

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,

Trish Gronstal/ Recording Secretary