

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, MAY 16, 2017 – 6:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Dumas, Gardner, Thompson and Palmquist

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas

ABSENT: None

VISITORS: Jan Gardner, Sally Simpson, Dean Fowser

3. Approval of minutes from the April 18, 2017 Planning Commission Meeting.

Motion by Gardner, to approve the minutes of the April 18, 2017 Planning Commission Meeting, second by Palmquist. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

4. **PUBLIC HEARING:** Dean Fowser (Applicant/Owner) requests that the City consider the following actions for the property located at 8875 Highway 12 (PID No. 18-118-24-11-0001) in Independence, MN:

- a. An amendment to the conditional use permit to expand the commercial building located on the property.

Proposed: to reconstruct and expand the commercial building located on the property.

Kaltsas said the subject property is located on the south side of Highway 12 and just west of Copeland Road at 8875 Highway 12. There is an existing residence and three detached accessory buildings.

The subject property was granted a conditional use permit to allow a dog kennel in 1977. In 1993, the City amended the conditional use permit to allow an outside dog run in association with the conditional use permit. The conditional use permit has the following key conditions:

1. Metal pole building can be up to 36' x 82.5'. Expansion of the building can occur without further City Council review.
2. 55-60 dogs.
3. Boarding and impounding of dogs from 8:00am-7:00pm 7 days a week.
4. An outdoor fenced exercise area up to 2,400 square feet is permitted.

The Cities definition of a kennel is: any structure or premises on which four or more dogs over six months of age are kept.

The applicant/owner (Dean Fowser) contacted the City last year to discuss the possibility of expanding the existing building. Dean currently leases the building to Abby Lake Kennel. The current building is about 36' x 40'. The kennel would like to improve the existing

facility in order to stay competitive and potentially attract new clients. The existing kennel currently houses approximately 15-30 dogs at any given time. Abby Lakes has noted that they are not expecting to increase the number of dogs kept on the premise, but rather improve the facilities for their current clients.

The original conditional use permit allows for 55-60 dogs to be kept on the premise and an expansion of the building up to 36'x 80'. He would also like to add some storage on one side of the accessory building. When discussing the expansion of the building with the owner, he noted he would like to turn the building 90 degrees and construct a new building rather than trying to expand the existing building. The City informed him that this would require an amendment to the conditional use permit. Turning the building appears to fit better on the property and would avoid potential conflicts with the adjacent wetlands. There would be a small 12'x12' vestibule in addition to the 36'x80' building which would provide a better entrance area. The proposed building would be a one-story metal pole building similar in design to the existing building. It would have the interior kennel space, a grooming area, reception area and then a separate storage garage.

In order to accommodate the turn of the building, they would have to reconfigure the gravel driveway to accommodate the new building. Based on the setback from the Highway 12 property line, there is adequate space to modify the parking area. The City will require one (1) handicap accessible parking space to be signed and delineated in the parking lot. Paving a portion of this is being considered to help alleviate mud when going in and out of the kennel.

They may need to reconfigure the dog run in the back also. It's right in the neighborhood of what's permitted. They'd run it length-wise behind the building.

The applicant just recently updated the on-site septic system. The newly installed system will accommodate the proposed new building with no further modifications necessary. They'd be adding one bathroom which the existing system is designed to handle.

The City has not received any oral or written comments regarding the proposed amendment to the conditional use permit. The conditions approved in 1977 would remain the same. The applicant would need to modify the parking lot-add one handicap accessible parking spot per the building code and would have to be signed accordingly. The owner is also open to paving the gravel parking lot.

Public Hearing Open

Palmquist asked the owner how waste would be handled. Fowser explained the pet waste goes to a holding tank. In comparison, human waste goes into a drain field.

Dumas mentioned the vestibule on Highway 12, and questioned if it meets the setbacks since. It's a 12' vestibule and the building setback is 40'. Kaltsas explained they're going to drop the building 3-4' back from where it sits now (south), so set back is 85' to the center of road. They actually exceed that. We can confirm that, but I think they're right-on. They could probably move it 15-20' if needed.

Motion by Gardner to close the Public Hearing.

Public Hearing Closed

Thompson felt it was straightforward. It only came up because they're replacing and not expanding it.

Motion by Gardner, to approve an amendment to the conditional use permit to reconstruct and expand the commercial building located on the property, second by Palmquist. Ayes: Gardner, Palmquist, Dumas, Thompson and Phillips. Nays: None. Absent: None. Abstain: None. Motion approved.

5. Accessory Dwelling Unit Ordinance-Draft Amendment to Clarify Basements and Mechanical Rooms in Ordinance.

Kaltsas noted we had previously talked about revisiting and prioritizing certain Ordinances. The first priority identified was to 'clean up' the accessory dwelling unit ordinance. The ordinance prescribes a total area permitted for accessory dwelling units. The question is whether or not mechanical rooms and or unfinished basements are calculated into the total square footage permitted. Since 2011 there's been discussion of people wanting basements in the accessory dwelling units (i.e. Mother-in-Law) due to weather related issues or a mechanical room in basement. The question has been does that square footage count towards the 33% or 1,200 square feet max. We've agreed that it does not count towards the total square footage. It's in the provision for size and exception, that the total square footage shall not include a designated mechanical room or unfinished basement area below the accessory dwelling unit. Phillips wondered if we're creating a slippery slope for finishing a basement. Kaltsas said we get somewhere accessory dwelling unit is next to a 'finished man cave', and they have to have a physical separation. Kaltsas said we'd have to have a separation and having the mechanical room in its own room that's not calculated in the 1200 square feet. Thompson asked if there's a mechanical room definition, to which Kaltsas responded there is not. We could have a cleaner definition so it's not left up to interpretation. Gardner wondered whether we care if it's finished or not. Kaltsas noted they could have the workshop and still have an accessory dwelling unit as long as there's a door between. He used the example of Jim and Lynda Franklin because they were going to have a separate new detached accessory structure for an accessory dwelling unit. They were looking for their max size. By them putting a door up made the mechanical room not part of the space. Closet, water heater and furnace-does that all count towards space? We've said not if it's not a mechanical room. They could have a workshop next to their accessory dwelling unit with a clear wall separation. Thompson felt it is straightforward. The intent is not to include a mechanical room. It's permitted now to build a detached unit as long as it doesn't have a bedroom or stove-those are the defining factors for Mother-in-Law apartment. If we want to limit size or add on more language, that'd be fine. Gardner said 1200 square feet above the basement, and nothing changes on the outside. Worrying about finishing doesn't change anything and seems irrelevant. Kaltsas said we capped the size so it's subordinate to the principal structure. Phillips asked what is next, and Kaltsas state that if the language seems good, we'll have a public hearing. Gardner mentioned it at least allows a basement which the previous sidestepped.

6. Open/Misc.

7. Adjourn.

Motion by Gardner, second by Palmquist to adjourn at 7:00 p.m. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

Respectfully Submitted,

Beth Horner
Recording Secretary