

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY AUGUST 16, 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 Commissioner Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Olson, Gardner and Thompson
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: Chair Phillips and Commissioner Palmquist
VISITORS: Jan Gardner, Scottie Hines, Bob Lamp, Barb Janas, George and Linda Becker, Jeff Vanderlinde, Lynda Franklin, Rick Gage

3. APPROVAL OF MINUTES:

- a. June 21, 2016 Planning Commission Meeting

Motion by Gardner to approve the minutes of the June 21, 2016 Planning Commission Meeting, second by Thompson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

4. **PUBLIC HEARING (Tabled at June 21 Meeting):** Jay Fogelson (Applicant/Owner) requests 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 and garage addition.

Kaltsas said the applicant has requested tabling the request until the September 20th meeting of the Planning Commission.

5. **PUBLIC HEARING:** Windsong Farm Golf Club, LLC (Applicant/Owner) requests that the City consider the following actions for the property located at 18 Golf Walk (PID No. 32-118-24-13-0001) in Independence, MN:

- a. A Comprehensive Plan Amendment to allow an expansion of Windsong Golf Club to the property north of CSAH 6.
- b. A conditional use permit amendment to allow an expansion of Windsong Golf Club to the property north of CSAH 6 for a new driving range/practice facility (private facility).

Kaltsas said the applicant is seeking an amendment to the existing conditional use permit to allow the use of their property located north of CSAH 6 for a new practice facility. Windsong has recently acquired several properties just north of the existing golf course. The proposed practice facility would include a larger driving range, seasonal building for bathrooms, a short game practice area, putting green and small

storage building. The new practice facility would be accessed via the golf cart tunnel beneath CSAH 6 that was installed last year to provide access to the overflow parking area. The overflow parking area would no longer be in use on the north side of CSAH 6.

In order to consider the expansion of the golf course facility to the north side of CSAH 6, an amendment to the conditional use permit is necessary.

520.09 Subd. 8. If a conditional use permit holder wishes to alter or extend the operation or to change the conditions of the permit, the city will evaluate the permit holder's compliance with the existing permit conditions. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued requires an amended conditional use permit. An amended conditional use permit application must be administered in a manner similar to that required for a new conditional use permit.

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012 and 2013. The CUP allows a golf course and it's associated 29,000 SF club house/pro shop, guesthouse and overflow parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

The applicant is proposing to mitigate any visual impacts of the proposed practice facility by constructing 8-10 foot tall berms along CSAH 6 in a similar fashion to the berms that screen the golf course on the south side of CSAH 6. The proposed practice facility is intended to serve the courses existing membership base and will be for the private use of the members. The new practice facility will ultimately allow the club to expand their existing parking lot on the south side of CSAH 6 into their existing driving range. A practice facility is a use that is typically associated with a golf course.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. 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 from pollution hazards.*
- 6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
- 7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*

8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The existing golf course is relatively secluded from the surrounding properties and County Roads. There are existing golf courses to the west and south of this property. Most impacts that would result from the use of the property would be mitigated by the remaining open space and proposed earthen berming. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The use of the property as a golf course is consistent with the existing zoning. The City will need to determine if the practice facility is consistent with the use of the property as a golf course. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

The applicant is currently in the process of securing a grading/wetland mitigation permit from the City to allow grading and site work to be completed on this property. The City has completed an initial review of the proposed grading and wetland mitigation and has provided detailed comments to the applicant. The City will continue reviewing the grading, drainage and mitigation plans for the proposed practice facility expansion and all approvals will be subject to the City's review and approval.

There are a few additional considerations that should be noted:

1. The proposed building noted on the plans is approximately 3,500 SF. The building will be used only during the golf season and will house bathrooms, video swing analysis rooms and a small club repair area. The building will be accessed only via golf carts from the club. A fire department/emergency vehicle access route will be required to serve the building. There is an existing access route that serves the site off of CSAH 6. The applicant is working on a plan to relocate the access drive to the east and maintain an adequate fire access road and turn around. The City will review the revised access drive and any changes to the driveway locations on CSAH 6 will be subject to the review and approval of Hennepin County.
2. It has not been determined if the bathrooms will be served from a separate septic field or utilize holding tanks. The City will review any proposed sanitary service during building permit review.
3. The applicant is not proposing to have artificial lighting on the practice facility. The City may want to consider a condition that specifically addresses artificial lighting of the facility.
4. The City has guided this property in the comprehensive plan as Public/Semi-Public. In an effort to maintain the comprehensive plan guiding, the City requested that the applicant amend the comprehensive plan to include the land north of CSAH 6. Staff met with the Metropolitan Council relating to the comprehensive plan amendment and it appears that there are no issues with the requested amendment. Any City approval of the requested conditional use permit amendment will be subject to the approval of the Metropolitan Council.

Kaltsas said in the existing zoning district, a commercial golf course is permitted as a conditional use. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified because of the proposed practice facility expansion. The use of the facility will be limited to the members of the club and will not increase the amount of traffic or number of users at the golf course. The Planning Commission will need to determine if the requested amendment to the conditional use permit and comprehensive plan meets all of the aforementioned conditions and restrictions.

Kaltsas said the City has not received any written comments regarding the proposed amendment to the conditional use permit.

Kaltsas stated Staff is seeking a recommendation from the Planning Commission for the request for an amendment to the conditional use permit and comprehensive plan. Should the Planning Commission make a recommendation to approve the requested action, the following findings and conditions should be considered:

1. The proposed conditional use permit and comprehensive plan amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The comprehensive plan amendment is subject to the review and approval of the Metropolitan Council.
3. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. This amendment approves the use of a portion of the property to the north of CSAH 6, and further defined on the approved plans, for a practice facility. The following conditions should be added to the conditional use permit:
 - a. In addition to the 18-hole golf course, 29,000 square foot clubhouse and 5,350 square foot guest house with six sleeping rooms, Windsong Farm Golf Club can use the property north of CSAH 6 for a practice facility with the following limitations:
 - 1) The practice facility shall be no greater in area than that which is designated on the approved plans.
 - 2) Landscaping and berming along CSAH 6 as detailed on the proposed plans shall be required to be installed.
 - 3) A designated and approved fire/emergency vehicle access shall be maintained into the site at all times.
 - 4) There shall be no artificial lighting of the practice facility.
 - 5) Any expansion of the practice facility, additional buildings or expansion of the proposed buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
5. Prior to the City granting a grading permit for the proposed practice facility expansion, the applicant shall complete the following items:
 - a. Revise the plans and provide information as requested by the City's water resource consultant Hakanson Anderson.

6. Prior to the City granting a building permit for the proposed practice facility building, the applicant shall complete the following items:
 - b. Provide the City with a sanitary sewer plan for serving the proposed building.
 - c. Provide the City with cut sheets for any building lighting.

Olson asked about the overflow parking addressed previously. Kaltsas said they took out the overflow parking as of now and asked the applicant to speak further on it.

Public Hearing Open

Hines said they do not have an overflow-parking plan determined yet. He said parking expansion plans would happen quickly once these preliminary plans are approved. Gardner asked if the berm would cause parking problems. Olson asked what they do currently for overflow parking. Hines said it has been adequate and they will make it work going forward.

Hines said the changes would be a great improvement for the club. He noted the game has shifted as people do not have as much time as they used to and cannot spend 4-5 hours on a course. The new facility will offer the practice ranges, which are desirable to golfers.

Gage said he lives in the property to the North and he feels this will be a very good use of the property.

Motion by Gardner to close the Public Hearing, second by Thompson.

Public Hearing Closed

Gardner asked if this property/ applicant are in good standing with the City as far as following rules, etc. Kaltsas replied yes.

Thompson asked if screening and berming would be a concern or since they mimicked what was already south of County Road 6 if that was sufficient. Kaltsas confirmed they have adequate berming planned at 5-10 feet above grade. Hines said it is as much for sound as it is for sight.

Thompson asked Kaltsas if this would be well received with the Comprehensive Plan change and Met Council. Kaltsas said the concern would be impact on sewer and roads and this change would have minimal effect. Kaltsas said there is mitigation on this property as far as wetland and storm water review and the applicant has been very receptive working on those issues as well.

Thompson asked how the lake would be impacted. Kaltsas said the water quality should be improved. He said there is no public access on the lake.

Motion by Thompson to approve the CUP and Comprehensive Plan Amendment for Windsong Golf Club at 18 Golf Walk (PID No. 32-118-24-13-0001) per the recommendations by Staff, second by Gardner. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

6. **PUBLIC HEARING:** Hoikka Construction (Applicant) and Beau'Selle Stable (Owner) request that the City consider the following actions for the property located at 1060 Copeland Road (PID No. 29-118-24-31-0001) in Independence, MN:
- a. A conditional use permit to allow a Commercial Riding Stable.
 - b. A conditional use permit to allow an accessory structure that exceeds 5,000 SF.

Kaltsas said a new owner recently acquired the property and they are seeking a conditional use permit to allow a commercial riding stable on the property. There is an existing barn located on the property that currently has 22 stables. The applicant is seeking to expand the existing barn to include an indoor riding arena, three additional stables and a bunkhouse. The indoor riding arena expansion is greater than 5,000 square feet. All accessory structures greater than 5,000 square feet require a conditional use permit.

The existing barn is approximately 8,750 square feet in size and houses 22 stables. The proposed expansion would add an additional 18,700 square feet and 3 additional stables. In addition to the indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse within the proposed riding arena addition to house a property caretaker. The proposed barn addition would be designed to complement the existing barn and be constructed with matching materials. The proposed expansion would maintain an approximately 100 foot setback from the east property line (closest property line). The applicant has provided the City with a floor plan of the proposed barn addition. The existing barn is currently connected to the septic system for the property. The additional bedroom and bathroom facilities may cause for the system to be expanded. The City will require the applicant to submit a full septic analysis with the building permit.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The existing property has been established as a private horse farm with several large pastures and outdoor riding areas. The applicant would primarily be utilizing the facility for their own horses; however, they would like to have the ability to board and allow riding of other horses in the facility.

The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 85 acres. Of the 85 acres, approximately 67 acres is useable open space. Applying the City's typical standard, the site would accommodate 84 animals using the gross acreage or 66 animals using the useable acreage. The 25 horses being sought by the applicant would fit within the allowable number of animal units on the property.

The applicant is seeking permission to board up to 25 horses on the subject property. The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit.

There is an existing manure retention area located on the site. The applicant is proposing to fully enclose the retention area with concrete as a part of the construction for the new addition. The manure generated from the existing barn has historically been spread on the fields. In addition to the subject property, the applicant owns an additional 40 acre parcel to the southeast that could also be used for manure spreading. The applicant anticipates that there would be approximately 2 to 6 guests utilizing the stables and riding arena per day. The only other additional traffic proposed would be for the delivery of bedding materials for the stables.

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.

Kaltsas said the City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property on Copeland Road, the adjacent commercial riding stable (810 Copeland Road to the south), the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable, accessory structure larger than 5,000 square feet and a bunkhouse for a caretaker on the property.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. No more than 25 horses shall be boarded on the property.
4. The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
5. City roads will not be littered in the hauling of manure.
6. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.

7. The hours of operation are: summer 7:00am-10:00pm., winter 7:00am-9:00pm.
8. Horse shows will require special approval from the City
9. No renting of hack horses.
10. No riding on private land unless authorized by owners.
11. No parking on public roads.
12. All feed and bedding are to be stored inside a closed building.
13. Utilize appropriate management practices to control flies and odor.
14. Training clinics offered to non-borders will require special approval from the City.
15. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
16. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

Kaltsas said the City has not received any written or oral comments regarding the proposed amendment to the conditional use permit.

Kaltsas said Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. Any new signage shall comply with all applicable standards of the City's ordinance.
 - c. No more than 25 horses shall be boarded on the property.
 - d. The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
 - e. City roads will not be littered in the hauling of manure.
 - f. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.

- g. The hours of operation are: summer 7:00am-10:00pm., winter 7:00am-9:00pm.
 - h. Horse shows will require special approval from the City
 - i. No renting of hack horses.
 - j. No riding on private land unless authorized by owners.
 - k. No parking on public roads.
 - l. All feed and bedding are to be stored inside a closed building.
 - m. Utilize appropriate management practices to control flies and odor.
 - n. Training clinics offered to non-borders will require special approval from the City.
 - o. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
 - p. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
 - q. Be amended to revise the number of horses permitted on the property from 20 to 35. The conditions already established will remain in full effect.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Thompson asked if they were limited to 22 horses. Kaltsas said that was for their own private use but they could have up to 84 horses per the ordinance.

Thompson asked if the bunkhouse would have to have a new CUP. Kaltsas said no, that it would be part of the CUP.

Public Hearing Open

Janas (representing Myers) asked about the outside horses and dust. She also wanted information on increased traffic.

Gage said they have a 26-stall barn. He noted 6-12 horses would not be their own. Gage said 126 acres is dedicated solely for the animals. Olson asked about the amount of traffic and Gage said it is not intended for coming and going. He said there would not even be an average of one trailer per day. He said there are trips to the vet if needed and this is mainly a family riding spot.

Thompson asked Kaltsas if there is a concern with the bunkhouse being a primary building or if there was a plan to actually move onto the property at some point with another residence. Gage said his home is to the Northwest of the property so this not going to be a primary residence. Kaltsas noted that commercial

riding stables do not have to have a permanent residence or homestead. He said there is a stipulation that housing is only for hands working on the property and may not be used as a rental.

Motion by Gardner to close the Public Hearing, second by Thompson.

Public Hearing Closed

Gardner said there is not enough traffic to be a nuisance. He thought they could talk about dust control. Kaltsas said they could add a line item (13) and address control of flies, odor and dust.

Motion by Gardner to approve the CUP per the recommendations on pages 6 and 7 and dust clause added to item (m), second by Thompson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

7. **PRELIMINARY REQUEST:** George and Linda Becker (Applicants/Owners) request that the City consider the following actions for the property located at 4675 Lake Sarah Road, Independence, MN (PID No. 03-118-24-22-0002):
 - a. A variance to allow the subdivision of property in the AG-Agriculture zoning district.
 - b. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.

Kaltsas said the original farmstead is unique in that the property is bisected by Lake Sarah Road. A portion (approximately 16 acres) of the property is located on the east side of Lake Sarah Road (see diagram below) with the remainder of the property (approximately 16 acres) located on the west side of Lake Sarah Road. The applicant would like the City to provide preliminary feedback relating to whether or not a variance to allow the subdivision of the property based on the physical boundary of Lake Sarah Road would be considered. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The City would have to consider granting a variance from the zoning ordinance to allow the subdivision of this property. The overall property does not meet the minimum 40-acre requirement to realize a rural view lot subdivision. The parcel is located just outside of the area guided for rural residential development.

Planning Commissioners reviewed this request informally during the review of a minor subdivision earlier this year. The owner has now made a formal application for consideration by the City; however, they would like the City to provide direction on whether or not they would grant a variance and allow the subdivision of this property prior to spending the additional money for a survey and septic analysis. Based on the Planning Commission direction, the item will be brought back to the Planning Commission for formal consideration.

Staff reviewed other parcels in the City to try to determine if there were any that would have a similar situation. The only other parcel discovered with a similar condition (where the property crosses over a right of way) is the parcel directly north of the subject parcel. This parcel is owned by Three Rivers Park District.

Should the parcel be subdivided, the newly created and existing remaining parcel would not be completely out of character with the surrounding parcels. The parcel to the east side of Lake Sarah Road backs up to the City's park on the east side and to the Three Rivers parcel on the north side. The parcel to the south is

approximately 10 acres in size and has an existing home. On the west side of Lake Sarah Road, the properties range in size from more than 40 acres to less than 5 acres.

Kaltsas said Staff is seeking direction from the Planning Commission for the requested variance and minor subdivision.

Thompson asked if the two steps were reversed could the 5 acres have been carved out of the 21 acres as easily. Kaltsas said yes due to the lot line rearrangement. Kaltsas noted the purpose of the Ag district is to maintain the large lots for farming. He said the land split off is wooded and low-lying. Gardner asked how close to this section was to rural residential. Kaltsas said it was ¼ section away.

Motion by Gardner to approve the preliminary request subject to a survey, second by Thompson. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

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

- a. An ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593

Kaltsas noted during the 2016 legislative session, the state adopted a new law relating to temporary family health care dwellings. Temporary family health care dwellings are defined by the new statute as follows:

"Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

The Temporary Family Health Care Dwellings law requires cities to approve qualifying temporary accessory dwelling units unless the City opts out of the law by Ordinance prior to September 1st. The law allows temporary structures similar to a trailer or mobile home to be parked on any residential property for a period of six months for the purpose of providing care to family members. The time period can be extended for an additional six months by requesting a permit extension. The mobile dwelling unit would need to be temporarily connected to water and electric from the principal structure. Sewer removal would also need to be accommodated by allowing access to the temporary structure. The temporary dwelling unit can be located anywhere on the property that meets the principal structure setbacks and is accessible to emergency vehicles.

Many Minnesota cities are opting out of the statute so that they can locally govern land use within their respective jurisdiction. Cities are then typically evaluating their own ordinances to determine if changes should be considered to accommodate temporary health care dwelling units. Independence does not have a specific ordinance pertaining to temporary dwelling units; however, the City does consider the use of an accessory dwelling unit for living quarters in both the RR-Rural Residential and AG-Agriculture zoning districts as a conditional use permit.

The City typically uses the conditional use process to fully vet and consider the ramifications, impacts and then potential mitigation measures for land use decisions. The process required for conditional use permits involves a public hearing and notification of the surrounding property owners. During this process the City can evaluate potential impacts to surrounding properties due to the use proposed. Most cities regulate

permanent structures for family care under an accessory dwelling unit or similar ordinance. Independence has the provisions in place for residents to seek approval of a “mother-in-law” type accessory dwelling unit. The City can discuss and further evaluate if temporary “mother-in-law” units or uses fit within Independence and should be further considered by the City.

Kaltsas said Staff will be seeking discussion and direction from the Planning Commission pertaining to the proposed ordinance opting-out of the state statute. Planning Commissioners will also be asked to provide feedback to the Council on whether the City’s current ordinance has adequate measures to allow residents to provide care to mentally or physically impaired family members.

Motion by Thompson for the City to adopt a draft ordinance as written by Staff to opt out of this Minnesota Statute 462.3593, second by Gardner. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

9. **Open/Misc.**

10. **Adjourn.**

Motion by Thompson, second by Gardner to adjourn the meeting at 7:40 p.m. Ayes: Gardner, Olson and Thompson. Nays: None. Absent: Phillips and Palmquist. Abstain: None. Motion approved.

Respectfully Submitted,

Trish Bemmels
Recording Secretary