



**PLANNING COMMISSION MEETING AGENDA
TUESDAY SEPTEMBER 17, 2024**

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. August 20, 2024, Planning Commission Meeting Minutes.
 - b. September 3, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING** – Patrick Felton (Applicant) and Jim VanDeVen (Owner) are requesting the following action for the property located at 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN.
 - a. A conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property.
5. Open/Misc.
6. Adjourn.



PLANNING COMMISSION MEETING MINUTES
TUESDAY AUGUST 20, 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 Gardner at 7:30 p.m.

2. Roll Call

PRESENT: Commissioners Gardner (Chair), Tearse, Dumas and Alternate Usset.

ABSENT: Thompson, Volkenant and Story

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: See Sign-In Sheet

3. Approval of Minutes:

- a. July 16, 2024, Planning Commission Meeting Minutes.
- b. July 30, 2024, City Council Meeting Minutes (For Information Only).

Motion by Tearse, seconded by Usset to approve the minutes.

Ayes: Gardner, Tearse, Dumas and Usset. Nays: None. Absent: Thompson, Volkenant, Story, and. Abstain: None. Motion Approved. 4-0

4. **PUBLIC HEARING (Continued)** – 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 reduction of the front yard and side yard setback to allow the construction of a car port and future garage in front of the existing house.

Property/Site Information:

The subject property is located at 5845 Lake Sarah Heights Drive which is on the south side of the road before it intersects Lake Sarah Heights Cir. The property is comprised of approximately .88 acres. The property has a mix of upland, wooded and wetland areas and has frontage on Lake Sarah.

Property Information: 5845 Lake Sarah Heights Drive

Zoning: *Rural Residential (Shoreland Overlay)*
Comprehensive Plan: *Rural Residential*
Acreage: .88 acres
Impervious Surface Maximum: 25%

Discussion:

The applicant would like to construct a new car port (which may be converted to or initially constructed to a detached garage) in front of the existing house. The home does not currently have a garage. The applicant received permission from the city to move the existing home onto this property in 2021. The applicant provided the city with plans that also allowed for a future garage (shown as a concrete pad on the plans) in front of the existing home on the property.

When the applicant initially planned to move the home onto the property, they were intending the primary access to be on the east side of the house. Once it was moved and set on the foundation, they decided to have the entrance come in from the “front” (north side) and decided not to pursue a side entrance. The current home has the entrance on the front (north side) of the property. Along with a garage, the applicant would like to construct a side entrance on the east side of the home. In order to make this a reasonably sized entrance that fits with the existing house, they are seeking a 6’ variance from the east property line to allow a 12’ x 12’ entry.

In order to accommodate the proposed detached car port/garage, the applicant is seeking a variance to allow a 15-foot reduction to the front yard setback. The variance would allow the car port/garage to be offset approximately 15 feet from the north face of the existing home. This setback would also minimize grading and tree removal going towards the lake and west property line. Locating the structure further to the south would require more fill and grading. The proposed car port/garage would meet the applicable side yard setback of 15’ for detached accessory structures. The requisite setbacks are as follows:

Car Port/Garage

Front Yard Required: 85 feet from centerline of road

Front Yard Proposed: 70 feet from centerline of road

Variance: 15 feet

Side Entrance

Side Yard Required: 30 feet from property line

Side Yard Proposed: 24 feet from property line

Variance: 6 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.
- b. The property is wooded and positioned in a way that would reduce the impact of the proposed car port/garage addition and side entrance. The neighborhood surrounding this property has a wide array of property types with varying setbacks from the front and side yard setbacks.
- c. Having a garage is consistent with surrounding properties. The existing lot has some grading and wetland challenges along with existing vegetation and tree coverage. While the home was brought onto the property by the owner, this lot does have some physical challenges due to the wetlands, lakeshore, existing tree coverage and grades.

The Planning Commission will need to find that the requested variances meet all applicable criteria for granting a variance.

Neighbor Comments:

The city has not received any written or verbal comments as of the time this report was prepared.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Variance 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 variance will allow the construction of the proposed detached car port/garage and side entrance in accordance with the approved plans only (plans will become an exhibit of the resolution). The variances shall be as follows:

- A 15' front yard variance to allow the proposed detached garage/carport to be located 70' from the centerline of the road rather than 85' as required.
- A 6' side yard variance to allow a front entrance to be located 24' from the east property line rather than 30' as required.

Note that the detached garage can be located 15' from the side property line as shown without a variance.

3. The Applicant shall pay for all costs associated with the City's review of the requested variances.

4. Any future improvements or expansion of the principal structure or detached accessory structure will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Attachments:

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

Coming back after being considered. Applicant wanted 2 variances and told them to go back and rework the application so we can look at everything. This property is on the NE side of Lake Sarah with lake frontage, 0.88 acres, RR, RR, shoreland overlay district. New carport on the property which they may convert or construct a detached garage. Existing home was moved in in 2021. Applicant sited the house that allowed for a future garage to be added in the front of the house. They left enough room to meet applicable setbacks. Once moved it, they realized a few things that changed. Asking granting a variance to allow a reduced front yard setback in front of house, detached from the house. Applicant would also like to build a side entrance to the E side of the home. Was originally part of their plan when they moved in and now, they would like to do that. In order to do that – reduced side yard setback to do that. Survey shows that the home was located in the manner that met all setbacks for the zoning. Proposed house was planned with a concrete pad with an attached garage. They did not do a side entrance to this house and put it on the N side of the house. They would like to build the carport and/or 24x24 car structure. With detached, they can go closer to side yard setback than if it were attached. Current house is located 36ft from the property line. They want a sidewalk around the side of the house. Initially it was set up that way. 12ftx12ft side entrance to all them room to work with interior layout. As you go to the S on this property, there is a slope towards the lake, a ravine on E side and drainage area. Two variances – front yard 15ft to allow 70ft setback from centerline and side entrance 24ft from property line (6ft variance). In this case, they are proposing to use the property in accordance to zoning and there are some challenges with grading that creates a hardship. We have also considered garages as a right of sort and common amenity you have with a SFD especially in the shoreland district. We did not receive any comments prior to this meeting.

GARDNER OPENED PUBLIC HEARING

Bob Berens – Mark explained it well. First I thought I had a 30ft setback but Mark explained. I have my two daughters living in the house and I want to make a garage for them to protect their

cars. The setback on side of the house, when we originally sited it, it was a split level. I closed up side entrance and I am uncomfortable to not have a 3rd entrance.

CLOSE PUBLIC HEARING

Gardner – seems like another small lake lot struggling with the side yards.

Dumas – are we setting a precedence?

Gardner – no I don't think so. You could put it closer to the house. This isn't a mansion; it is a reasonable house. Id be in favor of it.

Tearse, seconded by Dumas to approve variance 4-0

Motion by Tearse, seconded by Dumas to approve the variances requested.

Ayes: Gardner, Tearse, Dumas and Usset. Nays: None. Absent: Thompson, Volkenant, Story, and. Abstain: None. Motion Approved. 4-0

5. **PUBLIC HEARING** – Ethan Kindseth (Applicant) and Chris Dahlberg (Owner) are requesting the following action for the property located at 3010 Lindgren Lane (PID No. 13-118-24-21-0002) in the City of Independence, MN.

- a. A variance to allow the reconstruction of the existing home (legal non-conforming) on the same foundation with expansion of the height, roof, and enclosed spaces associated with modifications to the roof.

Property/Site Information:

The subject property is located at 3010 Lindgren Lane. The property is located along the north side of Lindgren Lane on the west side of Lake Independence. There is an existing home located on the property. The existing home is considered a legal non-conforming structure and the property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: 3010 Lindgren Lane

Zoning: Rural Residential (Shoreland Overlay)

Comprehensive Plan: Rural Residential

Acreage: 3.41 acres (1.16 acres above OHWL)

Impervious Surface Maximum: 25%

Discussion:

The applicant approached the city about the possibility of taking down the existing home and constructing a new home on the subject property on the foundation of the existing home. The city noted that the existing home is considered a legal non-conforming structure that does not meet current setbacks from the lake and Lindgren Lane. As a result, the home can be fully reconstructed but cannot be expanded, enlarged, or made taller without obtaining applicable variances for the areas proposed to be changed.

In addition to being considered a legal non-conforming structure, the property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

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

- (a) such use is permitted in the zoning district;*
- (b) the lot of record is in separate ownership from abutting lands, and can meet or exceed 60% of the lot area and setback requirements of this section; and*
- (c) all requirements of section 705 of this code regarding individual sewage Treatment systems are complied with.*

Based on the permitted setbacks, the subject property has a limited building area.

The existing home has the following setbacks:

Lake: 39.7' – (20.3' variance)

Side: na - compliant

Street: 49.7' to centerline of street (51' required) (1.3' variance)

The applicant is proposing to take down the existing home to the foundation and reconstruct a new home on the foundation. The applicant is proposing to increase the overall structure height (roof height expansion can be seen in elevations below) and expand a portion of the home on the main level. The expansion would be on top of the existing tuck under garage and is shown below in blue (in both the plan view and elevation view). The proposed new home would not encroach closer to the lake than the existing home but would enlarge the existing structure so that it is taller and expanded as noted.

The applicant has prepared a survey, existing house plans, proposed house plans and site plan. the city has reviewed the proposed plans and visited the property. The city discussed the possibility of moving the proposed house to the west and south to meet applicable setbacks. The applicant has noted that the existing trees, elevations and existing site improvements all support the request to rebuild the new home on the existing foundation.

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 applicant has attempted to leave the majority of the existing site features, deck, patio and landscape in its current location without completely reworking the entire site.
- b. Many of the surrounding properties on Lindgren Lane do not comply with applicable setbacks. This area of the city contains a handful of properties that do not conform to applicable setbacks.
- b. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

The variances would allow expansion of the existing home so that it has the same setbacks as the existing home (39.7' to the OHWL – representing a 20.3' variance and 49.7' to centerline of Lindgren Lane – representing a 1.7' variance). All other setbacks of the proposed home meet applicable setbacks. The Planning Commission will need to determine if the requested variances, to allow the proposed home to be constructed on the existing foundation meets the requirements for granting a variance. Several additional considerations that could be considered are as follows:

- 1. This lot was developed prior to the establishment of the setbacks in the current ordinance being adopted.
- 2. Setbacks to the side yard, street and lakeshore vary considerably on the surrounding properties.
- 3. The applicant is proposing to construct the new home on the existing foundation without disturbing the remainder of the site.

Neighbor Comments:

The City has not received any comments relating to the request at the time this report was prepared.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested variances. Should the Planning Commission Recommend approval of the variances, the following findings and conditions should be considered:

1. The requested variances meet all applicable conditions and restrictions stated in Chapter V Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District.
The applicant is seeking a variance to allow single-family home on the property.
 - b. The location of the proposed home is in the location of the existing home with the expansion primarily upward.
 - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
2. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
4. The variance will permit a 20.3' variance from the OHWL of Lake Independence and a 1.7' variance from the front yard setback (measured to the centerline of Lindgren Lane). Any modification, changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
5. The applicant shall pay for all costs associated with the City's review of the requested variances.

Kaltsas – lakeshore and front yard setback. Owners are looking at ways to update existing home to remodel or rebuild. Met with them and went through status of home. RR, RR, shoreland ordinance. SW side of lake indy on Lindgren Lane. Legal nonconfining structure, lot of record. Nonconforming because it doesn't meet current setbacks, and lot of record prior to 1982. Substandard lot of record is notable because we have an administrative.

Existing home is 39.7 ft from OHWL. It is located in a way that if you built it today it would be 20.3 and centerline setback is 51^{ft} (49.7). taking down to foundation? MN allows you to rebuild in exact location and specs that was built. This case, applicant looked at foundation and noted that it

supports lower-level floor and other home didn't have upper level and change roof line and height of structure. That change requires a variance for what they can't meet. Applicants' preference would be to use what's there and build off of it and modify it. Tuck under garage and above that they would like to make a new use on that story. We have to look at this as if it is a new structure. Shoreline setback and centerline variance and they could pass for building this new home.

Usset – the footprint of the home will not change; it is just vertically and roofline?

Kaltsas – that's correct. Footprint would remain just above ground.

Dumas – roof pitch? Obstructing view?

Kaltsas – increasing height but there isn't a home directly behind this to ruin view. LNC is a protection so you could rebuild. It does protect with what is there. People shouldn't be impacted. There is a factor, where it could go into a new criteria.

OPEN PUBLIC HEARING

CLOSED PUBLIC HEARING

Tearse – what if foundation isn't good?

Kaltsas – can rebuild it.

Motion by Dumas, seconded by Tearse to approve the variances requested with recommendations #1-#5

Ayes: Gardner, Tearse, Dumas and Usset. Nays: None. Absent: Thompson, Volkenant, Story, and. Abstain: None. Motion Approved. 4-0

Will bring to the September 3rd City Council Meeting.

6. Open/Misc.

Tearse – trees cut on Woodhill Lane and I thought they were going to come back?

Kaltsas – If it hasn't been done I will take a look at that

Tearse – they are all dead and now down the street almost touching the ground.

Dumas – Timber Island Trail tree down about to fall over by the bus stop.

7. Adjourn.

Motion by Usset, seconded Tearse by to adjourn meeting at 8:05pm. Ayes: Gardner, Tearse, Dumas and Usset. Nays: None. Absent: Thompson, Volkenant, Story, and. Abstain: None. Motion Approved. 4-0

Meeting adjourned.

Respectfully Submitted,
Carrie Solien/Recording Secretary



CITY COUNCIL MEETING MINUTES
TUESDAY SEPTEMBER 3, 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, McCoy and Betts

Absent: Grotting

Staff: Kaltsas, Simon, Vose

Visitors: Three Rivers Park District staff Marge, Stephen

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 August 20, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 23059-23068 and Batch #2; Checks Numbered 23069-23081).
- c. Large Assembly Permits:
 - i. Fundraiser - 2510 CSAH 92 N. on September 21, 2024.
 - ii. Wedding Ceremony - 7165 Turner Road on October 12, 2024.

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, McCoy. 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 attended the following meetings:

Budget Workshop

Spencer attended the following meetings:

Budget Workshop

Met with Council Member Deluca from Maple Plain

McCoy attended the following meetings:

Budget Workshop

Johnson attended the following meetings:

Budget Workshop

Planning commission

NW Trails annual dinner

Dinner at a reception hosted Kristin Robbins

Metro Cities economic development housing committee

7. Baker Park Reserve Long-Range Plan: Presentation and Support Resolution – Three Rivers Park District.

- a. **RESOLUTION No. 24-0903-03:** Considering approval of a support resolution for the Baker Park Reserve Long-Range Plan.

Marge Beard – updates to long range plan to baker park. Original Park in 1950s. Holds a near relationship with visitors and staff. Wide variety of summer and winter recreation – serve a lot of purposes. Continue to meet the needs of our community with updates. Fun facts about Independence residents – most visited park is Baker Park, Lake Rebecca and Lake Minnetonka, most popular park pass is a boat/trailer and second is a dog off leash pass. Most popular public program is Saturday mornings on the farm at Gale Woods Farm. Tour farms, crops and barns.

Stefan – landscape architect of three rivers. Master plan for Baker Park long term vision. Reflects input received through public process. Seeking support for draft plan to take to Metropolitan Council for their approval and back to board. Build off of existing infrastructure and improve it. In 2018 plan kicked off – engaged with public, then covid hit and we put a pause on it for a while. People were interested in expansion of camping, recreation sites, winter recreation. Add fishing pier, adding restrooms, parking lot improvements, trail spurs off main route, adding shoreline fishing and fishing pier, picnic shelters, winter recreation camping, 5 new winterized camper cabins, entrance improvements, nature play area and nature-based programing. Crossing 19 improvements.

Johnson – interesting document. I was telling Marge that it was nice to see the old hotel. Remembering days with grandfather delivered chickens there. No running water, electricity or anything else. Do they have money set aside for this? Are you doing this all in 1-2 years?

Stephan – this is a long-range plan. A few things funded now but once adopted, then we can solicit funding from the state and other funds and will be folded into our budget over the next 10-20 years.

Betts- mountain bike trail. Making a spur off that for more challenging.

Stefan – Lake Rebecca has mountain bike trails, but really isn't at baker. 80% of the land much be kept in a natural state and one 20% can be developed. Baker park was not compliant with that policy. We are at about 73%. We have a lot of open water. We would like to add mountain bike trails, but we don't have the opportunity. Thought about

acquiring additional land to help with the 80/20 policy and add trails there. Draft plan does have language that suggests a goal to add more land and trails.

Johnson – what year did you stop charging people to go to the park? What's the total number of visitors?

Stephan – 2003/2004 no charge for parking. Do charge for more infrastructure/cross country skiing. 613k without golf, 683k with golf.

Motion by Spencer, seconded by McCoy to approve RESOLUTION No. 24-0903-03. Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

8. 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. **RESOLUTION No. 24-0903-01:** Considering approval of a variance permitting a reduction of the front yard and side yard setback to allow the construction of a car port and future garage in front of the existing house.

Considered by PC and moved to council. Applicant and daughter would like to add a detached carport or detached garage. Zoned RR, shoreland overlay, 0.88 acres in size. In 2021 came to city to move home onto property. When they moved it, it was not a lot of record and was subject to current standards. Applicant did put it on the lot for a garage to be added on N side and still meet setbacks. They wanted to still try to do a carport/garage, but when they put the house on the lot, they noted that there was a change. Original side loading entrance to the home and instead a stairway on the side of the home. Worked well, but now they would like to add entrance and detached garage. Reduction in front yard setback. Still leave stairway in place. They thought entrance would be too tight on E side but now would like to try and have the 3rd entrance. Would meet setback on W side, but reduction of 15ft on front yard, and reduction of 6ft (24ft) rather than 30. Surrounding properties have some sort of garage structure. Would be consistent with those. Planning Commission noted 100ft wide with 30ft setbacks and it is challenging. Consistent with similar applications and properties in this area.

Spencer – drove up there and doesn't look like it would cause any issues with neighboring properties.

Motion by Betts seconded by Johnson to approve RESOLUTION No. 24-0903-01. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

9. Ethan Kindseth (Applicant) and Chris Dahlberg (Owner) are requesting the following action for the property located at 3010 Lindgren Lane (PID No. 13-118-24-21-0002) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0903-02:** Considering approval of a variance to allow the reconstruction of the existing home (legal non-conforming) on the same foundation with expansion of the height, roof, and enclosed spaces associated with modifications to the roof.

Variance for front yard and lake shore setbacks. Reconstructing existing home. Zoned RR, shoreland overlay 3.41 acres, 1.6 acres above ordinary height water level. Legal nonconforming structure. Reduced setbacks of 60% Lot of record. Allowed to be reconstructed in current plans but not expanded. Rebuild using existing foundation but expand in a couple areas they didn't have before. Change roofline and upwards expansion. Lower-level garage and would like to expand floor above garage where there is no structure above. Roofline changed and expanded upward. Proposing to use existing foundation and footprint, all above ground. 39.7ft from PHWL. Maintained at 39.7ft. Street setback, 49.7ft, 51ft is required. PC discussed roofline but no change in sq. ft. of footprint. Wouldn't increase impervious surface. Any views impacted as a result of house going higher, no impact due to existing trees. Criteria was satisfied. There is a probable building pad that would meet setbacks, but it is really limited. IT would create a whole impact. PC recommended approval.

Betts- what is the current sq. ft. before and after?

Ethan – adding approx. 500sqft with room and attic.

Chris – 3457 for finished.

Johnson – just the one corner of the house for the setback from the road

Motion by Spencer seconded by McCoy to approve RESOLUTION No. 24-0903-02.

Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain.

None. MOTION DECLARED CARRIED. 4-0

10. Consider Approval to Purchase/Trade In Lawn Mower For Public Works in Accordance with Revised CIP Equipment Plan.

Kaltsas – brought this to the workshop to discuss. Public Works would like to trade Kubota and purchase Toro. We have room to do this. We have some mechanical issues lately and warned by dealer more issues could arise. That piece of equipment is not how he would like to mow the parks and public areas. 2 smaller mowers would be ideal. We do have room this year. Net difference of \$8,200. \$7000 for the trade is fair. Purchasing Toro Zmaster. Each PW director has preferences of how they like to do things. Last one like the current way and now Shawn would like to do things differently. It is covered under warranty now for \$10k but next time it might not be.

Motion by Johnson seconded by Betts to approve purchase/trade-in for Public

Works. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting.

Abstain. None. MOTION DECLARED CARRIED. 4-0

11. Open/Misc.

Spencer – for the record, been representing Lake Independence with Chris Dahlberg and permit was approved today to treat the cattails using a drone. Interesting process. Multiple year to have the benefit. Need to treat in the next week and a half. Only signature he was not

able to get was a local homeowners association owner. Treat all owners except theirs. Treat channel around theirs. Thanks to Chris for helping to get those signatures and helping to get some contact info. Zero toxicity. Timing is critical. Sarah has used it for years. Talked to DNR to streamline this process in the future. Stops the channel from closing. It must be done regularly.

Betts – is this the invasive kind of cat tails?

Spencer – many kinds of cat tails.

12. Adjourn.

Motion by Spencer, seconded by McCoy to Adjourn meeting at 7:19pm. Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

Recording Secretary,

Carrie Solien

■City of Independence

***Request for a Conditional Use Permit to Allow an Attached Accessory Dwelling Unit
on the Property Located at 7645 Turner Road***

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	September 17, 2024
<i>Applicant:</i>	Patrick Felton
<i>Owner:</i>	Jim VanDeVen
<i>Location:</i>	7645 Turner Raod

Request:

Patrick Felton (Applicant) and Jim VanDeVen (Owner) are requesting the following action for the property located at 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN:

- a. A conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property.

Property/Site Information:

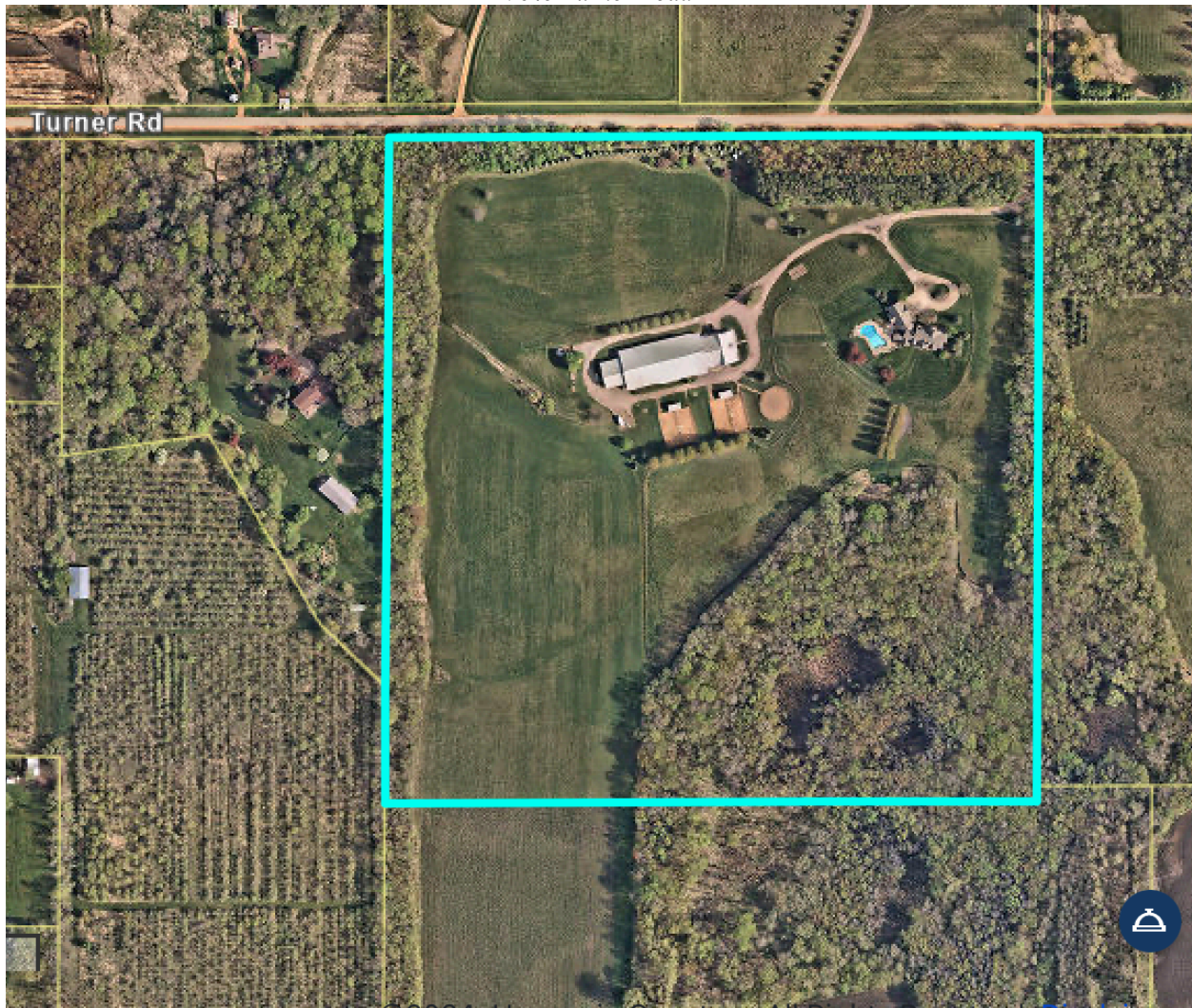
The property is located at 7645 Turner Road which is on the south side of Turner Road between just east of CSAH 92. The property has an existing single-family home and detached barn/riding arena.

Property Information: 7645 Turner Road

Zoning: *Ag-Agriculture*

Comprehensive Plan: *Ag- Agriculture*

Acreage: *40 acres*



Discussion:

The applicant approached the City about the possibility of constructing an attached accessory dwelling unit (ADU) that would be connected to the existing home on the property.

The City considers ADU's as a conditional use in the AG-Agriculture zoning district. The applicant has prepared plans for the attached accessory dwelling unit (site plan and architectural plans). The City has adopted standards requiring the ADU to be proportional and subordinate to the principal structure. The proposed principal house and accessory dwelling unit have the following specifics:

Principal Home:

4,000+ SF 1st and 2nd Floors (33% * 4,000 exceeds maximum allowable of 1,200 SF)

Accessory Dwelling Unit:

Allowed SF

1,200 SF allowed

Proposed SF

1,200 SF (Excludes attached garage/mechanical room and exterior porch)

<u>Setbacks</u>	<u>Required</u>	<u>Proposed</u>
Front Yard	85' from CL	300'+
Side Yard	30'	200' + (east side)
Rear Yard	40'	N/A

The proposed accessory dwelling unit is comprised 2 bedrooms, 2 baths, kitchen, family room, dining room, mud room, mechanical and attached garage. There is also an attached garage/mechanical room and shop that would not be included in the total SF calculation. In order for the City to consider a CUP for an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit and for an accessory dwelling unit. 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^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct an attached accessory dwelling.

- (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.

- (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 fully separated by the attached garage separating the principal home and the proposed accessory structure.

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

The proposed ADU has been designed to be architecturally similar to the proposed principal structure. Architecture and materials appear to be consistent with the existing home.

- (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 more than 4,000 square feet of above ground living space not including the walkout basement. 33% of 4,500 square feet allows an ADU up to the maximum of 1,200 square feet. The applicant has proposed a 1,200 SF detached accessory structure.

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

The existing property is 40 acres in size and there are no limitations on total accessory structure SF.

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

The applicant is proposing to construct permanent provisions for cooking; living and sanitation (see attached depiction).

- (h) Has no more than 2 bedrooms; and*

The applicant is proposing to have two (2) bedrooms within the proposed 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 owner of the property is proposing that the accessory dwelling unit will be occupied by a family member.

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

The proposed accessory structure will be connected to the existing septic system. The applicant will need to verify that the existing septic system be expanded to accommodate the additional bedrooms.

- (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 accessory structure does not impede the ability of the owner to subdivide the property in the future or utilize a secondary septic site.

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

The applicant will be required to obtain a building permit for all proposed improvements.

^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 has discussed the proposed improvements to the property with the City. The applicant has submitted a site survey, floor plan and illustrations of the proposed ADU and principal structure. The accessory dwelling unit will need to meet all applicable building codes and building regulations.

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.*

There are several items that should be noted by the City:

1. The subject property has an existing CUP for a caretaker apartment in the existing barn.

Ultimately the City will need to find that the criteria for granting a conditional use permit have been satisfied by the applicant. The proposed attached ADU appears to be designed to meet all applicable standards and is consistent with the existing structure.

Neighbor Comments:

The City has not received any written comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested 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 be issued subject to the following items being completed:
 - a. The Conditional Use Permit will be subject to the applicant obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - b. The ADU can be no greater than 1,200 SF.
 - c. The ADU will be constructed in accordance with the approved plans.

- d. The Applicant will need to provide the city with verification that the existing septic system can accommodate, or be expanded to accommodate, the proposed ADU. The city will review information submitted and confirm the septic system status prior to issuance of any building permits.
3. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments:

1. Application
2. Site Plan/Survey
3. Proposed Accessory Dwelling Unit Floor Plan
4. ADU Architectural Elevations



**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 08-07-2024

Applicant Information

Name: Patrick Felten

Address: 5159 Main St E #120
Maple Plain, Minnesota
55359

Primary Phone: 7634793117

Secondary Phone: 6122984302

Email: patrick@gordon-james.com

Owner Information

Name: Jim VanDeVen

Address: 7645 Turner Road
Independence , Minnesota
55359

Primary Phone: 612-916-0823

Email: jimdvandeven@gmail.com

Property Address:

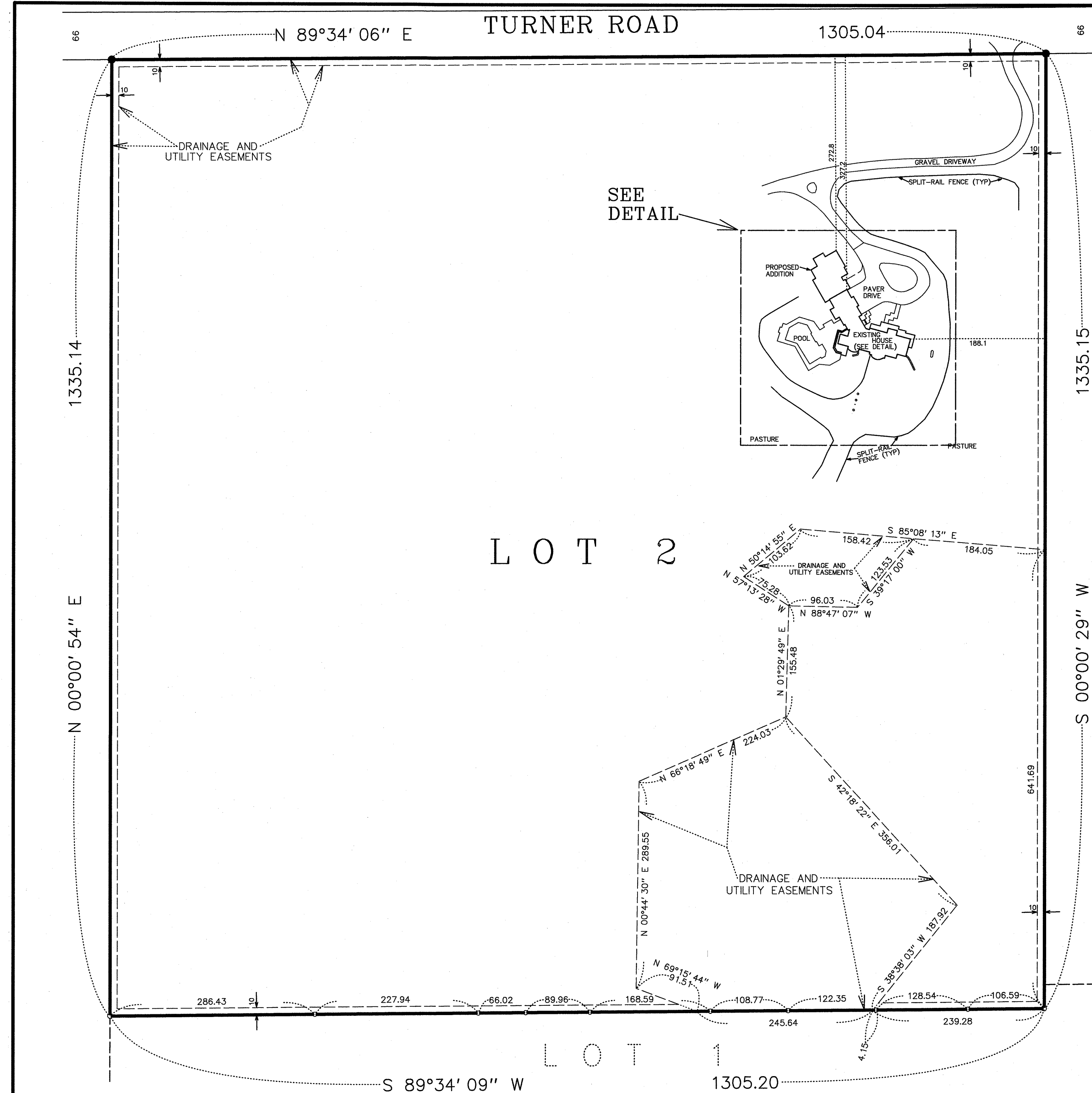
PID:

Planning Application Type: Conditional Use Permit

Description:

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

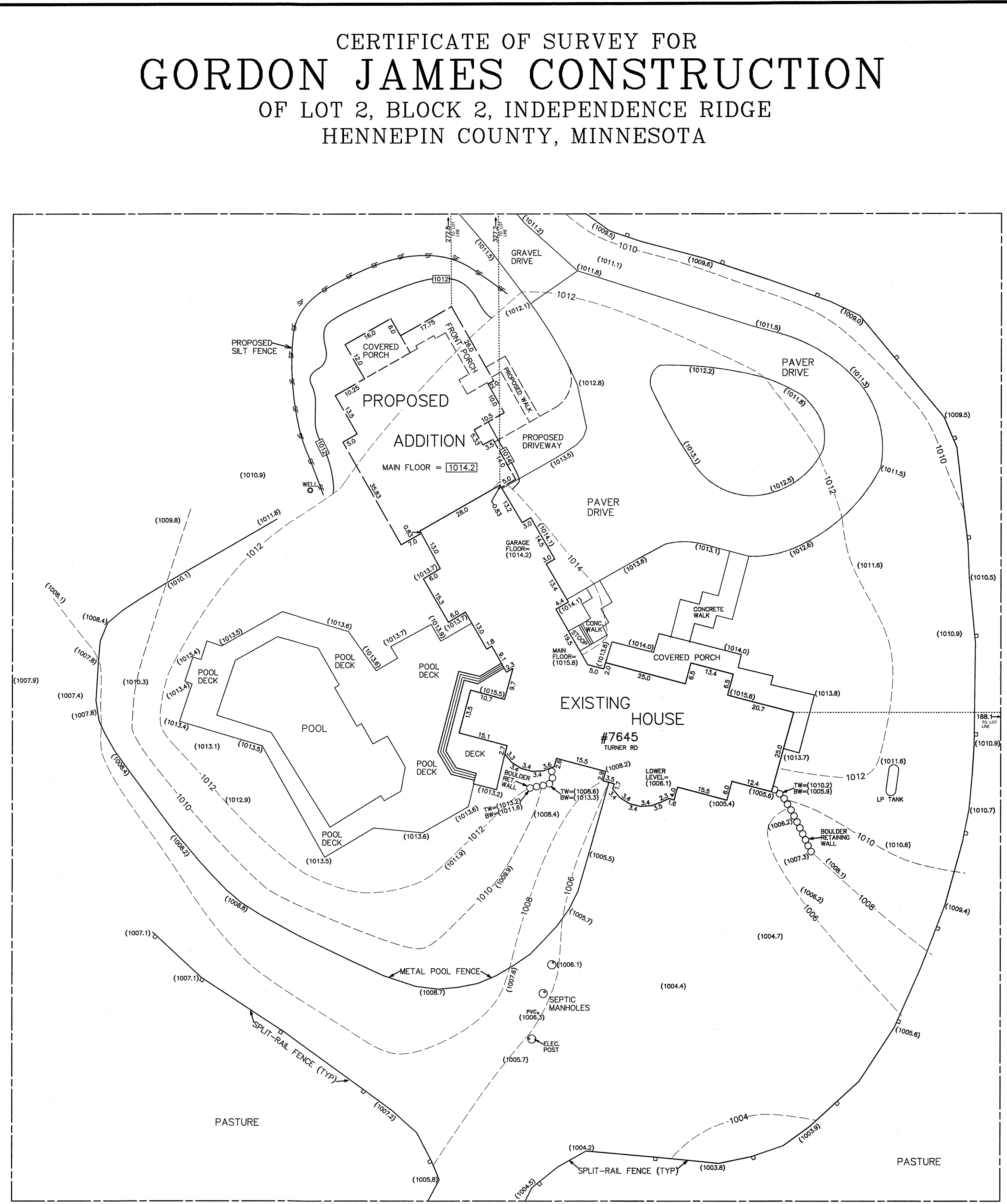
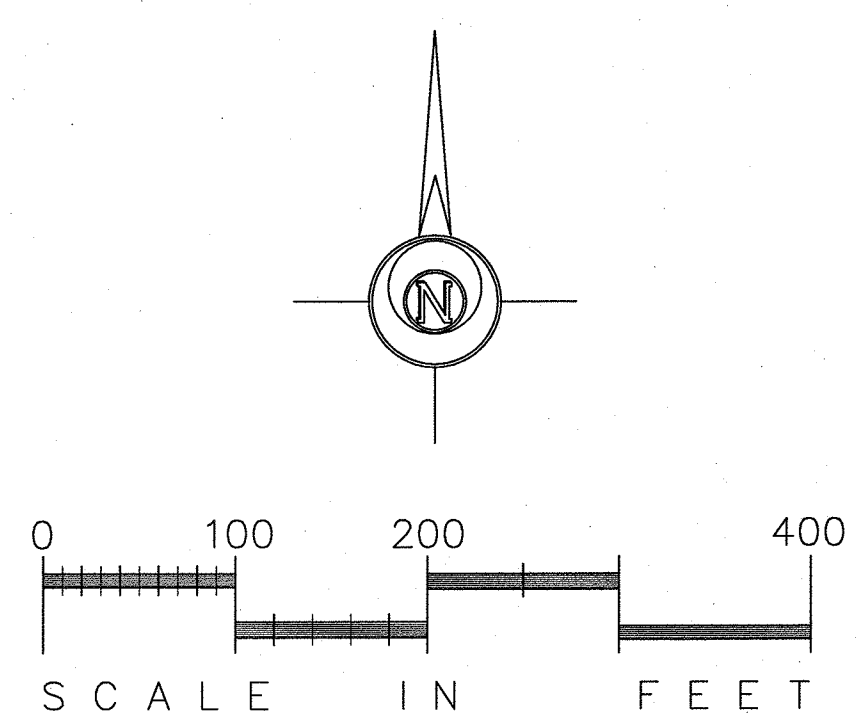
Signature:



LEGAL DESCRIPTION OF PREMISES :
Lot 2, Block 2, INDEPENDENCE RIDGE

o : denotes iron as shown on our 11-14-00 drawing
● : denotes iron marker found
(908.3) : denotes existing spot elevation, mean sea level datum
[910.8] : denotes proposed spot elevation
-917- : denotes existing contour line, mean sea level datum
-930- : denotes proposed contour line

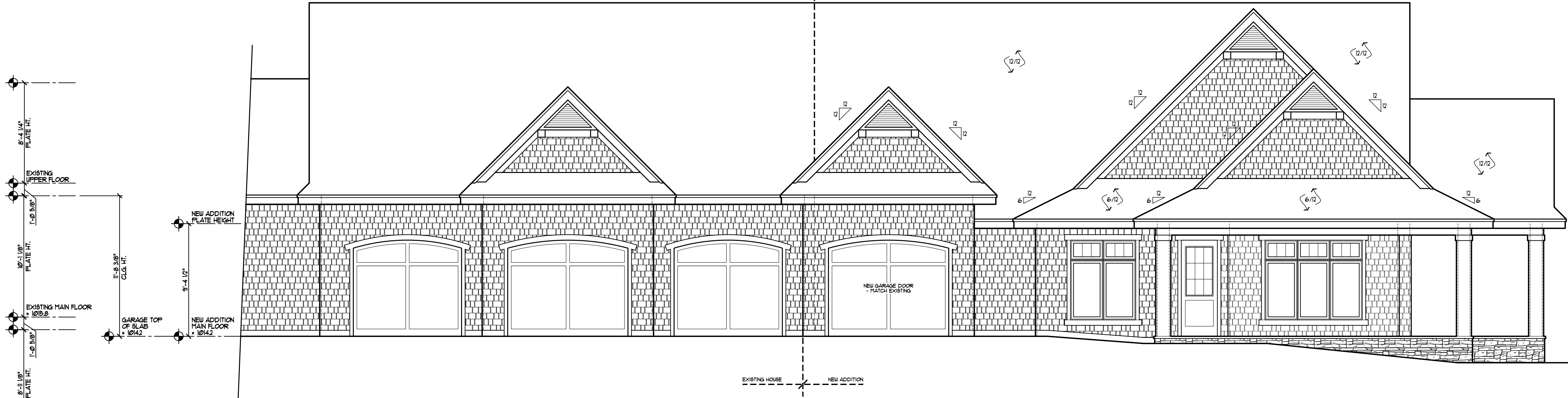
Bearings shown are based upon the Hennepin County coordinate datum.



HOUSE AREA DETAIL
1" = 20' SCALE

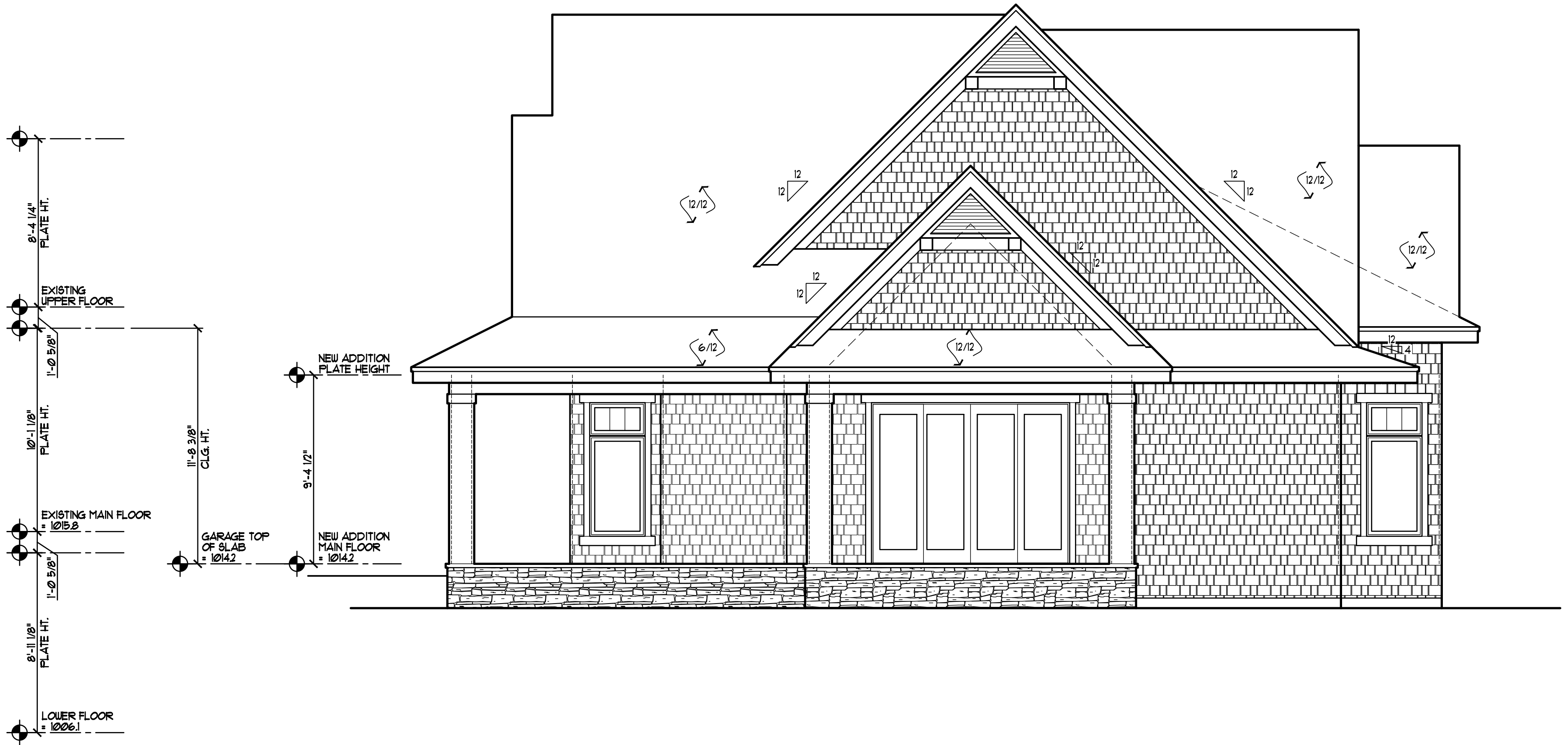
CERTIFICATE OF SURVEY FOR
GORDON JAMES CONSTRUCTION
OF LOT 2, BLOCK 2, INDEPENDENCE RIDGE
HENNEPIN COUNTY, MINNESOTA

GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
DATE 6-25-24	SCALE 1"=100' 24"=154'
PROJECT	
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755	
REVISIONS	PROPOSED ADDITION SHOWN

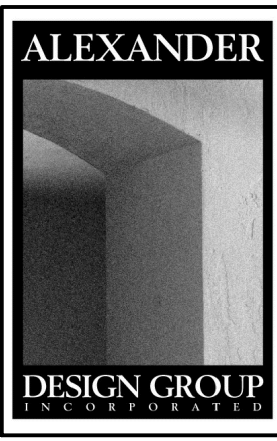


- ASPHALT SHINGLES - MATCH EXISTING
- SHAKE SIDING PER ELEV. - MATCH EXISTING
- LOUVER DETAIL • GABLES - MATCH EXISTING
- 5/4X6 FRIEZE - MATCH EXISTING
- 5/4X4 AND 5/4X6 WINDOW TRIM - MATCH EXST
- CEDAR CORBELS - MATCH EXISTING
- 2" THIN STONE - MATCH EXISTING

1 FRONT OF GARAGE ELEVATION
SCALE: 1/4"=1'-0"



2 END OF NEW ADDITION
SCALE: 1/4"=1'-0"



ALEXANDER
DESIGN GROUP
INC.

275 EAST LAKE STREET
SUITE 102
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:
29 JUL Y 2024

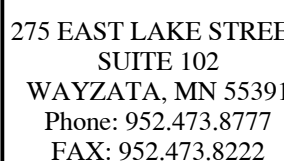
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
ELEVATIONS

CONDITIONAL USE SET

VAN DE VEN RESIDENCE
1645 TURNER RD
INDEPENDENCE, MN

1
2 OF 4



ISSUE DATE:
29 JULY 2024

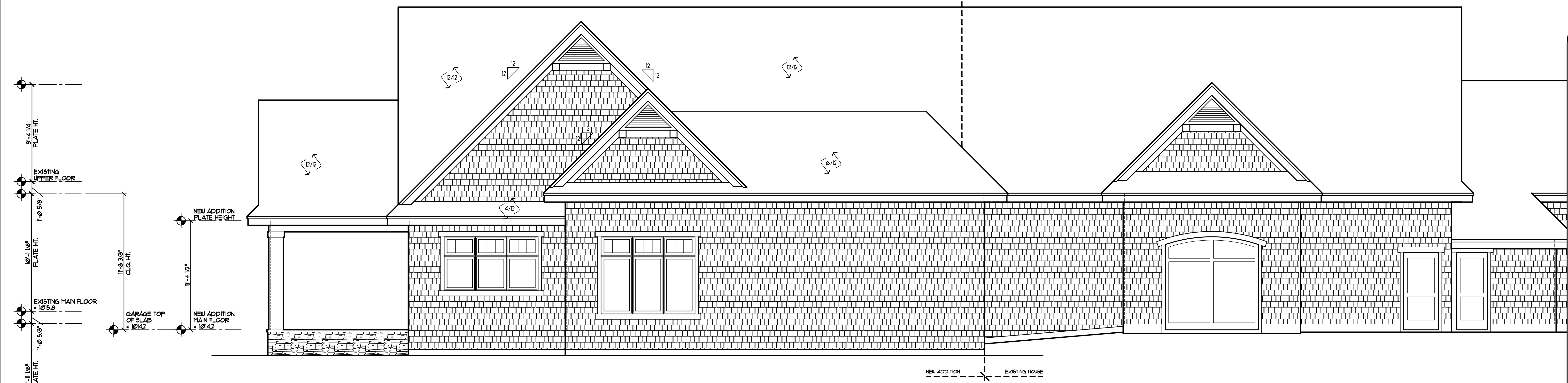
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:

CONDITIONAL USE SET

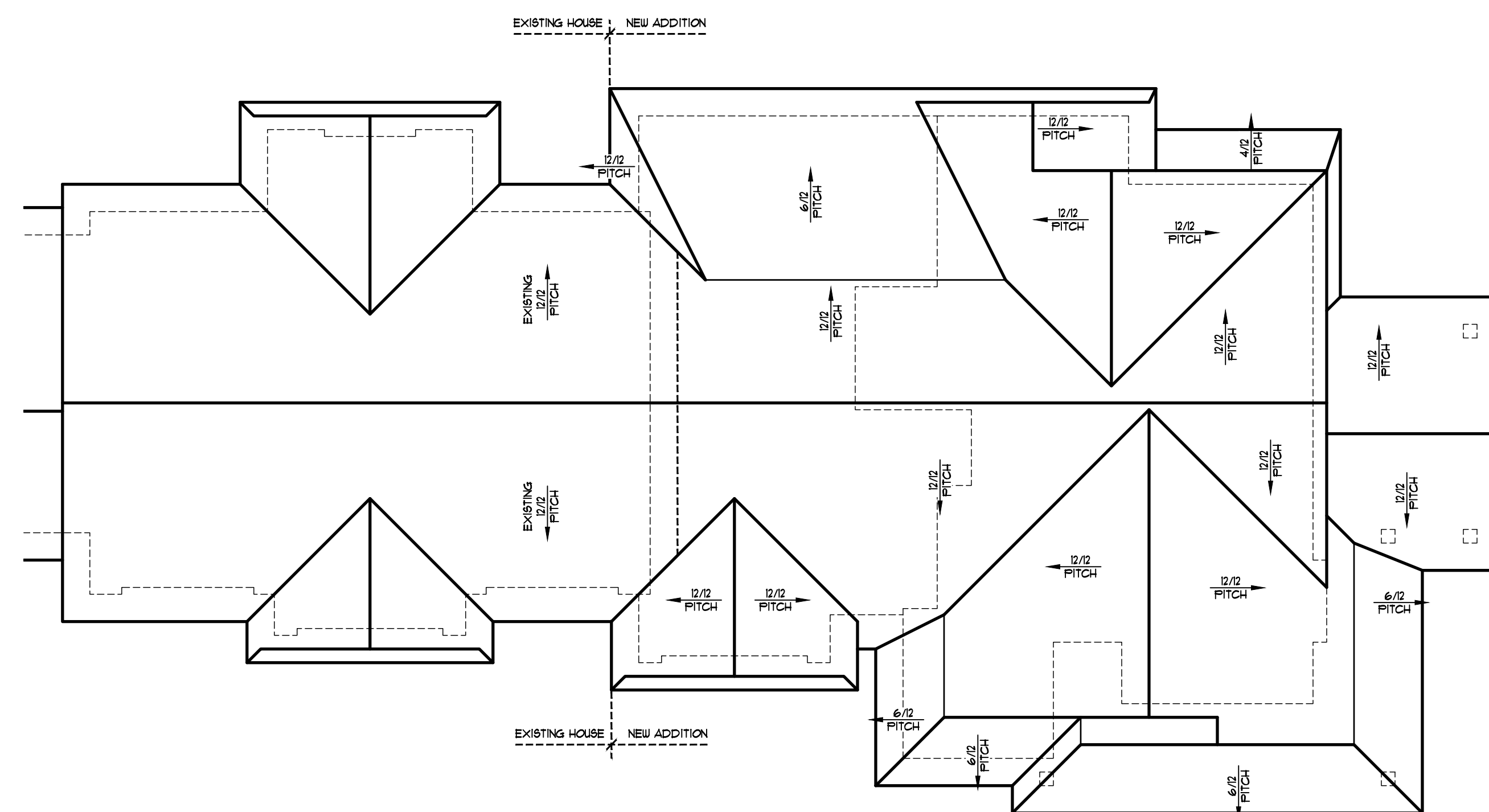
VAN DE VEN RESIDENCE
7645 TURNER RD
INDEPENDENCE, MN

2
3 OF 4

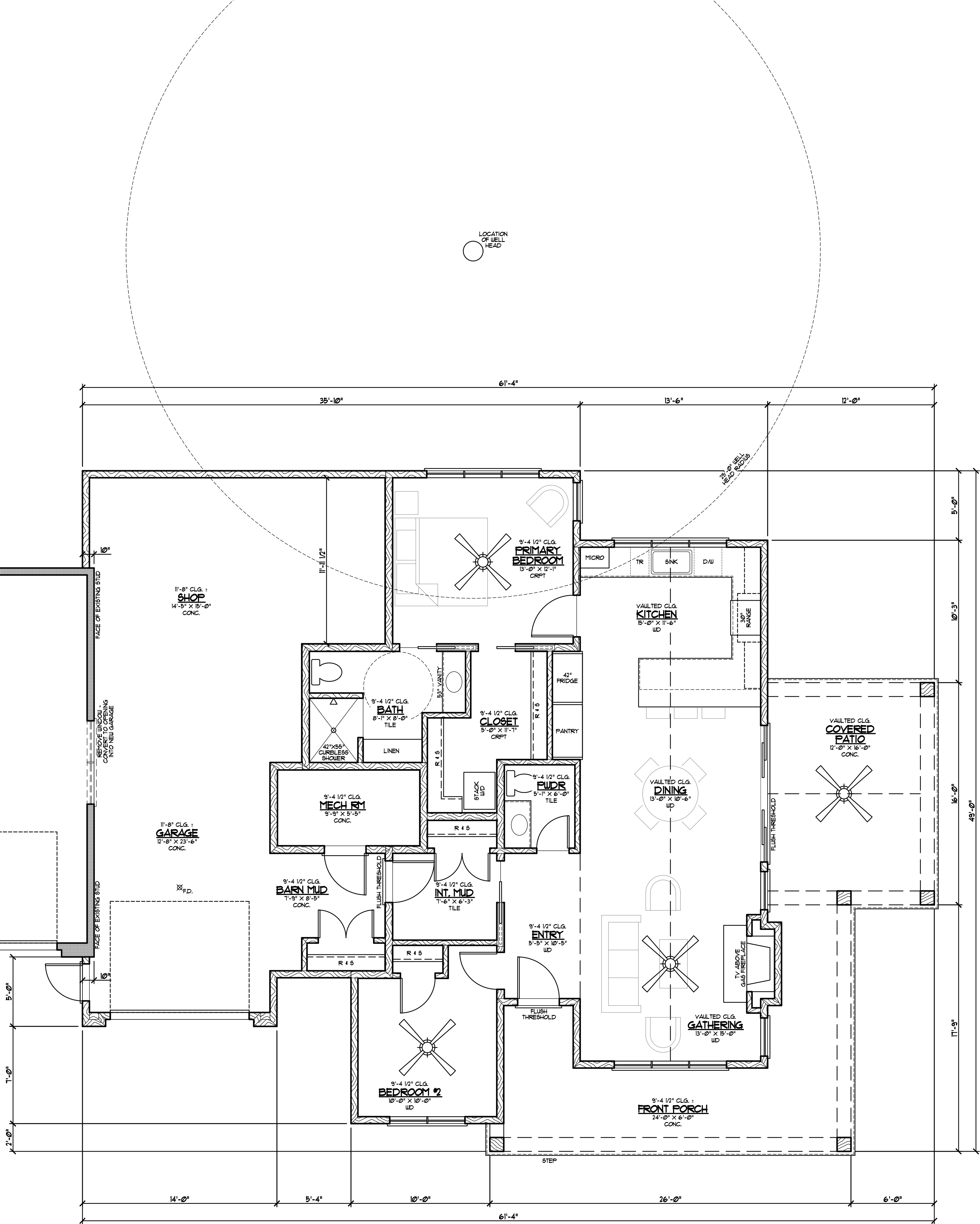


ASPHALT SHINGLES - MATCH EXISTING
SHAKE SIDING PER ELEV. - MATCH EXISTING
LOUVER DETAIL @ GABLES - MATCH EXISTING
5/4X6 FRIEZE - MATCH EXISTING
5/4X4 AND 5/4X6 WINDOW TRIM - MATCH EXISTING
CEDAR CORBELS - MATCH EXISTING
2" THIN STONE - MATCH EXISTING

1 POOL SIDE ELEVATION
2 SCALE: 1/4"=1'-0"

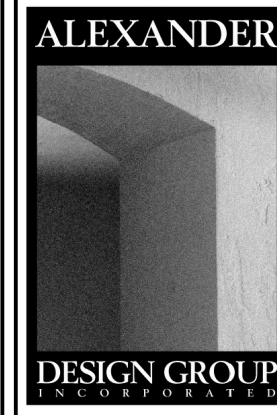


2 PROPOSED ROOF PLAN
2 SCALE: 1/8" = 1'-0"



1
4 MAIN FLOOR PLAN
SCALE: 1/4"=1'-0"

SQUARE FOOTAGE	
NEW ADDITION -	1200#
NEW PORCH -	43#
NEW GARAGE/MECH -	116#



275 EAST LAKE STREET
SUITE 102
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:
29 JUL Y 2024
PREVIOUS ISSUE DATE:

DRAWING DESCRIPTION:
MAIN LEVEL
FLOOR PLAN

CONDITIONAL USE SET

VAN DE VEN RESIDENCE
1645 TURNER RD
INDEPENDENCE, MN