



PLANNING COMMISSION MEETING AGENDA
TUESDAY APRIL 16, 2024

7:30 PM REGULAR MEETING

1. Call to Order

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

2. Roll Call

Present: Commissioners Gardner, Tearse, Dumas, Usset, Thompson, and Alternate Story

Staff: City Administrator Kaltsas and Administrative Services Director Amber Simon

Absent: Volkenant

Visitors: See Sign in sheet

3. Approval of Minutes:

a. February 20, 2024, Planning Commission Meeting Minutes.

b. March 12, 2024, Planning Commission Meeting Minutes.

c. April 2, 2024, City Council Meeting Minutes (For Information Only).

Motion by Thompson to approve the February 20, 2024 and March 12, 2024 Planning Commission Minutes seconded by Tearse. Ayes: Gardner, Tearse, Dumas, Thompson, Story and Usset. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved 6-0.

4. **PUBLIC HEARING:** Jackson Striggow (Applicant/Owner) is requesting the following action for the property located at 5760 Drake Drive (PID No. 26-118-24-41-0009) in the City of Independence, MN:

- a. A variance for a reduced side yard setback to allow an addition to be constructed onto the existing home using the current side yard setback which is non-conforming with the requisite setback.

Setbacks did not mean applicable requirements. N side of Drake Dr, W of 83, zoned RR, guided RR, .7acres. Existing home and detached accessory structure. Existing home is closer to the property line. Because it was in place prior, it is a legal nonconforming structure. Applicant wants to add on the E side. It would be located 24.7ft from NE corner. Survey was provided for before and after. Front yard is less than 85 ft from center line – another nonconforming. Variance is from the East side yard setback. Standards for granting variances are difficulties not created by owner themselves. Character around is similar. Narrow house and it would be difficult to align stairways, hallways, etc. home plans were provided. Two story addition. City did receive an email from an adjacent property owner in support of the variance.

Gardner – this looks more like a lake lot. 30 ft doesn't leave much of a house.
Kaltsas – lot is 100ft in total width. Gardner – hard to not sympathize.

Open Public Hearing

Close Public Hearing

Thompson – jogging the house seems silly.
Story – easiest variances I've ever seen.

Motion by Thompson for the property at 5760 Drake Drive recommending approval of a sideyard Lot variance setback subject to the recommendations of staff #1-#5, seconded by Dumas 6-0
Ayes: Gardner, Tarse, Dumas, Thompson, Story and Usset. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved 6-0.

Kaltsas – will go to council on May 7th

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

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

Gardner – not allowing him to use the space he could still build ADU with required sq.ft.

Kaltsas – yes. He meets 877sqft.

Dumas – if this was a storage room and we didn't have a size problem, it would probably be included in the ADU?

Kaltsas – we did make one change in the ordinance that says we wouldn't count mechanical, tornado shelter,

Story – 33% for ADU mostly in mind for new construction? It seems ill fitting to apply that to existing.

Thompson – did the applicant ever discuss variance?

Kaltsas – they were willing to take it out? Do you need a variance to do that?

Usset – that room should be a mechanical room or something else. Is this drawing, correct?

Kaltsas – its close but it's not right. We would have to redraw to get it accurate. These are interior measurements.

Open public hearing

Jared Haley (owner) – we didn't understand the ordinance. My little brother was going to live there. I live half in Puerto Rico but I'm moving back. I am trying to help my brother out to get him on his feet. He can help around the house while I am traveling. I can alter this in any way.

Thompson – in transition. It was my parents, and we are purchasing.

Jared Haley – previous renters were not right.

Thompson – is this a representation of what exists?

Kaltsas – this is a full gut and remove.

Jared Haley – toilet without door,

Kaltsas – what we approve would have to be permitted and inspected. Building was permitted, but finished inside was not done correctly.

Dumas – would it be possible to add a separate area and wall?

Kaltsas – their intent is 1 bedroom.

Jared Haley – we can redesign it and we wanted more direction first before we invest into the plans.

Thompson – we react or approve what is in front of us. You heard me mention a variance. Someone buying a property with an exist building and fills out additional 300 sq.ft.ADU that is permitted well, but a variance may be the way to go. I have a problem with saying these are the rules, are we going to follow up?

Jared Haley – it’s one person so its plenty big so if we would like to fill it all

Kaltsas – that’s the direction I was hoping to get here tonight.

Usset – in theory it would be better to

Jared Haley – his lease goes through Aug.

Kaltsas – it would come back one month from tonight. We can notice the variance piece.

Jared Haley – variance sounds like a much better solution.

Motion by Story, seconded by Thompson to table this item until May meeting, **Ayes: Gardner, Tearse, Dumas, Thompson, Story and Usset. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved 6-0.**

6. A text amendment to the City’s zoning ordinance Chapter 5, Section 515, Solar energy systems.
 - a. The City will consider an amendment that will look at possible allowing an increase in the maximum square footage of residential scale ground mounted solar energy systems. The current maximum is 500 square feet.

After last meeting we went back and looked at ways to accomplish solar. Came up with language based on our conversation. Keeping the GMS as a CUP that would require a CUP through city but providing parameters to grant an exception up to a max 2500sqft and establish additional criteria. Clearly capping at 2500. Provisions were larger than 5 acres+, 100 lineal feet, not visible, screening can be used. Written consent from 100% of surrounding owners.

Could make this optional or suggested criteria. Max size has to be set. 2500 is the max under residential size limitations. In lieu of pulling this out of the code. Leave all other criteria. You still need CUP limiting to 500 sq.ft.

Thompson – where is the 500 sq.ft. in the ordinance? What do you get on 2.5 acres?

Kaltsas – its H – I think in editing I struck.

Thompson – leave H in as is, and you get to K on top.

Kaltsas – 500 would go back in as H.

Dumas – 2.5 can go 30, but now it’s 50. For 5 acres you can go bigger but bigger setbacks.

Kaltsas – we are limiting ground mounted; you can put as much as you want on the roof.

There are issues with GMS like looks, visibility. If someone has a half-acre front yard, they could put it there, if it wasn’t visible.

Usset – I have mixed feelings on visible when you are getting to 300ft+.

Story – we can assess that.

Kaltsas –

Story – having neighbor feedback is a great indicator.

Thompson – publicly owned real estate. What do you mean there? Neighbor to city hall

Kaltsas – three rivers park district, out lot owned by association, railroad ROW, we wouldn’t get an answer from them. Their ability to consent or not consent.

Thompson – I back up to Minnehaha watershed.

Kaltsas – you wouldn’t have to get them to consent.

Thompson – why not?

Kaltsas – I had this the other way in here. So you wouldn’t need their consent.

Thompson – does separated by a street undo #2?

Kaltsas – it doesn't undo the 500. We could clarify that.

Dumas – should 3 and 4 be an “or”? City could say its fully screened, but neighbors may be against.

Usset – I like 3 or 4.

Thompson – thinking of a recent case, no one could see it.

Kaltsas - I'm happy to clean it up and bring it back. I could bring it back. We have an application I think would come back.

Gardner – it's a reasonable shot

Kaltsas – this gives people some parameters to work with.

Dumas – can you do a “3a” totally screened or 100% neighbor approvals?

Kaltsas - want to lock 2500, 5 acres, 100 ft and 500ft. I would probably have the attorney make it clearer. The city will use the following criteria. If they don't meet the original requirements, I won't let them apply. They would have to go variance.

Thompson recommending approval changes of city's GMS with recommendations of staff min of 50 ft for 500 Sq. Ft section seconded by Story 6-0

7. Open/Misc.

Thompson

Clogged culvert on drake and 90 – east side of road.

5350 co rd 6 – 11 cars outdoor cars, 4 are in the wetland abutting my property. It is a continuing to grow issue.

8. Adjourn.

Motion by Story, seconded by Volkenant to adjourn at 8:44 PM

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

Nays: None. Absent: Volkenant

Abstain: None.

Motion Approved. 6-0

Respectfully Submitted,
Carrie Solien/Recording Secretary