

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY, APRIL 12, 2010 – 7:30 P.M.

1. CALL TO ORDER.

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

2. ROLL CALL.

PRESENT: Chair Crespo, Commissioners, Gardner and Triplett.

ABSENT: Commissioners Gardella and Phillips.

STAFF: Recording Secretary Scipioni, Planner Kaltsas.

VISITORS: Brad Spencer, Jeff Morlock, Jan Gardner, Steven Crosby, Lynda Franklin.

3. APPROVAL OF MARCH 8, 2010 MEETING MINUTES.

**Motion by Gardner, second by Triplett, to approve the minutes as written. Ayes: Crespo, Gardner, Triplett. Nays: None. MOTION DECLARED CARRIED.**

4. PUBLIC HEARING. STEVEN CROSBY, 4550 COUNTY ROAD 50 (PID NO. 06-118-24-23-0005) REQUESTS A MINOR SUBDIVISION TO COMBINE TWO EXISTING LOTS INTO ONE LOT (ADJACENT PROPERTY PID NO. 06-118-24-23-0004).

Kaltsas stated the owner of 4550 County Road 50 would like to combine two of the three properties that he owns in order to construct an accessory building on a portion of the combined property. Currently the owner's principle structure is located on lot 06-118-24-23-0005. There does not appear to be a suitable location on this property that would accommodate another detached accessory structure. The owner cannot construct an accessory structure on either of the adjacent properties because there is not a principle structure. In order to use the adjacent properties, they would need to have an existing principle structure or would need to be combined with lot 06-118-24-23-0005 which has a principle structure existing.

Kaltsas added the three existing lots are considered lots of record, and as such, have individual building eligibilities in the before condition. None of the three lots currently meet the City's minimum lot size of 2.50 acres in the agricultural district. The proposed subdivision will bring the lots closer to compliance with the City's current standards. In the after condition, there would be a total of two lots with lot 06-118-24-23-0004 being eliminated along with its building eligibility.

Kaltsas stated the proposed lot line rearrangement does not appear to substantially impact any of the subject properties as it relates to the current lot standards in the City's zoning ordinance. There are several residential properties to the south of this site and the remainder of the property is surrounded by park property. If the request is approved, lot 06-118-24-23-0004 (middle lot) will be eliminated along with the existing building eligibility. The applicant is also requesting vacation of Crow Avenue, which is to the north of the subject properties. A public hearing for that request will be held by the City Council.

Gardner asked if the lot combination would allow the applicant to construct a 900-squart-foot accessory structure.

Kaltsas responded the applicant would need to remove a small steel shed in order to have enough available square footage to construct at 900-square-foot structure.

Gardner noted that the Planning Commission had, in the past considered a detached garage as an attached structure if it was less than 6 feet away from the house. He suggested that if Crosby wanted to build a larger structure, he could add onto his garage in order to have it be considered attached.

Crespo asked if the applicant would be permanently losing a building eligibility.

Kaltsas responded the applicant would not be eligible to subdivide once the lots are combined under the current City Code and Comprehensive Plan.

Public Hearing

No Comments.

**Motion by Gardner, second by Crespo, to close the public hearing. All present voted aye. MOTION DECLARED CARRIED.**

**Motion by Triplett, second by Gardner, to recommend approval of the requested minor subdivision with the following finding:**

- 1. The proposed minor subdivision to allow a lot line rearrangement meets all applicable criteria stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.**

**All present voted aye. MOTION DECLARED CARRIED.**

5. PUBLIC HEARING. KATHIE ARMSTRONG, 7888 COUNTY ROAD 6 (PID NO. 33-118-24-22-0028), REQUESTS AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR BAKED GOODS AND BEVERAGES TO BE SOLD AND SERVED ON THE SUBJECT PROPERTY.

Kaltsas stated the applicant is seeking an amendment to the existing Conditional Use Permit to allow the preparation, sale and serving of baked goods and non-alcoholic beverages. A Conditional Use Permit was originally issued for this property in 1971. The CUP provided for “a small wood-working shop for repairing wooden antiques, creating antique reproductions, wood carvings, etc., and merchandising of the same.” In 2007, the current owner went before the City to introduce her new business ask if anything needed to be updated with the existing CUP in order to operate her proposed business. At that time, it was determined that no additional uses were being added and the original CUP satisfactorily accommodated the uses proposed. The current business is comprised of a mix of uses that includes the creation and sale of antiques, crafts, gift baskets and more. Use of the premise for the purpose of preparing and serving baked goods is clearly not permitted under the current CUP for this property. Any amendment to an existing CUP must meet the same requirements established for granting a new CUP.

Kaltsas stated the existing business on this property generates retail customers on a daily basis. The additional sale of baked goods for consumption on or off the premise would likely be compatible with the current use of the property. The proposed additional use would be accessory to the current use and is intended to bring additional customers into the store to shop for the other goods being sold. He added off-street parking is provided for on the property. No expansion or alteration is proposed with this

amendment. While this parking does not meet the City's current standards, it has been used to serve this property since the original CUP was granted. Also, the additional uses proposed should not increase noise or offensive odors, fumes dust, or vibrations for the surrounding properties. The preparation and sale of baked goods should not increase the potential for a nuisance associated with the use of this property.

Kaltsas stated the proposed amendment is generally consistent with the existing use of the property. He added the preparation and serving of baked goods and non-alcoholic beverages for consumption on the premises does not permit the operation of a restaurant on this property. The total area dedicated to the preparation and serving of baked goods on the property should be limited to a pre-defined area acceptable to the City and applicant so as not to comprise the entire property.

Crespo asked if the City could control the amount of traffic coming into the site by limiting the amount of seating.

Kaltsas responded the City could put a limitation on seating and that other cities have used seating limits as a tool to decrease traffic in and out of the site.

Gardner asked the applicant how much seating would be needed.

Morlock, on behalf of Armstrong, responded that they would have enough seating for about 12 people.

#### Public Hearing

No comments were made. It was noted that two neighbors submitted letters in support of the CUP amendment.

**Motion by Gardner, second by Triplett, to close the public hearing. All present voted aye. MOTION DECLARED CARRIED.**

Triplett asked if it would be better to approve the use through an Interim Use Permit.

Kaltsas responded that because the applicant already has a CUP and the City has not had any issues with the business's operation.

Gardner stated he felt comfortable with approving an amendment to the CUP.

**Motion by Triplett, second by Gardner, to recommend approval Conditional Use Permit amendment with the following findings and conditions:**

- 2. The proposed subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.**
- 3. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.**
- 4. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.**
- 5. This amendment does not permit the operation of a restaurant on the property.**
- 6. The preparation, sale and consumption of baked goods and non-alcoholic beverages is permitted as an accessory use to the principle uses granted with the original CUP.**

**7. The total area dedicated to the preparation, sale and consumption of baked goods and non-alcoholic beverages cannot exceed 1,000 square feet and 12 seats for customers.**

**All present voted aye. MOTION DECLARED CARRIED.**

6. DISCUSSION REGARDING UPCOMING ORDINANCE AMENDMENTS REQUIRED AS A RESULT OF THE 2030 COMPREHENSIVE PLAN UPDATE.

Kaltsas stated the Comprehensive Plan Update would be reviewed by the Met Council's Environment Committee on April 13, the Community Development Committee on April 19 and the full Met Council on April 28. He summarized the changes that had been made to the Comp Plan since the Planning Commission reviewed it:

- The Urban Residential area was expanded from 60 net acres to 125 net acres.
- The Urban Residential density range was changed from 3-8 units per acre to 4.1 to 7 units per acre.
- The Urban Commercial zone now includes three possible methods for providing utilities.
- The name of the Rural Reserve classification was changed back to Agriculture.
- The Agriculture Preserve areas were changed back to Agriculture Preserve from Rural Reserve.
- The base population and household numbers were updated to reflect the new Urban Residential area.
- The number of ISTS systems was corrected to reflect the actual number of units with ISTS.
- Two areas along County Line Road were further investigated and a previous flooding designation was removed.

Crespo asked when the Planning Commission would start doing work on updating the ordinances.

Kaltsas responded the City has nine months to bring its ordinances into compliance with the Comprehensive Plan once it has been adopted by the City Council. The City will need to create ordinances for the new Urban Residential and Urban Commercial zoning ordinances. Kaltsas stated one ordinance revision that will need to be done is to update the Rural View Lot ordinance.

Gardner suggested creating a range of lot sizes, similar to the Rural Residential district, to determine eligibility for Rural View Lots. He added he is in favor of starting the update process.

**Motion by Gardner, second by Triplett, to recommend the City Council start the process of a text amendment to the Zoning Ordinance pertaining to Rural View Lots to conform to the 2030 Comprehensive Plan Update. All present voted aye. MOTION DECLARED CARRIED.**

7. OPEN/MISC.

Nothing was added.

6. ADJOURN.

**Motion by Triplett, second by Gardner, to adjourn the Planning Commission meeting at 8:10 p.m. All present voted aye. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni, Recording Secretary