

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JULY 21, 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 and Gardner
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Commissioner Thompson
VISITORS: Paul Soberg, John Sega

3. Approval of Minutes:

- a. June 16, 2020 Planning Commission Meeting
- b. July 7, 2020 City Council Meeting Minutes (For Information Only)

Motion by Palmquist to approve the June 16, 2020 Planning Commission minutes, second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

4. **PUBLIC HEARING:** PTS Products, Inc. (Applicants/Owners) requests that the City consider the following action for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:
- a. A variance to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial.
 - b. Site plan approval for a commercial property.

Kaltsas said the property is located on the south side of Highway 12 just west of the intersection of County Road 90 and Highway 12. The property has an existing commercial building and parking lot. There is a significant wetland on the south side of the property. The applicant is seeking site plan approval to allow an accessory building to be constructed on the subject property. In 2018, the City reviewed and approved an expansion of the existing building. The expansion of the building provided for a total of 25,600 SF of commercial space. The applicant is now seeking approval to add a 4,800 SF detached accessory storage building on the property.

Along with the request to expand the building in 2018, the applicant also sought and received approval for a variance to allow the building to be constructed using matching materials to the existing building (steel panels) rather than residing the entire building with materials that met applicable architectural design standards. The City noted that the east façade of the building met applicable design requirements and was the most visible from TH 12. The City allowed the expansion of the building using materials that matched the existing building.

The applicant is proposing a new detached accessory storage building that would be located behind the existing building. The new building would be used solely for storage and would not increase the number of employees or provide finished interior manufacturing space. The applicant would like the City to consider granting a variance to allow the detached accessory storage building to match the exterior of the existing building (steel panels).

The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are several provisions within the commercial standards that are applicable to the proposed building expansion.

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). The standards do not provide specifically for accessory structures, but there is no other standard identified. For this reason, accessory structures are treated the same as principle buildings.

a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface);
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

1. The applicant has prepared an illustrative image which shows the proposed exterior elevations of the new building. The primary material proposed is standing seam metal which is consistent with the majority of the existing building. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

2. Site Design and Parking Requirements - The applicant is proposing to construct a gravel driveway to access the proposed building off of the existing parking lot. The City generally requires bituminous pavement for all driveways and parking areas in the CLI zoning district. The City has allowed outdoor storage areas to use a gravel surface similar to that which is being proposed. Staff will be seeking direction from the Planning Commission relating to whether or not the driveway to the accessory storage building can remain gravel as proposed or should be required to be bituminous. For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. The total existing building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has 54 parking spaces. The proposed new building would add 4,800 square feet and require an additional 2 parking spaces for a total of 15 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

- a. Front yard setback: 100 feet from centerline of road.
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet. The proposed new accessory storage building would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed accessory storage building would be approximately 50 feet from the west (side) property line.

4. Landscaping – The City worked with the applicant during the last plan review to develop a landscape plan that met the intent of the landscape ordinance. It should be noted that the applicant has not completed all requisite landscaping from the 2018 approval. The City has been working with the applicant to complete the requisite work. No new landscaping is proposed with this plan. The City could request additional landscaping along the east side of the building to provide additional screening from TH 12. The City would recommend requiring 5 - 6' tall evergreen trees and 3 - 2.5" caliper deciduous trees along the east side of the proposed building (see concept plan below). If recommended by the Planning Commission, the applicant can provide an updated landscape plan prior to City Council approval.

5. Storm Water Management – The proposed improvements do not trigger the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the runoff from the impervious surface is directed to the south and there is a significant infiltration area prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. The total existing impervious surface area is 61,300 square feet. The proposed new building and associated site improvements would add an additional 8,200 square feet for a total of 69,500 square feet. This total is below the maximum coverage area. In addition to the site plan review, the City’s ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08) Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, “practical difficulties” means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The character of the surrounding area is commercial with similar structures and site improvements.
- c. The proposed variance to allow an accessory building that matches the exterior façade and materials of the existing building on this property is in keeping with the City’s comprehensive plan.
- d. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from Highway 12.
- e. The applicant can screen the proposed building with new landscaping to further mitigate any visual impacts from TH 12.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance. Staff is seeking a recommendation from the Planning Commission relating to the site plan review and variance.

Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval and variance request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a landscape plan prior to consideration by the City Council.
5. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C.
6. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City’s comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of a commercial business in the City’s CLI zoning district. The City’s approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
7. Any change in use shall be subject to the City review and approval.
8. No outdoor storage is permitted on the property.
9. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
10. Any new building or site lighting shall comply with the City’s applicable standards. The applicant shall submit cut sheets to the City prior to obtaining building permit approval.
11. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
12. The Applicant shall pay for all costs associated with the City’s review of the requested site plan and variance approval.
13. The resolution shall be recorded against the property.
14. The applicant shall pay all applicable fees associated with the City processing the application for site plan review and a variance.

Palmquist asked why the landscaping has not been installed. Kaltsas said they were updating the septic system where some of the landscaping would be put in and that was weather dependent.

Volkenant asked about the impervious surface and gravel versus black top for water absorption. She noted it would be a benefit not detriment.

Gardner said he has seen this ordinance backfire in regard to siding requirements. He said this plan is a better solution and he would like to see more trees in front of the parking lot.

Dumas said the new building faces boat storage, so this plan doesn't really bother him. He asked why the initial screening has not been done.

Motion by Gardner to open the Public Hearing, second by Palmquist.

Public Hearing Open

No comments.

Motion by Gardner to close the Public Hearing, second by Volkenant.

Public Hearing Closed

Palmquist asked why the original landscaping has not been installed. Kaltsas said Soberg responded that he is waiting for the mound system to be installed. Soberg noted it would be completed this year.

Motion by Volkenant to approve a variance to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial and site plan approval for the property at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN: second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

5. **PUBLIC HEARING:** John Sega (Applicant) and MN Horsepower LLC (Owner) request that the City consider the following action for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN:
 - a. A conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit.

Kaltsas said the property is located on the south side of CSAH 6 near the intersection of CSAH 6 and CSAH 157. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and is heavily wooded. The property has the following characteristics:

Property Information: **9255 County Road 6**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 72.32 acres in 2018, the City granted a conditional use permit to the applicant for a commercial riding stable and new detached accessory building that exceeded the 5,000 SF maximum permitted. The applicant is now seeking approval to connect the new indoor riding arena with the existing barn. This connection would be a 26 x 20 rectangular building between the two existing buildings. In addition to the building connection, the applicant would like to add several additional small detached accessory buildings to the site and several "lean to" type additions onto the existing buildings.

The applicant has provided a conceptual site master plan showing the general location and size of each of the buildings proposed. The total additional square footage proposed, including the building connection, is approximately 7,600. The applicant has provided a narrative of the additional buildings. The applicant has noted that the exact location of each of the proposed buildings has not been finalized; however, they would like the City to approve the site master plan so that they can simplify the process required in the future to permit the buildings. The City has approved similar master plans in the past. The applicant is seeking approval of the following buildings:

Building Type Square Footage Timing

Building Link: 520 SF Now

Viewing Area: 300 SF Future

Viewing Area: 150 SF Future

Building Overhang: 500 SF Future

Building Overhang: 1,000 SF Future

Building Overhang: 500 SF Future

Shavings Addition: 324 SF Now

Machine Shed: 2,400 SF Future

Dry Storage Shed: 2,400 SF Future the City can approve the concept site master plan and then work with the applicant through the building permit process to confirm the exact building locations and grading/site plans as each building is requested by the applicant.

The previously approved site plan is shown below: In order to expand and alter an existing CUP, the City requires an amendment. The existing CUP allows for a commercial riding stable allows for 50 horses to be boarded on the subject property. In addition, the City allowed the new indoor riding arena to be constructed which is greater than 5,000 SF.

The following key points should be considered by the Planning Commission:

- The proposed connection between the two buildings would be constructed using the same materials as the new riding arena. There will be two main overhead doors and two ingress/egress doors constructed with the connection.
- The City has reviewed the building plans from a building and fire code standpoint. The plans meet all applicable criteria and requirements.
- The Delano Fire Chief has reviewed and approved the proposed plans.
- The proposed site master plan contemplates several additional building additions and or detached accessory buildings. Due to the size and nature of the property, the City can consider approving the master plan to reduce the process for future development of the property. The proposed buildings would be utilized to serve the existing commercial operation. No expansion to the actual operation or number of horses is being requested. Staff has reviewed the proposed site master plan and found that the proposed buildings fit the general nature and layout of the property.
- All conditions of the original conditional use permit would remain in place.
- The applicant noted in their application that they would like to extend natural gas to this location.

This extension does not require an amendment to the conditional use permit. Other permits may be necessary such as a right of way permit or similar. The City will work with the applicant as necessary relating to this issue. The criteria for granting a conditional use permit amendment are the same as granting a conditional use permit and 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 City has visited the site and discussed the proposed building expansion with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial horse facility, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit.

Neighbor Comments:

The City has not received any written or oral comments regarding the proposed conditional use permit amendment.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit amendment. Should the Planning Commission make a recommendation to approve the requested action to the City Council, the following findings and conditions should be considered:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. All conditions of the existing conditional use permit granted by the City in **RESOLUTION NO. 18-1105-02** shall remain.
3. The conditional use permit amendment will include the following additional conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. The Applicant shall provide the City with an updated professionally prepared site plan prior to City Council consideration
 - c. All new buildings or building additions constructed on the property shall be in accordance with the approved site master plan, attached to the City Council approving resolution.
 - d. The Applicant shall obtain all applicable building and other permits associated with any building expansion or new detached accessory building. Each building permit will need to include grading and drainage plans.
 - e. No future expansion of the existing buildings or site master plan shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
4. The applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit amendment.

5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Palmquist said it would be prudent to submit a sketch of the site plan. Kaltsas said it is a good point, but he did not see anything that stood out upon his review. He noted they would have to meet applicable building codes with height and setback requirements. Gardner said it is a little scary to have open-ended construction. Kaltsas said there is no issue with square footage, but a site plan makes sense with a master plan submittal. Palmquist said any future building plans should be subject to all applicable regulations at the time they are constructed.

Public Hearing Open

Sega stated that Kaltsas had covered it well.

Motion by Palmquist to close the Public Hearing, second by Dumas.

Public Hearing Closed

Motion by Palmquist to approve a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit with the addition of a site master plan and also dependent on future ordinance requirements for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN: second by Dumas. Ayes: Gardner, Volkenant, Dumas and Palmquist. Nays: None. Absent: Thompson. Motion Approved.

6. Open/Misc.

7. Adjourn.

Motion by Palmquist, second by Volkenant to adjourn at 8:15 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary