



MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY DECEMBER 10, 2024

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 6:30 PM.

2. **Roll Call**

Present: Gardner, Thompson, Tearse, Dumas, Story

Absent: Volkenant

Alternates: Usset (came during 2nd item)

Staff: City Administrator Kaltsas, Simon

Visitors: Spencer, Loomis, Jacobsen

3. **Approval of Minutes:**

- a. November 19, 2024, Planning Commission Meeting Minutes.
- b. November 19, 2024, City Council Meeting Minutes (For Information Only).

Motion by Thompson, seconded by Tearse to approve the minutes. Ayes: Gardner, Thompson, Tearse, Dumas, and Story. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved. 5-0

4. **PUBLIC HEARING** – Kim Jacobsen (Applicant/Owner) is requesting the following action for the property located at 5305 Sunset Ln. (PID No. 01-118-24-31-0004) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory dwelling unit (ADU) to be constructed on the property.

Property/Site Information:

The property is located on the south and west side of Sunset Lane on Lake Sarah. The property is mostly wooded. The property has an existing home and three (3) detached accessory buildings.

Property Information: 5305 Sunset Lane

Zoning: RR-Rural Residential (S-Shoreland Overlay)

Comprehensive Plan: RR-Rural Residential

Acreage: 4.66 acres

Discussion:

The applicant is seeking a conditional use permit to allow the construction of a new detached accessory dwelling unit (ADU) on the eastern side of the property. The applicant met with staff to review the requirements and discuss the proposed plans. 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 ^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct an accessory dwelling unit within a portion of a new detached accessory structure. The proposed ADU is 1,199 SF and the remainder of the proposed accessory structure is 3,445 SF (two floors).

- (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 ADU would comprise only a portion of the proposed accessory structure which would be a multi-story building used for storage.

- (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 as it is proposed to be located in a new detached accessory building.

- (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; however, there is not a close relationship between the two structures due to the distance between them.

- (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 ~3,624 square feet of above ground space. The city allows 33% of 3,624 square feet which equals 1,195 square feet. The proposed ADU is 1,199 SF (the proposed ADU is within a few SF of the allowed square footage - confirmation of the main house may be

required to support the proposed square footage). The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor of the proposed detached accessory structure. It should be noted that the remaining square footage is proposed to be used as storage/garage/shop/mechanical room space.

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

The lot is 4.51 acres and the city allows 2% of the total SF to be used for detached accessory structures ($196,455.60 \times .02\% = 3,929$ SF). The applicant is proposing to remove a shed and barn located on the property. The applicant has provided a calculation that shows a detached garage, bath house and cabin (all detached accessory structures) remaining on the property. The total square footage of all accessory structures is as follows:

EXISTING BUILDINGS (from survey)

STRUCTURE	EX. S.F.	S.F. COUNT FOR ACC. BUILDING (FUTURE)
House (main level)	3,624 sf	0
Cabin (10 x 12)	120 sf	0
Bath house (6 x 14)	84 sf	0
D, Garage (20 x 22)	440 sf	440
Shed (14 x 20)	280	280 Removed
Barn (25 x 40)	1,000 sf	1,000 Removed
New Storage bldg..		3,445 sf
TOTAL SF ACC. BLDGS		3,929 SF

As proposed, the total accessory structure square footage would be exceeded as the applicant is not including the 120 SF cabin and 84 SF bath house. These are considered accessory structures and are included in total calculations. The applicant can amend the plan to reduce the total square footage by 204 SF.

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

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

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

The proposed ADU has one bedroom.

- (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^b or an approved holding tank; and*

The property is connected to the city's sanitary sewer system. The applicant has plans that would connect the proposed ADU to their existing private sewer line.

- (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 city noted that this property could be subdivided in the future. The applicant located the building so that the property could be subdivided in the future and the existing residence and ADU could meet all applicable setbacks.

- (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 size of the subject property is unique to this area. Based on the proposed new detached accessory structure location, the property likely has the ability to be subdivided into two to three (2-3) lots if all applicable criteria could be satisfied. The location of the proposed accessory building and its proximity to the surrounding properties does mitigate potential impacts. The surrounding properties have limited visibility and or site lines to the existing property due to the elevation of the property and existing wooded area. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

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 from pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed conditional use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

Consideration for the proposed conditional use permit should weigh the impact of having a detached 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 potential impacts resulting from the construction of the 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.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:

- There are a few minor revisions that would be required should the Planning Commission recommend approval. The applicant would need to revise the plans to reduce the total square footage of all detached accessory structures on the property by 204 SF.

- The city noted that the principal structure supports 1,195 SF. The applicant is proposing 1,199 SF. The city will confirm the principal structure square footage and the ADU will need to be adjusted accordingly.

- The proposed detached accessory structure has the following setback requirements:

	<u>Required</u>	<u>Proposed</u>
Lake (OHWL):	60'	~75' (will have surveyor confirm)
Side:	15'	184'
Front (street):	(51' to CL or 30' to property line, whichever is greater) 59' to CL, 33.8' to PL	

- The proposed ADU is being located in a manner that would allow the property to be subdivided in the future. Based on the proposed location, it does not appear that the applicant could locate another lot to the east of the proposed structure. This would likely limit the future development of the property to 2-3 lots that could meet frontage, lakeshore and the one-acre minimum requirements.

- The applicant has prepared an impervious surface calculation as this is a shoreland lot

subject to the maximum impervious surface of 25%. The proposed total impervious surface including the proposed accessory building is approximately 6.5% (total will need to be revised to include bath house and cabin).

- 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 prior to the time this report was prepared.

Recommendation:

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

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. Prior to City Council consideration of the conditional use permit, the applicant shall revise the plans as follows:
 - a. Total SF of all detached accessory structures including cabin and bath house must not exceed 3,929 SF.
 - b. The maximum square footage for an ADU must not exceed 33% of the principal structure square footage. City will confirm principal structure square footage.
 - c. Impervious surface calculation will need to be revised to include the cabin and bath house.
 - d. The proposed condition survey shall include the proposed setback from the OHWL.
3. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for 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.
4. 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.

5. 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.
6. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions up for Planning Commission members.

Kaltsas – This property is located South and West side of Sunset Lane and has 3 detached buildings, RR, comp RR, and is 4.66 acres in overall size. Within detached structure to have an ADU on East side of property. Met with staff to go over requirements. Existing House is the West side of property and two detached structures. Where the detached garage on East side to be tore down and construct new detached structure with ADU. A portion of it would be a 1,199 sqft. multi-floor ADU. New structure 3,445 sqft. Subordinate in size. Has a look of a residential structure. 33% of residential structure can be the amount of the ADU. 1,095 sqft is the current allowed space. Shop and mechanical space in other area of ADU. 3,929 sqft. Proposed to remove a shed and barn. The square footage includes cabin, bath house, house, etc. ADU has permanent living area with kitchen, dining, living room, and bath. It is limited to only family members and would connect to existing sewer line. This property could be subdivided, and it is shoreland 1 acre lots. 500 lineal ft on Sunset Lane. It is respectful of future subdivision. This is one of the larger properties on Lake Sarah that is remaining. It can be subdivided based on our ordinances currently. It does not impact surrounding properties and meets all setbacks. The Applicant to reduce sqft and other structures. There were no comments from public.

Story – Is there a reason why an applicant would go through all these hoops vs subdividing and build another home?

Kaltsas – They would live in this as a separate home with family members and a place to retire in. We don't have a provision that doesn't allow an additional structure space and if it separated, it is allowed.

Story – Is there an advantage with taxes?

Kaltsas – It is possible.

Dumas – Setback to cattail?

Kaltsas – There is a line, but we must find out what that is with our wetland people. This is an existing lot of record. With a new lot you would need to meet all of the new provisions. There is plenty of lot size.

Gardner – I'm confused by 10x12 sheds. Don't we not count them?

Kaltsas – We don't count them for building permits, but it does count as coverage. Any accessory structure that's permanently on the ground, whether it's sitting on the ground or not. But for building permit purposes, we require zoning permit for less than 120 sq ft. If over 120 sqft, it goes to a building permit.

Thompson– Lots of talk about subdivision. Do we need to be careful with the language we use- they “may” subdivide not “shall” subdivide, right? I feel like we're getting a little close to making promises about owners being able to do 2 or 3 lots in the future. That certainly isn't a given, correct?

Kaltsas – ADU provisions look at future, but in our review, we comment on it. Nothing in resolution or in the approval that Council would give would even speak to future subdivision of the property.

Tearse – Is there a driveway off of Sunset Lane?

Kaltsas – Yes, we talked about with Public Works, and with their 500+ feet of frontage and just that clear separation, we would likely allow for that.

Tearse – How do we know if the whole property gets sold?

Kaltsas – We don't, but we would enforce it when we find out if it wasn't. This has happened before and we were notified, and then we revoked CUP. They sold it and used it for a child instead. We can revoke this at any time if they are in violation.

Gardner opened Public Hearing.

Jacobsen, Owner – We want to make it look aesthetically pleasing instead of a shed looking building. The kids want the property and will never sell it. No one has any intention other than it just being a family property.

Thompson – Are you able to make staff's recommended adjustments?

Owner – Yes.

Thompson – Having the ADU look like a house is an interesting take to an ADU. It's good and bad.

Kaltsas – Yes. We would allow someone to build a huge pole barn with apartment in it. This is the same. We do limit detached ADU on properties less than 2.5 acres. If it gets to a certain size, we don't want to see two houses. This can be split if it ever does one day. This is a smaller lot and would be better to have it look like a house instead of a pole barn.

Thompson – I appreciate the applicant's answer that I think we got to toe the line on "Hey, I know it's 4 square feet," but I feel like we need to toe the line on all the other aspects of this because this is really a letter of the law kind of approach. And so we need a 120 square feet trim. We need 4 square feet trimmed.

Dumas – What sets it apart?

Kaltsas – Having a kitchen sets it apart and detached living quarters.

Motion by Tearse, second by Thompson to close Public Hearing. 5-0

Motion by Thompson, seconded by Tearse to recommend approval subject to staff recommendations #1-6 specifically calling out the detached accessory structure's square footage, the maximum square footage of the ADU, and the ordinary high water line setback are all confirmed and within the standard. Ayes: Gardner, Dumas, Thompson, Tearse, and Story. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved. 5-0

This will go on the January 7th, 2025, Council meeting agenda.

5. **PUBLIC HEARING** – Joel Loomis (Applicant/Owner) is requesting the following action for the property located at 2112 CSAH 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN.

A conditional use permit to allow an accessory dwelling unit (ADU) to be located within the existing accessory structure on the property.

Property/Site Information:

The property is located on the east side of County Road 92 N., south of Hwy 12. The property is mostly wooded with some wetlands to the east and west. The property has two principal structures and seven detached accessory structures.

Property Information: 2112 CSAH 92 N.

Zoning: Agriculture

Comprehensive Plan: AG-Agriculture

Acreage: 78.55 acres

Discussion:

The applicant is in the process of planning for an addition and major renovation to the original farmhouse located on this property. The applicant has been discussing the project with the city and upon submittal of the building permit application for the renovation, it was noted that there are two principal homes located on the property. The two homes are considered lawful non-confirming as they were constructed prior to adoption of the current ordinance that limits the number of principal structures on the property to one (1). Lawful non-confirming uses and structures cannot be expanded, enlarged or changed. As a result, the city cannot approve the expansion of the existing farmhouse without bringing the property into conformance with applicable standards. This would require the removal of the second home or modifications to convert it into a detached accessory structure.

The applicant would like to keep the second home in tact as it is in good condition (note that they are currently living in the second home until renovation of the farmhouse is complete) on the property for guests and possible a parent or family member in the future. The city met with the applicant on the property and toured both the farmhouse and the second home. It was determined that the second home structure could potentially be modified to meet applicable ADU requirements. As a result, the applicant is now seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the existing second home (which would then become classified as a detached accessory structure).

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 square footage of the entire structure (upper and lower) would exceed the maximum allowable square footage for an accessory dwelling unit. The second home is a one level home with a small walkout lower level. The upper floor is comprised of 2 bedrooms, a kitchen, bathroom and living room and is 1,052 SF. The lower level (has less than 7-foot ceilings) has a bedroom, bathroom and living/storage area and mechanical room and is approximately 687 square feet.

The applicant would like to convert the upper level (main level) into an ADU. In order to make the conversion, they are proposing to install a door at the top of the stairs to separate the upper and lower

levels. This would establish a clear separation between the ADU and storage/mechanical space in the downstairs.

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^a 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 proposed renovations to the existing farmhouse (principal structure) would bring the home to a total square footage of approximately 6,000 SF. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

- (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 and would be located in a completely separate structure.

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

The proposed accessory structure is completely separate and has no connection 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; and

The principal structure has ~6,000 square feet of above ground space. 33% of 6,000 square feet equals 1,980 square feet. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

(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 1,700 SF 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.

(h) Has no more than 2 bedrooms; and

The existing structure has two bedrooms within the upper floor of 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^b 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.

^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 City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

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.

The Planning Commission should consider the following issues as noted:

- The applicant is proposing to locate an ADU within the existing structure. The second home has been in existence on the property for many years. The applicant could meet the allowable ADU

square footage by limiting the “finished space” within the ADU and separating the lower level from the upper level. The remaining space does have a secondary exterior access to the lower level.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:
 - 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. Should the Planning Commission recommend approval of the requested actions, 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, and Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for 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.
3. The Applicant shall pay for all costs associated with the City’s review of the requested conditional use permit.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions up for Planning Commission members. The applicant’s property is located on the East side of 92 North, South of 12. It's mostly wooded with some wetlands pasture, quite a bit of pasture and upland AG. The property has 2 principal structures and 7 detached accessory structures, property zoned agriculture guided agriculture, and it's approximately 80 acres in overall size.

Owners were in the process of planning for a major renovation on the original farmhouse. They discussed the classification of 2 houses on this property being lawful nonconforming structures as they were constructed prior to current ordinance and cannot be expanded and enlarged or changed. We could not approve building permit because it would expand the home. You can remove the second home on property or seek CUP for ADU to allow second house. This isn’t the first time we had this. They live in the second home while renovating the principal structure. It is a nice structure and would like to keep it. You can modify the second one and take out the kitchen. Both the farmhouse and

second home were toured. The existing brick farmhouse sits further back on property and second home is further up towards the road. There's approximately 1,052 sqft of second home with low ceilings, some renovation downstairs. You could convert it to an ADU by closing off downstairs and turning it into storage or nonliving space. The ADU would only be on first floor with storage and mechanical in basement as well that is not counted. With reno to farmhouse, square footage would be 6,000 above ground and the ADU would be 1,200 sqft. The City allows properties greater than 10 acres to have no limitation on accessory structure, with the exception of any individual structure. That being said, the existing building is approximately 1,700 square feet and would comply with applicable standards. They use onsite septic. They would need to confirm septic compliance for the existing structure. It cannot be subdivided but can break off a rural view lot. It doesn't impact surrounding properties. This is a unique case and has had 2 homes for many years being utilized by two previous family members. The applicant wants to keep it in good condition and retain its value. Any expansion would have to be reviewed and approved by the City. We don't have a lot of lots with 2 houses anymore. From the size of lot and separation, you couldn't see it from the road. This property has been in the family for 80 years. No comments.

(Usset joins.)

Usset – In terms of ADU sqft, I thought basements weren't counted.

Kaltsas – We changed our ordinance to essentially make that storage space allowed and then mechanical rooms allowed outside of the 1,200 square feet max, or outside of the square footage maximum. We had one on Copeland connected to garage, shed, riding arena, but for this request the basement stairway and basement ceilings are not code so adding a door was suggested to clearly separate the space.

Dumas – Once you expand it then, you have to ask permission?

Thompson brought up the burden on the City for enforcement and making judgement calls causing issues.

Kaltsas – Prior to Joel buying it, we had other questions on this. My preference is we put a CUP on it. I have no way to enforce who can use it. Everyone needs something at some point from the City and that's how we usually can enforce these. A CUP is a mechanism we put in place and CUP is revokable. You can consider yourself trying to solve the housing problem in the country because we are creating this generational housing, and the ones that we have that are using it for that are great, right?

Story – When was second home built?

Joel – No records of it, farmhand's house, maybe 1950s?

Gardner opened Public Hearing.

Joel – It is messy and thanks for considering this. My family has been here forever. My parents are in their 80's, and my wife and 2 little girls want to keep it in the family.

Thompson – So your basement is yucky, is it ok to not use the basement?

Joel – We're happy to rip out that old carpeting and turn it into storage. My folks won't be going down there for anything.

Gardner – You have a good handle on this. These are becoming more and more popular. They are everywhere.

Motion by Thompson, seconded by Story to close Public Hearing. 5-0

Story – So the purpose of this is that they can't do anything right now without CUP?

Kaltsas – Right. The expansion triggers this. If we grant this ADU, now it is an ADU and is legal conforming allowing principal structure to do what he wants to do it.

Tearse – You did a great job at putting this together.

Motion by Thompson, seconded by Tearse to approve the request for the conditional use permit for an accessory dwelling unit on 2112 County Road 92 subject to staff recommendations #1 - 3.

Ayes: Gardner, Dumas, Thompson, Tearse, and Story. Nays: None. Absent: Volkenant.

Abstain: None. Motion Approved. 5-0

This will go the January 7th City Council meeting.

6. Open/Misc.

Kaltsas – We're having a big open house here on Thursday, January 30th from 5-8pm for celebrating Mayor Marvin Johnson's longest acting Mayor in Minnesota and 8th in the country. All are invited!

Gardner and Kaltsas discussed the move in California to sell ADUs compared to the local pressure for increasing housing.

7. Adjourn.

Motion by Gardner, seconded by Thompson to adjourn.

Meeting adjourned at 7:27 p.m.

Respectfully Submitted,
Linda Johnson / Recording Secretary