

MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
SPECIAL MEETING  
JANUARY 18, 2021 – 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 Thompson at 7:30 p.m.

2. SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSION MEMBER

Butch Gardner was sworn in.

3. ROLL CALL

PRESENT: Commissioners Gardner, Dumas, Volkenant (all virtual), Alternates Tearse & Story

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: Thompson

VISITORS: Marvin Johnson, Brad Spencer, Mark & Melissa Gaalswyk, Lynn Betts (virtual), Linda Johnson (virtual), Lynda Franklin (virtual)

4. ELECTION OF OFFICERS

Gardner elected Thompson as Vice Chair.

Gardner congratulated Tom for excellent service for all these years. They will miss him. Tom appreciated working with all the Commissioners and staff.

5. Approval of Minutes:

a. December 21, 2022, Planning Commission Meeting

b. January 4, 2022, City Council Meeting Minutes (For Information Only)

**Motion by Volkanent to approve the December 21, 2021 Planning Commission minutes, second by Palmquist. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

6. PUBLIC HEARING: Mark Gaalswyk (Applicant/Owner) are requesting the following action for the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:

a. A conditional use permit to allow an accessory dwelling unit to be constructed within the existing detached accessory structure.

**Property/Site Information:**

The property is located on the west side of County Road 92 North and south of Highway 12. The property is mostly wooded with some wetlands to the east and west. The property has one detached accessory building.

Property Information: 2855 Copeland Road

Zoning: *Agriculture*

Comprehensive Plan:

*Agriculture Acreage:*

*22 acres*

**Discussion:**

The applicant is seeking a conditional use permit to allow an accessory dwelling unit inside of a portion of the existing detached accessory structure on the property. The detached accessory structure appears to have been converted into living space prior to the current owners purchase of this property. The applicant would like to use the structure for the purpose of housing his in-laws on the subject property. 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<sup>a</sup> accessory building that has a principal structure on the parcel; and*

**The applicant is proposing to use the accessory dwelling unit located within the existing detached accessory structure.**

- (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.**

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

**The proposed accessory structure is existing and appears to generally complement 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 ~3,206 square feet of above ground space not including the basement. 33% of 3,206 square feet equals 1,057 square feet. The applicant is proposing to construct an accessory structure which will total 1,031 square feet. The proposed square footage would be less than the permitted maximum square feet.**

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

**There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 775 SF (24 x 32) and therefore would comply with applicable standards.**

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

**The existing structure has permanent provisions for cooking; living and sanitation (see attached depiction).**

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

**The existing structure has one bedroom within the accessory dwelling unit.**

- (h) *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 be occupied solely by family members.**

- (i) *Uses the existing on-site septic system<sup>b</sup> or an approved holding tank; and*

**The structure is connected to the existing septic system on the property. The City has reviewed the septic system and found that it is able to accommodate the structure.**

- (j) *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 detached accessory building is a conforming structure that is**

**currently in existence.**

(k) *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 and may be required to obtain requisite after-the-fact permits.**

*<sup>a</sup> 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.*

*<sup>b</sup> 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 existing accessory building and its proximity to the surrounding properties does mitigate potential impacts of allowing a portion of the space to be used as an accessory dwelling unit. The surrounding properties are similar in character and have similar sized detached accessory buildings. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

As proposed, the accessory dwelling unit appears to meet all applicable criteria established in the zoning ordinance. 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 an 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 CUP to allow an accessory dwelling unit be considered by the City, it is suggested that the following conditions be noted by the City:

- 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.
- The proposed 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 has not received any written or oral comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

***Recommendation:***

The Planning Commission is being asked to consider the application for a CUP to allow an accessory dwelling unit. Should the Planning Commission recommend approval of the requested conditional use permit, the following findings and conditions:

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 is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. 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 conditional use permit will be issued subject to the following items being completed:
  - a. 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.

- b. The proposed 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 Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Kaltsas explained that this is a request for CUP to allow an accessory dwelling unit to be constructed with in the existing detached unit. It is zones as AG and is 22 areas in overall size. They originally requested a new detached structure but after further discussion they already had a detached accessory building so they would move forward to legalize the existing structure. This ordinance was created to allow for a mother-in-law type unit for family members only if they were clearly subordinate to the property. The applicant worked with the city to make sure that the existing unit that is there meets the criteria. This accessory dwelling unit meets all criteria and is architecturally compatible. They are mitigated from views. It is connected to existing septic system on the property and complies and meets requirements. If city wanted to approve this, they would follow all building permits required and do an inspection to make sure it is within requirements. They did have two of the adjacent property owners write letters of support for the applicants.

#### **PUBLIC HEARING OPENED**

Garnder said that this doesn't have any history of causing any commotion in the neighborhood. It seems pretty straightforward.

#### **PUBLIC HEARING CLOSED**

**Motion by Palmquist to approve the CUP for accessory dwelling unit, second by Tearse. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

**7. PUBLIC HEARING:** Robert Knight (Applicant/Owner) is requesting the following action for the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) in the City of Independence, MN:

- a. A variance for a reduced side yard setback to allow a new home to be constructed on the subject property in place of the existing home.

#### ***Property/Site Information:***

The subject property is located at 4672 Lake Sarah Drive S. The property is located along the west shoreline of Lake Sarah. There is an existing home, detached garage and several small sheds located on the property. This property is considered a sub-standard lot of record.

Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: 4672 Lake Sarah Drive S  
Zoning: Rural Residential (Shoreland Overlay)  
Comprehensive Plan: Rural  
Residential Acreage: 0.30 acres (12,852 square feet)  
Impervious Surface Maximum: 25% (3,213 square feet)

**Discussion:**

The applicant approached the City about the possibility of constructing a new home on the subject property last year. The applicant would like to raze the existing home and construct a new home. The subject property is approximately 70 feet wide by 150 feet long. The existing home and detached garage do not meet any of the applicable setbacks for the property. The applicant is proposing to construct a new home on the subject property would require variances from all applicable setbacks. The applicant has prepared plans relating to the proposed home and associated site improvements.

The subject property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

*505.15. Substandard lots. Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:*

- (a) such use is permitted in the zoning district;*
- (b) the lot of record is in separate ownership from abutting lands, and can meet or exceed 60% of the lot area and setback requirements of this section; and*
- (c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.*

Setbacks for properties located in the shoreland ordinance are as follows:

Subd. 2. Lot standards.

|                                                     | Unsewered Areas                                                         |                           |                           | Sewered Areas |           |                   |
|-----------------------------------------------------|-------------------------------------------------------------------------|---------------------------|---------------------------|---------------|-----------|-------------------|
|                                                     | NE Waters                                                               | RD Waters                 | Tributary Streams         | NE Waters     | RD Waters | Tributary Streams |
| Lot Area                                            | 2.5 acres                                                               | 2.5 acres                 | 2.5 acres                 | 1.0 acre      | 1.0 acre  | 1.0 acre          |
| Water frontage and lot width at building line       | 200 ft                                                                  | 200 ft                    | 200 ft                    | 125 ft        | 100 ft    | 100 ft            |
| Structure setback from ordinary high water mark     | 150 ft                                                                  | 100 ft                    | 100 ft                    | 150 ft        | 100 ft    | 100 ft            |
| Structure setback from roads and highways           | 85 ft from centerline or 50 ft. from right-of-way, whichever is greater |                           |                           |               |           |                   |
| Structure height limitation                         | 35 ft                                                                   | 35 ft                     | 35 ft                     | 35 ft         | 35 ft     | 35 ft             |
| Maximum lot area covered by impervious surface      | 25%                                                                     | 25%                       | 25%                       | 25%           | 25%       | 25%               |
| Sewage system setback from ordinary high water mark | 150 ft                                                                  | 75 ft (RR)<br>150 ft (AG) | 75 ft (RR)<br>150 ft (AG) | 125 ft        | 75 ft     | 75 ft             |

Based on the permitted setbacks, the subject property has a limited building area. This lot would support an approximately 34' wide home based on the applicable 18' side yard setbacks.

The existing home has the

following setbacks:

Lake: 36'  
Side: 1.3' (south side),  
21' (north side) Street:  
132' to centerline of street

The detached garage has the following setbacks:

Side:  
2.  
4' (south  
side)  
Street:  
72'  
(centerline)

The detached deck has the following setbacks:

Lake: 25'  
Side: 1.8' (north side)

The applicant is proposing to center the new home on the property and is asking for a variance to allow reduced side yard, lake and street setbacks. The applicant is proposing to construct a home with the following setbacks:



| <u>Required:</u>        | <u>Proposed:</u>                                |
|-------------------------|-------------------------------------------------|
| Lake: 60'               | 34'                                             |
| Side: 18'               | 14.75' (south side),                            |
| 14.75' (north side)     | Street: 85' from centerline, 50' from prop. 79' |
| to centerline of street |                                                 |

The applicant has prepared house plans, elevations, and a site plan. The proposed home would have an attached garage and attached deck rather than a detached garage and detached deck which is what is currently on the property. The proposed home would be a two-story structure with a walk-out basement.

In addition to the setback requirements, properties located in the shoreland district can have a maximum impervious surface coverage of 25%. This property can have a maximum coverage of 3,213 square feet. The proposed house and impervious site improvements have a total impervious coverage area of 3,226 square feet or 25.10% (See survey for detailed breakdown).

The applicant is proposing a pervious paver driveway in order to bring the lot closer to conformance with the applicable standard. The applicant will have to meet the maximum impervious surface coverage amount of 3,213 SF (25%) by reducing the proposed impervious area.

There are several factors to consider relating to granting a variance. 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 Rural Residential District. The applicant has attempted to locate the proposed home in a location that that improves the current condition of the property without completely reworking the entire site.
- b. The surrounding properties do not comply with applicable setbacks. This area of the City contains a handful of properties that do not conform to applicable setbacks.
- c. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

The Planning Commission will need to determine if the requested variance meets the requirements for granting a variance. Several additional considerations that could be considered are as follows:

1. This lot was developed prior to the establishment of the setbacks in the current ordinance being adopted.
2. The proposed home would increase all of the applicable building setbacks.
3. Setbacks to the side yard, street and lakeshore vary considerably on the surrounding properties.
4. The new home will be connected to City sewer.
5. The applicant is proposing to reconstruct a series of existing retaining walls. The elevation of the existing and proposed home is relatively consistent. The property has an approximately 20-foot elevation change between the finished floor of the home and the OHWL of Lake Sarah. The City will review the proposed walls, grading and drainage in more detail should the requested variances be approved by the City.

***Neighbor Comments:***

The City has not received any comments relating to the request at the time this report was

prepared.

***Recommendation:***

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

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow single-family home on the property.
  - b. The location of the proposed home is generally in the location of the existing home and adjacent properties.
  - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
3. City Council approval shall be subject to the applicant providing the City with an updated survey depicting the full proposed building.
4. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
5. The variance will permit a 3.25 foot reduction of the north and south side yard setbacks (14.75' instead of 18'), a 26 foot reduction to the lake setback (34' instead of 60') and a 6 foot reduction of the street setback (79' instead of 85') to allow the proposed new home to be constructed on the property. Any modification change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
6. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
7. The applicant shall pay for all costs associated with the City's review of the requested variance.

8. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
9. The variance approval will be valid for one year from the date of City Council approval. Construction of the new home will be required to commence prior to expiration of the variance.
10. The City Council Resolution shall be recorded with the County.

Kaltsas explained the applicant is requesting variances from setbacks for a new home build. Applicant wants to tear down existing home on the property and reconstruct a new home. The existing home and detached garage would be tore down and the new home would have an attached garage. The lake side setback, street setback and side setbacks would all need to be considered. It was constructed prior to the current standards so PC would need to keep that in mind. This is a substandard lot of record. This lot is 70x150'. This new house would be a 2-story house with a walkout to the lakeshore. The retaining walls would be permitted separately. This would increase the side yard setbacks and clean up the setbacks that are in place currently, then maintain current setbacks from the lakeshore and front setback. They are looking to combine 2 structures into one. There were no public comments.

Gardner said this looked like a big improvement. Tearse asked to go back to the aerial view. He said the house on the right looks fairly new with similar side yard setbacks. He said this could be a real uptick, so if you don't approve this then what would happen. Kaltsas said these are the narrowest lots in the City.

#### **PUBLIC HEARING OPENED**

#### **PUBLIC HEARING CLOSED**

Gardner said this is a vast improvement. This doesn't violate the hard impervious surface coverage. Palmquist agreed that this was a dramatic improvement.

**Motion by Palmquist to approve the variance, second by Volkenant. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

8. **PUBLIC HEARING:** Michael Mitchell (Applicant/Owner) is requesting the following action for the property located at 5398 Lake Sarah Heights Dr. (PID No. 01-118-24-23-0002) in the City of Independence, MN:

- a. A minor subdivision to allow the combination of the subject property with the adjacent property to the northwest (PID No. 01-118-24-22-0010).

#### ***Property/Site Information:***

The subject property is located along Independence Road just north of Lindgren Lane. There are currently four tax parcels on this property due to the location of the section line which separates school districts. The property has access onto Lake Independence. The property has the following site characteristics:

*Property Information: 5398 Lake Sarah Heights Dr. Zoning: Rural Residential (Shoreland Overlay) Comprehensive Plan: Rural Residential*

*Acreage (Before): Lot 1 – 1.07 acres*

*Outlot A– .44 acres*

*Acreage (After): 1.51 acres*

***Discussion:***

The applicant approached the City last year about the possibility of acquiring the adjacent property and combining it with their existing property. The City reviewed the original Beamish Shores 2<sup>nd</sup> Addition Plat and noted that the parcel appeared to have been preserved by the original developer at the time of the initial plat for a future right of way connection to the property to the north. The property is 66 feet wide and originally platted as an Outlot. The applicant noted that their driveway has historically been located on the adjacent property and that they actually believed that they owned more of the property (see aerial). The City looked at this property and the property to the north and believes that creating a railroad crossing (future public road) at this location would be difficult and likely not feasible.

There are several unique aspects of this property that should be noted by the City during consideration of the application:

1. The Outlot by itself would not accommodate an independence structure (new home) without significant setback variances and would be out of character with the surrounding properties.
2. The applicant's existing home does not meet the applicable side yard setbacks on the north side (adjacent to the Outlot). The combination of the two properties would bring the property into conformance with applicable standards.
3. A portion of the existing driveway is located across the property lines between the two properties.
4. The applicant has provided a plat map of the proposed properties and found the property pins. An official survey with the before and after conditions and legal descriptions would need to be submitted prior to City Council consideration of the minor subdivision.
5. The requisite drainage and utility easements would need to be dedicated to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.

The proposed subdivision to allow a lot combination appears to meet all applicable

standards of the City's zoning and subdivision ordinance. The combined lot will fit into the surrounding area and have minimal impacts on the surrounding properties.

***Neighbor Comments:***

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

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the requested Subdivision with the following findings:

1. The proposed subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The applicant shall submit an official survey with the before and after conditions and legal descriptions prior to City Council consideration of the minor subdivision.
3. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.
4. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
6. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Kaltsas explained that this is a request from the applicants to combine 2 lots into one. One lot is 1.07 acres and the other is 0.44 acres for a 1.51 acre lot. The smaller lot was originally designated as an outlot, however a portion of the applicant's driveway is on this lot already. By combining the two lots it would bring the property into conformance with applicable standards since the existing home does not meet the applicable side yard setbacks on the North side.

Gardner asked if this has to go to Council for a subdivision/combination. Kaltsas said yes it would so that the City can certify it to the County. Palmquist asked if there were any easements for future access. Kaltsas said he has no easements on his title, but we could double check for Outlot A. Dumas asked if the property on the North side of the railroad is considered Independence. Kaltsas said yes. Tearse asked if he owns that lot. Kaltsas said yes, he does. The person to the North of the railroad owned it and he bought it from him.

**PUBLIC HEARING OPENED**

**PUBLIC HEARING CLOSED**

**Motion by Tearse to approve the request to allow lot combination but applicant should provide staff with evidence of no easements that would encumber it, second by Dumas. Ayes: Gardner, Dumas, Volkenant. Alternate, Tearse and Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved.**

9. Open/Misc.

Commissioners wished a good farewell to Tom.

10. Adjourn.

**Adjourned at 8:20 p.m.**

Respectfully Submitted,

\_\_\_\_\_  
Amber Simon / Recording Secretary