

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, AUGUST 21, 2018 – 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 Commissioner Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Thompson, Gardner and Palmquist  
STAFF: City Administrator Kaltsas, Administrative Assistant Horner  
ABSENT: Commissioner Dumas  
VISITORS: Linda Ostberg, Gary Ostberg, Jacob Hewett, Lynda Franklin, Tom Johnson

3. APPROVAL OF MINUTES:

- a. July 17, 2018 Planning Commission Meeting
- b. July 10, 2018 City Council Meeting Minutes (For Information Only)

**Motion by Gardner to approve the July 17 and July 10 minutes, second by Palmquist. Ayes: Thompson, Gardner and Palmquist. Nays: None. Absent: Dumas. Abstain. Phillips. Motion Approved.**

4. **PUBLIC HEARING:** Gary and Lynda Ostberg (Applicants) request that the City consider the following action for the property identified by (PID No. 33-118-24-14-0003) and located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN:

- a. A conditional use permit amendment to allow the construction of an automated horse walker building on the subject property.

Kaltsas said the property is located on the south side of CSAH 6 and just west of Game Farm Road N. The property has no existing structures and is comprised of open pasture, a woodland area and wetlands. The applicants recently received approval of a conditional use permit on the subject property to allow a commercial riding stable, associated bunkhouse and detached accessory structure larger than 5,000 SF.

The facility is under construction (almost completed) and the applicant would like to expand the previously approved site plan to include an automated horse walker building on the subject property. The proposed structure would be 64 feet in diameter or 3,217 square feet. The building would be located adjacent to the existing indoor riding arena/stable facility.

The City typically adds a condition to all conditional use permits that states the following:

*a) No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.*

The proposed automated walker facility does not increase the number of horses or intensity of the previously approved commercial operation. No additional storm water treatment or storage will be required because of the additional building. The building will match the architecture and character of the existing buildings and farm.

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. Enough 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 discussed the additional building with the applicant and found it to be compatible to the existing use and previously granted CUP. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment.

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit amendment with the following findings and conditions:

1. The proposed conditional use permit amendment 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 previously granted will remain in full force and the following conditions will be added to the permit:

b) The conditional use permit will allow a 3,217 SF automated walker building to be located in accordance with the approved site plan attached hereto as EXHIBIT A. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.

3. The applicant shall pay for all costs associated with the review and recording of the resolution.

Public Hearing Open

**Motion by Gardner to close the Public Hearing.**

Public Hearing Closed

Gardner asked about the height requirement. Kaltsas said that due to the size of the property there is not a height restriction.

**Motion by Thompson to approve a conditional use permit amendment to allow the construction of an automated horse walker building on the subject property (PID No. 33-118-24-14-0003) located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN; second by Palmquist. Ayes: Phillips, Gardner, Thompson and Palmquist. Nays: None. Absent: Dumas. Abstain. None. Motion Approved.**

5. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:

- a. Chapter 5, Section 530.01, Subd. 3 Accessory Uses – Considering an amendment to the maximum height of an accessory structure. The City will discuss increasing the permitted height of detached accessory structures.

Kaltsas said in 2013 the City updated the accessory structure ordinance to establish a more proportional relationship between the amount of detached accessory structure square footage allowed on a property and the size of the property. In practice, the new ordinance has worked well and there have been no variances granted relating to the size of a detached accessory structure since the amendment. One area of the ordinance that was changed at the same time was the maximum height permitted for detached accessory structures. The City has received concerns and comments from property owners relating to the maximum height permitted. The City has also granted two (2) variances relating to the maximum height of detached accessory structures. The general concern is that the maximum height permitted varies based on the height of the principal structure. If a resident has a single-level home, the maximum height of a detached accessory structure is limited to the single-level home height. This causes some issues for residents with larger properties that would like to have a larger detached accessory structure, but have a single level home.

Staff has looked at the permitted heights of accessory structures from surrounding communities. It should be noted that not all communities allow as large of a detached accessory structure as the City of Independence. Staff would like to further discuss the maximum permitted height of detached accessory structures with the Planning Commission.

The City's current ordinance states the following:

*3 The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.*

In application of the ordinance over the past 5 years, the City has consistently had requests for detached accessory structures that have heights (measured to the midpoint of the roof) in the 20-25-foot range. Many of the single-level homes measure closer to 17-20 feet in height measured to the midpoint of the roof. This typically leaves single-level property owners with an issue when considering building a detached accessory structure.

When the City considered the height in 2013, there was a consensus that detached accessory structures should be proportional and subordinate to the principle structure on the property. To help achieve the subordinate relationship, the maximum height of the detached accessory structure was limited. Due to the wide array of property size, building architecture and other factors, many of the proposed detached accessory structures do not have a significant relationship with the principle structure.

Staff is seeking Planning Commission feedback and discussion on this issue and offers the following for further consideration:

1. The City could consider establishing a maximum height in lieu of the relationship with the principle structure. This could be a two part maximum height that establishes a minimum permitted or the height of principle structure, whichever is greater (i.e. the maximum height permitted is 25 feet or the height of the principle structure, whichever is greater).
2. The City could consider establishing a single, maximum height for all detached accessory structures (i.e. the maximum height for all detached accessory structures is \_\_\_\_\_ feet).
3. The City could consider establishing a variable scale that is proportionate to the size of the property (i.e. the maximum height permitted for detached accessory structures on properties less than 2.5 acres is \_\_\_\_\_ feet, the maximum height permitted for detached accessory structures on properties greater than 2.5 acres, but less than 10 acres is \_\_\_\_\_ feet, the maximum height permitted for detached accessory structures on properties greater than 10 acres is \_\_\_\_\_ feet).

Phillips stated this was noticed as a Public Hearing. Kaltsas said if there were comments it could be continued at the next meeting. Palmquist asked if it was unique to zoning and Kaltsas said it was not particularly unique to zoning as there are people that come in and with lakeshore lots or some with many acres and neither will meet height requirements. It crosses multiple scenarios. Gardner said part of the charm of Independence are the barns but they all exceed the height requirements of small homes.

#### Public Hearing Open

Hewett asked if the Commission could elaborate as he feels these restrictions take away from the very nice horse barns.

Palmquist motioned to continue the Public Hearing at the next meeting.

Phillips asked if it should make a difference if there were living quarters within the structure. Palmquist stated there were not many of those around as it is. Kaltsas noted Medina's height restriction requirement is 30 feet. He said they allow some increased height on the principal structure. Phillips said there could be a requirement that measures to the peak instead of the mid-point or the principal structure is not to exceed a certain percentage. Thompson noted there have been visibility issues where variances were needed or sometimes denied. He said it is good to review and there is room for improvement on the requirements. Palmquist said the City could allow creative pitches. Kaltsas said he would bring back more information on the ones that were approved in the past. He said it needs to be clean and simple as well as a reasonable number. He thought Ag could possibly be different and allow any height. Kaltsas said applicants are really trying to make something fit but money and time are huge factors.

9. Open/ Misc.

10. Adjourn

**Motion by Phillips to adjourn at 8:05 p.m.**

Respectfully Submitted,

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Trish Gronstal/ Recording Secretary