

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY MAY 17, 2016 – 6:30 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 Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Olson, Gardner and Thompson  
STAFF: City Planner Kaltsas, City Administrative Assistant Horner  
ABSENT: Commissioner Palmquist  
VISITORS: Brent Lau, Jay Fogelson, Rebecca Fogelson, Mary Matze, Joe DeVito, Peter Beck, Nathan Rogers, LuAnn Brenno, Laverne Dunsmore, Jack Wegmann, Tom Janas, Barb Janas, Ed Pluth, Kathleen Pluth

3. APPROVAL OF MINUTES:

- a. April 19, 2016 Planning Commission Meeting
- b. April 19, 2016 Joint City Council/Planning Commission Workshop.

**Motion by Olson to approve the corrected minutes of the April 19<sup>th</sup> Joint Workshop, second by Gardner. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

**Motion by Olson to approve the Planning Commission Minutes from April 19, 2016, second by Gardner. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

4. **PUBLIC HEARING:** Jay Fogelson (Applicant/Owner) request that the City consider the following action for the property located at 4618 South Lake Sarah Drive, Independence, MN (PID No. 02-118-24-21-0005):

- a. A variance to allow a reduced side yard setback on both sides of the property which would permit a home, deck and garage addition.

Kaltsas said the City granted a variance for this property in 2008 to allow the expansion of the existing home on the property. The variance that was previously granted, allowed the expansion of the home along the west property line, utilizing the existing 3.4-foot setback. The variance allowed the expansion of the home up, allowing a second story, and out (to the north) for additional space. Those improvements were made to the home in 2014 and now the applicant would like to expand the home again.

The applicant would like the City to consider granting two variances to the property. The first variance requested would allow the construction of deck to the north of the home (lakeside) utilizing the existing setback of approximately 3.4 feet from the west property line. The deck is proposed to be constructed in line with the existing west wall of the home. The home and proposed deck are setback a significant distance from the OHWL and would not encroach into the shore land setback.

Kaltsas said the second variance requested is to allow the expansion of the house and garage towards the east property line. The applicant would like to expand the house and replace the existing garage. The applicant is proposing to expand the house and garage by constructing a connected garage and addition between the existing home and new garage. The applicant is proposing to utilize the “east line” of the existing detached garage as the setback for the new structure. The proposed setback would be 1’-2” from the east property line. The current detached garage is setback approximately 1’-10” from the east property line.

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

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

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

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

**Subd. 2. Lot standards.**

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

Front Yard Setback:

Required: 85 feet from centerline or 50 feet from the ROW (@ 60% = 30 feet from right of way)  
Proposed: 48 feet from the right of way

Side Yard Setback:

- Required: 30 feet (@ 60% = 18 feet)
- Provided (West): 3'-4" (variance of 14'-8")
- Provided (East): 1'-2" (variance of 16'-10")

Lakeshore Setback (East Side):

- Required: 100 feet from Ordinary High Water Mark (@ 60% = 60 feet)
- Proposed: 100+ feet

In addition to the setback requirements, properties located in the shoreland district can have a maximum impervious surface coverage of 25%. This property can have a maximum coverage of 5,757.75 square feet. The proposed house and impervious site improvements have a total approximate impervious coverage area of approximately 4,900 square feet or 21%. The proposed house and site improvements would not exceed the required maximum impervious coverage allowed under the Shoreland Ordinance. There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.

- b. Each property in this area is non-conforming and can require relief from certain setbacks. The City will need to determine if the requested variance is unique to this property.
- c. The character of the surrounding area is residential. The proposed single family home is in keeping with the City's comprehensive plan.

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

1. This lot was developed prior to the establishment of the setbacks in the current ordinance being adopted.
2. The adjacent property to the west received a variance to allow an addition (attached garage and bonus room) that has an 8 foot setback (10 foot variance) from the side yard setback.
3. The property to the east appears to meet the side yard setback of 18 feet.
4. The applicant currently has access to the lakeside of the home via an opening between the existing home and detached garage. This access is approximately 20 feet in width and allows for an open (non-covered) access to the remainder of the property. The proposed addition would significantly restrict access to the remainder of the property and would make it difficult to maintain the proposed structure or property from the applicant's property without encroaching onto the neighbor's property.
5. The building code requires a minimum of a 5 foot separation between a building and a property line (without making more onerous fire preventive building improvements). Based on this separation, the proposed building would potentially restrict the development of the adjacent property due to the limited setback.
6. The proposed configuration does not appear to be the only layout that could accommodate the applicants proposed improvements. It is possible that the garage addition could be shifted to the west to provide for a greater setback along the east property line. The City could consider requiring an increased setback along one side of the property to maintain a reasonable access to the lakeshore property.
7. The existing detached garage is located approximately 1'-10" from the east property line and can remain in its current location. The applicant could connect the existing detached garage to the existing home as long as all applicable setbacks are maintained. It appears that this connection would be possible without any variances. If this were to occur, the access to the back (lakeshore) property would be restricted.
8. The applicant will need to provide the City with an actual impervious surface calculation.
9. The applicant will need to provide the City with an engineered grading plan that depicts how the property will be graded so that no water is discharged onto the neighboring properties.
10. The home is connected to City sewer.

Staff is seeking direction and feedback from the Planning Commission relating to the proposed addition and requested variances. The variance along the west property line to allow the construction of the deck is consistent with the previously granted variance. The proposed expansion of the house and garage to the east will limit access to the lakeshore property and will make it difficult to maintain the new structure. The City has typically considered granting variances for non-conforming properties in this area. The City will need to determine if there is a hardship that warrants the requested variance and determine what a reasonable setback would be for the proposed expansion.

The City received comments from the neighboring property owner to the east. He stated that he was concerned with the proximity of proposed addition. He recommended that the City consider an increased setback from the east property line.

Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
3. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.

Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Olson asked if there were any standards set for emergency access to the lake. Kaltsas said there were no set standards at this time in regards to backyard access. Gardner asked if it was steep between the house and the lake. Kaltsas agreed that it was steep.

#### Public Hearing Open

Fogelson stated they would put a garage door on the backside of the garage to allow the ability to pass through to the lake.

Olson asked if they would consider an angle that would allow more room between the houses. Fogelson stated they would and were just waiting to see what setbacks were approved and then designing the structure.

Lau, 4614 South Lake Sarah Dr., said he sent the letter and has a couple concerns. He is concerned with liability issues of maintaining the area between the homes and any liability during the construction process. Lau said they enjoy the privacy of their lot and it is one of the reasons they bought the home. He is concerned that having a garage that extends that far will affect his property value.

Thompson asked why everything is not being centered on the lot south of the house. Fogelson said they do not want to cover up the front of the house. Olson asked how deep the garage was and Fogelson said the existing is 28' and the proposed is 32'. Fogelson stated they researched building a narrower garage but with their research felt, it really should be a 3-car garage.

Fogelson stated they would like to build a deck for summer so if more discussion needs to take place on the garage addition would it be possible to separate the two proposals.

**Motion by Gardner to close the Public Hearing, second by Olson.**

Public Hearing Closed

**Motion by Gardner to approve the deck as recommended 1,2,4 and 5, second by Olson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

Gardner said he would like to see the garage have an 8' strip. Thompson agreed that there is economic hardship with this plan and would like to see a redesign that was not so impactful on the neighboring property.

**Motion by Gardner to approve the variance for the garage with the applicant submitting a plan with a greater setback, second by Olson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

5. **PUBLIC HEARING:** Gerald and Cheryl Wise (Applicants/Owners) requests that the City consider the following actions for the property identified as PID No. 11-118-24-22-0003 in Independence, MN:
  - a. Rezoning from AG-Agriculture to RR- Rural Residential.
  - b. A minor subdivision to allow the subdivision of property into two lots.

Kaltsas said this property is zoned AG-Agriculture, but guided RR-Rural Residential in the City's Comprehensive Plan. The applicant is seeking rezoning of the property to Rural Residential which would then allow the subject property to be subdivided. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance. Rezoning this property is consistent with the City's 2030 Comprehensive Plan.

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be four (4). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the subdivision is the location of the wetlands on the property. The wetlands cover approximately one-half of this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

*Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)*

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
12.6 through 17.5 acres	Three
<b>17.6 through 22.5 acres</b>	<b>Four</b>
22.6 through 27.5 acres	Five
27.6 through 32.5 acres	Six
32.6 through 37.5 acres	Seven
37.6 through 42.5 acres	Eight
42.6 through 47.5 acres	Nine, plus one addn. lot for every five addn. acres of land.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

*Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:*

- (a) Minimum lot area <sup>a</sup> 2.50 acres buildable land
- (b) Maximum lot area 10 acres
- (c) Minimum lot frontage on an improved public road or street:

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	<sup>b</sup> 200 feet
3.50 – 4.99 acres	<sup>b</sup> 250 feet
5.00 – 10.00 acres	<sup>b</sup> 300 feet

- (e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.

<sup>a</sup> A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

<sup>b</sup> A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

<u>Lot No.</u>	<u>Gross Acres</u>	<u>Upland Acreage</u>	<u>Frontage</u>	<u>Lot Frontage/Depth</u>
East Parcel	14.91 acres	3.96 acres	300.00 LF	1:4

West Parcel 5.02 acres 2.52 acres 361.04 LF 1:2

The proposed subdivision would create two new lots. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands and capture the best building site locations. The applicant considered a split of the property that would have created two nearly equal lots, but that configuration would impact potential views and usability of the east lot. The proposed configuration seems to provide for two lots that have good building sites and clean lot lines.

Access to both lots would be from CSAH 11. The County has reviewed the requested subdivision and provided the City with several comments. The applicant will need to comply with all applicable County comments. The County commented on the following aspects of the development:

1. There is an existing access to the property along the western property line. The County does not believe that this location has suitable site lines and is requesting that the applicant consider a shared driveway near the proposed division line between the east and west parcels.
2. The County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request from all properties and subdivisions along CSAH 11.
3. The County is requesting a drainage and utility easement from the existing 24” culvert beneath CSAH 11 to the wetlands.

Both lots will need to provide the requisite 10 foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.’s 1 and 2). The proposed development does not trigger the City’s stormwater management requirements because there will not be an increase in new impervious surface.

The two newly created lots will be required to pay the City’s requisite park dedication fee. The requisite park dedication fees would be as follows:

<u>Lot No.</u>	<u>Gross Acres</u>	<u>Park Dedication Amount</u>
East Parcel	14.91	Existing Parcel
West Parcel	5.02 acres	\$4,250

The total park dedication fee collected will be \$4,250. The park dedication fees will need to be paid prior to the City recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,  
plus \$750 per acre for each acre over 5 acres*

***Other Considerations:***

1. The property is guided rural residential by the City’s Comprehensive Plan. The proposed rezoning and subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.
2. The applicant provided the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site.

3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
4. The applicant is not proposing any additional public infrastructure as a result of this subdivision. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading
5. The proposed rezoning and subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Kaltsas said the City has not received any written comments regarding the proposed subdivision to permit a rural view lot. Staff is seeking a recommendation from the Planning Commission for the requested Rezoning and Minor Subdivision. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed Rezoning and Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Minor Subdivision is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
  - c. The applicant shall provide the City with all requisite drainage and utility easements. If a shared driveway is provided, the applicable easements shall be drafted and recorded as a part of the minor subdivision.
  - d. The applicant shall comply with all applicable Hennepin County transportation review comments and requirements.
  - e. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in the amount of \$4,250.
4. The Applicant shall pay for all costs associated with the City's review of the rezoning and minor subdivision.
5. The Applicant shall record the minor subdivision within six months from the date of the City Council approval.

## Public Hearing Open

No comments.

**Motion by Gardner to close the Public Hearing, second by Olson.**

## Public Hearing Closed

**Motion by Olson to approve the rezoning and minor subdivision request as requested for PID No. 11-118-24-22-0003, second by Gardner. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

6. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530;
  1. Consideration of the establishment of regulations pertaining to solar systems.

Kaltsas said at the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners provided staff with direction relating to the types of systems that would be considered and in what districts they would be permitted. Based on that discussion, staff has prepared additional information and draft text language for consideration by the Planning Commission. The applicant has also submitted additional information for the City to consider (see attached letter).

The City will want to develop both qualifying site and system/site specific design criteria. The City will need to consider performance standards and placement guidelines which further define the criteria pertaining to the installation of solar energy systems. The following draft definitions and ordinance language will be further discussed by the Planning Commission.

**Community Solar Garden** – A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar energy system and that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system in accordance with the requirements of Minnesota Statutes 216B.1641 or successor statute.

**Solar Energy System (SES)** - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

**Solar Energy System, Building Integrated** - A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building, examples of which are roofing materials, windows, skylights, and awnings.

**Solar Energy System, Ground-Mounted** – A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

**Solar Farm** - A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

**Draft Solar Performance Standards and Placement Guidelines.**

(a) Solar Energy Systems are permitted in accordance with the following table:

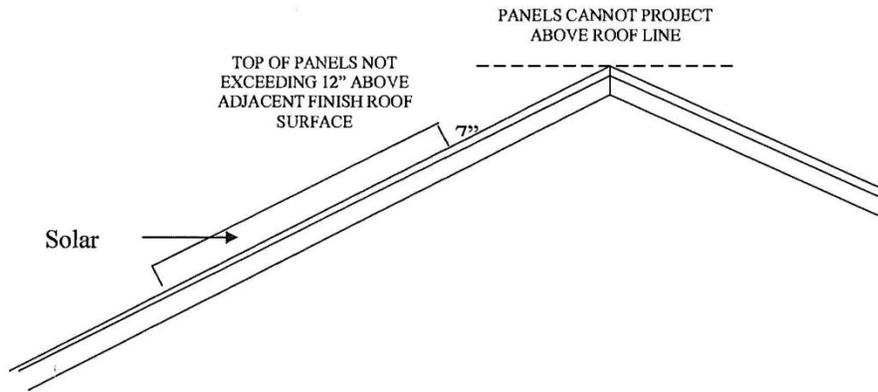
Type of Use	Zoning Districts				
	AG-Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Building Integrated Solar Energy System	A	A	A	A	A
Ground Mounted Solar Energy System	C	C	C	C	C

P - Permitted
A - Accessory
C - Conditional
I - Interim

(b) The following guidelines are to be used in the design and placement of solar energy systems:

1. Building Integrated Solar Energy Systems - shall conform to the following provisions:

- a. Solar panels (photovoltaic and solar thermal systems) can be located on pitched and flat roofs of all principle and accessory buildings within the City:
- b. Solar panels shall be low profile and parallel with the slope of the pitched roof.
- c. Panels cannot project above the roof ridge line and cannot exceed the maximum structure or accessory building height for the structure they are mounted on.
- d. Set solar panels and solar devices back from the edge of a flat roof to minimize visibility.
- e. Select solar panels, solar devices, mechanical equipment and mounting structures with non-reflective finishes such as an anodized finish.
- f. Color of panel frames and support structures should be neutral and compatible with the roof surface color.
- g. Placement of panels should be uniform. Consider the panels as part of the overall roof configuration. Match the slope and proportions of the array with the shape and proportions of the roof.



2. Ground-Mounted Solar Energy Systems - shall be subject to the following provisions:

- a. Shall be located only in rear or side yards. Ground-mounted systems shall **not** be located in the Shoreland Overlay District (may want to consider allowing as an IUP).
- b. Shall be wholly screened from view from the public right of way or adjacent residential structure. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- c. Shall be located on a parcel of at least \_\_\_\_\_ acres.
- d. Shall be setback \_\_\_\_\_ feet from the rear yards.
- e. Shall be setback \_\_\_\_\_ feet from the rear yards.
- f. Shall have a maximum area of \_\_\_\_\_SF. (Consideration should take into account that the average panel size is 1m x 1.5m or approximately 15 SF per panel. The cost of a ground mounted system may be prohibitive unless you install a larger system. 25 panels at 300w per panel would equal 7.5kw which could be considered a substantial residential system. This system would occupy an area of approximately 340 SF)
- g. The system, structure, and support apparatus shall comply with applicable accessory building setbacks as determined by the underlying zoning district.
- h. The maximum height for any component of the system shall be 15 feet.
- i. Shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.]
- j. Shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.

Staff is seeking Planning Commission feedback pertaining to the draft language and standards presented above. Many of the criteria can be further discussed and considered with a final draft being brought back to the Commission prior to being forwarded to the City Council. Staff is seeking discussion and direction from the Planning Commission and City Council for the requested Text Amendment.

Thompson said he appreciates all the hard work and the building integrated appears well-defined. He asked if ground-mounted was wholly screened, why is there a limit on the size. Gardner noted the Planning Commission does not have experience in this type of system. Thompson said it needed to be conditional. Kaltsas said it could be outlined as a hard line or provisional item that would be allowed to have a waiver. Gardner said it is useful to have these tools outlined. Olson asked about the slope of the panels on roof-mounted systems and if that would be dependent on the pitch of the roof. Kaltsas noted there would be a provision for a flat roof.

### Public Hearing Open

Barbara Janas, Nelson Road, said she has lived in the City 38 years and in the 1970's this was an agricultural city. She said people made their living on the land with dairy farms, turkey farms, etc. Janas said that is no longer the case and people that actually work on the land that they own could be counted on one hand. Janas said it is shortsighted to not look at what solar can do as a viable alternative to other energy sources that deplete the earth. She said taking 40 acres for solar panels to provide electricity for 600 homes seems like a very good use of land. Janas said solar should be looked at again and it is important not to live in fear. Solar has been around for years and the environmental is known.

Nathan Rogers, Ecoplexes, thanked everyone for their efforts and noted this is an emotional issue. He stated some notions are inaccurate. Rogers stated there are many benefits of solar including clean power. He said the facts show that solar has not affected property values. Rogers said he would be able to show what this will look like in actuality. He said Independence is a charming town and Ecoplexes would be very respectful of keeping the character of the City. Rogers is requesting due process in the exploration of this proposal.

LuAnn Brenno, 7676 Turner, said the Commission has decided what they will allow and she would encourage them to stick with it. She said things that are not in the ordinance should never be referenced again. She said the building integrated portion should include a provision about not causing glare. She said the finished pitch on a solar panel on a roof should not be steeper than the roof. Brenno said she would not like to see ground-mounted allowed on shore land overlay. She noted Medina requires a 100' setback from lot lines on ground-mounted systems.

Tom Janas, 1351 Nelson Road, challenged each of the Commissioners to go on record on why they believe a 40-acre solar farm is a bad use of land. He feels it is an excellent use of land. Janas said solar farms should be a Conditional Use Permit. He struggled with the idea that some solar is ok (ground and building mounted) and some is not (farm).

### **Motion by Gardner to close the Public Hearing, second by Olson.**

Thompson asked if there was a determination for ground-mounted systems on whether they were permeable or non-permeable based on standards. Kaltsas said there has not been a determination in treating them differently. Kaltsas said Staff is looking for language to be brought before the Council and another Public Hearing is not necessary.

Phillips said the glare provision makes sense for flat roofs. Kaltsas stated the language of non-reflective finishes covers the glare factor but additional language could be added to the provision to further clarify it.

Phillips said by stating a maximum size it will show the community what they want to see and what they do not want to see. Thompson asked if panels were wholly screened and setback why would the second condition be needed. Gardner said this comes from a personal use perspective. Phillips said 10 acres was generous and 40/30 would be the setback parameters. Olson noted the language around shore land not allowing solar. He said some properties could accommodate it. Kaltsas stated this was limiting ground-mounted but they could still have building mounted.

7. OPEN/MISC.

Kaltsas asked about going to electronic packets to reduce paper waste.

8. ADJOURN.

**Motion by Gardner, second by Olson to adjourn the meeting at 8:05 p.m. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Palmquist. Motion approved.**

Respectfully Submitted,

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Trish Bemmels  
Recording Secretary