

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JANUARY 21, 2025, AT 7:30 PM

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 Gardner at 7:30 p.m.

2. ROLL CALL:

PRESENT: Commissioners Gardner (Chair), Thompson, Volkenant, Story, and Usset.

ABSENT: Tearse and Dumas.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: Steve Grotting, Tom Bren

3. Approval of Minutes:

- a. December 10, 2024, Planning Commission Meeting Minutes.
- b. January 7, 2025, City Council Meeting Minutes (For Information Only)

Motion by Thompson, seconded by Volkenant to approve the minutes.

Ayes: Gardner, Thompson, Volkenant, Story, and Usset. Nays: None. Absent: Tearse and Dumas. Abstain: None. Motion Approved. 5-0

4. **PUBLIC HEARING:** William Stoddard (Applicant) and Motor Condos LLC (Owner) requests that the City consider the following action for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

- a. A variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

Property/Site Information:

The property is located on the south side of US Hwy 12 just east of County Line Road. The property was recently subdivided as a part of the overall plat approved by the city. . The property has the following characteristics:

Property Information: 9285 US Hwy 12

Zoning: *Urban Commercial*

Comprehensive Plan: *Urban Commercial*

Acreage: *~26 acres*

Discussion:

The applicant approached the City about the possibility of installing a temporary real estate sales sign on the subject property. The applicant noted that the recent ROW dedication for MNDOT as well as the future city street causes the available sign location to be set back a considerable distance from the edge of Hwy 12. Combined with the high speeds on Highway 12, the applicant noted that the visibility of a temporary real estate sign complying with applicable requirements would be limited.

The city allows temporary real estate signs to be a maximum of 32 SF (8' x 4'). It should be noted that permanent free-standing signs (actual business signs) are allowed to be a maximum of 80 SF. The applicant is asking the city to consider granting a variance for a temporary real estate sales sign that is 80 SF (8' x 10'). In addition to the square footage, the applicant is asking for a "V" shaped sign that would have two (2) surfaces. The city's ordinance limits temporary signs to one surface (can have text on both sides of the single surface).

The applicant has prepared several graphics depicting the proposed sign graphics and overall size. The applicant has also prepared several photo exhibits that show an allowed sign from various vantage points on Highway 12.

The criteria for granting a variance from the sign ordinance provisions are clearly delineated in the City's Zoning Ordinance (Section 550.13 subd. 5.) as follows:

Subd. 5. *Variances.* The planning commission may recommend, and the city council may grant variances from the literal provisions of this section in instances where the applicant for a variance has demonstrated that all of the following standards have been met:

- (a) Because of the physical surroundings, shape, topography or condition of the land involved, a hardship to the applicant would result if the strict letter of the section were carried out;
- (b) The conditions upon which the variance is based are unique to the applicant's land and not generally applicable to other property within the same zoning classification;
- (c) The hardship arises from the requirements of this section and has not been created by persons presently or formerly having any interest in the property;
- (d) A granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the land is located.

Subd. 6. *Conditions and restrictions.* Upon the granting of a variance the city council may impose conditions and restrictions with the spirit and intent of this section.

The applicant received approval for the development of the garage condominiums from the city and is in the process of initiating construction. The city has reviewed requested variance and agrees that this property unique characteristics (commercial zoning on Highway 12) that could be considered a hardship to the applicant if they have to comply with the 32 SF sign maximum. There are a few additional considerations that should be noted by the city:

- The 32 SF is generally an adequate size for the sale of individual lots or small residential developments. This size also is more visible on residential streets that have slower speeds and or common right of way widths.
- The requested variance is for a temporary real estate sign for a commercial development. The duration is limited to the time that units are for sale on the property. I would

recommend that the Planning Commission consider adding a condition that would limit the time permitted for the temporary sign to three (3) years with the ability to seek annual extensions directly from the City Council. The number of units available and the potential that it could take some time to sell all units

- The city may want to consider amending the sign ordinance to consider allowing larger temporary real estate signs.

The City will need to consider if the requested variance meets applicable criteria and can be supported.

Neighbor Comments:

The City has not received any comments or questions relating to the requested variance.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a variance with the following findings and conditions:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 550, Sign Regulations, in the City of Independence Ordinance.
2. The variance will include the following conditions:
 - a) The variance will allow a 80 SF temporary real estate sign with two (2) sides in a “V” configuration. system that is installed in accordance with the approved plans attached hereto as Exhibit A.
 - b) The temporary sign shall be constructed in accordance with all applicable zoning codes, other applicable standards.
 - c) The temporary sign shall be installed in accordance with the approved plans attached hereto as Exhibit A.
 - d) The temporary sign shall be permitted for up to three (3) years from the date of City Council approval. The applicant can ask the City Council for additional one (1) year extensions prior to expiration of this approval.
3. The applicant shall pay for all costs associated with the review of the variance application.

Kaltsas reviewed for the Planning Commission the Applicant’s Request, Property, Site Information, Discussion, and Recommendation from the packet. It’s a temporary real estate sign to market and sell the motor condos. City allows max 32sqft for RE. 8x4ft sign. Applicant would like to put up an 80sqft sign due to frontage on Hwy 12 and setback that was made on their recent plat and highway’s limited visibility at 55mph on Hwy 12. They wanted more significance to be seen by more people driving that highway. Max size of a permanent sign would be able to go up to 80sqft in Commercial Light Industrial or Urban

Commercial. We allow the signs to be perpendicular to the road or in a configuration. We have had signs in the city that are larger than the max in other instances. This property was marked previously with a larger sign without asking for variance. This is for temporary sign, not permanent, and this variance would not be granted to the permanent sign. The Planning Commission could put a time limit on the sign and then Applicant could ask for a renewal. The proposed sign graphics were reviewed. No public comments were received prior to tonight's meeting.

Gardner opened Public Hearing.

Bill Stoddard – Thank you for chance to explain. One big item, the land we are dedicating to future frontage road, MNDOT wants our sign set back further. We went with a size that would be fine for the permanent sign, but this for the temporary sign. We need to be further off than the previous realtor sign is The V shape is so a skid steer can get under it to move it as there is work being done. We're focused on its sturdiness. We hope to break ground in the Spring! Contractor in Independence is likely to move in the space and has some other business contractors interested as well.

Commission members discussed that the size of each panel was 8x10. This construction could be 3-6 years.

Kaltsas – We could allow it in the city Right of Way/ROW but with MNDOT there was another dedication that was another 20. If you wanted to keep it out of the ROW, it is now ROW. It could be over 100ft from the road if you followed all the setbacks. We don't do a lot of these kinds of sales.

Closed public hearing.

Motion by Thompson, seconded by Story to recommend approval of the variance subject to staff recommendation 1-3 to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance at 9285 US Hwy 12. Ayes: Gardner, Thompson, Volkenant, Story, and Usset. Nays: None. Absent: Tarse and Dumas. Abstain: None. Motion Approved. 5-0

This will go to the next Council meeting on February 4, 2025.

5. **PUBLIC HEARING:** Tom Bren (Applicant) and Sarah Goullaud (Owner) requests that the City consider the following action for the properties located at 7104 Pioneer Creek Rd., Independence, MN (PID No. 19-118-24-14-0001 and 22-118-24-33-0001):

- a) A conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.

Property/Site Information:

The property is located on the north side of Pioneer Creek Rd and east of CSAH 92. The property has an existing home.

Property Information: 7104 Pioneer Creek Rd.

Zoning: *AG-Agriculture*

Comprehensive Plan: *AG-Agriculture*

Acreage: *9.71 acres*

Discussion:

The applicant is seeking a conditional use permit to allow the construction of a new detached accessory dwelling unit (ADU) in the northwest corner of the property. The applicant discussed the requirements and proposed plans with staff. Accessory dwelling units are a conditional use within the AG-Agriculture zoning district.

In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. 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^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct a detached accessory dwelling unit within a portion of a new detached accessory structure. The proposed accessory building would have a two (2) stall garage and also a main level living area (approximately 600 SF) and a second level loft (approximately 378 SF). The ADU would be 978 SF (2 floors) and the remainder of the proposed accessory structure is 700 SF (garage).

- (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 separated from the single-family home as it is proposed to be located in a new detached accessory building.

- (d) Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

The proposed accessory structure appears to be generally similar to the principal home on the property.

- (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 ~3,042 square feet of above ground space. The city allows 33% of 3,042 square feet which equals 1,004 square feet. The proposed ADU is 978 SF

which is less than the maximum square footage allowed. It should be noted that the remaining square footage is proposed to be used as storage/garage space.

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

The lot is 9.71 acres, and the city allows 2% of the total upland SF to be used for detached accessory structures ($\sim 339,768 \times .02\% = 6,795$ SF). The total square footage of all accessory structures would be approximately 1,300 SF which is less than the maximum permitted.

- (g) *Has permanent provisions for cooking, living and sanitation; and*

The proposed structure includes permanent provisions for cooking, living and sanitation. The ADU would have a kitchen and bathroom along with a living space on the first level. The second level loft could be used for a bedroom or additional living space.

- (h) *Has no more than 2 bedrooms; and*

The proposed ADU has a combined living space that also would accommodate sleeping as well as an open loft area that could also be used for sleeping.

- (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 applicant is proposing that the accessory dwelling unit may be occupied by a family member at some point in the future. The owner understands that it must be occupied only by relatives.

- (j) *Uses the existing on-site septic system^b or an approved holding tank; and*

The applicant would need to connect the proposed ADU to the existing septic system on the property. The proposed connection and existing septic system would be reviewed by the city.

- (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 city noted that this property cannot be subdivided at this time as no additional eligibilities exist. The location of the proposed accessory structure and subsequent ADU does not appear to impact the potential subdivision of this property in the future.

- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes

^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 location of the proposed accessory building and its proximity to the surrounding properties appears to mitigate potential impacts of the conditional use. The surrounding properties have limited visibility and or site lines to the existing property due to the elevation of the property and existing wooded areas. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

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 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.

Consideration for the proposed conditional use permit should weigh the impact of having a detached accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:

- The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City did receive one (1) verbal comment from an adjacent property owner. They wanted to make sure that the city reviewed the setbacks to the west and north property lines to ensure compliance with applicable setbacks.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested conditional use permit. Should the Planning Commission Recommend approval, the following findings and conditions should be considered:

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 allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
5. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Kaltsas reviewed for the Planning Commission the Applicant's Request, Property, Site Information, Discussion, and Recommendation from the packet and opened Planning Commission discussion. It's zoned AG, guided AG and is approx. 10 acres overall. Owner recently constructed a home and is now asking for consideration in a new detached accessory structure. In the city, accessory dwelling units/ADUs require a conditional use permit/CUP. Applicant wants to build within a portion of the detached structure. 2 car garage, total ADU would be 978 sqft. Fully separated. Architecturally it is complimentary, but not exact materials. No more than 1,004 sqft is allowed but it is less than that. Has permanent living – bathroom, kitchen and combined living/sleeping space. Could have a bedroom in loft space above or as a studio apt. They wouldn't have any defined bedroom space. Occupied by family member at some point in the future. Using existing septic – would go through city review. Cannot be subdivided in the future, no more eligibilities. Cannot impact surrounding properties. Surrounded by woods by properties surrounding around

it. Owner of surrounding property wants to make sure applicant meets setbacks by surveys and city confirms the setbacks. No other comments.

OPEN PUBLIC HEARING

Kaltsas and Gardner discussed the location on the property. There are some wetland issues down there and the proximity of the house. This seems like a good location. Story and Applicant, Tom Bren discussed whether it would be built as an ADU or a garage and may be finished it now or later.

Sarah Goullaud– Brother is in a wheelchair and this works for him to get around and have access to the raised garden area.

CLOSED PUBLIC HEARING

Motion by Usset, seconded by Story to recommend approval of the conditional use permit for a detached accessory dwelling unit (ADU) at 7104 Pioneer Creek Rd subject to staff recommendations. Ayes: Gardner, Thompson, Volkenant, Story, and Usset. Nays: None. Absent: Tearse and Dumas. Abstain: None. Motion Approved. 5-0

This will go to the next Council meeting on February 4, 2025.

6. Open/Misc.

With no planning items at the next month, we do need to talk about what the City wants for our cannabis ordinance. The State gave us to the end of December, but they have not yet adopted their ordinances, so we've been waiting to see where the state law goes. We'd discuss which zoning districts to allow cannabis businesses in.. We uniquely have expansive AG district here.

Usset – What if a farmer wanted to grow and sell it at a shop?

Kaltsas – That's what we need to talk about. We have gotten some calls already from shops asking.

7. Adjourn.

Motion by Thompson, seconded Story by to adjourn.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,
Linda Johnson/ Recording Secretary