residence located at 7526 Turner Road.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The applicant noted that they currently have 19 horses (including a donkey) on the property. There are 7 total clients of the farm that own the 19 horses. It was noted that they provide lessons within the outdoor area 4-5 times per week. The owner also noted that they no longer ride on the south side of the arena along the south property line to get to the bridal trail located around the property perimeter.

The area where the arena is located was historically fenced and used for pasture, training and riding in association with the riding stable. The owner also noted that this area was occasionally used for jumping and related riding/training. The property previously sloped from south to north (see contours below).



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

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 standard

The city also reviewed the conditions of the original CUP and whether or not the property was in compliance. The use of the facility appears to be in compliance with applicable conditions of the original conditional use permit with one exception. One condition noted by the city and may need to be addressed separately if confirmed to be in violation of the requisite conditions.

Condition 3). *That no employees of the business reside at the residence.*

The Planning Commission will need to review the requested amendment, information provided and determine whether or not the criteria for granting a conditional use permit amendment have been satisfied by the applicant.

Neighbor Comments:

The city was also contacted by the adjacent property owner located at 7526 Turner Road. He is concerned with several issues relating to the proposed amendment including, but not limited to:

- The adjacent owner is concerned with the drainage and its impact on the condition of his property along the south property line. There is a concern noted that the drainage has caused water to pond on his property.
- The adjacent owner is concerned with the increase in activity and intensification of the use in proximity to his property.
- The adjacent owner noted that the sand base becomes a dust bowl and impacts his use and enjoyment of his property.
- The adjacent owner noted that they ground carpet and mixed it with the sand in the riding arena.
- The adjacent owner is concerned with the location of the outdoor arena in proximity to his property and the impact that has to reasonable use and enjoyment.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the conditional use permit. Should the Planning Commission make a favorable recommendation to the City Council, the following findings and conditions should be included:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. City Council consideration of the conditional use permit amendment shall be subject to the following:
3. The applicant shall revise the plans in accordance with all comments made by Planning Commissioners.
4. The applicant shall revise the plans to accommodate all comments made by the City Engineer.

5. The city shall confirm that all applicable conditions of the original conditional use permit are in full compliance.
6. The conditional use permit will be amended to allow an outdoor riding arena. The outdoor riding arena shall be constructed in accordance with the approved site, grading plans and landscape plans.
 - a. No outdoor lighting shall be permitted for the outdoor arena.
 - b. No use of the arena shall occur outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
 - c. The proposed mechanical drainage system shall be regularly maintained and kept in working order for as long as the conditional use permit is in place on this property.
 - d. The landscape buffer identified in exhibit B shall be regularly maintained and in place for as long as the conditional use permit is in place on this property. This includes replacement of any landscaping that is dead or dying.
 - e. The proposed footing material shall be kept inside of the arena and the approved vegetative buffer shall be maintained around the perimeter at all times.
7. All conditions of the original conditional use permit issued on September 8, 2008, by RESOLUTION No. 08-0908-02, shall remain in effect.
8. The
9. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Application
2. Amended Site Plan
3. Property Pictures
4. RESOLUTION No. 08-0908-02
5. Footing Material SDS

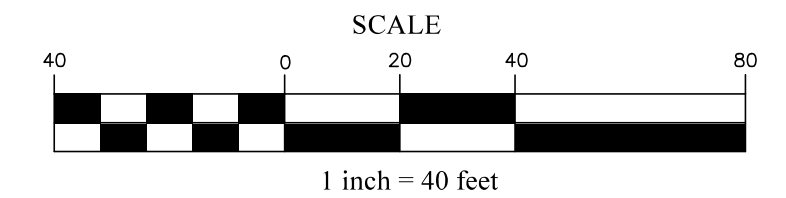
Attachments

7550 Turner Road (Looking south)



Site Plan

Prepared for:
Windamawr Stables



Boundary Description (Doc. 11009440)

That part of the Southwest Quarter of the Northeast Quarter of Section 28, Township 118, Range 24 West of the 5th Principal Meridian lying East of the West 327.39 feet thereof, EXCEPT the East 350.00 feet of the South 750.00 feet of said Southwest Quarter of the Northeast Quarter, Hennepin County.

Subject to any and all easements of record.

Site Address:
7550 Turner Road,
Maple Plain, MN

Legend

- Found Iron Monument
- × 000.0 Existing Elevation
- (000.0) Proposed Elevation
- Drainage
- Existing Tree
- DS Existing Manure Dump Site
- CB Catch Basin

Benchmark:

Hennepin County Control Point "CREEK", located approx. 220 ft Easter'ly of the intersection of County Road 92 and Pioneer Creek Road
Elevation (NAVD88) = 953.66

Note:

For the purposes of this survey, only a portion of the subject property is shown.

Bearings based on Hennepin County Coordinate System.

**SCHOBORG
LAND SERVICES
INC.**

763-972-3221
www.SchoborgLand.com

8997 Co. Rd. 13 SE
Delano, MN 55328


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.

Kelly L. Brouwer
Kelly L. Brouwer

Date: June 26, 2024 Registration No. 48328

Job Number:	9717
Survey Date:	3/12/24, 6/3/24
Drawing Name:	Windamawr.dwg
Drawn by:	SKH
Revisions:	Proposed Riding Arena (6/11/24)
	Site Plan (6/26/24)

Date: 13th august 2021


 equibase systems®	<h1>Material data & Safety sheet</h1>	Date: 13 th august 2021
Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

3.1. Substances			
Not applicable			
3.2. Mixtures			
Substance name	Product identifier	%	Classification according to Directive 67/548/EEC
Ethane, 1,2-dichloro-, manufacture of, by-products from, distillation lights	(CAS No.) 68608-59-3 (EC No) 271-788-3	70 - 90	Not classified
2,5-Furandione, polymer with 1-octadecene	(CAS No.) 25266-02-8	1 - 20	Not classified
Substance name	Product identifier	%	Classification according to Regulation (EC) No. 1272/2008 [CLP]
Substance name	(CAS No.) 68608-59-3 (EC No) 271-788-3	70 - 90	Not classified
Ethane, 1,2-dichloro-, manufacture of, by-products from, distillation lights	(CAS No.) 25266-02-8	1 - 20	Not classified
2,5-Furandione, polymer with 1-octadecene			

Identification of the substance or mixture: Synthetic material
Polyolefine (plastics)

SECTION 4: First aid measures	
4.1. Description of first aid measures	
Inhalation	If inhaled, remove to fresh air. Keep at rest. When in doubt or if symptoms are observed, get medical advice
Skin contact :	Wash with plenty of water. When in doubt or if symptoms are observed, get medical advice.
Eye contact :	Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. When in doubt or if symptoms are observed, get medical advice.
In case of ingestion :	Rinse mouth. Get medical advice/attention.
Additional advice :	First aider: Pay attention to self-protection! See also section 8 . Never give anything by mouth to an unconscious person or a person with cramps. Show this safety data sheet to the doctor in attendance. Treat symptomatically.
4.2. Most important symptoms and effects, both acute and delayed	
Inhalation	Health injuries are not known or expected under normal use.
Skin contact :	Health injuries are not known or expected under normal use
Eye contact :	Health injuries are not known or expected under normal use.
Ingestion :	Health injuries are not known or expected under normal use.


SECTION 5: Firefighting measures

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Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

5.1. Extinguishing media	
Suitable extinguishing media	Water spray, alcohol resistant foam, Carbon dioxide, Dry extinguishing powder
Extinguishing media which must not be used for safety reasons	Strong water jet
5.2. Special hazards arising from the substance or mixture	
Fire hazard :	Non-flammable.
Specific hazards :	Do not allow run-off from fire-fighting to enter drains or water courses. Dispose according to legislation.
5.3. Advice for firefighters	
Advice for firefighters :	Special protective equipment for firefighters. Wear a self-contained breathing apparatus and chemical protective clothing. Use water spray jet to protect personnel and to cool endangered containers. Do not allow run-off from fire-fighting to enter drains or water courses. Dispose according to legislation.

SECTION 6: Accidental release measures	
6.1. Personal precautions, protective equipment and emergency procedures	
For non-emergency personnel	Evacuate area Provide adequate ventilation. Use personal protective equipment as required. Personal protection equipment: see section 8 Do not breathe dust. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking.
For emergency responders	Ensure procedures and training for emergency decontamination and disposal are in place. Personal protection equipment: see section 8.
6.2. Environmental precautions	
Environmental precautions	No special environmental measures are necessary
6.3. Methods and material for containment and cleaning up	
Methods for cleaning up	Stop leak if safe to do so. Sweep up or vacuum up spillage and collect in suitable container for disposal. Dispose according to legislation
6.4. Reference to other sections	
Personal protection equipment: see section 8	
Disposal: see section 13.	


SECTION 7: Handling and storage

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Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

7.1. Precautions for safe handling	
Handling	Provide adequate ventilation. Use personal protective equipment as required. Personal protection equipment: see section 8 Do not breathe dust. Take any precaution to avoid mixing with incompatible materials. See also section 10
Advices on general occupational hygiene	Keep good industrial hygiene. Wash hands and face before breaks and immediately after handling of the product. When using do not eat, drink or smoke. Wash contaminated clothing before reuse
7.2. Conditions for safe storage, including any incompatibilities	
Storage	No specific measures identified.
Packaging materials	Keep/Store only in original container.
7.3 Specific end use(s)	
No data available.	

SECTION 8: Exposure controls/personal protection	
8.1. Control parameters	
Exposure limit values	No data available
8.2. Exposure controls	
Personal protection equipment :	The type of protective equipment must be selected according to the concentration and amount of the dangerous substance at the specific workplace.
Respiratory protection :	In case of insufficient ventilation, wear suitable respiratory equipment. Effective dust mask. (EN149) Filter type: type P1
Hand protection :	Not required under normal use.
Eye protection :	In case of dust production: protective goggles (EN 166)
Body protection :	Wear suitable working clothes.
Thermal hazard protection:	Not required under normal use.
Engineering control measures :	Organisational measures to prevent /limit releases, dispersion and exposure See also section 7 .
Environmental exposure controls:	Comply with applicable Community environmental protection legislation.


SECTION 9: Physical and chemical properties	
9.1. Information on basic physical and chemical properties	
Appearance	solid,Fibres
Colour :	various
Odour :	Odourless
Odour threshold :	No data available
pH :	Not applicable
Melting point/freezing point	≈ 220 °C
Initial boiling point and boiling range :	Not applicable

 equibase systems®	<h1>Material data & Safety sheet</h1>	Date: 13 th august 2021
Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

Flash point :	No data available
Evaporation rate :	Not applicable
Flammability (solid, gas) :	Non-flammable.
Upper/lower flammability or explosive limits :	No data available
Vapour pressure :	Not applicable
Vapour density :	Not applicable
Relative density :	No data available
Water solubility :	Insoluble (25°C)
Partition coefficient n-octanol/water (log P O/W) :	No data available
Auto-ignition temperature :	No data available
Decomposition temperature:	No data available
Viscosity :	No data available
Explosive properties :	Not applicable The study does not need to be conducted because there are no chemical groups associated with explosive properties present in the molecule.
Oxidising properties :	Not applicable. The classification procedure needs not to be applied because there are no chemical groups present in the molecule which are associated with oxidising properties.
9.2. Other information	
No data available	

SECTION 10: Stability and reactivity	
10.1. Reactivity	
Reactivity :	None under normal processing.
10.2. Chemical stability	
Stability	: The product is stable under storage at normal ambient temperatures.
10.3. Possibility of hazardous reactions	
Possibility of hazardous reactions :	None under normal processing.
10.4. Conditions to avoid	
Conditions to avoid :	Avoid generation of dust.
10.5. Incompatible materials	
Incompatible materials :	None known.
10.6. Hazardous decomposition products	
Hazardous decomposition products :	None under normal conditions

SECTION 11: Toxicological information

 equibase systems®	<h1>Material data & Safety sheet</h1>	Date: 13 th august 2021
Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

11.1. Information on toxicological effects	
Acute toxicity :	Not classified (Based on available data, the classification criteria are not met.)
Skin corrosion/irritation	Not classified (Based on available data, the classification criteria are not met.) pH: Not applicable
Serious eye damage/eye irritation :	Not classified (Based on available data, the classification criteria are not met.) pH: Not applicable
Respiratory or skin sensitisation :	Not classified (Based on available data, the classification criteria are not met.)
Germ cell mutagenicity :	Not classified (Based on available data, the classification criteria are not met.)
Carcinogenicity :	Not classified (Based on available data, the classification criteria are not met.)
Reproductive toxicity :	Not classified (Based on available data, the classification criteria are not met.)
STOT-single exposure :	Not classified (Based on available data, the classification criteria are not met.)
STOT-repeated exposure :	Not classified (Based on available data, the classification criteria are not met.)
Aspiration hazard :	Not classified (Based on available data, the classification criteria are not met.)

Other information

Symptoms related to the physical, chemical & toxicological characteristics, Reference to other Sections: 4.2

SECTION 12: Ecological information	
12.1. Toxicity	
Toxicity :	Ecological injuries are not known or expected under normal use.
12.2. Persistence and degradability	
Persistence & degradability	: No data available
12.3. Bioaccumulative potential	
Bioaccumulation :	No data available
Partition coefficient n-octanol/water (log P O/W):	No data available
12.4. Mobility in soil	
Mobility :	No data available
12.5. Results of PBT and vPvB assessment	
PBT/vPvB data :	No data available
12.6. Other adverse effects	
Other information :	No data available

SECTION 13: Disposal considerations	
13.1. Waste treatment methods	
Product waste: :	Refer to manufacturer/supplier for information on recovery/recycling
Contaminated packaging :	If recycling is not practicable, dispose of in compliance with local regulations.
List of proposed waste codes/waste designations in accordance with EWC	Waste codes should be assigned by the user based on the application for which the product was used.

SECTION 14: Transport information
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 equibase systems®	<h1>Material data & Safety sheet</h1>	Date: 13 th august 2021
Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

14.1. UN number	
UN number :	NA
14.2. UN proper shipping name	
Proper Shipping Name :	NA
14.3. Transport hazard class(es)	
14.3.1. Overland transport	
ADR/RID :	Not classified for this transport way.
Class(es) :	Not applicable
14.3.2. Inland waterway transport (ADN)	
ADN :	Not classified for this transport way.
14.3.3. Transport by sea	
IMDG :	Not classified for this transport way.
Class or Division :	Not applicable
14.3.4. Air transport	
ICAO/IATA :	Not classified for this transport way.
Class or Division :	Not applicable
14.4. Packing group	
Packing group :	NA
14.5. Environmental hazards	
Other information :	Not applicable.
14.6 Special precautions for user	
Special precautions for user:	No data available.
14.7 Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code	
Code: IBC :	Not applicable.

SECTION 15: Regulatory information	
15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture	
15.1.1. EU-Regulations	
Restrictions on use :	No data available
This product contains an ingredient according to the candidate list of Annex XIV of the REACH Regulation 1907/2006/EC.	: none
Authorisations :	Not applicable
15.1.2. National regulations	
DE :	WGK : nwg
15.2. Chemical safety assessment	

SECTION 16: Other information

 equibase systems®	<h1>Material data & Safety sheet</h1>	Date: 13 th august 2021
Lot-no. / description:	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

Abbreviations and acronyms:	<p>CLP = Classification, Labelling and Packaging Regulation according to 1272/2008/EC</p> <p>IATA = International Air Transport Association</p> <p>IMDG = International Maritime Dangerous Goods Code</p> <p>LEL = Lower Explosive Limit/Lower Explosion Limit</p> <p>UEL = Upper Explosion Limit/Upper Explosive Limit</p> <p>REACH = Registration, Evaluation, Authorisation and Restriction of Chemicals</p> <p>EC50 = Median Effective Concentration</p> <p>ErC50 = EC50 in terms of reduction of growth rate</p> <p>LC50 = Median lethal concentration</p> <p>LD50 = Median lethal dose</p> <p>NA = not applicable</p> <p>PBT = persistent, bioaccumulating and toxic (PBT).</p> <p>TLV = Threshold limits</p> <p>TWA = time weighted average</p> <p>STEL = Short term exposure limit</p> <p>vPvB = very persistent and very bioaccumulating</p> <p>WGK = Wassergefährdungsklasse (Water Hazard Class under German Federal Water Management Act)</p>
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The contents and format of this SDS are in accordance with EEC Commission Directive 1999/45/EC, 67/548/EC, 1272/2008/EC and EEC Commission Regulation 1907/2006/EC (REACH) Annex II.

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City of Independence

Request for a Conditional Use Permit to Construct a Ground Mounted Solar System on the Property located at 7075 US Hwy 12

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 16, 2024
<i>Applicant:</i>	Mike Reneau
<i>Property Owner:</i>	Greg Page
<i>Location:</i>	7075 US Hwy 12

Request:

Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. A conditional use permit (CUP) to allow ground mounted solar system that is greater than 500 SF.

Property/Site Information:

The property is located on the south side of US Hwy 12 and approximately one mile west of the intersection of CSAH 92 and Hwy 12. The property has an existing home and several detached accessory structures. The property has the following characteristics:

Property Information: **7075 US Hwy 12**

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: 42 acres

Subject Property



Discussion:

The applicant approached the City about the possibility of installing a ground mounted solar system on the subject property. The City provided the applicant with the requirements and discussed the process for initially developing the City's standards relating to ground mounted solar systems. All ground mounted solar systems require a conditional use permit. Ground mounted solar systems are limited to a maximum square footage of 500 square feet, but can now be expanded up to a total of 2,500 SF if additional criteria are satisfied by the applicant. Ground mounted solar systems have the following requirements:

Subd. 5. Ground-Mounted Solar Energy Systems - shall conform to the following standards:

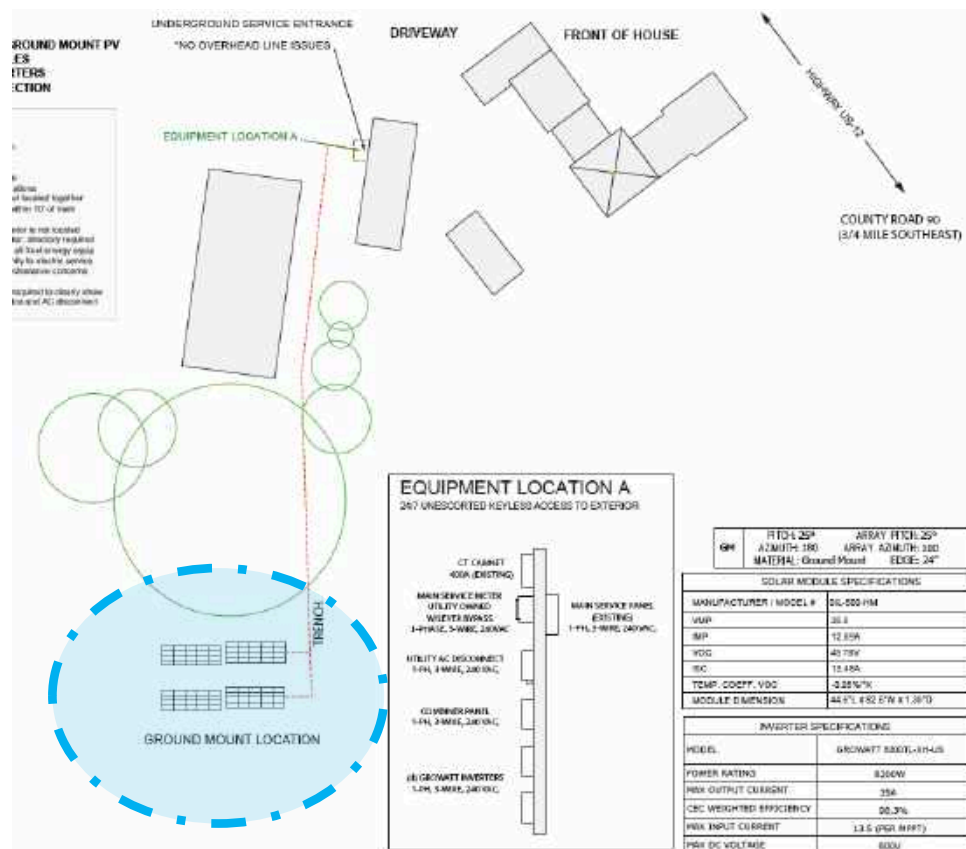
- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- (b) Ground-mounted systems shall be located only in rear or side yards.
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (d) Ground-mounted systems shall be wholly screened from view from the public right of way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.
- (f) Ground-mounted systems shall have a maximum area of 500 SF.
- (g) Ground mounted systems shall be setback a minimum of 50 feet from all property lines.
- (h) The maximum height for any component of the system shall be 15 feet.
- (i) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (j) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.
- (k) The city may permit a ground mounted solar energy system which exceeds 500 SF, if the following additional criteria are wholly satisfied:
 - 1. The ground mounted solar system does not exceed 2,500 SF.
 - 2. The ground mounted solar energy system is located on a property that is 5 acres or larger.

3. The ground mounted solar energy system shall be located a minimum of 100 LF from any property line and 500 LF from any residential structure on an adjoining property.
- (l) The city will also consider the following additional criteria to determine if a ground mounted solar energy system will be permitted to exceed the maximum size limitations established in this code:
1. The ground mounted solar energy system is not visible from any public street or from adjacent properties. Screening can be used to meet this standard.
 2. The applicant has provided with the application, the written consent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested.
 3. The city finds that granting permission for a ground mounted solar energy system, that exceeds 500 SF, will not be detrimental to the public or take away from the reasonable use and enjoyment of the surrounding property.

The proposed ground mounted solar system would be located on a portion of the property that is to the south of the existing home. The proposed solar system would be comprised of four (4) separate ground mounted arrays. The total square footage of the four (4) arrays is proposed to be 2,070 SF. The arrays would be setback approximately 230 feet from the west (side) property line and 375 feet from the south property line (rear yard). The required setback from any property line is 50

The proposed ground mounted system would have a maximum height of approximately 10' to the top of the highest portion of the panels. The City requires systems to be wholly screened from view of the public right of way and adjacent residential structures. The property owner owns a total of almost 500 acres including the subject property. The nearest residential structure to this property is approximately 0.5 miles to the east. It is also noted that the owner owns all abutting properties to the subject property. The distance from the proposed solar arrays to the Hwy 12 right of way is approximately 1,000 feet and there is a significant stand of trees between both the adjacent residential property and Highway 12.

The applicant has provided the City with a site plan and images of the proposed solar system. The system is comprised 80 panels. The panels are oriented to the south and will be installed at a 35-degree angle to the ground. The proposed panels are mounted to a galvanized metal racking system. The racking system is proposed to be secured to the ground using helical pilings. The proposed solar panels are Silfab 500 HM panel that has an anti-reflection coating.



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 proposed ground mounted solar system exceeds the City's maximum size for ground mounted solar systems. The energy generated by this system is estimated to be 32.8 kW (AC). The applicant has noted that the proposed system will generate enough electricity to support the electrical loads of the existing residence. There are a few additional considerations that should be noted by the City:

- The City recently updated the solar energy ordinance to allow for ground mounted systems that are larger than 500 SF if they can meet the additional criteria provided. The applicant has demonstrated that they can meet the additional criteria. discussed the proposed ground mounted solar system with the applicant.
- The proposed system will generate approximately 54,933 kWh in the first year. This is a large property with several accessory buildings, a swimming pool and a higher energy demand than typical residential properties.
- The proposed system meets the location, setback and maximum height requirements of the zoning ordinance.
- There are no surrounding properties that appear to have any visibility into the existing site. The site sits higher than many of the surrounding properties and is buffered around

the permitter by heavy vegetative cover. The visibility of this system from the Hwy 12 right of way is fully screened.

The City will need to consider the requested CUP as presented and determine if it meets applicable criteria and can be supported. This property is a large property located off of US Hwy 12, the orientation of the proposed solar system and the relationship to the surrounding properties all aid in the mitigation of potential impacts relating to the ground mounted solar array.

Neighbor Comments:

The City has not received any comments or questions relating to the requested CUP and variance.

Recommendation:

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

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
 - a) The conditional use permit will allow a 2,070 SF ground mounted solar system that is installed in accordance with the approved plans attached hereto as Exhibit A.
 - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
3. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit.

Attachments:

1. Application
2. Ground Mounted Solar Site Plan
3. Ground Mounted Solar Plans and Details



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Mike Reneau
Address: 7075 US-12
Maple Plain, Minnesota
55359
Primary Phone: 612-475-4444
Email: mike@greenwaysolar.org

Owner Information

Name: Greg Page
Address: 7075 US-12
Maple Plain, Minnesota
55359
Primary Phone: 612-772-8599
Email: gregpage0809@gmail.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Proposed Conditions), Preliminary/Final Plan

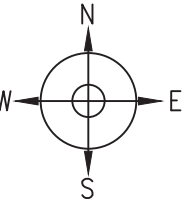
Signature:

We would like to install a 40kW ground mount solar system to support the electrical loads at the residence. The array will be located behind a tree line that obscures it from the residence and all surrounding properties. The planned arrays will have a total surface area of 2,070, requiring a CUP per 515.11, subd.5, (h).

SCOPE OF WORK

(N) 40 kW DC/ 32.8 kW AC GROUND MOUNT PV
(80) SILFAB 500 HM MODULES
(4) GROWATT 8.2 kW INVERTERS
(N) LINE SIDE INTERCONNECTION

- MNDIP REFERENCE:
- 4.1 Customer Name:
 - 4.2 Installation Address
 - 4.3 Installer name & contact information
 - 4.4 OID
 - 4.5 Buildings and streets labeled
 - 4.6 Compass direction (indicating North)
 - 4.7 Main service entrance, all meter locations
 - 4.8 Production Meter and AC Disconnect located together in readily accesible location within 10’ of main service meter
 - 4.8.1 If AC Disconnect or Production Meter is not located within 10’ of main service meter, directory required
 - 4.9 24/7 unescorted keyless access for all Xcel energy equip
 - 4.10 If DER facilities are in close proximity to electric service lines- position, distance, and clearance concerns should be noted
 - 4.11 Separate detail plan view may be required to clearly show location of meters, main service and AC disconnect



UNDERGROUND SERVICE ENTRANCE

*NO OVERHEAD LINE ISSUES

DRIVEWAY

FRONT OF HOUSE

HIGHWAY US-12

COUNTY ROAD 90
(3/4 MILE SOUTHEAST)

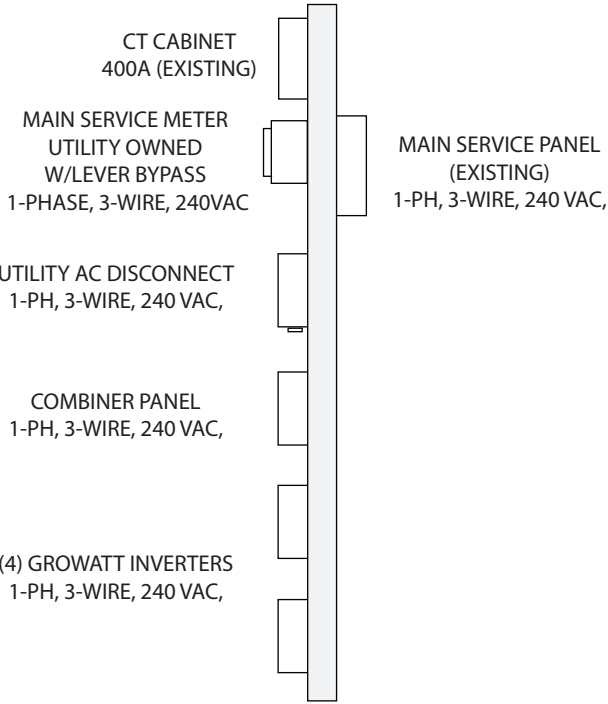
EQUIPMENT LOCATION A

TRENCH

GROUND MOUNT LOCATION

EQUIPMENT LOCATION A

24/7 UNESCORTED KEYLESS ACCESS TO EXTERIOR



GM	PITCH: 25°	ARRAY PITCH: 25°
	AZIMUTH: 180	ARRAY AZIMUTH: 180
	MATERIAL: Ground Mount	EDGE: 24"

SOLAR MODULE SPECIFICATIONS	
MANUFACTURER / MODEL #	SIL-500-HM
VMP	38.8
IMP	12.89A
VOC	45.78V
ISC	13.48A
TEMP. COEFF. VOC	-0.28%/°K
MODULE DIMENSION	44.6"L x 82.6"W x 1.38"D

INVERTER SPECIFICATIONS	
MODEL	GROWATT 8200TL-XH-US
POWER RATING	8200W
MAX OUTPUT CURRENT	35A
CEC WEIGHTED EFFICIENCY	98.3%
MAX INPUT CURRENT	13.5 (PER MPPT)
MAX DC VOLTAGE	600V



GREENWAY SOLAR

3018 EAST 28TH STREET
612.416.1518
LIC EA787224
LIC BC778154

PROJECT INFO & ADDRESS

GREG PAGE
GROUND MOUNT SOLAR ARRAY
7075 US-12
MAPLE PLAIN, MN 55359

612-772-8599
GREGPAGE0809@GMAIL.COM

40 kWDC/ 32.8 kWAC

PRODUCTION ESTIMATE: 54,933 kWh
OFFSET ESTIMATE: UNKNOWN%

UTILITY: XCEL ENERGY - MN

APPLICATION ID: 05607531

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

DRAWN BY

MICHAEL RENEAU
MIKE@GREENWAYSOLAR.ORG

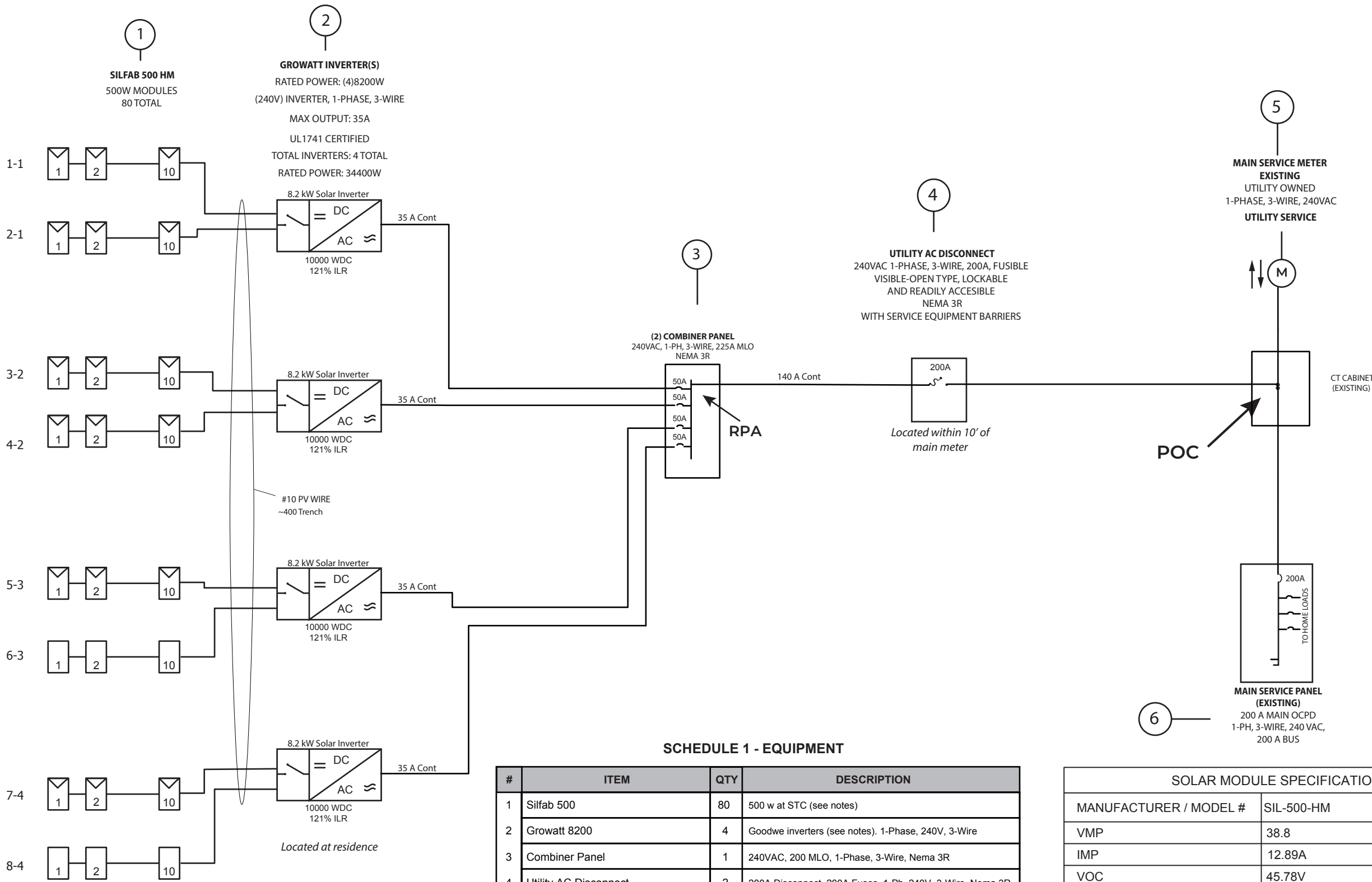
SUBMITTAL

INTERCONNECTION APPLICATION
SINGLE LINE

10/23/2023- FINAL

SHEET

SITE PLAN



SCHEDULE 1 - EQUIPMENT			
#	ITEM	QTY	DESCRIPTION
1	Silfab 500	80	500 w at STC (see notes)
2	Growatt 8200	4	Goodwe inverters (see notes). 1-Phase, 240V, 3-Wire
3	Combiner Panel	1	240VAC, 200 MLO, 1-Phase, 3-Wire, Nema 3R
4	Utility AC Disconnect	2	200A Disconnect. 200A Fuses, 1-Ph, 240V, 3-Wire, Nema 3R
5	Main Service Meter (Existing)	1	1-Phase, 3-Wire, 240 VAC, CL320
6	Main Service Panel (Existing)	1	200A Main, 1-Phase, 3-Wire, 240 VAC, 200 A Bus (Eaton BR)
7			
8			
9			
10			
11			
12			
13			

SOLAR MODULE SPECIFICATIONS	
MANUFACTURER / MODEL #	SIL-500-HM
VMP	38.8
IMP	12.89A
VOC	45.78V
ISC	13.48A
TEMP. COEFF. VOC	-0.28%/°K
MODULE DIMENSION	44.6"L x 82.6"W x 1.38"D

INVERTER SPECIFICATIONS	
MODEL	GROWATT 8200TL-XH-US
POWER RATING	8200W
MAX OUTPUT CURRENT	35A
CEC WEIGHTED EFFICIENCY	98.3%
MAX INPUT CURRENT	13.5 (PER MPPT)
MAX DC VOLTAGE	600V



GREENWAY SOLAR

3018 EAST 28TH STREET
612.416.1518
LIC EA787224
LIC BC778154

PROJECT INFO & ADDRESS

GREG PAGE
GROUND MOUNT SOLAR ARRAY
7075 US-12
MAPLE PLAIN, MN 55359

612-772-8599
GREGPAGE0809@GMAIL.COM

40 kWDC/ 32.8 kWAC

PRODUCTION ESTIMATE: 54,933 kWh
OFFSET ESTIMATE: UNKNOWN%

UTILITY: XCEL ENERGY - MN

APPLICATION ID: NA

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

DRAWN BY
MICHAEL RENEAU
MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

INTERCONNECTION APPLICATION
SINGLE LINE

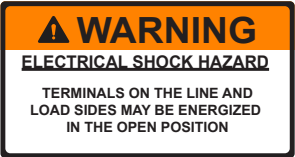
05/19/2023- DRAFT

SHEET

SINGLE LINE

2023 NEC LABELING REQUIREMENTS/PLACEMENT

1 Combiner Box / Circuits / Conduit Combiner Box / Enclosures / EMT Enclosures

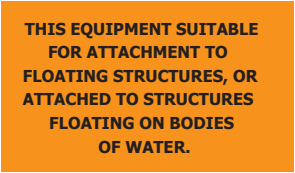


NEC 705.20(7) and NEC 690.13(B)

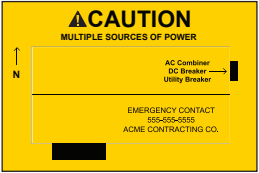


NEC 110.27(C) & OSHA 1910.145(f)(7)

2 Building / Structure

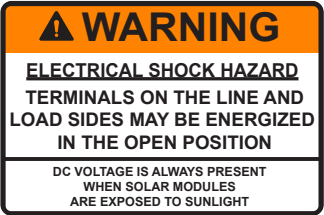


NEC 690.4(G)



NEC 705.10 & NEC 710.10

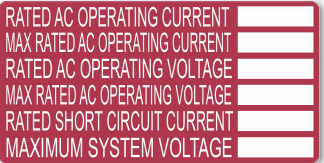
3 DC Disconnect / Breaker / Recombiner Box



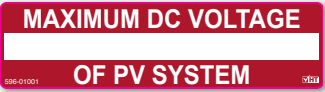
NEC 705.20(7) & NEC 690.13(B)



NEC 690.13(B)

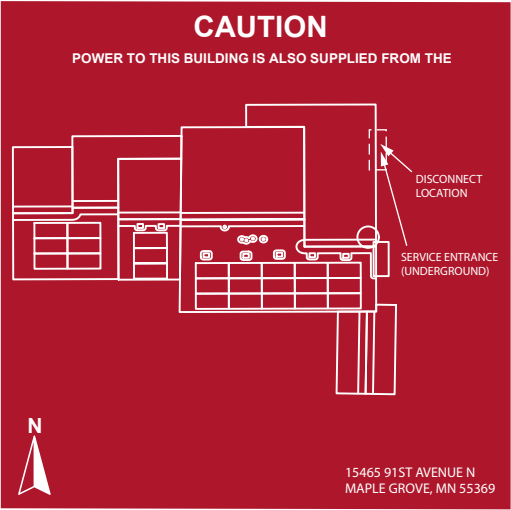


FOR MARKING DC BACKUP SYSTEMS



NEC 690.53

12 Service/System Disconnects



NEC 690.56(C)(1)(a)

4 EMT / Conduit Raceways



NEC 690.31(D)(2)



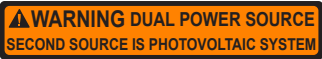
NEC 690.31(D)(2)

5 Inverter



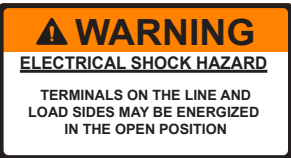
NEC 690.31(E)

6 Production / Net Meter (Bi-directional)



NEC 705.30(C) & NEC 690.59

7 AC Disconnect / Breaker / Points of Connection

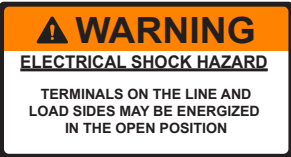


NEC 706.20(7) & NEC 690.13(B)



NEC 705.12(B)(3)

8 Breaker Panel / Pull Boxes

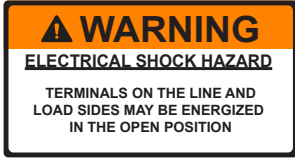


NEC 705.20 (7) & NEC 690.13(B)



NEC 110.27(C) & OSHA 1910.145(f)(7)

9 Main Service Disconnect



NEC 705.20(7) & NEC 690.13(B)



NEC 110.27(C) & OSHA 1910.145(f)(7)



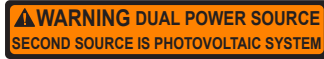
NEC 705.82 & NEC 710.15(C)



NEC 690.15 (B) & NEC 690.33(D)(2)



NEC 705.30(D) & NEC 690.59
Roll#596-00581Q-PI596-00666



NEC 705.30(C) & NEC 690.59
10-PI596-00665



NEC 705.12 (B)(2)



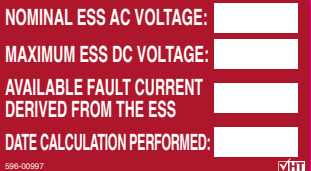
NEC 690.13(B)

10 Main Service Disconnect / Utility Meter

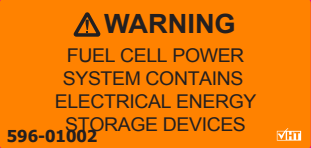


NEC 690.13(B)

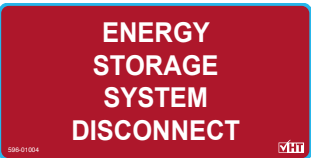
11 Energy Storage Systems



NEC 706.15(C)



NEC 692.52



NEC 706.15(C)

13 Utility Specific Labeling Requirements



3018 EAST 28TH STREET
612.416.1518
LIC EA787224
LIC BC778154

PROJECT INFO & ADDRESS

GREG PAGE
GROUND MOUNT SOLAR ARRAY
7075 US-12
MAPLE PLAIN, MN 55359

612-772-8599
GREGPAGE0809@GMAIL.COM

40 kWDC/ 32.8 kWAC

PRODUCTION ESTIMATE: 54,933 kWh
OFFSET ESTIMATE: UNKNOWN%

UTILITY: XCEL ENERGY - MN

APPLICATION ID: NA

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

DRAWN BY

MICHAEL RENEAU
MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

INTERCONNECTION APPLICATION
SINGLE LINE

02/02/2023- FINAL
03/30/23- SAM EDITS

SHEET

LABELING



GREENWAY SOLAR

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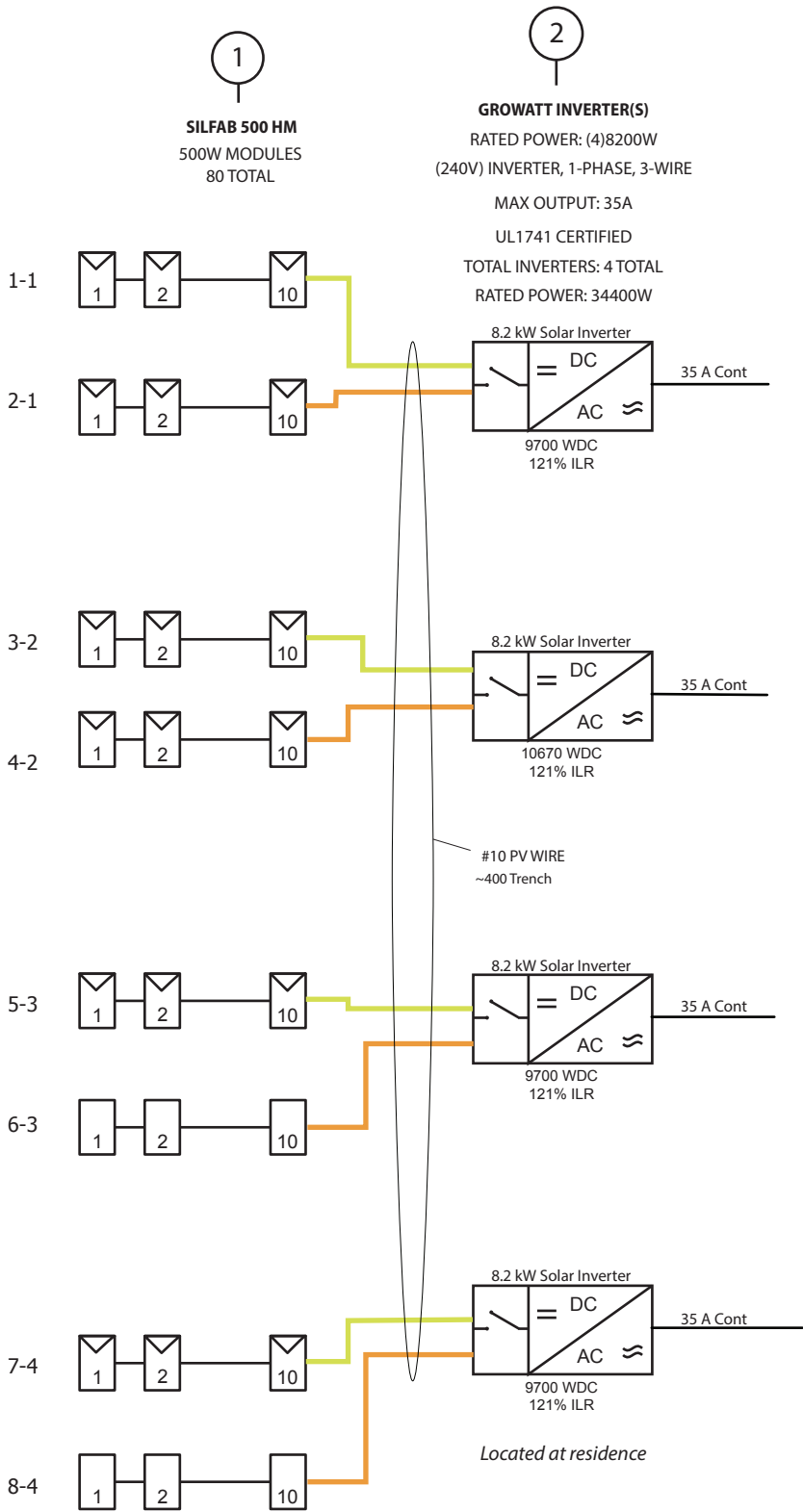
SUBMITTAL

INSTALLATION STRING DIAGRAM

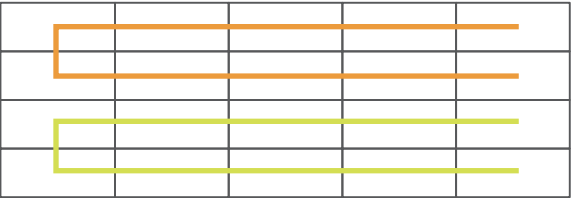
02/02/2023- FINAL

SHEET

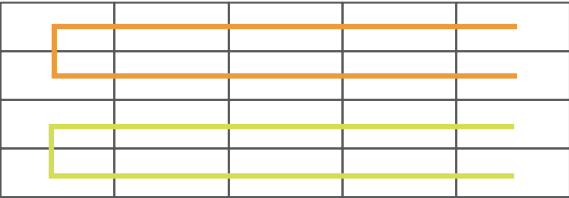
STRING
DIAGRAM



INVERTER 1

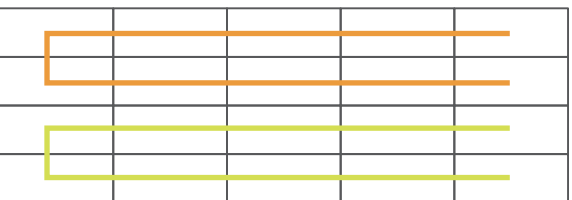


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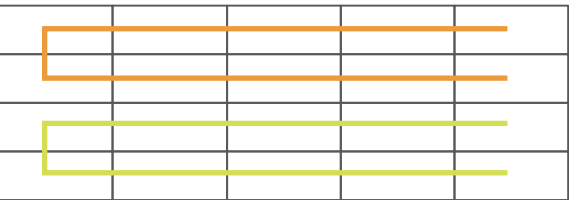


TRENCH

INVERTER 3



INVERTER 4



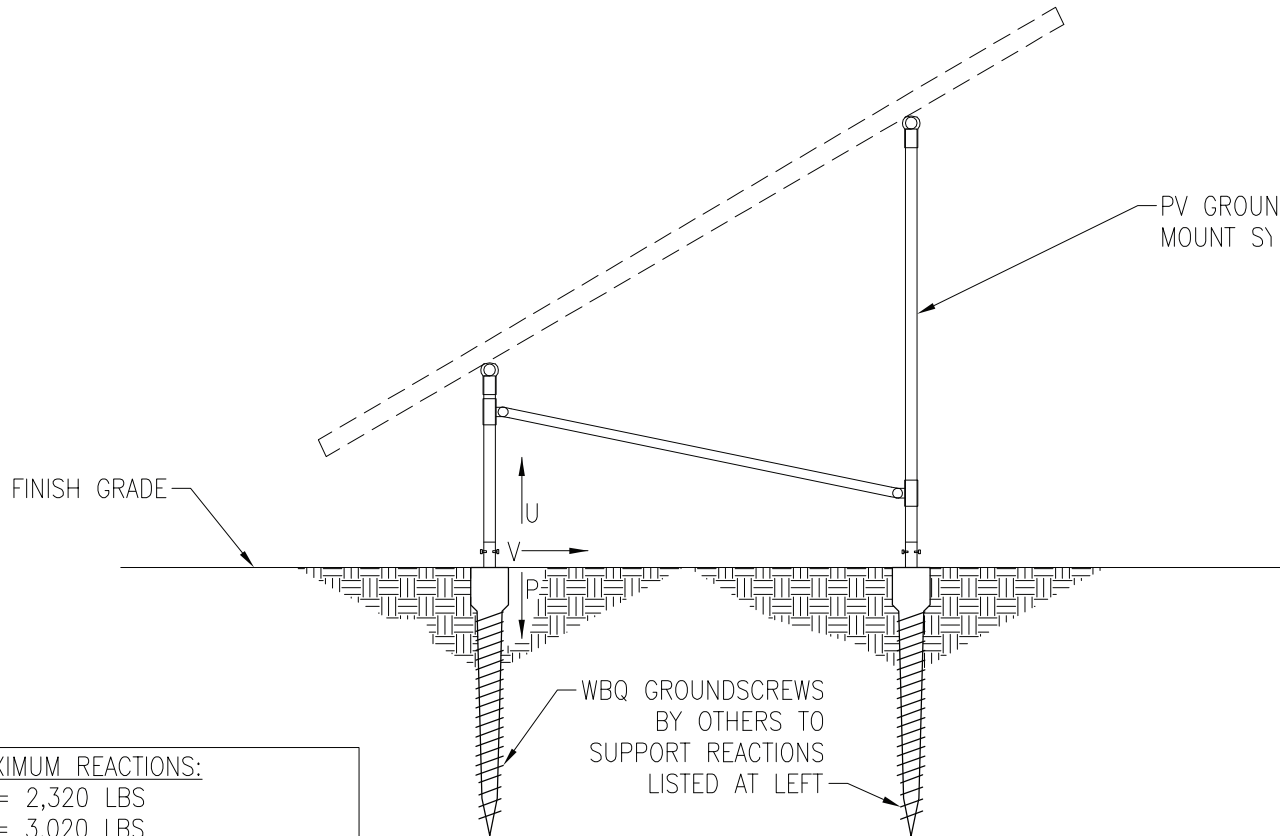
TRENCH

INVERTERS LOCATED AT GARAGE.

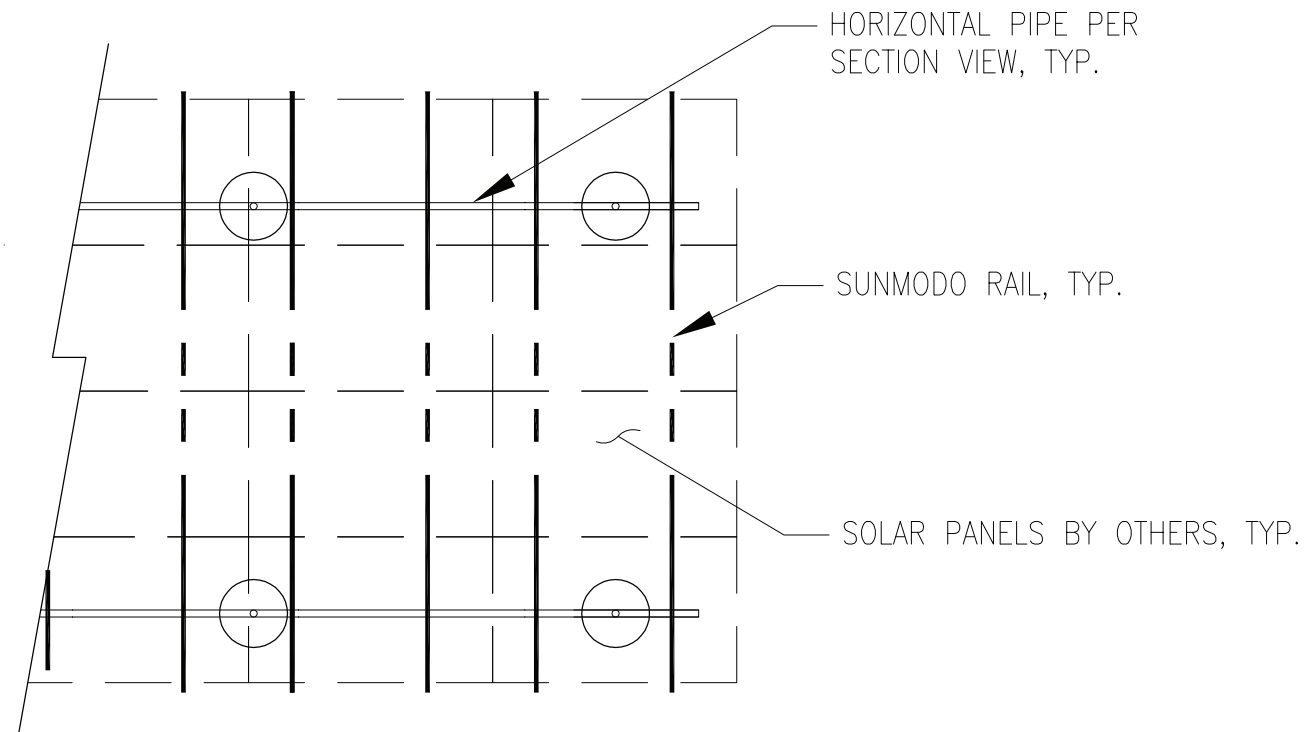


NOTES

1. DIMENSIONS IN TABLE ARE SHOWN AT MAXIMUM TILT & LEADING EDGE HEIGHT. PROJECTS WITH LOWER TILTS & LEADING EDGE HEIGHTS WILL RESULT IN REDUCED DIMENSIONS.
2. MAX DENOTES MAXIMUM PERMISSIBLE DIMENSIONS.



MAXIMUM REACTIONS:	
U =	2,320 LBS
P =	3,020 LBS
V =	1,690 LBS



GREENWAY SOLAR

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MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

INSTALLATION STRING DIAGRAM

02/02/2023- FINAL

SHEET

STRUCTURAL

SILFAB COMMERCIAL

SIL-500 HM

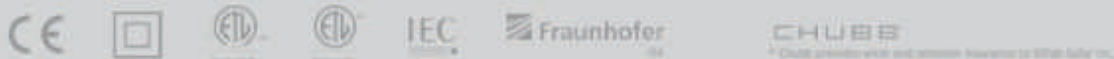


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ELECTRICAL SPECIFICATIONS		500 HM	
Test Conditions		STC	NOCT
Module Power (P _{max})	Wp	500	369
Maximum power voltage (V _{pmax})	V	38.80	35.68
Maximum power current (I _{pmax})	A	12.89	10.34
Open circuit voltage (V _{oc})	V	45.78	42.13
Short circuit current (I _{sc})	A	13.48	10.82
Module efficiency	%	21.0%	19.4%
Maximum system voltage (V _{DC})	V	1500	
Series fuse rating	A	25	
Power Tolerance	Wp	0 to +10	

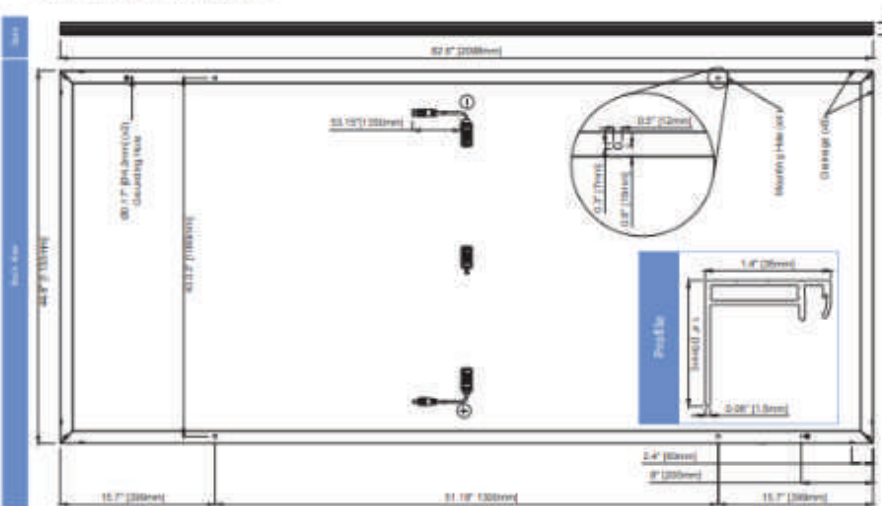
Measurement conditions: STC 1000 W/m² • AM 1.5 • Temperature 25 °C • NOCT 800 W/m² • AM 1.5 • Measurement uncertainty ± 3%
Sun simulator calibration reference modules from Fraunhofer Institute. Electrical characteristics may vary by ±5% and power by 0 to +10%.

MECHANICAL PROPERTIES / COMPONENTS	METRIC	IMPERIAL
Module weight	26.2kg ± 0.2kg	57.8lbs ± 0.4lbs
Dimensions (H x L x D)	2098 mm x 1133 mm x 35 mm	82.6 in x 44.6 in x 1.37 in
Maximum surface load (wind/snow)*	2400 Pa rear load / 5400 Pa front load	50.1 lb/ft ² rear load / 112.8 lb/ft ² front load
Hail impact resistance	ø 25 mm at 83 km/h	ø 1 in at 51.6 mph
Cells	132 Half cells - Si mono PERC 10 busbar - 182 mm x 91 mm	132 Half cells - Si mono PERC 10 busbar - 3.58 x 7.16 in
Glass	3.2 mm high transmittance, tempered, DSM antireflective coating	0.126 in high transmittance, tempered, DSM antireflective coating
Cables and connectors (refer to installation manual)	1350 mm, ø 5.7 mm, EVO2 from Staubli	53.15 in, ø 0.22 in (12AWG), EVO2 from Staubli
Backsheet	High durability, superior hydrolysis and UV resistance, multi-layer dielectric film, fluorine-free PV white backsheet	
Frame	Anodized Aluminum (Silver)	
Bypass diodes	3 diodes • GF5045 (45V max DC blocking voltage, 50A max forward rectified current)	
Junction Box	UL 3730 Certified, IEC 62790 Certified, IP68 rated	

TEMPERATURE RATINGS		WARRANTIES	
Temperature Coefficient I _{sc}	+0.064 %/°C	Module product workmanship warranty	25 years**
Temperature Coefficient V _{oc}	-0.28 %/°C	Linear power performance guarantee	30 years
Temperature Coefficient P _{max}	-0.36 %/°C		≥ 97.1% end 1st yr ≥ 91.6% end 12th yr ≥ 85.1% end 25th yr ≥ 82.6% end 30th yr
NOCT (± 2°C)	45 °C		
Operating temperature	-40/+85 °C		

CERTIFICATIONS		SHIPPING SPECS	
Product	UL 61215-1:2017 Ed.1***, UL 61215-2:2017 Ed.1***, UL 61730-1:2017 Ed.1***, UL 61730-2:2017 Ed.1***, CSA C22.2-M61730-1:2019 Ed.2***, CSA C22.2-M61730-2:2019 Ed.2***, IEC 61215-1:2016 Ed.1***, IEC 61215-2:2016 Ed.1***, IEC 61730-1:2016 Ed.1***, IEC 61730-2:2016 Ed.2***, IEC 61701:2020 (Salt Mist Corrosion), IEC 62716:2013 (Ammonia Corrosion), CEC Listing***, UL Fire Rating: Type 1	Modules Per Pallet	29 or 29 (California)
Factory	ISO9001:2015	Pallets Per Truck	24 or 23 (California)
		Modules Per Truck	696 or 667 (California)

* ⚠ Warning: Read the Safety and Installation Manual for mounting specifications and before handling, installing and operating modules.
** 12 year extendable to 25 years subject to registration and conditions outlined under "Warranty" at silfab.com
*** PAN files generated from 3rd party performance data are available for download at: silfab.com/downloads
**** Certification and CEC listing in progress.



SILFAB SOLAR INC.

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DRAWN BY

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SUBMITTAL

INTERCONNECTION APPLICATION
SITE PLAN

02/02/2023- FINAL

SHEET

RESOURCE DOCUMENT

MIN 8200~11400TL-XH-US

- Battery Ready for DC Coupled and AC Coupled systems
- With backup power and dark start operations
- Support RSD and AFCI
- Support multiple energy management modes: Self-consumption, Zero Export, TOU and Off-grid
- Comply with UL1741SA, CA Rule 21 & HECO
- Integrate diesel generator to charge battery for optimal energy management



GROWATT

<https://us.growatt.com>

P O W E R
- I N G
T O M O R R O W

Datasheet	MIN 8200TL-XH-US	MIN 9000TL-XH-US	MIN 10000TL-XH-US	MIN 11400TL-XH-US
Input Data (PV)				
Max. Recommended PV Power(STC)	16400W	18000W	20000W	22800W
DC/AC Ratio		2		
Max. DC System Voltage		600V		
Startup Voltage		50V		
Full load voltage range	170-500V	190-500V	210-500V	235-500V
Nominal Voltage		360V		
Operating Voltage Range		50~550V/LG Battery:50~450V		
No. of MPPT Trackers		4		
No. of PV Strings per MPPT Tracker		2		
Max. Input Current per MPPT Tracker		13.5A		
Max. Short-circuit current per MPPT Tracker		16.9A		
Input/Output Data (DC)				
Battery Voltage Range		ARO Battery :360V~550V/LG Battery:350V~450V		
Nominal DC Voltage		400V		
I/O DC Current	24A/24A	27A/27A	30A/30A	34A/34A*
I/O DC Power	8500W	9300W	10300W	11700W
Battery Technology		IFP / NMC		
Battery Capacity per Module		9.5kWh / 10kWh,1.6kWh		
Scalability		Up to 4 / Up to 2 in parallel		
Compatible Batteries		Growatt ARO HV battery / LG Prime (Gen3) battery		
Output Data (AC)				
AC Nominal Power@240V AC	8200W	9000W	10000W	11400W
AC Nominal Power@208V AC	7280W	7900W	8735W	9880W
Max. AC Apparent Power	8200VA	9000VA	10000VA	11400VA
Nominal AC Voltage		208V/240V		
AC Voltage Range @208V AC @240V AC		183V~229V/211V~264V		
AC Grid Frequency		50/60Hz		
AC Grid Frequency Range		45~65Hz		
Max. Output Current	35A	38A	42A	48A
Power Factor@Nominal Power		>0.99		
Adjustable Power Factor		0.8 leading~0.8 lagging		
THD		<3%		
AC Grid Connection Type		L1/L2/N/PE		
Output Data (Backup)				
AC Nominal Power	8200W	9000W	10000W	11400W*
Max. AC Power Output	9840VA	10800VA	12000VA	13680VA
Nominal AC Voltage		240V		
Max. Output Current	41A	45A	50A	57A
THD		5%		
AC Port-V2 Inverter	2AC Ports, 1 for ON Grid, 1 for Backup(EPS) compatible with ATS-UB for Partial Home Backup			
AC Port-V3 Inverter	1AC Port for 1 ON Grid compatible with SYN200-US for Whole Home Backup			
Efficiency				
Max. Efficiency	98.3%	98.3%	98.3%	98.5%
CBC Efficiency@208V AC	97.5%	97.5%	97.5%	97.5%
CBC Efficiency@240V AC	97.5%	97.5%	97.5%	98.0%
Protection Devices				
DC Reverse-polarity Protection		Yes		
DC Switch		Yes		
DC Surge Protection		Type I		
Insulation Resistance Monitoring		Yes		
AC Surge Protection		Type II		
AC short-circuit Protection		Yes		
Ground Fault Monitoring		Yes		
Grid Monitoring		Yes		
Anti-islanding Protection		Yes		
Residual-current Monitoring Unit		Yes		
ARCI Protection		Yes		
General Data				
Dimensions (W / H / D)		15.8/25.2/7.4inch(400/638/187mm)		
Weight		45.2lbs./20.5kg		
Operating Temperature Range		-13°F~-+140°F (-25 °C ~ +60 °C) derating above 113°F		
Altitude		9843ft (3000m)		
Internal Consumption at Night		<1W (for PV Inverter)/ <5W (for storage Inverter)		
Cooling		Natural Convection		
Electronics Protection Degree		NEMA4X (IP65)		
Relative Humidity		0~95%		
Interfaces				
RS485		Yes		
WiFi/4G Communication		Optional		
Warranty: 10 Years		Yes(optional for extended 15 and 20 years warranty)		
Revenue Grade Meter		ANSI C12.20 (meet 0.5% accuracy)		
IEEE1547, CA Rule21, Rule 14(HECO Compliant), FCC Part15 Class B, UL1741,UL1741SA,CSA C22.2, UL1699B, UL1741 CRD, UL9540				

* 34A/34A can only be achieved with LG battery, ARO battery is 30A/30A.
* 11700W can only be achieved with LG battery, ARO battery is 10300W.
* 11400W when using ARO battery, 11400W off-grid output requires both PV and battery power supply, and ARO battery itself has a rated off-grid power of 10kW.
GROWATT USA INC. Address: 9227 Reseda Blvd. #435 Northridge, CA 91324. Sales Hotline: 818 800 9455 Service Hotline: 186 6 686 0298
Email: usa@growatt.com



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ACCOUNT #: UNKNOWN

DRAWN BY

MICHAEL RENEAU
MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

INTERCONNECTION APPLICATION
SITE PLAN

02/02/2023- FINAL

SHEET

RESOURCE
DOCUMENT

■City of Independence

***Request for a Conditional Use Permit to Allow a Detached Accessory Structure
Larger than 5,000 SF on the Property located at 2510 County Road 92***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 16, 2024
<i>Applicant:</i>	Karen Ann Malinak
<i>Owner:</i>	Karen Ann Malinak
<i>Location:</i>	2510 County Road 92

Request:

Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory structure greater than 5,000 SF.

Property/Site Information:

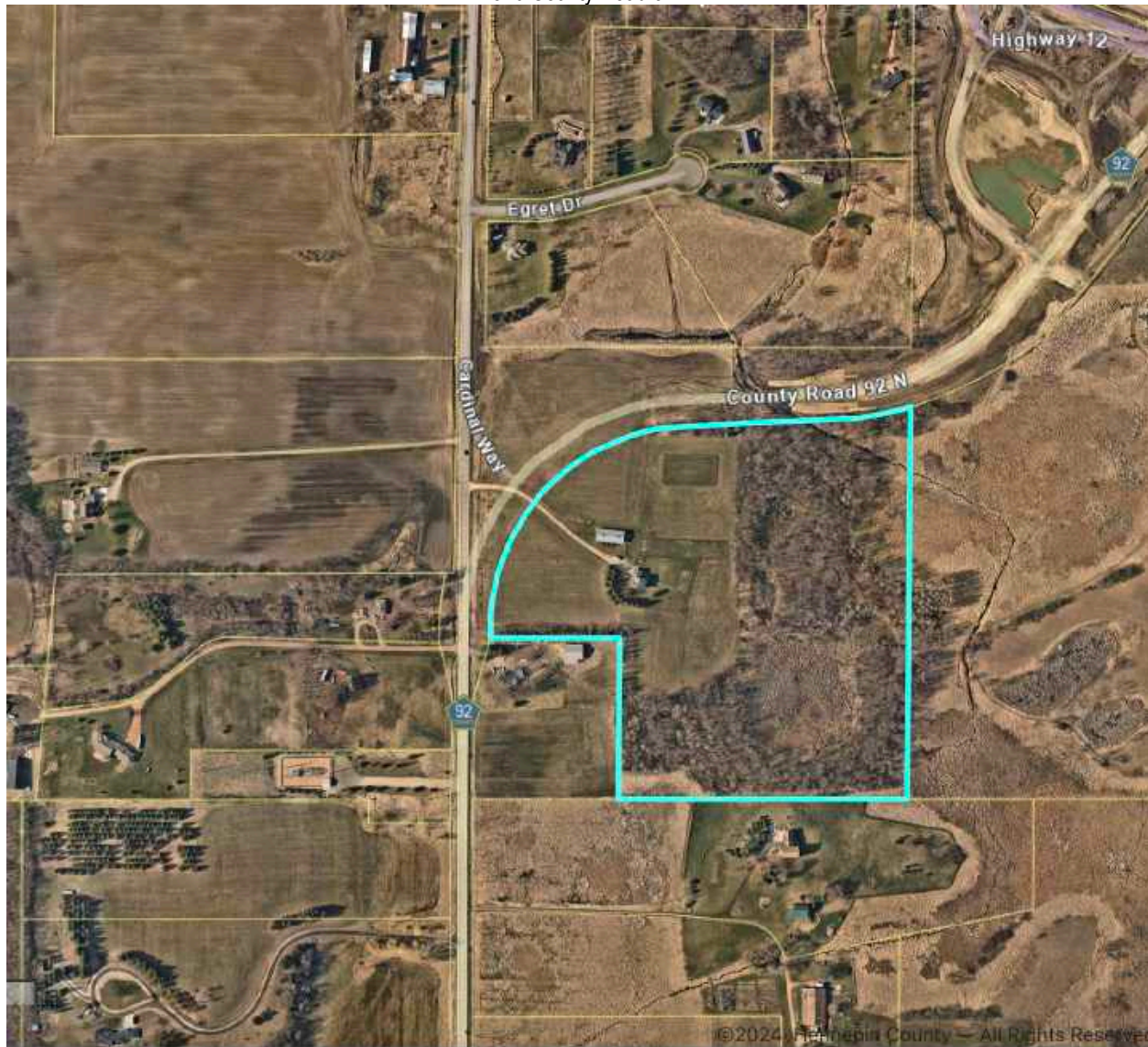
The property is located south of Highway 12 and on the west side of County Road 92 near Cardinal Way. The property has pasture, woodlands and a substantial wetland along the east property line. The property has the following characteristics:

Property Information: **2510 County Road 92**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *23.06 acres*



Discussion:

The applicant is seeking a Conditional Use Permit to allow the expansion of the existing detached accessory structure “barn” which would exceed 5,000 SF. The applicants recently purchased this property and moved into the subject home. In May of this year, the applicant was granted a CUP to allow a dog kennel to be housed within the principal structure on the property. The applicant would like to now expand the existing detached accessory structure on the property. The existing detached accessory structure is 36 x 80 (2,880 SF). The applicant would like to add a 30 x 80 addition onto the structure (2,400 SF) which would bring the total square footage of the building to 5,280 SF (see attached plans). This would exceed the maximum amount of SF permitted for a single building by 280 SF.

The total square footage of all detached accessory structures for properties greater than 10 acres is not limited. The applicant has livestock and other animals (not the dogs) that would be housed inside of the

building. The existing building is also located in the center of the property and not near an edge or adjacent property (closest property line is approximately 250'+).

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.

Consideration for the proposed Conditional Use Permit should weigh the impact of constructing an accessory building that is 280 square feet larger than that which is otherwise permitted by the zoning ordinance. The location, additional driveway area, building setbacks, building height and other features of the building are permitted in the A-Agriculture zoning district. Given the size of the property and the applicant's ability to meet and exceed all applicable setbacks, the impact of the proposed structure relating to the standards for issuing a conditional use permit appear to have been met.

The proposed amendment is generally consistent with the use of similar Agriculture zoned properties in this area. Should the CUP be approved by the City Council, the Planning Commission has recommended that the following conditions be noted by the City:

- Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements.
- The use of this building will need to conform to all applicable standards in the A-Agriculture zoning district.
- The proposed building cannot be used for commercial indoor storage.

- The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.

The Planning Commission will need to review the request and determine that all criteria for granting a conditional use permit have been satisfied by the applicant. Based on the discussion and public hearing it may be necessary to consider additional conditions if recommended for approval.

Neighbor Comments:

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

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for a Conditional Use Permit. Should Planning Commission recommend approval of the request, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements.
3. The use of this building will need to conform to all applicable standards in the A-Agriculture zoning district.
4. The proposed building cannot be used for commercial indoor storage.
5. The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.
6. The applicant shall pay for all costs associated with processing, reviewing and recording the conditional use permit.

Attachments:

1. Property Pictures
2. Application
3. Building and Site Plans

Attachment #1

2510 County Road 92 (Looking west)



2510 County Road 92 (Looking north)





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 06-03-2024

Applicant Information

Name: Karen Malinak
Address: 2510 county road 92 n
Independence, Minnesota
55359
Primary Phone: 763-242-6427
Secondary Phone: 6125978032
Email: rapha.farms@yahoo.com

Owner Information

Name: Karen Malinak
Address: 2510 county road 92 n
Independence, Minnesota
55359
Primary Phone: 763-242-6427
Secondary Phone: 6125978032
Email: rapha.farms@yahoo.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Building Plans

Signature:

JOE

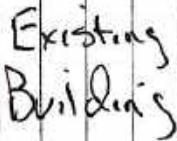
2510 Co Rd 92 No

Independence MN DATE 4-10-24

SCALE

DATE _____

763-242-6427 (Karen)



JOB

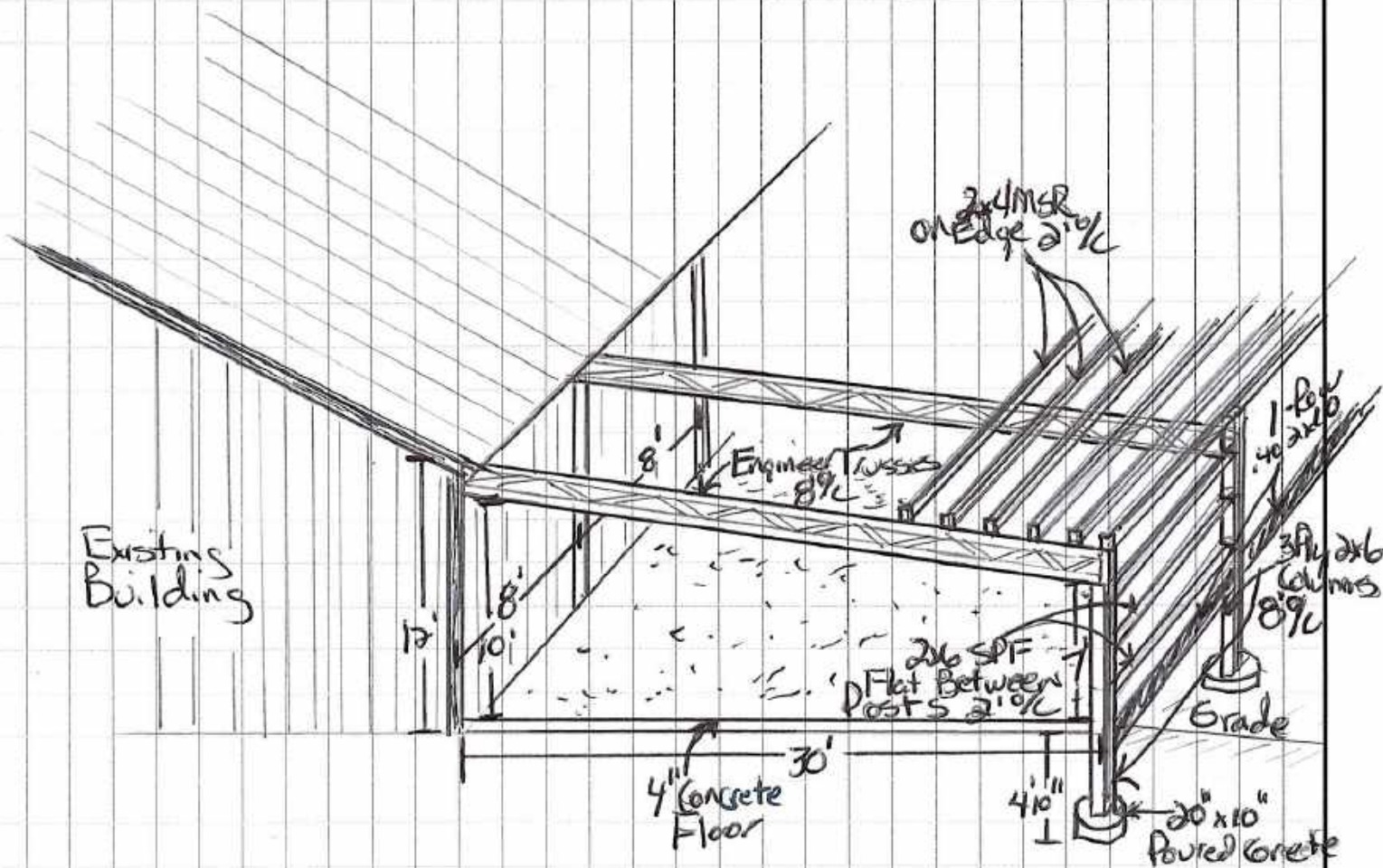
Rapha Farms
2510-Co Rd 92 No
Independence mn

DATE

4-10-24

SCALE

763-242-6427 (Karen)



- NEW HOMES
- POLE BUILDINGS
- REMODELING
- DOORS / WINDOWS
- BUILDING MATERIALS
- DRAFTING / DESIGN
- CABINETS & TOPS

Brent Nelson

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(763) 682-6980 Fax
(320) 221-0529 Cell

www.wrightlumber.com
brent.nelson@wrightlumber.com

901 Central Avenue, Buffalo, MN 55313

City of Independence

Request for a Variance to Allow a Reduced Front and Side Yard Setback for the Property Located at 5215 Sunset Lane

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 21, 2017
<i>Applicant:</i>	Corey Oeffling
<i>Owner:</i>	Corey Oeffling
<i>Location:</i>	5215 Sunset Lane

Request:

Corey Oeffling (Applicant/Owner) requests that the City consider the following actions for the property located at 5215 Sunset Lane (PID No. 01-118-24-31-0002):

- a. A variance to allow a reduced front and side yard setback. The setback reductions would permit the construction of a new attached garage and front porch.

Property/Site Information:

The subject property is located at 5215 Sunset Lane which is on the south side of the road before it curves north along Lake Sarah. The property is comprised of approximately .84 acres. The property has a significant grade change and a mix of upland wooded areas.

Property Information: **5215 Sunset Lane**
Zoning: *Rural Residential (Shoreland Overlay)*
Comprehensive Plan: *Rural Residential*
Acreage: 2.87 acres
Impervious Surface Maximum: 25%

5215 Sunset Lane (blue outline)



Discussion:

UPDATE - The Planning Commission initially reviewed this request in November of 2016. At that time the applicant did not have an official survey of the property and was asking the Planning Commission to consider a variance for a reduced front and side yard setback. The request made to the City included the following proposed setbacks from the front and side yards:

Front Yard Required:	85 feet from centerline of road.
Front Yard Proposed:	45 feet from centerline of road
Variance:	40 feet

Side Yard Required:	30 feet (existing home is located 19.7 feet from side property line)
Side Yard Proposed:	16 feet
Variance:	14 feet

The Planning Commission reviewed the request and recommended approval subject to the applicant obtaining a certified survey for the property. The applicant commissioned the survey and upon review of the proposed setbacks in relation to the property lines determined that the garage would be considerably closer to the side lot line. The applicant is now proposing the following setbacks for the garage addition:

Front Yard Required:	85 feet from centerline of road.
Front Yard Proposed:	42.1 feet from centerline of road
Variance:	42.9 feet

Side Yard Required: 30 feet (existing home is located 19.7 feet from side property line)
Side Yard Proposed: 8.7 feet
Variance: 21.3 feet

Due to the discrepancy between the setbacks initially considered by the Planning Commission and the newly proposed setbacks, it was necessary for the variance to be reconsidered by the City. The applicant is proposing a side yard setback of 8.7 feet from the west property line versus the originally proposed 16 feet. The applicant is proposing a front yard setback of 42.1 feet from the centerline of the road versus the originally proposed 45 feet. There are several additional considerations that should be noted by the Planning Commission when reviewing this request:

1. There is a narrow strip of “unbuildable” land directly adjacent to the side property line that would be closest to the proposed structure (see depiction below). This land is owned by a neighboring property owner that lives two properties to the east of the subject property. The owner of the strip of land has provided a letter to the City stating that they do not object to the requested variances.



2. The existing home will maintain an approximate 83-foot setback from the east property line.

All comments, criteria and conditions initially considered by the Planning Commission would still be applicable to this request. Commissioners will need to determine if the amended request complies with the criteria for granting a variance.

ORIGINAL REPORT – The applicant would like to construct a new front porch and attached garage on the property. There is currently an existing home located on the property. The existing home has an attached garage that is located below the living area and accessed through the lower level. The applicant recently acquired the home from his father and would like to construct a new attached garage in a location and at an elevation that would allow access into the home at the main living level. The lot slopes from west to east in a manner that would make it difficult to construct an addition that could be accessed at the main living level grade.

In order to accommodate the new garage, the applicant is seeking a variance to allow the reduction of the front and side yard setbacks. The requisite setbacks are as follows:

Front Yard Required: 85 feet from centerline of road.
Front Yard Proposed: 45 feet from centerline of road
Variance: 40 feet

Side Yard Required: 30 feet (existing home is located 21 feet from property line)
Side Yard Proposed: 16 feet
Variance: 14 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. The applicant is proposing to use the property in a manner consistent with the Rural Residential District. The property is wooded and positioned in a way that would reduce the impact of the proposed garage addition. The neighborhood surrounding this property has a wide array of property types with varying setbacks from the front and side yard setbacks. The applicants have attempted to locate the building in a manner that they feel would reduce or mitigate impacts to the surrounding properties.
- b. The character of the surrounding area is residential. The applicant is proposing to update the existing home with a new front porch. The applicant is also trying to construct a new garage that is at the same level as the main living area of the home. Currently the only access to the home from the garage is through the basement.
- c. The proposed variance would allow the expansion of a residential structure which is in keeping with the City's comprehensive plan.
- d. The existing home is located approximately 21 feet from the side property line and would be considered a non-conforming structure. The applicant could construct a detached garage that would be permitted to be located within 15 feet of the side property line.
- e. The elevation of the house and overall lot makes it difficult to locate a garage to the east of the existing home without significant changes being made to the grade. The applicant believes that the impact from those changes would be more significant to the surrounding properties than the plan which is proposed.
- f. The applicant is proposing to construct a new front porch on the existing home. The front porch would encroach into the required setback approximately 10 feet. The City could grant a variance for the porch separately if the proposed garage is not recommended for approval.
- g. Should the City consider granting approval of the requested variances, a certified survey should be provided by the applicant to verify the property lines and exact setbacks.

The Planning Commission will need to determine if the requested variances meet the requirements for granting a variance.

Neighbor Comments:

The applicant has spoken with the surrounding property owners and stated that he generally received support of the requested variance. The City received a letter from the property owner of 5175 Sunset Lane (owner of the adjacent strip of land to the west).

Recommendation:

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

1. The proposed Variance meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The requested variances will allow the construction of the proposed garage, mud room and porch in accordance with the approved plans only (plans will become an exhibit of the resolution). The variances shall be as follows:
 - a. Front Yard: 42.9 feet
 - b. Side Yard: 21.3 feet
3. The Applicant shall pay for all costs associated with the City's review of the requested variance.
4. Any future improvements or expansion of the structure will need to be in compliance with all applicable standards relating to the Rural Residential zoning districts.

Attachments:

1. Property Pictures
2. Building Plans
3. Site Survey

Attachment #1

5215 Sunset Lane (looking south)



5215 Sunset Lane (topography)





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 05-24-2024

Applicant Information

Name: Robert Berens
Address: 5855 Lake Sarah Hts Dr
Rockford , Minnesota
55373
Primary Phone: 763-370-9284
Email: rberens1945@gmail.com

Owner Information

Name: Andrea Berens
Address: 5845 Lake Sarah Hts Dr
Rockford , Minnesota 55373
Primary Phone: 612-940-6357
Email: Andrea.berens22@gmail.com

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

We moved the house in four years ago with the intent of building a parking space and possible garage attached to the house. We allowed for a 24' x 24' space to meet the 85 foot setback. While working on the house, I determined that I needed to put in an Entry instead of a side entry to accommodate my older daughter who has several palsy. I needed a safer way for her to exit the house. They used up up 5 feet of the planned garage area. I now need to plan for a detached garage, carport, pole building. I need at least a 10 foot variance to go from an 85 foot setback to 75 foot setback and a 15 foot variance is possible it might give me some breathing room allowing for possible roof overhang.

I would ask the variance to extend into the future without putting a deadline for me. I'm wrestling with whether or not I have the ability to do this myself or if I'm going to have to hire it done. Part of the planning will depend on how much room I have to work with.

The Independence office has a copy of the surveys we used when building the house and I have dropped off planning copies to Mark over the past month. I'll try to upload some documents with this, but they're basically duplicates to what I've already provided.

LAKE SARAH

CALCULATED POSTION OF THE MEANDER CORNER (POINT NO. 8702) ON THE NORTH LINE OF GOVT LOT 2 PER HENNEPIN COUNTY.

N89°17'16"E
566.70 DEED 556.27 MEAS.

GOV'T. LOT 2 - SEC. 2 - TWP. 118 - RNG. 24

LAKE SARAH

PROPERTY DESCRIPTION

The East 100 feet of the West 200 feet of the following described parcel: That part of Government Lot 2, Section 2, Township 118, Range 24, described as follows: Commencing at the meander corner on the Northeastly shore of Lake Sarah and on the North line of said Government Lot 2, as re-set by the Hennepin County Surveyor on May 25, 1959; thence East along said North line 566.7 feet to the Point of Beginning of the property being described; thence continuing East along said North line 600 feet; thence deflecting right 90° to the shore of Lake Sarah; thence West along said shore to its intersection with a line drawn South through the point of beginning at right angles from said North Line; thence North to the Point of Beginning; EXCEPT the North 65 feet thereof.

SETBACKS

Existing & Proposed
Front Yard Setback 85 Ft. from centerline of road
Side Yard Setback 30 Ft. from side lot line
Setback from Lake Sarah 100 Ft. from ordinary high water mark

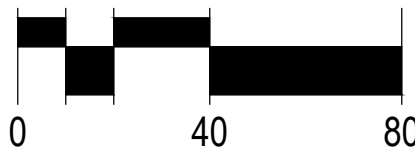
PROPOSED ELEVATIONS

PROPOSED UPPER FLOOR ELEV. = 993.5
PROPOSED LOWEST FLOOR ELEV. = 985.5

SITE SYMBOLS

EXISTING	DESCRIPTION
x123.4	SPOT ELEVATION
1014.5	PROPOSED ELEVATION
←	DRAINAGE DIRECTION
○	1/2" x 14" IRON PIPE SET WITH A PLASTIC CAP MARKED #13057
●	IRON PIPE FOUND

NORTH



CLIENT

Bob Berens
5855 LAKE SARAH HEIGHTS DRIVE
ROCKFORD, MN 55373
TEL (763) 370-9248

MUNICIPALITY

PROJECT

BERENS
PROPERTY
INDEPENDENCE, MN

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY		
DATE	ISSUE / REVISION	REVIEW
06/28/2021	Setbacks, Borings, Pad	TO
07/14/2021	Typo	LH
01/27/2022	Shed Relocation	LH

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.

Larry Hulby

License No. 24332 Date: 06/25/2021

Signature shown is a digital reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SUBMITTAL

XX.XX.XXXX

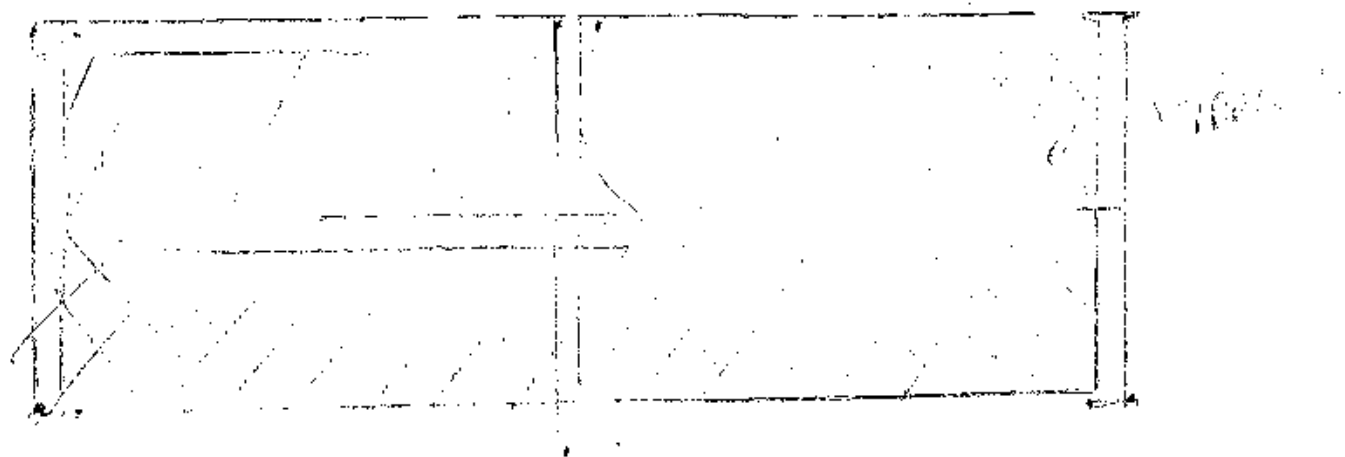
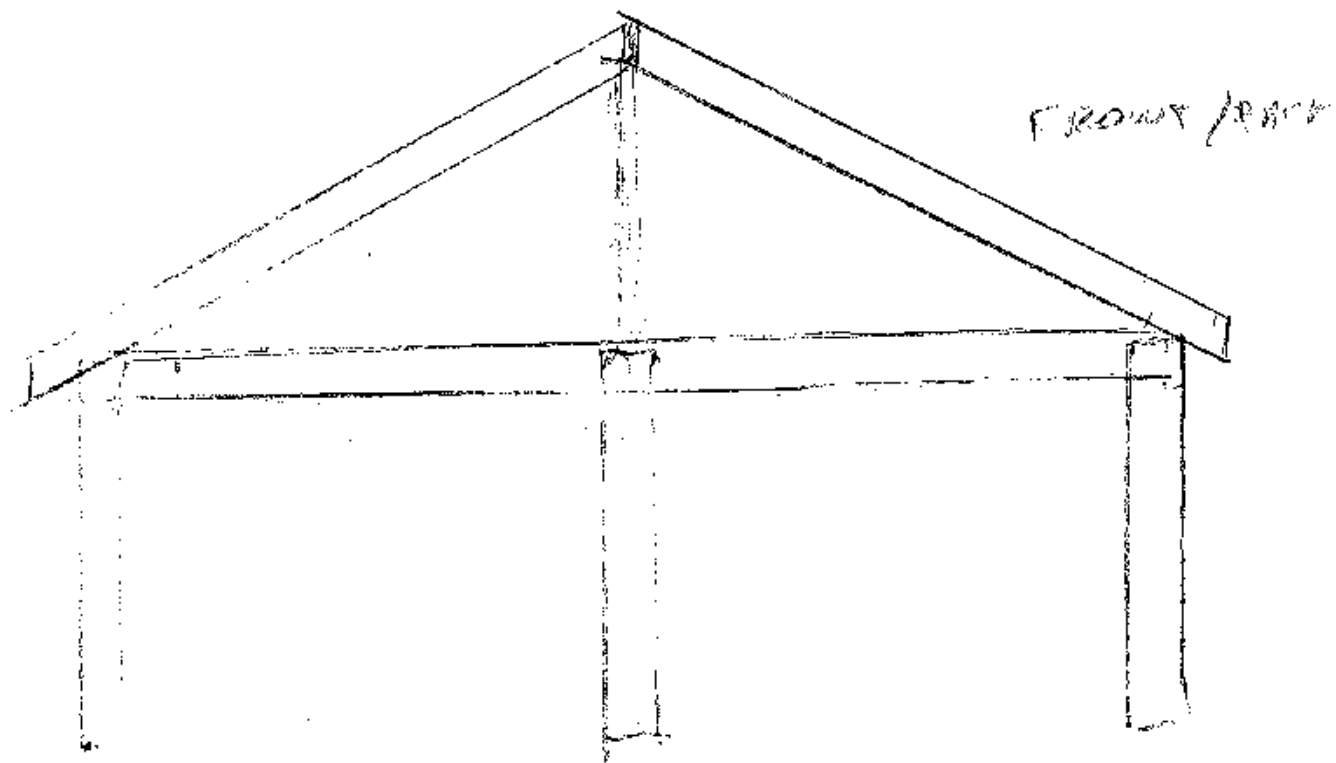
LANDFORM
From Site to Finish

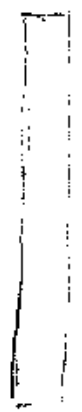
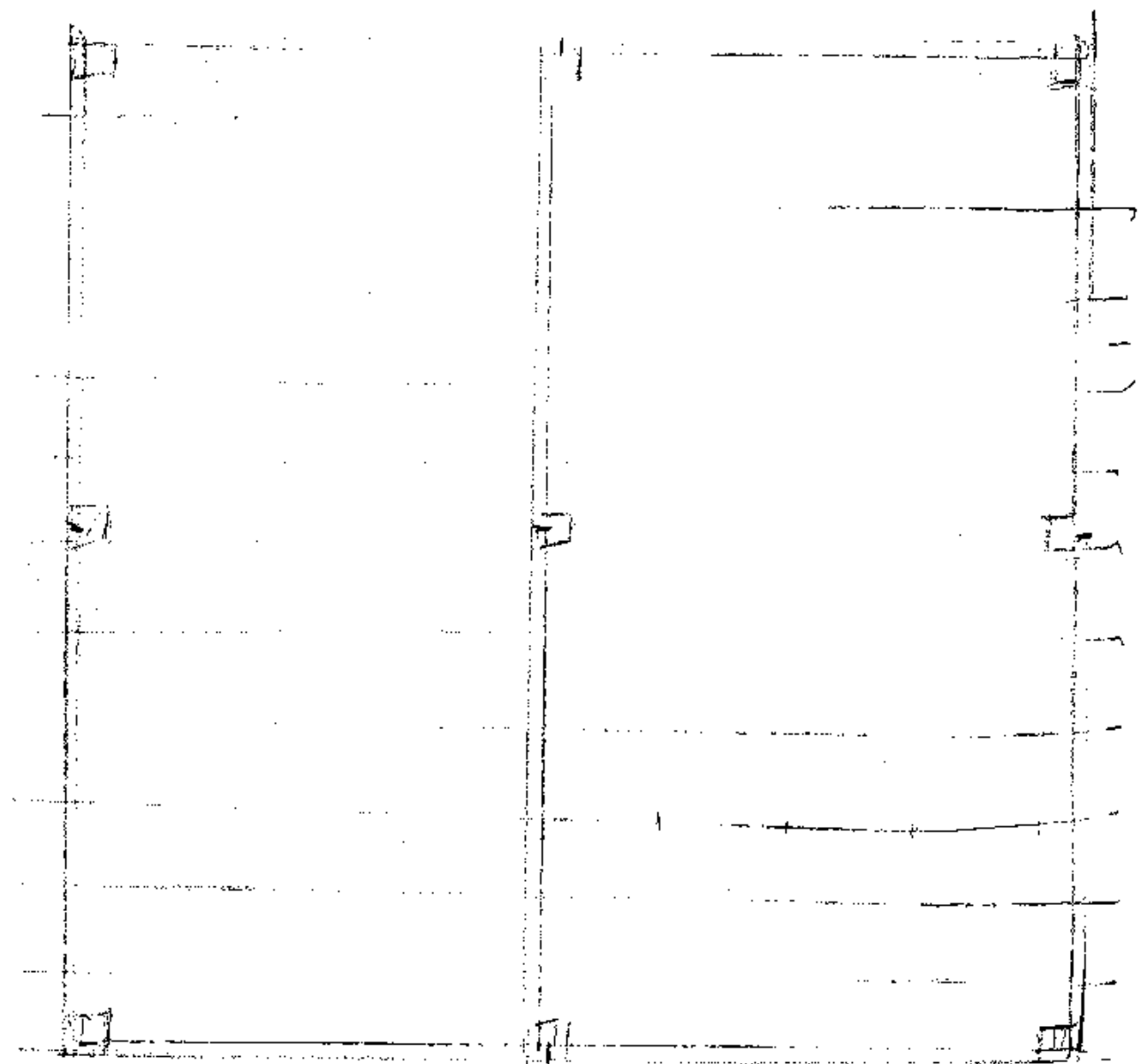
105 South Fifth Avenue Tel: 612-252-9070
Suite 513 Fax: 612-252-9077
Minneapolis, MN 55401 Web: landform.net

FILE NAME ZZZ21622 COS.dwg

PROJECT NO. ZZZ21622

CERTIFICATE OF SURVEY





11

- 13 11' 11"
- 27 11' 11"
- 8 3' 0" 11' 11"
- 16 11' 11"
- 5-6 11' 11"

606th of
Tinsley

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PROBATION
24 424
10 10 10
10 10 10

64 to
LAW

2

30'

26

26'

SAC:

16. —

