



PLANNING COMMISSION MEETING AGENDA  
TUESDAY FEBRUARY 18, 2025

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. January 21, 2025, Planning Commission Meeting Minutes.
  - b. February 4, 2025, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinance as follows:
  - a. A text amendment to Chapter V, Sections 510 and 530 of the city's zoning ordinance relating to regulations governing cannabis businesses. The ordinance amendment will consider establishment of regulations pertaining to the definitions associated with a cannabis business and the permitted zoning district and associated standards.
5. Open/Misc.
6. Adjourn.

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

1. CALL TO ORDER

Pursuant to due call and notice thereof, a work session of the Independence Planning Commission was called to order by Chair Gardner at 7:30 p.m.

2. ROLL CALL:

PRESENT: Commissioners Gardner (Chair), Thompson, Volkenant, Story, and Usset.  
ABSENT: Tearse and Dumas.  
STAFF: City Administrator Kaltsas, Administrative Services Director Simon  
VISITORS: Steve Grotting, Tom Bren

3. Approval of Minutes:

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

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

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

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

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

***Property/Site Information:***

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

Property Information: 9285 US Hwy 12

Zoning: *Urban Commercial*

Comprehensive Plan: *Urban Commercial*

Acreage: *~26 acres*

***Discussion:***

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

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

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

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

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

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

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

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

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

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

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

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

***Neighbor Comments:***

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

***Recommendation:***

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

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

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

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

### **Gardner opened Public Hearing.**

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

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

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

### **Closed public hearing.**

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

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

5. **PUBLIC HEARING:** Tom Bren (Applicant) and Sarah Goullaud (Owner) requests that the City consider the following action for the properties located at 7104 Pioneer Creek Rd., Independence, MN (PID No. 19-118-24-14-0001 and 22-118-24-33-0001):
  - a) A conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.

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

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

#### **Property Information: 7104 Pioneer Creek Rd.**

Zoning: *AG-Agriculture*

Comprehensive Plan: *AG-Agriculture*

Acreage: *9.71 acres*

***Discussion:***

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

In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

*Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:*

- (a) Physically attached to or within a single-family dwelling unit or within a detached<sup>a</sup> accessory building that has a principal structure on the parcel; and*

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

- (b) Subordinate in size to the single-family dwelling unit; and*

**The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit.**

- (c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and*

**The proposed accessory dwelling unit would be separated from the single-family home as it is proposed to be located in a new detached accessory building.**

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

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

- (e) The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

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

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

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

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

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

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

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

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

- (i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

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

- (j) *Uses the existing on-site septic system<sup>b</sup> 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**

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

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

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

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

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



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

***Neighbor Comments:***

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

***Recommendation:***

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

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
5. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

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

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

## **OPEN PUBLIC HEARING**

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

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

## **CLOSED PUBLIC HEARING**

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

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

### **6. Open/Misc.**

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

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

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

### **7. Adjourn.**

**Motion by Thompson, seconded Story by to adjourn.**

Meeting adjourned at 8:00 p.m.

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Respectfully Submitted,  
Linda Johnson/ Recording Secretary

MINUTES OF A REGULAR MEETING OF  
THE INDEPENDENCE CITY COUNCIL  
TUESDAY, February 4, 2025 – 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 Spencer at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, Betts, Grotting, Fisher

ABSENT: McCoy.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,  
Public Works Supervisor Ben Lehman

VISITORS: City Attorney Vose, Bill Stoddard, Bob Topp.

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 January 21, 2025, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 23391-23402 and Batch #2 - Checks No. 23403-23413).

**Motion by Betts, seconded by Grotting to approve the Consent Agenda. Ayes: Spencer, Betts, and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 3-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

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

**Betts attended the following meetings:**

- Dinner for Marvin Johnson

**Grotting attended the following meetings:**

- Dinner for Marvin Johnson
- Marvin's Open House

- Met with Ben Lehman, Public Works Supervisor
- Workshop

**Spencer attended the following meetings:**

- Lifesaving Award at McDermid Alpha
- Workshop
- WHPS Chief Interviews
- WHPS Commission
- Marvin's Dinner
- Marvin's Open House
- Maple Plain Fire Dept meeting
- local developer

**Simon** – None

**Kaltsas** – None

7. City Council Acceptance of Council Member Resignation and Declaration of Vacancy.
  - a. **RESOLUTION 25-0204-01** – A Resolution Accepting Resignation and Declaring a Vacancy

**Motion by Grotting, seconded by Betts to approve RESOLUTION 25-0204-01 for adopting Resolution Accepting Resignation and Declaring a Vacancy. Ayes: Spencer, Betts, and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 3-0**

8. Appointment and Swearing in of New Council Member Brad Fisher.

**RESOLUTION No. 25-0204-02** - Approval of City Council Member Appointment of Brad Fisher to the vacant City Council position.

Attorney Vose – For the record we are appointing a replacement councilmember for the remainder of the term ending December 31, 2026, and no special election was needed. It's extraordinarily fortunate a resident of the city could finish out the term for Spencer.

Grotting – It is good to have a past councilmember to finish out the term.

Brad Fisher was appointed to serve out the remainder of Brad Spencer's council term ending December 31, 2026.

Simon swears Brad Fisher

**Motion by Betts, seconded by Grotting to approve RESOLUTION 25-0204-02**

**appointing Brad Fisher to the vacant City Council position. Ayes: Spencer, Betts, Grotting, and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Spencer introduces and welcomes Ben Lehman as the new Public Works Supervisor.

9. 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. **RESOLUTION No. 25-0204-03** – Considering approval of a variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

Kaltsas – This sign variance for US Hwy 12. Planning Commission made recommendation to City Council. It's a commercial development to occur at Hwy 12 that is platted, recorded, and has a development agreement. Applicant would like to put up a temporary real estate sign on the property but in looking at ordinance the max sign is 32sqft. Typically, that's not an issue and is a common sign, but the setbacks and additional right of way/ROW to MNDOT and the City and being on Hwy 12, so were asking City Council to consider sign variance. Planning Commission discussed that the proposed sign would be back 75ft from pavement, sign size would be 80 sqft., and the speed of the road and proximity. This location could warrant a larger sign. Planning Commission recommended approval to Council to have 2 sides of a V configuration. This is temporary. Up to 3 years from date of Council approval but can ask for extension based on how many units are left to sell.

Grotting – I'm not involved in this business, but under contract with a different parcel, should not affect voting.

Stoddard – that's exactly what we applied for. The one slide up here now. You can't see the old sign there. Reason for v shape you can see from both sides and would like to be portable and moveable with skid loader. Update – the first motor sales staff meeting is tomorrow night and hoping to break ground in the Spring and have a couple residential lots sold in the Spring here. With nothing to do after Superbowl then to drive around and look at properties.

**Motion by Betts, seconded by Fisher to approve Resolution 25-0204-03 approving a variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance at 9285 US Hwy 12. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

10. 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. **RESOLUTION No. 25-0204-04** – Considering approval of a conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.

Kaltsas reviewed the request from the packet. This conditional use permit/CUP is for detached accessory dwelling unit/ADU for Applicant Bren and Owner Goullaud. It's zoned AG, guided as AG, and is just under 10 acres in overall size. It's for building an ADU noting they would be building a new detached structure and locate the accessory dwelling unit/ADU within the detached structure. Make a finding that it meets both. ADU – it's within a detached building and there is a principal structure on the property. It must be subordinate in size to Single Family Dwelling and fully separated from the SFD, architecturally compatible, and 1200 sqft or less and more than 400 sqft. This meets size requirements. Other sqft is exempt from overall size such as storage and garage. Permanent provisions for cooking, living and sanitation. Kitchen, bathroom – shower, open living space, and second floor loft. Set up as studio style with no bedrooms. It's limited to homesteaded occupants or family. A family member would occupy this in the future. They will connect to existing to septic or holding tank. It will be reviewed by inspector. It's 9.71 acres and has no impact on the property surrounding. Criteria granting CUP cannot take away reasonable use of surrounding properties. Planning Commission reviewed this once comment prior to Public Hearing asking city to review setbacks to ensure compliance for the setbacks for side property line. Planning Commission discussed request with applicant and staff – it met all setbacks and requirement.

**Motion by Grotting, seconded by Betts to approve Resolution 25-0204-04 approving the conditional use permit allowing the construction of a detached accessory dwelling unit at 7104 Pioneer Creek Road. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

#### 11. Consideration and Confirmation of Land Use Determination for the property located at 1985 County Road 90 N.

Kaltsas reviewed that it is not coming before you after Planning Commission and asking for clarification on land use. City recently approved two buildings and are now built. Owner is starting to lease the spaces outside of the ones that are being used. A tenant asked about some land use. It didn't fit perfectly into our uses. Property zoned Commercial Light Industrial. Only commercial zoning district. Owner of building has a tenant that has an AG gas Inc. Company would like to use refrigerant gas storage. Not recycled on this property but brought to be stored in canisters there. Several issues noted. City confirmed occupancy rating would allow proposed use without modifications, but if the use would trigger any building occupancy use issues. We're good on building code side but would ask for land use input. The City does accept – city Commercial Light Industrial zoning code lists permitted uses. Storage and warehouses are

permitted except for storage of toxic, hazardous and highly flammable products. Currently it's not specifically listed as to how it fits in our ordinance definition. The tenant of building brought in third party engineer and looked at definition of hazardous materials. Based on review, they provided a definition – refrigerant gas is excluded from hazardous definition or tables that break out health or physical hazard. Hazardous relates to the release of gas into environment, and it's not flammable. We want Council's direction; Attorney did weigh in on it already. There are multiple ways we could consider this or how close it is. It's a grey area. We could consider a variance to ordinance or find that it's similar to existing uses and put it in record that it is permitted or that it is not. Could put this in Commercial Light Industrial district. We have done a lot of digging and worked without building official as well. I don't see how this type of gas fits in. It does not fit toxic, flammable.

Attorney Vose – Your zoning code doesn't exactly define this. Looking to building code makes sense. Adjacent ordinance. You could look up the terms as well. Terms are not defined so staff needs to reach a decision. Explosive and flammable don't need explanation, and this isn't that. In the condition it would be stored would not be an issue. Staff determination is the best one. I agree explosive and flammable does not need to be defined or was relevant here.

Spencer – Is it freon that what we are talking about R2R2. My pass at it would be this isn't explosive as a gas and isn't ingestible.

Betts – With freon it is toxic if you inhale it. It depletes oxygen. This type of freon is going to be banned in 5 years. They won't use it in 5 years.

Grotting – I find it harder to define storage. A 20 lb. propane tank is more volatile than freon. No problem of storage with recycled freon and refrigerant.

Vose – If you were put in an environment that you were put around gas, any substance that excludes oxygen.

Betts – After 5 years that person won't need storage there.

Grotting – degassed and it's a great nitch as a tenant.

Kaltsas – motion that we make a finding that refrigerant gas and recycling would be permitted.

Vose – We need a staff determination that this is allowed, but we want to make sure that all staff agrees.

Grotting – Are they processing on site or moving, or what's the process?

Sam Van –All the amounts and how they process it is all submitted. The engineer stated that nitrogen is similar. If you breath in 100% nitrogen, that would be harmful, but if you release a can, then it wouldn't be. They reach a certain level, and those amounts are put into medium canisters and sent to Georgia.

Kaltsas – No process or reuse would be in this facility. Strictly storage. Building code max in a specific area.

Spencer – not destroyed on the property.

Grotting – And state and federal is being followed?

Vose – The building code is the international building code adopted by the city. Doesn't occur onsite so it doesn't matter.

Spencer – As an air conditioner installing capture refrigerant, could be reused, destroyed. This is all regulated. Not destroyed on site. This is done by every AC installer. I would defer to staff recommendation that this is an allowed use.

**Motion by Spencer, seconded by Grotting deferring to staff interpretation that it is an allowed use. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

12. Open/Misc.

Tomorrow night from 4:30-8pm is the second round of WHPS Chief interviews.

Spencer – There will be 3 break outs of the 3 finalists. Council will be in Community Room and each candidate will give a public news release to us as citizens. There will be two other groups, one citizen group and one group of Emergency Responders. Candidates will rotate and that info will be used to make a final selection. Get here at 4:30 for instruction.

Grotting – Gravel Road Open House on Thursday from 5 – 7:30pm.

Kaltsas – We'll have no formal presentations, and the room will be in 3 stations. 2 for the 2025 project showing all roads and properties. Anyone that is a 2026-2029 project will go to a different station. Residents will give information and receive comment cards and FAQ sheet. We expect a good turnout.

Spencer – Residents often give good comments when given the option to do so.

Grotting – We may need to get back to people with answers too so bring something to write on.

13. Adjourn.

**Motion by Grotting, seconded by Betts to adjourn the meeting at 7:16 pm. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Meeting adjourned at 7:16 pm.

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Respectfully Submitted,  
Linda Johnson/ Recording Secretary



## City of Independence

### Proposed Amendment to the City of Independence Ordinances Chapter 5: Section 510 and 530 Pertaining to Regulations Governing Cannabis Businesses

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* February 18, 2025

#### **Consideration:**

A proposed text amendment to the City of Independence Ordinance as follows:

- a. A text amendment to Chapter V, Sections 510 and 530 of the city's zoning ordinance relating to regulations governing cannabis businesses. The ordinance amendment will consider establishment of regulations pertaining to the definitions associated with a cannabis business and the permitted zoning district and associated standards.

#### **Discussion:**

On July 31, the Office of Cannabis Management issued the first draft of its administrative rules related to adult-use cannabis in Minnesota – the language can be found at the following [link](#). The section on local government control is sparse and only provides clarification related to the registration process.

Under the Cannabis Act, cities generally maintain their ability to enact zoning regulations with two primary limitations: (1) the City may not prohibit the establishment or operation of a cannabis or hemp business licensed by the OCM; and (2) the Legislature has established a maximum buffer from certain uses. Cities will retain the ability to enact zoning ordinances even if it consents to have the county issue registrations (City Council may consider a registration requirement).

The City can amend its zoning code to specifically allow each business type in a particular district or it can choose to simply allow cannabis businesses in zones with similar uses (e.g., retailers in commercial zones with other retail). Staff has reviewed the current zoning districts within the city and drafted an ordinance amendment for further consideration by the Planning Commission. Attached to this report are the draft zoning and registration ordinances (registration ordinance for information only). The following summarizes the key elements of the proposed draft ordinance amendment:

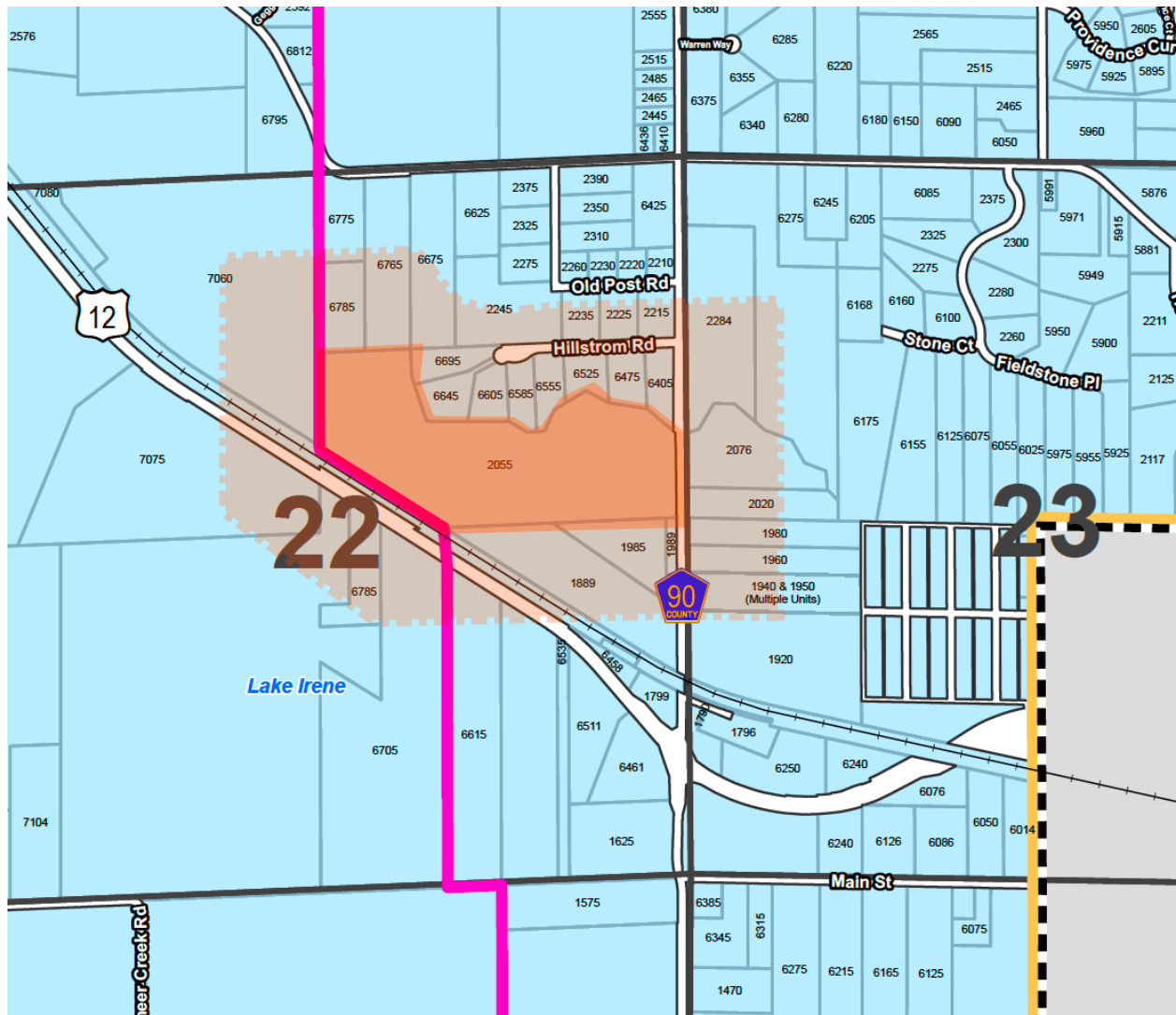
- The city can determine which types of cannabis businesses can be in which zoning districts of the city. Staff has reviewed the various uses and recommends that all cannabis uses are considered as conditional uses within their respective zoning districts. The following is a comprehensive table of the types of uses and their proposed allowable zoning district in the city. Staff prepared this for an initial discussion only and will be seeking Planning Commission feedback relating to the various uses and allowed zoning districts.

<b><u>License Type</u></b>	<b><u>Main Function</u></b>	<b><u>District</u></b>
<b><i>Cannabis Retailer</i></b>	Sales to the customers	CLI – Commercial Light Industrial
<b><i>Medical Cannabis Retailer</i></b>	Sales to registered patients	CLI – Commercial Light Industrial
<b><i>Cannabis Delivery Service</i></b>	Delivery of products directly to customers	CLI – Commercial Light Industrial
<b><i>Lower Potency Hemp Retailer</i></b>	Sale of hemp products directly to customers	CLI – Commercial Light Industrial
<b><i>Cannabis Cultivator</i></b>	Growing and tending to cannabis and hemp plants	CLI – Commercial Light Industrial
<b><i>Medical Cannabis Cultivator</i></b>	Growing cannabis plants	CLI – Commercial Light Industrial
<b><i>Cannabis Event Organizer</i></b>	Coordinate cannabis events	CLI – Commercial Light Industrial
<b><i>Cannabis Manufacturer</i></b>	Create cannabis products that are sold to retailers	CLI – Commercial Light Industrial
<b><i>Medical Cannabis Manufacturer</i></b>	Creating cannabis products that are sold to medical retailers	CLI – Commercial Light Industrial
<b><i>Lower-Potency Hemp Edible Manufacturer</i></b>	Creating lower-potency hemp products that are sold to retailers	CLI – Commercial Light Industrial
<b><i>Cannabis Testing</i></b>	Testing cannabis and hemp products	CLI – Commercial Light Industrial
<b><i>Cannabis Wholesaler</i></b>	Warehousing and Storage	CLI – Commercial Light Industrial
<b><i>Cannabis Transporter</i></b>	Transport products from one license type to another.	CLI – Commercial Light Industrial
<b><i>Medical Cannabis Combination Business</i></b>	Cultivation, Manufacturing, and Retail to both the public and medical patients.	CLI – Commercial Light Industrial
<b><i>Cannabis Mezzobusiness</i></b>	Cultivation, Manufacturing, and Retail	CLI – Commercial Light Industrial
<b><i>Cannabis Microbusiness</i></b>	Cultivation, Manufacturing, and Retail	CLI – Commercial Light Industrial

- Low Potency Hemp edible retailers (i.e., tobacco or smoke shops, liquor stores selling infused drinks) would be permitted only within the CLI – Commercial Light Industrial zone and limited in number to three (3) (see attached zoning map). The city could also consider limiting these uses to the UC-Urban Commercial zoning district near the County border. Staff will be seeking consideration and discussion relating to possible zoning districts.
- All other cannabis businesses are permitted only within the MU-BRLI, Subzone C zoning district (see attached zoning map). The city could also consider limiting these uses to the UC-Urban Commercial zoning district near the County border. Staff will be seeking consideration and discussion relating to possible zoning districts.
- Cannabis retailers, Cannabis Microbusinesses, Cannabis Mezzobusiness, and Medical Cannabis Retailer are limited to one (1) for the entire city (cities less than 12,500 can limit to 1).
- All cannabis business (including low potency hemp) are conditional uses.
  - The city can add additional conditions within the CUP portion of the ordinance if more restrictions are reasonable. Staff is seeking additional direction relating to the additional conditions from the Planning Commission.
- A local unit of government may prohibit the operation of a cannabis business within (maximum buffer distance allowed):
  - 1. 1,000 feet of a school; or
  - 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The terms school, day care, residential treatment facility, and attraction within a public park that is regularly used by minors, including a playground or athletic field are not further defined in statute or administrative rule, so the city has some discretion in defining these terms. The OCM guide includes some definitions that were drafted for the OCM's model ordinance (which is different than the administrative rules).

The city has prepared a map showing only the 500' draft buffer boundary from the Pioneer Creek Community Park – this is the only park that would intersect with possible areas (CLI) zoned for cannabis businesses (see attached). Staff will seek Planning Commission direction relating to the prescribed buffers.



- As noted above, it is anticipated that the City Council will consider adding a registration requirement to all cannabis businesses as provided below. This ordinance amendment is outside of the subdivision and zoning regulations and is not part of the Planning Commissions review authority.
  - The OCM reviews, approves, and issues cannabis business licenses. However, each retail business must also register with the city in which it will operate, unless the city has consented to the county issuing registrations on its behalf. A registration fee can be imposed in addition to the state license fee.
  - The registration process involves issuing a registration to a retail business that: (1) has a valid license issued by the OCM; (2) has paid the registration fee or renewal fee (if applicable); (3) is found to be in compliance with the requirements of the Cannabis Act at any preliminary compliance check; and (4) if applicable, is current on all property taxes and assessments.

**Summary:**

Staff will be seeking feedback and direction from the Planning Commission relating to the materials presented within this report. Based on feedback and direction provided, the draft ordinance can be recommended to the City Council for consideration.

**Attachments:** Draft Ordinance Amendment  
Zoning Map  
Location Restriction Map

***DRAFT***  
**ORDINANCE NO. \_\_\_\_**

**CITY OF INDEPENDENCE**

**AN ORDINANCE AMENDING INDEPENDENCE CITY CODE REGARDING ZONING  
RELATED TO CANNABIS BUSINESSES**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE DOES ORDAIN:

**SECTION 1. AMENDMENT.** The Independence City Code Chapter 510.05 and 530.13 are hereby amended as set forth below to add the underlined language as follows:

**Section 510.05. - Definitions**

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- Subd. 11. "Bunkhouse." A building accessory to a principal use that contains sleeping quarters for one or more persons who are employed in connection with the principal use of the premises.
- Subd. 12. "Cannabis Business" is a business involved with cannabis.
- Subd. 13. "Cannabis Business Buffer" is a 1000-foot buffer from public and private schools and a 500-foot buffer from a day care, residential treatment facility, public park, or athletic field for cannabis retailers, cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, medical cannabis retailers, and medical cannabis combinations businesses. Lower-potency hemp edible retailers have a buffer of 500 feet.
- Subd. 14. "Cannabis Business Retail Endorsement" is a cannabis business that may sell cannabis products directly to the public as regulated by state statute.
- Subd. 15. "Cannabis Business Retail Limit" means that cannabis businesses with a retail endorsement, including cannabis retailers, cannabis mezzobusinesses, and cannabis microbusinesses, except lower-potency hemp edible retailer, shall be limited to one business per 12,500 residents within the city, excluding lower-potency hemp edible retailers.
- Subd. 16. "Cannabis Cultivator" is a cannabis business as defined in state statute.
- Subd. 17. "Cannabis Delivery Service" is a cannabis business as defined in state statute.
- Subd. 18. "Cannabis Event Organizer" is a cannabis business as defined in state statute.

Subd. 19. “Cannabis Manufacturer” is a cannabis business as defined in state statute.

Subd. 20. “Cannabis Mezzobusiness” is a cannabis business as defined in state statute.

Subd. 21. “Cannabis Microbusiness” is a cannabis business as defined in state statute.

Subd. 22. “Cannabis Retailer” is a cannabis business as defined in state statute.

Subd. 23. “Cannabis Testing Facility” is a cannabis business as defined in state statute.

Subd. 24. “Cannabis Transporter” is a cannabis business as defined in state statute.

Subd. 25. “Cannabis Wholesaler” is a cannabis business as defined in state statute.

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Subd. 71. “Lower-Potency Hemp Edible Manufacturer” is a cannabis business as defined in state statute.

Subd. 72. “Lower-Potency Hemp Edible Retailer” is a cannabis business as defined in state statute.

Subd. 73. “Lower-Potency Hemp Edible Retailer Limit” means that a lower-potency hemp edible retailer shall be limited to three businesses per 12,500 residents within the city.

Subd. 74. “Medical Cannabis Combination Business” is a cannabis business as defined in state statute.

Subd. 75. “Medical Cannabis Cultivator” is a cannabis business as defined in state statute.

Subd. 76. “Medical Cannabis Processor” is a cannabis business as defined in state statute.

Subd. 77. “Medical Cannabis Retailer” is a cannabis business as defined in state statute.

Subd. 78. “Micro-distillery” means a facility that produces ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, or other distiller spirits, including all dilutions and mixtures thereof, for non-industrial use not to exceed 40,000 proof-gallons per calendar year.

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**Section 530.13. – Commercial - Light Industrial District Established**

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Subd. 4. *Conditional uses.* The following conditional uses may be permitted by action of the city council pursuant to subsections 520.09, 520.11 and 520.13:

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(e) Lower-potency hemp edible retailer.

- 1) Must be licensed by the state.
- 2) Must be registered under city ordinance.
- 3) Must meet the cannabis business buffer.
- 4) Must not exceed the lower-potency hemp edible retailer limit.

(f) Cannabis business, except lower-potency hemp edible retailer.

- 1) Must be licensed by the state.
- 2) A cannabis retailer or cannabis business with a cannabis business retail endorsement must be registered under city ordinance.
- 3) Must meet the cannabis business buffer.
- 4) Must not exceed the cannabis business retail limit.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Independence this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Brad Spencer, Mayor

ATTEST:

\_\_\_\_\_  
Mark Kaltsas, City Administrator





2040 Comprehensive Plan  
Independence, MN

