



PLANNING COMMISSION MEETING AGENDA
TUESDAY SEPTEMBER 17, 2024

7:30 PM REGULAR MEETING

1. Call to Order

Pursuant to due call and notice thereof, a work session of the Independence Planning Commission was called to order by Chair Thompson at 7:30 PM.

2. Roll Call

Present: Gardner, Thompson, Dumas, Alternate Usset

Absent: Tearse, Volkenant, alternate Story

Staff: City Administrator Kaltsas, Assistant City Administrator Simon

Visitors: See sign in sheet

3. Approval of Minutes:

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

b. September 3, 2024, City Council Meeting Minutes (For Information Only).

Motion by Usset, seconded by Dumas to accept the minutes as written.

Ayes: Gardner, Dumas, Thompson and Usset.

Nays: None. Absent: Tearse, Volkenant, alternate Story

Abstain: None.

Motion Approved. 4-0

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.

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)

Setbacks	Required	Proposed
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 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 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 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.

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.

Kaltsas – existing Single Family Dwelling as well as a barn riding arena, AG, AG, 40-acre section. ADU attached to existing home. City allows them as a CUP. Additional standard relating to ADU and standards relating to CUP. Is the ADU attached or detached – if property is greater than 2.5 acres it could be attached or detached. How it relates to existing home. Must be subordinate in size to existing. Allow up to 33% of above ground sq.ft. 4000 sq.ft. contained 1 & 2nd floor and take 33% of that. 1200 sq.ft. DU. Require ADU to be fully separated by a wall or floor, separating it on the opposite side of attached garage with own access point. Architecturally compatible. No limitation on total structure sq.ft. Cooking, living and sanitation. No more than 2 bedrooms. Limited to relatives, will be used by family member. ADU uses onsite septic. City will have to verify it can accommodate or be expanded. ADU does not impede the owner to subdivide. ADU would need to be in compliance to all building permits. We do not count mechanical, garages or storage areas in the sq.ft and covered patio since it is not fully enclosed. Would not have a detrimental effect on the surrounding properties (use and enjoyment). Geographic size of property and blending of ADU into existing, it meets criteria. There is an existing CUP for a caretaker apartment is on site in the barn.

PUBLIC HEARING OPENED
CLOSED PUBLIC HEARING

Gardner – no controversy

Thompson – any violations with CUP existing?

Kaltsas – no, new owners. The old owners owned quite a bit more but then broke off a rural view lot. Kuntz Dr touches this property on the South corner.

Dumas – simplest thing we have seen in a while

Motion by Thompson, seconded by Usset to approve a conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN subject to notes 1-3. **Ayes:** Dumas, Gardner, Usset and Thompson **Nays:** None. **Absent:** Tearse, Volkenant **Abstain:** None. **Motion Approved.** 4-0

5. Open/Misc.

6. Adjourn.

Motion to adjourn meeting at 7:50pm by Usset, seconded by Dumas. Ayes: Dumas, Volkenant, Gardner and Usset. **Nays:** None. **Absent:** Thompson, Tarse **Abstain:** None.
Motion Approved. 4-0