



PLANNING COMMISSION MEETING AGENDA  
REGULAR MEETING (VIRTUAL MEETING\*)  
TUESDAY NOVEMBER 17, 2020

**7:30 PM Regular Meeting**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. October 20, 2020 Planning Commission Meeting
  - b. October 20, 2020 City Council Meeting Minutes (For Information Only – November 3 City Council Meeting Cancelled Due to Election)
4. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:
  - a. Chapter 5, Section 530.03 and 530.07, Physical Standards in both the Agriculture and Rural Residential zoning districts – Considering an amendment to detached accessory structure setbacks. The potential ordinance amendment considers both the process for reviewing accessory structure setbacks and the required setback.
5. Open/Misc.
6. Adjourn.

\*This meeting will be conducted virtually. Access to the meeting can be obtained via telephone or digital connection. Meeting access information will be posted on the City's website on the Friday prior to the Planning Commission Meeting. Public are invited to virtually attend and participate in the meeting.

MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, OCTOBER 20, 2020 – 7:30 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 Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Palmquist, Volkenant, Dumas, Thompson and Gardner (all via zoom)  
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner  
ABSENT: None  
VISITORS:

3. Approval of Minutes:

- a. September 15, 2020 Planning Commission Meeting
- b. October 6, 2020 City Council Meeting Minutes (For Information Only)

**Motion by Gardner to approve the July 21, 2020 Planning Commission minutes, second by Dumas. Ayes: Gardner, Volkenant, Dumas, Thompson and Palmquist. Nays: None. Absent: None. Abstain: None. Motion Approved.**

4. Detached Accessory Structure Setback Discussion: Initial discussion relating to detached accessory structure setbacks stemming from a specific situation identified by the City. This initial discussion is not a public hearing and will be considered in the future at a formal public hearing.

Kaltsas said the City was recently notified of a potential discrepancy relating to the interpretation of the rear yard setback for a property located at 6098 Wood Hill Lane. Staff had initially made an interpretation relating to the designation of the rear and side yard for this property. When the formal building permit was submitted and reviewed, it was determined that there was no basis for the previous interpretation and the applicant was notified of the actual setback requirements based on the City's zoning ordinance.

The City clearly identifies the front, rear and side yards and stipulates setbacks for each yard. The City further provides setbacks for both detached accessory structures as well as principle structure setbacks.

*Subd. 53. "Lot line, front." The line connecting the side lot lines of a lot measured along the boundary of the right-of-way designated by the city council to serve the lot.*

*Subd. 54. "Lot line, rear." The lot line that is opposite the front lot line. If the rear line is less than ten feet in length or if the lot forms a point at the rear, the rear lot line is a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.*

*Subd. 55. "Lot line, side." Any lot line that is not a front lot line or a rear lot line.*

*Subd. 2. Setbacks. All buildings and structures, including houses with attached garages or decks, must meet or exceed the following setbacks:*

- (a) Front yard setback: a 85 feet from centerline of road.*
- (b) Corner yard setback: c 51 feet from right-of-way line.*
- (c) Side yard setback: a b 30 feet from side lot line.*

*(d) Rear yard setback: a 40 feet from rear lot line.*

*(e) Setback from lakes, rivers and streams: 100 feet from ordinary high mark.*

*(f) Setback from wetlands: ten feet from the outside edge of the required wetland buffer.*

*(g) Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way.*

*a Except buildings housing livestock, which may not be located closer than 150 feet from an existing residential structure on all adjacent property.)*

*b Except detached garages and other accessory buildings, which may be 15 feet from the side lot line.)*

*c All principle and accessory structures shall meet the corner yard setback requirements.)*

The City currently requires detached accessory structures to have a 15-foot side yard setback and a 40-foot rear yard setback. The lot that was in question has a clear front and rear yard; however, the lots to the east, west and south all have unique conditions that bring into question the side and rear yard setbacks. In addition, the lot that is directly north of the subject property has a side yard condition that abuts this lot's rear yard condition. This means that the subject property has to maintain a 40-foot setback, but the property to the north can build a structure to within 15 feet of the same line. The City Council discussed this issue at their last meeting. Council discussed whether or not the City should review detached accessory structure setbacks. It was noted that the rear yard accessory structure setback of 40 feet could cause accessory structures to be located in the "middle" of a property, rather than in the rear of a property. It was also discussed that when a shared property line creates two different setback requirements (side yard for one property and rear yard for the other property), the City may want to consider allowing the lesser of the two setbacks to be utilized by both properties. Furthermore, Council discussed that there is a wide array of conditions that ultimately influence whether or not detached accessory structures and their corresponding setbacks are appropriate and in keeping with the intent of the ordinance.

Based on this discussion Council provided the following direction to staff and the Planning Commission:

- Review the zoning ordinance relating to detached accessory structure setbacks.
- Consider an amendment to the detached accessory structure setbacks.
- Consider an amendment to the ordinance that would integrate provisions and a review process similar to detached accessory structure height limitations.

*An accessory structure may exceed the height of the principle structure if the accessory structure meets all applicable criteria of the section and the following conditions are met: An accessory structure may exceed the height of the principle structure if the accessory structure meets all applicable criteria of the section and the following conditions are met:*

*(1) Building plans containing any proposed accessory structure with a height exceeding that of the principle structure must be submitted to the city in advance of work to confirm compliance with this section.*

*(2). The city council may establish an accessory building height review committee to review building plans submitted for any proposed accessory structure with a height exceeding that of the principle structure to ensure compliance with the following:*

*a. On properties that are 2.5 acres or less, the proposed accessory structure must be located to the rear of the principle structure.*

*b. The proposed accessory structure must be detached and separated by a minimum distance of 75 feet from the principle structure.*

*c. The proposed accessory structure must meet the principle structure setbacks from all property lines.*

*d. The applicant shall provide with the application, the written consent of 100 percent of the owners or occupants of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the city). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.*

The City Council has directed staff and Planning Commission to further review and discuss this issue. Based on the discussion and direction provided by the Planning Commission, staff will prepare a proposed amendment to the zoning ordinance for future consideration.

Kaltsas said if this was a storage shed most would put it in the back but what if it is 7,000 sq. ft.? He said he looked at surrounding communities and found 10' to the size of structure, or over 1,000 sq. ft.

Palmquist said it was probably going to be a greater concern on the eastern side of the City for properties zoned Rural Residential. Kaltsas noted the example he showed in the report was this scenario. Gardner noted there are a lot of lots around like this example. Gardner said he is in favor of running it by a building committee first, so they don't have to go through an expensive variance process.

Thompson asked if this should be a variance versus an ordinance and if the setbacks would be the same for odd shaped properties. He thought a variance could work for those odd properties. Kaltsas said it is a two-step process and no need for interpretation as it is clear. Thompson agreed that the ordinance seemed clear as can be but for odd properties it could get convoluted. He noted there is no magic ordinance. Dumas said the one lot that had a problem is the simplest one. Thompson said he favors asking for a variance or addressing these through a review committee instead of revising the ordinance. Kaltsas noted small lake lots have more side yard issues.

Palmquist asked Kaltsas for narrative around the idea of written consent for properties directly abutting another property. Kaltsas said that speaks to accessory structure height and if the neighbor does not approve it may then go to the variance process. Gardner said basically the discussion is the confusion around the rear setback label and it would go away if it is made all the same. Dumas noted it could go to a review board if the neighbor has a shorter setback than you and if review board denies it then it would have to a variance situation.

Kaltsas said the committee would look at different scenarios if the neighbor has a different setback. Dumas asked if it would need 100% neighbor agreement. Kaltsas said the review committee would bypass the public due process so it eliminates that cost.

Kaltsas said he would bring this back for a public hearing. Volkenant said she agreed with what was said so far. Palmquist wondered if there was any reason to do wetlands ordinary high-water mark distinctions. Kaltsas said shoreline setbacks would trump any of these setbacks. Thompson asked about easement distinctions and Kaltsas noted they are clean. Kaltsas noted this would be brought back to the Commissioners for review once again.

## 5. Open/Misc.

Kaltsas stated the City Hall renovations have been initiated. He noted the office and community room will be dismantled and relocated while the renovation is underway. Palmquist asked if the plans would be

posted on the website. Volkenant asked what the total cost of the upgrades would be. Kaltsas said it would be 1.7M with the utility and simple upgrades amounting to .5M of the cost and the rest is further upgrades. Kaltsas said bonds were sold to facilitate the project. Volkenant asked if official updates were on the website. Kaltsas noted that there were public hearings and the bond issuance and information on the website.

Gardner asked about the City's internet option and if there were any comments. Kaltsas said there has not been a lot of feedback. He said City Hall is experiencing varying speeds.

8. Adjourn.

**Motion by Dumas, second by Palmquist to adjourn at 8:50 p.m.**

Respectfully Submitted,

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Trish Gronstal/ Recording Secretary

DRAFT

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 20, 2020 –6:30 P.M.

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.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts (virtual), Spencer, McCoy and Grotting

ABSENT:

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: WHPS Chief Kroells

3. \*\*\*\*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 October 6, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19944 and 19945, 20005 to 20028 (Checks Numbered 19946-20004 were not printed as a result of being out of order and will be used for next check run).

**Motion by Spencer, second by McCoy to approve the Consent Agenda. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

4. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Department of Fisheries meetings

**Grotting attended the following meetings:**

- None

**McCoy attended the following meetings:**

- None

**Betts attended the following meetings:**

- Chamber of Commerce Meeting (zoom)

**Johnson attended the following meetings:**

- Highway 55 Executive Meeting (zoom)
- Orono Healthy Youth Committee Meeting (zoom)
- Wright Hennepin Coop Annual Meeting
- Regional Council of Mayors Meeting (zoom)
- Orono School Board Meeting (zoom)
- Election Judge Training Webinar
- Chamber of Commerce Meeting
- Northwest League of Municipalities
- Regional Council of Mayors World Food Day Virtual Meeting
- Two Sessions of Toward Zero Deaths

**Horner attended the following meetings:**

- Met with BKV architects

**Kaltsas attended the following meetings:**

6. West Hennepin Public Safety Director Gary Kroells: Presentation of the September 2020 Activity Report.

Kroells stated at the end of September 30, 2020 West Hennepin Public Safety (WHPS) handled year-to-date a total 3,986 incident complaints. For the month of September, 269 incidents were in the city of Independence and 149 in the city of Maple Plain. He highlighted some incidents.

\*for a complete report see the City Council packet\*

7. City Hall Renovation Update:

- a. Review preliminary construction schedule and temporary office plans.

Kaltsas said the City has been working with our contractor on the coordination and timing of the project. Our contractor has provided the City with a tentative schedule and initial construction site plan. Based on the discussions and information provided, there will be an approximately 4-6-month period where access to the community room and City Hall offices will be limited. Staff is working on a plan to accommodate the construction and limit disruption to City services. It is currently anticipated that construction will commence immediately following the election.

The City has discussed the possibility of temporary relocating the City Hall office and public facing window in order to avoid construction conflict, additional costs with staging, temporary and frequent disruptions to service and to expedite the overall construction process. Staff has reviewed several options including bringing in a construction trailer, relocating offices to the WHPS side of the building and relocating offices to the Public Works front office. For a wide array of reasons, staff believes that relocating to the Public Works front office will be the most suitable and efficient option. Having access to our network, phones, a nonportable restroom and a front facing door are all benefits of temporarily relocating to this space versus other options. Staff will review the draft schedule with Council and the discuss the process, plans and timing of the project.

Kroells stated WHPS would convert the garage to the have a public area with window. He said it would not be that complicated. Johnson asked if there would be a space in the garage for public meetings? Kaltsas said he would have to look at it further to determine feasibility. McCoy suggested Council could come in the back

door and then have the actual meeting in the conference room. Johnson said it is nice that Staff can continue working until the offices are done without disruption to work time. McCoy said he liked the idea of fixing up Public Works and saving that rent money. Betts agreed that she liked the idea of using the Public Works building.

#### 8. Cares Act Funding Discussion:

- a. Approval of Business Corona Virus Relief Grant Awards.
- b. Cares Act Funding Current Balance and Additional Organizational Funding Considerations.

Kaltsas said the City received \$283,505 dollars in federal Cares Act Funding. The City has already paid for eligible expenses relating to increased costs associated with operating during the pandemic. Eligible expenses include technology upgrades, a new data tower at City Hall, PPE supplies, additional cleaning costs, additional staff time due to remote conditions and printing and mailing of information to residents.

The City has expended approximately \$59,000 to date. The City is in the process of assessing and moving forward with several additional projects that would meet eligibility criteria and provide additional flexibility relating to navigating the pandemic and protecting City resources and staff. The City has also received requests from outside organizations for funding. Staff would like to further discuss funding outside organizations and remaining projects and expenses with City Council. As it relates to the information provided above, the City has determined that the encouragement and the financial support of economic development and redevelopment in the City is in the best interests of the health, safety, success and common welfare of the citizens of Independence. The 2020 COVID-19 Pandemic has presented significant challenges and economic impacts to many residents and businesses. In September 2020, the City Council made \$50,000 available to Independence businesses in the form of the Corona Virus Business Relief Grant Program.

Applications were directly mailed to as many local businesses known to be in existence within the City. As of the time this report was prepared, the City has only received one application. As a result of the limited number of applications received, staff is recommending that Council extend the program through November 5th. The proceeds from the Cares Act Funding needs to be utilized by November 15th, 2020. This will allow the City to continue to market the program and solicit additional applications.

It is recommended that the City Council approve the application from Ox Yoke Inn and award the requested grant in the amount of \$2,000. It is also recommended that the City extend the grant program until November 5th, 2020.

McCoy asked about the fire side and Kaltsas said that we do not pay fire directly. Betts said she thought there was a difference between fire and police and the police side is easier to process.

Johnson noted that we are in WeCAN territory and they have seen a lot of increased rent costs and people needing rent money and food. Spencer asked if organizations needed to provide a formal request and provide documentation of what they are spending the money on. Kaltsas said there is paperwork to process and document expenditures. He noted the City of Orono gave money to Orono schools. Johnson said he would like to give to the school districts. Kaltsas said we could create a proportional share for the districts.

Spencer said if the grant was not fully utilized maybe we could give 5k to fire, 10k to Orono and Delano schools, 5k to Rockford and Mound and 2500k to WeCAN and Delano Senior Center.



Johnson noted we heard from Ox Yoke but have there been any others. Kaltsas said that was the only one to date.

Kaltsas said there would be a formal resolution for this in the next City Council Workshop.

**Motion by Spencer, second by McCoy to approve the Corona Virus Relief Grant Award to Ox Yoke Inn in the amount of \$2000.00. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

7. OPEN/MISC.

8. ADJOURN.

**Motion by Spencer, second by Grotting to adjourn at 7:40 p.m. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary

# City of Independence

## Detached Accessory Structure Setback Discussion

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* November 17, 2020

### **Discussion:**

Following the discussion at the last Planning Commission Meeting, staff has prepared a draft ordinance amendment for further consideration and direction by the Planning Commission. The following changes have been made to the ordinance:

- The rear yard setback can be reduced by the Accessory Building **Review** Committee if all applicable criteria are met. The primary reduction would allow a rear yard setback reduction equal to the requisite setback of the adjacent property sharing the same line. For example, if an adjacent property has a side yard setback of 15 feet, then the rear yard setback could be reduced up to 15 feet.
- I added a provision that would allow a similar reduction for properties that abut Outlots. This occurs in cluster type developments where a perimeter Outlot was created for public space.
- I noted that a setback resulting from a non-conforming structure or variance cannot be used to determine a reduced setback.
- I added a provision to the front yard setback that provides for properties that do not have a front yard that abuts a public right of way.

Staff reviewed the possibility of adding a provision which would regulate the size and or height of an accessory structure as it pertains to this reduced setback. I am not sure that there is an identifiable and or logical “break” point where a hard limitation would be appropriate. By requiring all reductions to be reviewed by the building review committee, the City will be able to review each individual proposal on its own merit.

### **Planning Commission Direction:**

Staff has prepared a draft ordinance for further discussion and consideration by the Planning Commission.

***DRAFT***  
**ORDINANCE NO. 20209-XX**

**CITY OF INDEPENDENCE  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**AMENDING SECTION 530 OF THE INDEPENDENCE CITY CODE  
RELATING TO SETBACKS**

**THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY, MINNESOTA, ORDAINS:**

**SECTION 1.** The Independence City Code, Chapter IV, Section 530 is revised to include the following:

530.01. - Agricultural District established.

Subd. 4. *Setbacks.* All buildings and structures, including houses with attached garages or decks, must meet or exceed the following setbacks:

- (a) Front yard setback: <sup>a</sup>~~d~~ 85 feet from centerline of road.
- (b) Corner yard setback: <sup>c</sup> 5~~1~~2 feet from right-of-way line.
- (c) Side yard setback: <sup>a</sup><sup>b</sup> 30 feet from side lot line.
- (d) Rear yard setback: <sup>a</sup>~~e~~ 40 feet from rear lot line.
- (e) Setback from lakes, rivers and streams: 100 feet from ordinary high mark.
- (f) Setback from wetlands: ten feet from the outside edge of the required wetland buffer.
- (g) Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way.

<sup>a</sup> (Except buildings housing livestock, which may not be located closer than 150 feet from an existing residential structure on all adjacent property.)

<sup>b</sup> (Except detached garages and other accessory buildings, which may be 15 feet from the side lot line.)

<sup>c</sup> (All principle and accessory structures shall meet the corner yard setback requirements.)

<sup>d</sup> (A property that does not directly abut a public right of way shall have a minimum front yard setback of 52 feet from the front yard property line.)

<sup>e</sup>(An accessory structure may encroach into the applicable rear yard setback if the accessory structure meets all applicable criteria of the section and the following conditions are met:

(1) Building and site plans delineating the proposed accessory structure and setbacks must be submitted to the city in advance of work to confirm compliance with this section.

(2). The city council may establish an accessory building review committee to review building and site plans submitted for any proposed accessory structure which encroaches into the requisite rear yard setback to ensure compliance with the following:

- a. The accessory structure can be permitted to encroach in the applicable rear yard setback a distance not less than the requisite detached accessory structure setback for the adjacent property along the same line.
- b. Properties that share a rear yard property line with an Outlot, can be granted a reduction in the applicable rear yard setback. In no case shall the setback be less than 15 feet.
- c. For the purpose of determining the requisite detached accessory setback for the adjacent property, setbacks calculated using a non-conforming structure and or resulting from a previously granted variance cannot be used to determine this exception.
- d. The applicant shall provide with the application, the written consent of 100 percent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the city). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

530.05. - Rural Residential District established.

Subd. 2. *Setbacks.* All buildings and structures, including houses with attached garages or decks, must meet or exceed the following setbacks:

- (a) Front yard setback: <sup>a</sup>~~d~~ 85 feet from centerline of road.
- (b) Corner yard setback: <sup>c</sup> 5~~+~~<sub>2</sub> feet from right-of-way line.
- (c) Side yard setback: <sup>a</sup> <sup>b</sup> 30 feet from side lot line.
- (d) Rear yard setback: <sup>a</sup> <sup>e</sup> 40 feet from rear lot line.
- (e) Setback from lakes, rivers and streams: 100 feet from ordinary high mark.
- (f) Setback from wetlands: ten feet from the outside edge of the required wetland buffer.

(g) Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way.

<sup>a</sup> (Except buildings housing livestock, which may not be located closer than 150 feet from an existing residential structure on all adjacent property.)

<sup>b</sup> (Except detached garages and other accessory buildings, which may be 15 feet from the side lot line.)

<sup>c</sup> (All principle and accessory structures shall meet the corner yard setback requirements.)

<sup>d</sup> (A property that does not directly abut a public right of way shall have a minimum front yard setback of 52 feet from the front yard property line.)

<sup>e</sup> (An accessory structure may encroach into the applicable rear yard setback if the accessory structure meets all applicable criteria of the section and the following conditions are met:

(1) Building and site plans delineating the proposed accessory structure and setbacks must be submitted to the city in advance of work to confirm compliance with this section.

(2). The city council may establish an accessory building review committee to review building and site plans submitted for any proposed accessory structure which encroaches into the requisite rear yard setback to ensure compliance with the following:

- a. The accessory structure can be permitted to encroach in the applicable rear yard setback a distance not less than the requisite detached accessory structure setback for the adjacent property along the same line.
- b. Properties that share a rear yard property line with an Outlot, can be granted a reduction in the applicable rear yard setback. In no case shall the setback be less than 15 feet.
- c. For the purpose of determining the requisite detached accessory setback for the adjacent property, setbacks calculated using a non-conforming structure and or resulting from a previously granted variance cannot be used to determine this exception.
- d. The applicant shall provide with the application, the written consent of 100 percent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the city). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

**SECTION 2.** This ordinance shall be in force and effect after enactment and publication as required by law.

Adopted this 1<sup>st</sup> day of December, 2020, by the Independence City Council.

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Marvin Johnson, Mayor

ATTEST:

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Mark Kaltsas, City Administrator