PLANNING COMMISSION MEETING AGENDA
TUESDAY JANUARY 21, 2025

7:30 PM REGULAR MEETING

1. Call to Order

2. Roll Call

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

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.

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.

6. Open/Misc.

7. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY DECEMBER 10, 2024

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 6:30 PM.

2. **Roll Call**

Present: Gardner, Thompson, Tearse, Dumas, Story
Absent: Volkenant
Alternates: Usset (came during 2nd item)
Staff: City Administrator Kaltsas, Simon
Visitors: Spencer, Loomis, Jacobsen

3. **Approval of Minutes:**
   a. November 19, 2024, Planning Commission Meeting Minutes.
   b. November 19, 2024, City Council Meeting Minutes (For Information Only).

Motion by Thompson, seconded by Tearse to approve the minutes. Ayes: Gardner, Thompson, Tearse, Dumas, and Story. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved. 5-0

4. **PUBLIC HEARING** – Kim Jacobsen (Applicant/Owner) is requesting the following action for the property located at 5305 Sunset Ln. (PID No. 01-118-24-31-0004) in the City of Independence, MN.

   a. A conditional use permit to allow an accessory dwelling unit (ADU) to be constructed on the property.

Property/Site Information:
The property is located on the south and west side of Sunset Lane on Lake Sarah. The property is mostly wooded. The property has an existing home and three (3) detached accessory buildings.

Property Information: **5305 Sunset Lane**
Zoning: *RR-Rural Residential (S-Shoreland Overlay)*
Comprehensive Plan: *RR-Rural Residential*
Acreage: 4.66 *acres*

Discussion:
The applicant is seeking a conditional use permit to allow the construction of a new detached accessory dwelling unit (ADU) on the eastern side of the property. The applicant met with staff to review the requirements and discuss the proposed plans. Accessory dwelling units are a conditional use within the RR-Rural Residential 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 an accessory dwelling unit within a portion of a new detached accessory structure. The proposed ADU is 1,199 SF and the remainder of the proposed accessory structure is 3,445 SF (two floors).

(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. The ADU would comprise only a portion of the proposed accessory structure which would be a multi-story building used for storage.

(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 is existing and appears to be generally similar to the principal home on the property; however, there is not a close relationship between the two structures due to the distance between them.

(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 ~3,624 square feet of above ground space. The city allows 33% of 3,624 square feet which equals 1,195 square feet. The proposed ADU is 1,199 SF (the proposed ADU is within a few SF of the allowed square footage - confirmation of the main house may be

required to support the proposed square footage). The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor of the proposed detached accessory structure. It should be noted that the remaining square footage is proposed to be used as storage/garage/shop/mechanical room space.

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

The lot is 4.51 acres and the city allows 2% of the total SF to be used for detached accessory structures (196,455.60 x .02% = 3,929 SF). The applicant is proposing to remove a shed and barn located on the property. The applicant has provided a calculation that shows a detached garage, bath house and cabin (all detached accessory structures) remaining on the property. The total square footage of all accessory structures is as follows:

EXISTING BUILDINGS (from survey)

STRUCTURE	EX. S.F.	S.F. COUNT FOR ACC. BUILDING (FUTURE)
House (main level)	3,624 sf	0
Cabin (10 x 12)	120 sf	0
Bath house (6 x 14)	84 sf	0
D, Garage (20 x 22)	440 sf	440
Shed (14 x 20)	280	~~280~~ Removed
Barn (25 x 40)	1,000 sf	~~1,000~~ Removed
New Storage bldg..		3,445 sf
TOTAL SF ACC. BLDGS		**3.929 SF**

As proposed, the total accessory structure square footage would be exceeded as the applicant is not including the 120 SF cabin and 84 SF bath house. These are considered accessory structures and are included in total calculations. The applicant can amend the plan to reduce the total square footage by 204 SF.

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

The proposed structure includes permanent provisions for cooking; living and sanitation (see attached depiction).

(h) Has no more than 2 bedrooms; and

The proposed ADU has one bedroom.

(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 be occupied solely by family members.

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

The property is connected to the city's sanitary sewer system. The applicant has plans that would connect the proposed ADU to their existing private sewer line.

(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 could be subdivided in the future. The applicant located the building so that the property could be subdivided in the future and the existing residence and ADU could meet all applicable setbacks.

(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 size of the subject property is unique to this area. Based on the proposed new detached accessory structure location, the property likely has the ability to be subdivided into two to three (2-3) lots if all applicable criteria could be satisfied. The location of the proposed accessory building and its proximity to the surrounding properties does mitigate potential impacts. The surrounding properties have limited visibility and or site lines to the existing property due to the elevation of the property and existing wooded area. 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:

  - There are a few minor revisions that would be required should the Planning Commission recommend approval. The applicant would need to revise the plans to reduce the total square footage of all detached accessory structures on the property by 204 SF.

  - The city noted that the principal structure supports 1,195 SF. The applicant is proposing 1,199 SF. The city will confirm the principal structure square footage and the ADU will need to be adjusted accordingly.

  - The proposed detached accessory structure has the following setback requirements:

	Required	Proposed
Lake (OHWL):	60’	**~75’ (will have surveyor confirm)**
Side:	15’	**184’**
Front (street):	(51’ to CL or 30’ to property line, whichever is greater)	**59’ to CL, 33.8’ to PL**

  - The proposed ADU is being located in a manner that would allow the property to be subdivided in the future. Based on the proposed location, it does not appear that the applicant could locate another lot to the east of the proposed structure. This would likely limit the future development of the property to 2-3 lots that could meet frontage, lakeshore and the one-acre minimum requirements.

  - The applicant has prepared an impervious surface calculation as this is a shoreland lot

subject to the maximum impervious surface of 25%. The proposed total impervious surface including the proposed accessory building is approximately 6.5% (total will need to be revised to include bath house and cabin).

- 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 has not received any comments prior to the time this report was prepared.

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. Prior to City Council consideration of the conditional use permit, the applicant shall revise the plans as follows:

   a. Total SF of all detached accessory structures including cabin and bath house must not exceed 3,929 SF.

   b. The maximum square footage for an ADU must not exceed 33% of the principal structure square footage. City will confirm principal structure square footage.

   c. Impervious surface calculation will need to be revised to include the cabin and bath house.

   d. The proposed condition survey shall include the proposed setback from the OHWL.

3. 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.

4. 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.

5. 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.

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

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions up for Planning Commission members.

Kaltsas – This property is located South and West side of Sunset Lane and has 3 detached buildings, RR, comp RR, and is 4.66 acres in overall size. Within detached structure to have an ADU on East side of property. Met with staff to go over requirements. Existing House is the West side of property and two detached structures. Where the detached garage on East side to be tore down and construct new detached structure with ADU. A portion of it would be a 1,199 sqft. multi-floor ADU. New structure 3,445 sqft. Subordinate in size. Has a look of a residential structure. 33% of residential structure can be the amount of the ADU. 1,095 sqft is the current allowed space. Shop and mechanical space in other area of ADU. 3,929 sqft. Proposed to remove a shed and barn. The square footage includes cabin, bath house, house, etc. ADU has permanent living area with kitchen, dining, living room, and bath. It is limited to only family members and would connect to existing sewer line. This property could be subdivided, and it is shoreland 1 acre lots. 500 lineal ft on Sunset Lane. It is respectful of future subdivision. This is one of the larger properties on Lake Sarah that is remaining. It can be subdivided based on our ordinances currently. It does not impact surrounding properties and meets all setbacks. The Applicant to reduce sqft and other structures. There were no comments from public.

Story – Is there a reason why an applicant would go through all these hoops vs subdividing and build another home?

Kaltsas – They would live in this as a separate home with family members and a place to retire in. We don't have a provision that doesn't allow an additional structure space and if it separated, it is allowed.
Story – Is there an advantage with taxes?
Kaltsas – It is possible.
Dumas – Setback to cattail?
Kaltsas – There is a line, but we must find out what that is with our wetland people. This is an existing lot of record. With a new lot you would need to meet all of the new provisions. There is plenty of lot size.
Gardner – I'm confused by 10x12 sheds. Don't we not count them?
Kaltsas – We don't count them for building permits, but it does count as coverage. Any accessory structure that's permanently on the ground, whether it's sitting on the ground or not. But for building permit purposes, we require zoning permit for less than 120 sq ft. If over 120 sqft, it goes to a building permit.

Thompson– Lots of talk about subdivision. Do we need to be careful with the language we use- they "may" subdivide not "shall" subdivide, right? I feel like we're getting a little close to making promises about owners being able to do 2 or 3 lots in the future. That certainly isn't a given, correct?
Kaltsas – ADU provisions look at future, but in our review, we comment on it. Nothing in resolution or in the approval that Council would give would even speak to future subdivision of the property.
Tearse – Is there a driveway off of Sunset Lane?
Kaltsas – Yes, we talked about with Public Works, and with their 500+ feet of frontage and just that clear separation, we would likely allow for that.
Tearse – How do we know if the whole property gets sold?
Kaltsas – We don't, but we would enforce it when we find out if it wasn't. This has happened before and we were notified, and then we revoked CUP. They sold it and used it for a child instead. We can revoke this at any time if they are in violation.

Gardner opened Public Hearing.

Jacobsen, Owner – We want to make it look aesthetically pleasing instead of a shed looking building. The kids want the property and will never sell it. No one has any intention other than it just being a family property.
Thompson – Are you able to make staff's recommended adjustments?
Owner – Yes.
Thompson – Having the ADU look like a house is an interesting take to an ADU. It's good and bad.
Kaltsas – Yes. We would allow someone to build a huge pole barn with apartment in it. This is the same. We do limit detached ADU on properties less than 2.5 acres. If it gets to a certain size, we don't want to see two houses. This can be split if it ever does one day. This is a smaller lot and would be better to have it look like a house instead of a pole barn.
Thompson – I appreciate the applicant's answer that I think we got to toe the line on "Hey, I know it's 4 square feet," but I feel like we need to toe the line on all the other aspects of this because this is really a letter of the law kind of approach. And so we need a 120 square feet trim. We need 4 square feet trimmed.
Dumas – What sets it apart?
Kaltsas – Having a kitchen sets it apart and detached living quarters.

Motion by Tearse, second by Thompson to close Public Hearing. 5-0

Motion by Thompson, seconded by Tearse to recommend approval subject to staff recommendations #1-6specifically calling out the detached accessory structure's square footage, the maximum square footage of the ADU, and the ordinary high water line setback are all confirmed and within the standard. Ayes: Gardner, Dumas, Thompson, Tearse, and Story. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved. 5-0

This will go on the January 7th, 2025, Council meeting agenda.

5. **PUBLIC HEARING** – Joel Loomis (Applicant/Owner) is requesting the following action for the property located at 2112 CSAH 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN.

   A conditional use permit to allow an accessory dwelling unit (ADU) to be located within the existing accessory structure on the property.

Property/Site Information:
The property is located on the east side of County Road 92 N., south of Hwy 12. The property is mostly wooded with some wetlands to the east and west. The property has two principal structures and seven detached accessory structures.

Property Information: **2112 CSAH 92 N.**
Zoning: *Agriculture*
Comprehensive Plan: *AG-Agriculture*
Acreage: 78.55 *acres*

Discussion:
The applicant is in the process of planning for an addition and major renovation to the original farmhouse located on this property. The applicant has been discussing the project with the city and upon submittal of the building permit application for the renovation, it was noted that there are two principal homes located on the property. The two homes are considered lawful non-confirming as they were constructed prior to adoption of the current ordinance that limits the number of principal structures on the property to one (1). Lawful non-conforming uses and structures cannot be expanded, enlarged or changed. As a result, the city cannot approve the expansion of the existing farmhouse without bringing the property into conformance with applicable standards. This would require the removal of the second home or modifications to convert it into a detached accessory structure.

The applicant would like to keep the second home in tact as it is in good condition (note that they are currently living in the second home until renovation of the farmhouse is complete) on the property for guests and possible a parent or family member in the future. The city met with the applicant on the property and toured both the farmhouse and the second home. It was determined that the second home structure could potentially be modified to meet applicable ADU requirements. As a result, the applicant is now seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the existing second home (which would then become classified as a detached accessory structure).

The city discussed the conversion of the existing space and reviewed the requirements relating to ADU's with the applicant. It was noted that the square footage of the entire structure (upper and lower) would exceed the maximum allowable square footage for an accessory dwelling unit. The second home is a one level home with a small walkout lower level. The upper floor is comprised of 2 bedrooms, a kitchen, bathroom and living room and is 1,052 SF. The lower level (has less than 7-foot ceilings) has a bedroom, bathroom and living/storage area and mechanical room and is approximately 687 square feet.

The applicant would like to convert the upper level (main level) into an ADU. In order to make the conversion, they are proposing to install a door at the top of the stairs to separate the upper and lower

levels. This would establish a clear separation between the ADU and storage/mechanical space in the downstairs.

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 and also the criteria for granting a variance. 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 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. The proposed renovations to the existing farmhouse (principal structure) would bring the home to a total square footage of approximately 6,000 SF. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

(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 and would be located in a completely separate structure.

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

The proposed accessory structure is completely separate and has no connection 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 ~6,000 square feet of above ground space. 33% of 6,000 square feet equals 1,980 square feet. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

(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 1,700 SF 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.

(h) Has no more than 2 bedrooms; and

The existing structure has two bedrooms within the upper floor of the accessory dwelling unit.

(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 be occupied solely by family members.

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

The applicant would need to confirm septic compliance for the existing structure.

(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 detached accessory building is a conforming structure that is currently in existence.

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

[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 existing accessory building and its proximity to the surrounding properties helps to mitigate potential impacts of allowing a portion of the structure to be used as an accessory dwelling unit. 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.

The Planning Commission should consider the following issues as noted:

- The applicant is proposing to locate an ADU within the existing structure. The second home has been in existence on the property for many years. The applicant could meet the allowable ADU

square footage by limiting the "finished space" within the ADU and separating the lower level from the upper level. The remaining space does have a secondary exterior access to the lower level.

- 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 has not received any comments.

Recommendation:
The Planning Commission is being asked to provide direction to the City Council relating to the requested CUP. Should the Planning Commission recommend approval of the requested actions, the following findings and conditions should be included:

1. The proposed Conditional Use Permit meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, and Section 520.19, Procedures on variances, 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 Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions up for Planning Commission members.
The applicant's property is located on the East side of 92 North, South of 12. It's mostly wooded with some wetlands pasture, quite a bit of pasture and upland AG. The property has 2 principal structures and 7 detached accessory structures, property zoned agriculture guided agriculture, and it's approximately 80 acres in overall size.

Owners were in the process of planning for a major renovation on the original farmhouse. They discussed the classification of 2 houses on this property being lawful nonconforming structures as they were constructed prior to current ordinance and cannot be expanded and enlarged or changed. We could not approve building permit because it would expand the home. You can remove the second home on property or seek CUP for ADU to allow second house. This isn't the first time we had this. They live in the second home while renovating the principal structure. It is a nice structure and would like to keep it. You can modify the second one and take out the kitchen. Both the farmhouse and

second home were toured. The existing brick farmhouse sits further back on property and second home is further up towards the road. There's approximately 1,052 sqft of second home with low ceilings, some renovation downstairs. You could convert it to an ADU by closing off downstairs and turning it into storage or nonliving space. The ADU would only be on first floor with storage and mechanical in basement as well that is not counted. With reno to farmhouse, square footage would be 6,000 above ground and the ADU would be 1,200 sqft. The City allows properties greater than 10 acres to have no limitation on accessory structure, with the exception of any individual structure. That being said, the existing building is approximately 1,700 square feet and would comply with applicable standards. They use onsite septic. They would need to confirm septic compliance for the existing structure. It cannot be subdivided but can break off a rural view lot. It doesn't impact surrounding properties. This is a unique case and has had 2 homes for many years being utilized by two previous family members. The applicant wants to keep it in good condition and retain its value. Any expansion would have to be reviewed and approved by the City. We don't have a lot of lots with 2 houses anymore. From the size of lot and separation, you couldn't see it from the road. This property has been in the family for 80 years. No comments.

(Usset joins.)

Usset – In terms of ADU sqft, I thought basements weren't counted.
Kaltsas – We changed our ordinance to essentially make that storage space allowed and then mechanical rooms allowed outside of the 1,200 square feet max, or outside of the square footage maximum. We had one on Copeland connected to garage, shed, riding arena, but for this request the basement stairway and basement ceilings are not code so adding a door was suggested to clearly separate the space.
Dumas – Once you expand it then, you have to ask permission?
Thompson brought up the burden on the City for enforcement and making judgement calls causing issues.
Kaltsas – Prior to Joel buying it, we had other questions on this. My preference is we put a CUP on it. I have no way to enforce who can use it. Everyone needs something at some point from the City and that's how we usually can enforce these. A CUP is a mechanism we put in place and CUP is revokable. You can consider yourself trying to solve the housing problem in the country because we are creating this generational housing, and the ones that we have that are using it for that are great, right?
Story – When was second home built?
Joel – No records of it, farmhand's house, maybe 1950s?

Gardner opened Public Hearing.

Joel – It is messy and thanks for considering this. My family has been here forever. My parents are in their 80's, and my wife and 2 little girls want to keep it in the family.
Thompson – So your basement is yucky, is it ok to not use the basement?
Joel – We're happy to rip out that old carpeting and turn it into storage. My folks won't be going down there for anything.
Gardner – You have a good handle on this. These are becoming more and more popular. They are everywhere.

Motion by Thompson, seconded by Story to close Public Hearing. 5-0
Story – So the purpose of this is that they can't do anything right now without CUP?
Kaltsas – Right. The expansion triggers this. If we grant this ADU, now it is an ADU and is legal conforming allowing principal structure to do what he wants to do it.
Tearse –You did a great job at putting this together.

Motion by Thompson, seconded by Tearse to approve the request for the conditional use permit for an accessory dwelling unit on 2112 County Road 92 subject to staff recommendations #1 - 3. Ayes: Gardner, Dumas, Thompson, Tearse, and Story. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved. 5-0

This will go the January 7th City Council meeting.

6. Open/Misc.

Kaltsas – We're having a big open house here on Thursday, January 30th from 5-8pm for celebrating Mayor Marvin Johnson's longest acting Mayor in Minnesota and 8th in the country. All are invited!

Gardner and Kaltsas discussed the move in California to sell ADUs compared to the local pressure for increasing housing.

7. Adjourn.

Motion by Gardner, seconded by Thompson to adjourn.
Meeting adjourned at 7:27 p.m.

Respectfully Submitted,
Linda Johnson / Recording Secretary

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, JANUARY 7, 2024 – 6:30 P.M.
City Hall Chambers

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.
Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT:	Johnson, Spencer, Grotting, Betts, McCoy
ABSENT:	None
STAFF:	City Administrator Kaltsas, Administrative Services Director Simon
VISITORS:	See Sign-in sheet.

4. ****CONSENT AGENDA****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

a. Approval of City Council Minutes from the December 3, 2024, Truth in Taxation Meeting.
b. Approval of City Council Minutes from the December 3, 2024, Regular City Council Meeting.

Motion by Spencer, seconded by Betts to approve the December 3, 2024, Truth in Taxation City Council Meeting Minutes. Ayes: Johnson, Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Spencer, seconded by McCoy to approve the December 3, 2024, Regular City Council Meeting Minutes with changes. Ayes: Johnson, Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

5. Resignation of Brad Spencer as City Council Member.

Mayor Johnson read Brad Spencer's letter of resignation as Councilmember effective January 7, 2025, in order to be sworn in as Mayor.

Motion by McCoy, seconded by Betts to accept Brad Spencer's resignation as City Councilman to be sworn in as Mayor. Ayes: Johnson, Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Marvin and McCoy thanked Spencer for his years of service to the residents as Councilmember.

6. Swearing in of Newly Elected Mayor Spencer and Council Members McCoy and Grotting.

   Simon swore in Spencer as Mayor. Johnson praised Spencer for his good example for his public service and welcomed his at the 5th Mayor of Independence. Marvin Johnson exited dais and Mayor Brad Spencer took Mayor seat. Simon swore in McCoy and Spencer as Council Members.

7. Proclamation and Appointment of Marvin Johnson as the City of Independence - Mayor Emeritus.

   a. **PROCLAMATION** – Honoring Mayor Marvin Johnson.
      Mayor Spencer read the following proclamation.

WHEREAS, Marvin D. Johnson, born May 2, 1935, is a lifelong resident of Independence, Minnesota; and

WHEREAS, Marvin began his long history of public service upon his appointment to the vacant position of City Councilmember Clinton Bergman in 1976 by the then Mayor and Council of the City of Independence, Minnesota; and

WHEREAS, Marvin was elected to his initial 2-year term as Mayor for the City of Independence, Minnesota in the November 6, 1979 election; and

WHEREAS, Marvin has continued to serve as his community's elected Mayor without interruption from his swearing in on December 27, 1979 until this day, January 7, 2025, an impressive series of consecutive terms totaling more than 45 years; and

WHEREAS, Marvin's exceptional and unparalleled history of Community and Civic service, far exceeding the requirements of the elected position of Mayor, as documented by his being awarded the C.C. Ludwig award for Leadership by the League of Minnesota Cities in 2013; and

WHEREAS, Marvin has consistently demonstrated his generosity and compassion for all of his fellow citizens; and

WHEREAS, Marvin has always been available, willing and able to work with his fellow Councilmembers, City staff, First Responders, and representatives of all manner of public officials with the sole objective of making our community a better place to live; and

WHEREAS, in addition to his service as Mayor, Marvin has continued to serve on such a vast array of Boards, Committees and Commissions that they are far too numerous to attempt to list here; and

WHEREAS, Acknowledging Marvin's displayed personal dedication and objectivity, with which he has led his community with strength and integrity, an example that should serve as a model for us all.

NOW, THEREFORE, on behalf of the City of Independence and staff, I Mayor Brad Spencer, take immense pride in honoring Marvin D. Johnson for his selfless service to his community.

BE IT FURTHER PROCLAIMED, that Marvin D. Johnson be hereby granted the official Title of Mayor Emeritus for the City of Independence to encourage and support Marvin to maintain association with the City and with any of the Boards, Committees, or Commissions that he wishes as an official representative of the City of Independence.

Proclaimed on this 7th day of January 2025

Mayor Emeritus Johnson - I don't know where the time went, but it went. It's far different than when I started on the Council. It's been a pleasure, and I'm glad I had the opportunity to serve the City of Independence. The chambers are much nicer now than when I'd started. It was a cold building when we'd get there in the wintertime. Thank you for your kind remarks, and I'll hopefully be around for a while. Thank you.

** Mayor Spencer announces a brief recess for celebratory refreshments, and the meeting was reconvened at 6:59pm. **

b. **RESOLUTION No. 25-0107-01 –** Appointment of Marvin Johnson to Mayor Emeritus.

Motion by Spencer, seconded by Grotting to approve RESOLUTION 25-0107-01 appointing Marvin Johnson as Mayor Emeritus of the City of Independence, MN. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

The city will pay a per diem to cover Marvin's costs of going to meetings. The City of Burnsville has also previously done this. This gives Marvin the opportunity to attend on our behalf as he chooses. We ask that he updates us where the City should also participate.

8. Annual City Council Appointments.

a. **RESOLUTION No. 25-0107-02 -** Annual Organizational Appointments.

b. **RESOLUTION No. 25-0107-03 -** Approval of Planning Commission Reappointments for Robert Gardner, Hal Tearse and Jon-Paul Story.

There are a couple of open spots. The Council added Grotting as the Planning Commission and Public Works Liaison and McCoy as the Acting Mayor and the second authorized signer to the packet's 2025 Council Appointments list. All are welcome to attend meetings if they wish.

Motion by McCoy, seconded by Betts to approve RESOLUTION 25-0107-02 approving the 2025 Council Appointments as printed with the three additions as mentioned. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Kaltsas- All three Planning Commission Members would like to continue to serve another 3-year term: Gardner and Tearse as Commissioners and Story as an Alternate.

Motion by McCoy, seconded by Grotting to approve RESOLUTION 25-0107-03 for the reappointment of Planning Commission members for their 3-year terms. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

9. Kim Jacobsen (Applicant/Owner) is requesting the following action for the property located at 5305 Sunset Ln. (PID No. 01-118-24-31-0004) in the City of Independence, MN.

a. **RESOLUTION No. 25-0107-04 –** Considering approval of conditional use permit to allow an accessory dwelling unit (ADU) to be constructed on the property.

Kaltsas recapped the Applicant's Request, Property/Site Information, and Recommendation and Discussion from the packet for the conditional use permit allowing an accessory dwelling unit/ ADU at 5305 Sunset Ln. A new detached building with ADU within it. It's a mostly wooded property, zoned RR with shoreland overlay, guided as RR, and on approximately 4.5 acres. The ADU meets applicable standards of the City, meets maximum size, must be subordinate to principal structure, and be architecturally compatible. The new structure would be the ADU and additional storage space and workshop. Their property could be subdivided based on our standards, but owners are not looking to split it currently. They want to live in the ADU at some point and give the principal structure to their kids someday. It would have full living quarters. Storage, garage, and mechanical space does not count towards the sqft of an ADU. The Planning Commission discussed 1195 sqft max and theirs is 1199 sqft, so owners would need to reduce its size. They would have to reduce sqft of accessory building by 200 sqft. The Ordinary High-Water Level was questioned with the setback of accessory structure. I believe it meets the 60ft setback from OHWL, but it needs to be shown that on final plan. There wasn't any additional comment, and a Public Hearing was held. Planning Commission discussed the need to reduce the ADU's size by 4sqft and total accessory sqft by 200 sqft, and to show 60ft setback to the OHWL. This property feels and looks like a second home, and it could be subdivided with frontage. Owners are locating it in a manner that allows for it to be subdivided down the road and to have its highest value. They could possibly get 2 or maybe 3 lots at some point.

The Owner, Kaltsas, and Council discussed which buildings could remain or must be removed and having the Surveyor correctly draw the OHWL mark on the plans. Spencer thought it was at

979.9.

Owner – ADU of 120sqft or less are exempt from sqft. Such as the shed and boat house. Main point is the extra 200sqft overall. That it should not be figured in.
Spencer – We will be looking into that.
Kaltsas- bath house and small cabin (10x12' cabin)
Spencer – Have Surveyors draw it to the OHWL at 979.9

Motion by Betts, seconded by McCoy to approve RESOLUTION 25-0107-05 and eliminating the condition relative to the reduction of overall accessory structure footage by 200 or 204? square footage. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

10. Joel Loomis (Applicant/Owner) is requesting the following action for the property located at 2112 CSAH 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN.

    a. **RESOLUTION No. 25-0107-05 –** Considering approval of a conditional use permit to allow an accessory dwelling unit (ADU) to be located within the existing accessory structure on the property.

Kaltsas recapped the Applicant's Request, Property/Site Information, and Recommendation and Discussion from the packet for the conditional use permit allowing an accessory dwelling unit/ ADU at property which is 79.55 acres, zoned Agriculture / AG, and guided as AG. The Applicant asked what they can do to put on an addition to existing farmhouse. There are 2 existing homes on this property prior to ordinance stating only one home is allowed. Two lawful nonconforming homes. They can't be expanded without bringing criteria requirements into the current ordinance. They are looking to make the other home into an accessory dwelling unit/ADU. In the future they may have a family member to live in the other home with second unit. The first house is set up as 2-bedroom house 1,050sqft. The Lower level has been converted, and has less than 7ft ceilings, storage, walkout, and mechanical area as almost an old cellar look that is approximately 600sqft in size. If you took all its square footage, it would exceed max for an ADU. They would be willing to separate out the basement or just use the upper level and basement as storage and even install a door to separate the two. The addition on existing farmhouse would increase to 6,000 sqft. With that addition the maximum sqft for the ADU would be 1,052 sqft. The Planning Commission noted the nuance of separation and noted this is a unique situation with not many properties having 2 homes on a property. In administration of the ordinance, that if we do grant a conditional use permit/ CUP, the City can have more oversight to make sure it continues to function as a single-family residence with an ADU for family members and PC noted that it sits like an ADU and made recommendations for its approval. following requirements.

McCoy appreciated keeping the old house and remodeling. There's not many of those left anymore. Spencer agreed that it looks straightforward.

Motion by McCoy, seconded by Grotting to approve Resolution 25-0107-05. **Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0**

11. Approval of Accounts Payable; (Batch #1 - Checks No. 23291-23313, Batch #2 - Checks No. 23314-23323, Batch #3 - Checks No. 23324-23334 and Batch #4 - Checks No. 23335-23341).

    Motion by Betts, seconded by Grotting to approve the Accounts Payables. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

12. Reports of Boards and Committees by Council and Staff.

Betts attended the following meetings:

- None

Spencer attended the following meetings:

- Planning
- County Assessor
- Truth in Taxation

McCoy attended the following meetings:

- View Santa

Spencer attended the following meetings:

- View Santa 12/7
- Maple Plain Fire Dept. Finances Mtg 12/10
- Planning Commission 12/10
- Northwest League of Cities 12/11
- Public Works Interviews 12/12
- LMCC Zoom – Midco 12/18
- Hwy 12 Safety Coalition 1/2/25
- Kristin Robbins 1/3
- Maple Plain Council, Mayor / New Fire Fighter swearing in, Adam 1/6

Simon – None
Kaltsas – None

13. Open/Misc.

DRAFT

14. Adjourn.

Motion by Betts, second by McCoy to adjourn the meeting at 7:31pm. Ayes: Spencer, Grotting, Betts, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Meeting adjourned at 7:31 pm.

_____
Respectfully Submitted,
Linda Johnson/ Recording Secretary

DRAFT

City of Independence

Request for a Variance to Allow a Temporary Real Estate Sign on the Property located at 9285 US Hwy 12

To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	January 21, 2025
Applicant:	William Stoddard
Property Owner:	William Stoddard
Location:	9285 US Hwy 12

Request:

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):

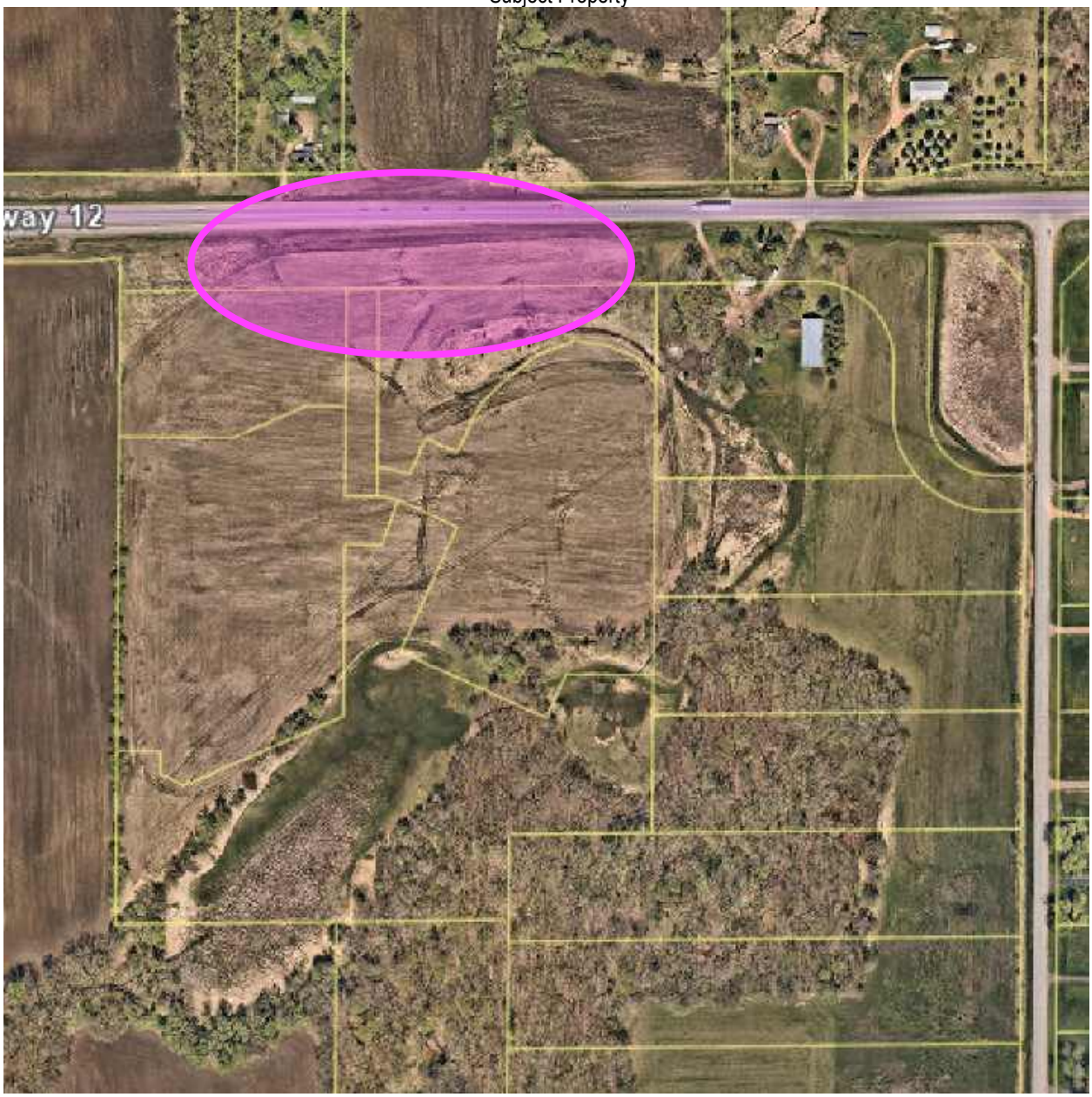
a) A variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

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*

Subject Property



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.

Attachments:

1. Application
2. Sign Graphics
3. Photo Exhibits

Date Submitted: 12-06-2024

Applicant Information

Name:	William James Stoddard
Address:	5705 Wood Duck Circle Excelsior, Minnesota 55331
Primary Phone:	612 802 3666
Email:	bill@ibill.us

Owner Information

Name:	Motor Condos, LLC Motor Condos, LLC
Address:	5705 Wood Duck Circle Excelsior, Minnesota 55331
Primary Phone:	612 802 3666
Email:	bill@ibill.us

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Building Plans, Construction Plans

Signature:

FUTURE HOME OF....

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THANKS FOR THE OPPORTUNITY

Let's chat...

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"V" SHAPE

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City of Independence

Request for a Conditional Use Permit to Allow a Detached Accessory Dwelling Unit (ADU) on the Property Located at 7104 Pioneer Creek Rd.

To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	January 21, 2025
Applicant:	Tom Bren
Owner:	Sarah Goullaud
Location:	7104 Pioneer Creek Rd.

Request:

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*

7104 Pioneer Creek Rd. - Aerial

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 ppears 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 (~339,768 x .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.

Attachments:
1. Application
2. Site Survey (Existing/Proposed)
3. Building Plans/Elevations

CITY OF INDEPENDENCE MINNESOTA

Date Submitted: 12-13-2024

Applicant Information		**Owner Information**	
Name:	Tom Bren	Name:	Sarah Goullaud
Address:	7104 Pioneer Creek Rd Independence, Minnesota 55359	Address:	7104 Pioneer Creek Rd Independence, Minnesota 55359
Primary Phone:	612-759-5610	Primary Phone:	612-581-2187
Email:	tbren@thomasbrenhomes.com	Email:	sgoullaud@comcast.net

Property Address:

PID:

Planning Application Type: Accessory Building Review

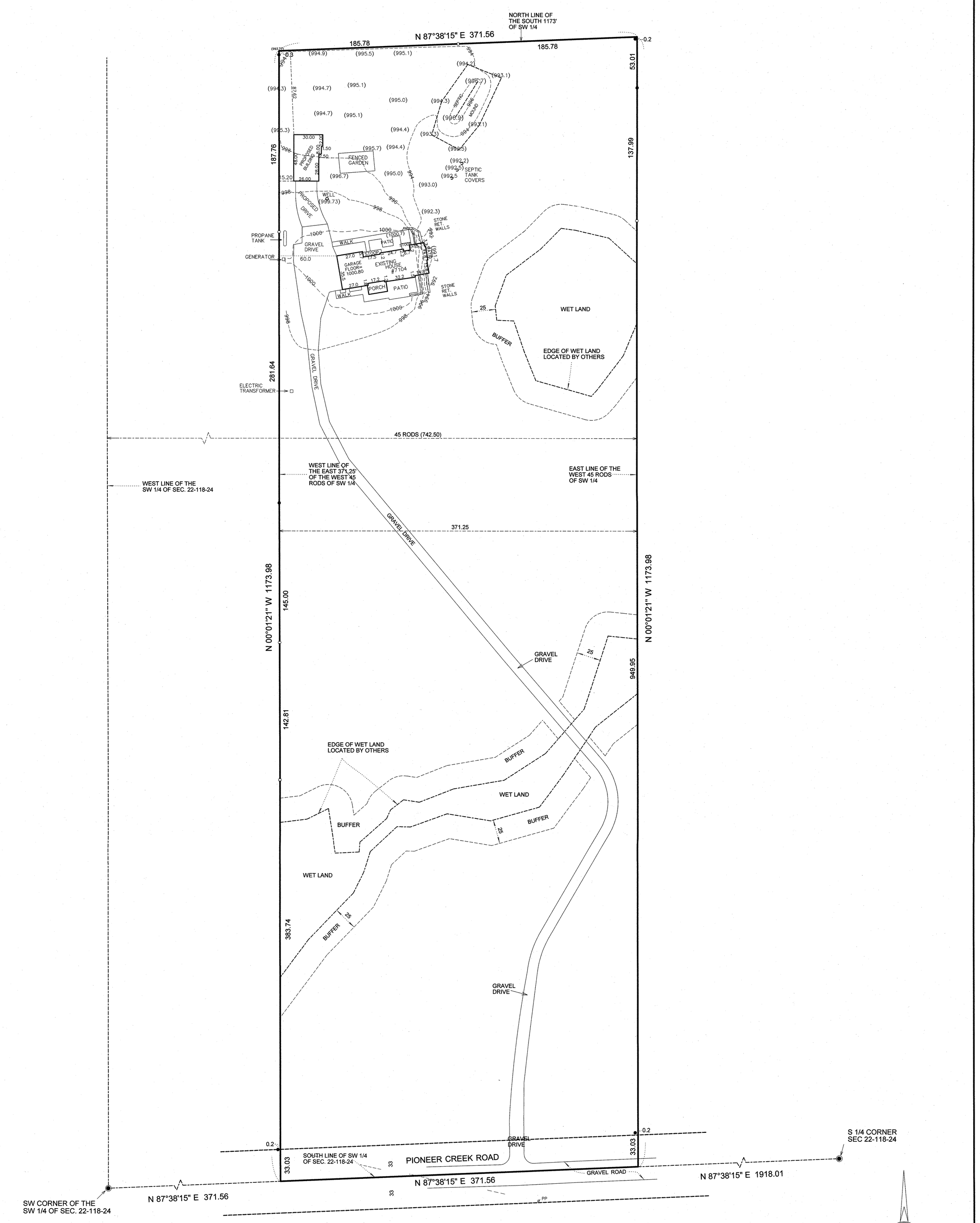
Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Preliminary/Final Plan

Signature:

24-304

CERTIFICATE OF SURVEY FOR
THOMAS BREN HOMES
IN THE SW 1/4 OF SEC. 22-118-24
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION:

The South 1173 feet of the East 371.25 feet of the West 45 rods of the Southwest Quarter of Section 22, Township 118, Range 24, West of the 5th Principal Meridian, Hennepin County, Minnesota.

○ : Denotes set iron marker
● : Denotes found iron marker
◉ : Denotes found Henn. Co. CIM
(998.5) : Existing spot elevation
998 : Existing contour

This survey intends to show the boundaries of the above described property, a existing house, driveway, topography, wet lands located by Stantec, a proposed building, and proposed drive. It does not purport to show any other encroachments or improvements.

REVISIONS	
DATE	REMARKS
12-9-21	ADDED EXISTING FEATURES
6-13-22	ADDED PROPOSED HOUSE AND DRIVE
6-29-22	ADDED WET LAND BUFFERS
7-1-22	REVISED WET LAND BUFFERS
7-6-22	REVISED WET LANDS AND BUFFERS
12-12-24	EXISTING HOUSE, DRIVE, TOPO, PROPOSED BUILDING SHOWN

DESIGNED
DRAWN
CHECKED

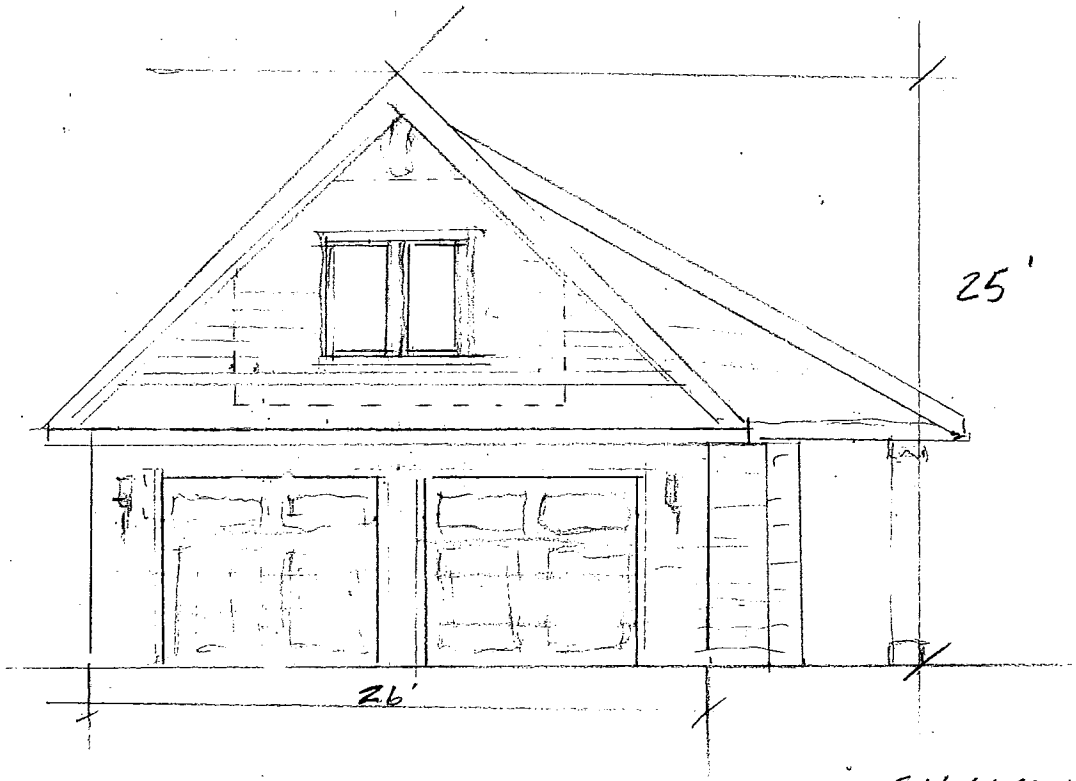
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg

DATE 12-12-24 MINN. LICENSE NUMBER 12755

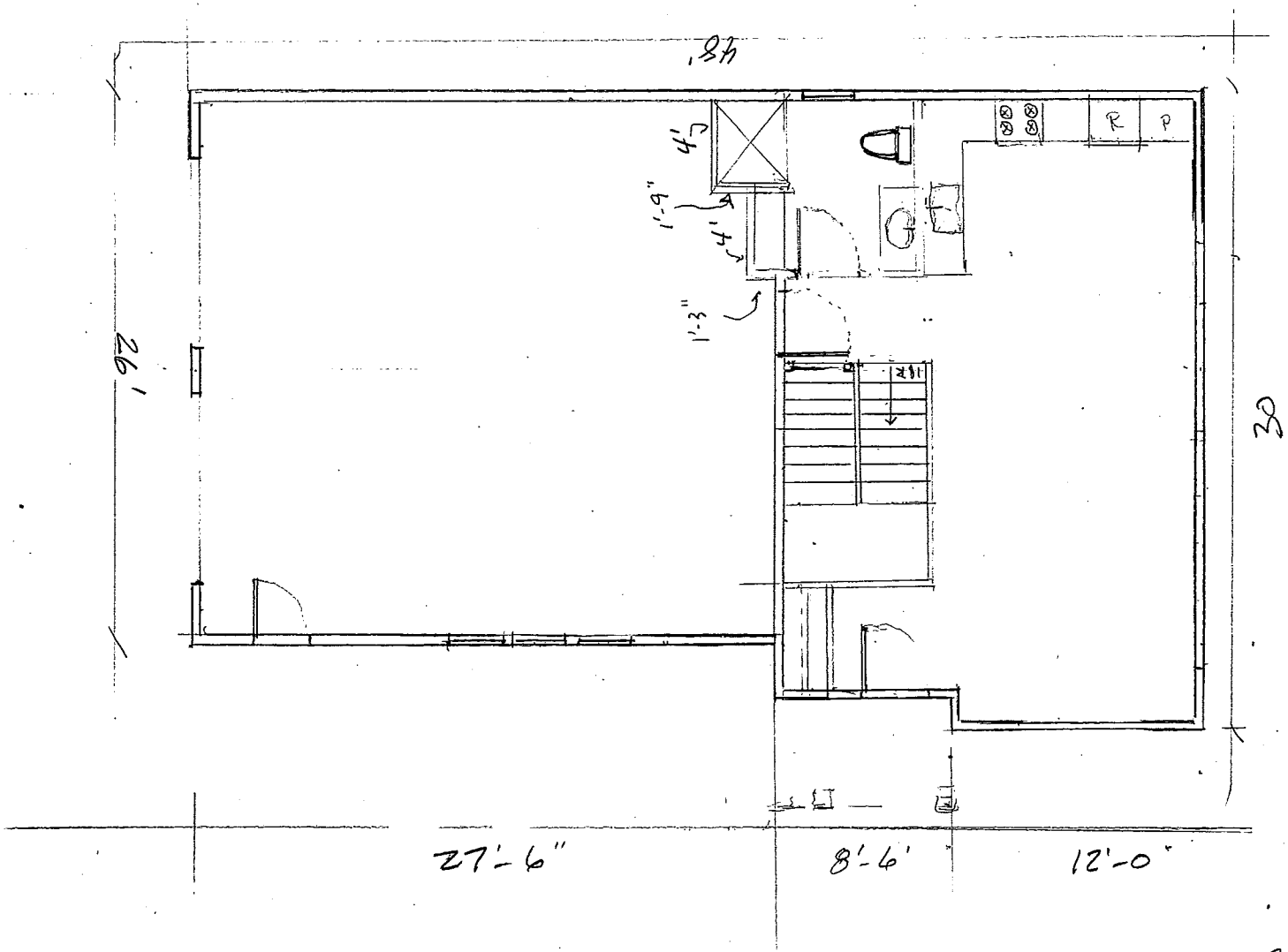
DATE 10-25-21
SCALE 1"=50'
JOB NO. 24-304
SHEET OF SHEETS

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



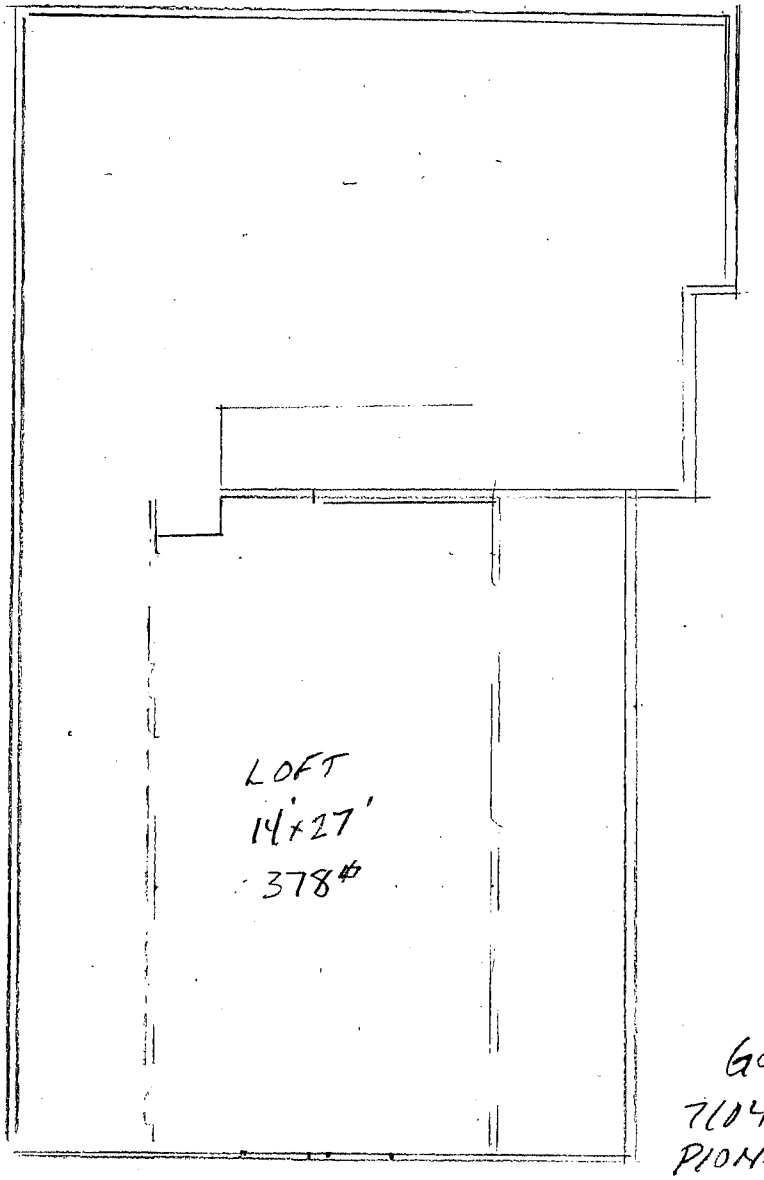
GOULLAUD
7104 PIONEER CR RD
12-13-24

PG 1



GOULLAUD
7104
PIONEER CREEK RD
12-13-24

PG 2



GOULLAND
7104
PIONEER CR. RD
12-13-24

Pg 3