

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY NOVEMBER 9, 2015 – 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 Olson at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Gardner, Olson and Palmquist
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: Chair Phillips and Commissioner Thompson
VISITORS: Russell and Katia Harnois, Lorraine Pluth, Steve Parmenter, Jan Gardner, Dawn Mooney, Renee Burrows, Harold Burrows, Ben Kallevig, Shaun Redford

3. Approval of Minutes from the October 12, 2015 Planning Commission Meeting.

Motion by Gardner, second by Palmquist. Ayes: Olson, Gardner and Palmquist. Abstain: None. Nays: None. Absent: Phillips and Thompson. Motion approved.

4. **PUBLIC HEARING:** Benjamin Kallevig (Applicant/Owner) requests that the City consider the following actions for the property located at 7464 County Road 6 North, Independence, MN (PID No. 33-118-24-12-0001):
- a. A minor subdivision to permit the lot line rearrangement of the subject property so that the existing house is located entirely on one parcel.

Kaltsas stated the applicant is seeking a minor subdivision to correct a property line issue with the existing home. The property line currently bisects the existing home. Due to the location of the property line, the home is considered legal non-conforming. He stated that in the after condition the existing house would be setback 38 feet from the west side yard and 50 feet from the north rear yard. The City requires principle structures to be setback 30 feet from the side yard and 40 feet from the rear yard. In the after condition, the existing home will meet applicable setbacks. The detached accessory structure is proposed to be located 13 feet from the rear property line rather than 5 feet in the current condition. Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision with the following findings:

1. The proposed minor subdivision for a lot line rearrangement meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Gardner asked how the property got this way in the first place. Kaltsas noted County Road 11 had a similar situation with lot lines that were historically off. Kallevig stated that the original property owner bought the property at two different times.

Public Hearing Open

No comments.

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

Public Hearing Closed

Motion by Palmquist for approval of a minor subdivision to permit the lot line rearrangement at 7464 County Road, second by Gardner. Ayes: Gardner, Olson, and Palmquist. Nays: None. Absent: Phillips and Thompson. Motion declared carried.

5. **PUBLIC HEARING:** Russell Harnois (Applicant/Owner) requests that the City consider the following actions for the property located at 5175 Fern Drive, Independence, MN (PID No. 11-118-24-42-0005):
 - a. A variance to permit the construction of a new accessory structure that will exceed the height of the principal structure.

Kaltsas stated the applicant is proposing to construct a 2,088 square foot detached accessory structure, which is less than the maximum size permitted. Kaltsas noted the City requires that the height of an accessory structure shall not exceed the height of the principle structure. The City measured the height of the principle structure to be 12 feet. The applicant would like the City to permit the detached accessory building to be 19.5 feet in height. In order for the applicant to construct a building higher than that that is permitted, the City will need to consider a 7.5-foot variance. The elevation of the proposed accessory building is approximately 10-12 feet lower than the elevation of the principle home. The proposed building sits lower than the elevation of the surrounding properties. The proposed accessory structure is proposed to meet applicable building setbacks. Kaltsas noted the standards for granting variances due to “practical difficulties”. 520.21 Subd. 2

- 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.

Kaltsas said the character of the surrounding area is residential. The proposed detached accessory building is generally in keeping with the City’s comprehensive plan. Kaltsas said the Planning Commission would need to determine if the requested variance meets the requirements for granting a variance.

Palmquist asked if the request was required to meet all three stipulations outlined in 520.21 Subd. 2. Kaltsas said the City could find that if the request reasonably met some parts of all three of the guidelines that it could be acceptable. He said it would be up to the Planning Commission.

Public Hearing Open

Russell Harnois stated that the house would be higher than the garage. He noted they had done extensive grading to plan for the accessory building. Harnois said the accessory building would not be seen from the road. Katia Harnois stated that when they bought the house in 2012 they were told by the City that they would be able to build an accessory structure. She said now that the grading is done the rules have changed regarding the height of an accessory structure. She would like the project to be grandfathered in as the rules have changed mid-way through the project.

Parmenter stated he lives at 5185 Fern Drive and he will be looking at this shed. He said the property has been a swamp for over 30 years and now he is going to be looking at an industrial building. He asked about the variance and if it was specific to this proposal. Kaltsas said it was specific to this building. Parmenter said he thought it was quite tall for height and when he would stand in his kitchen, he will be looking at the side of a shed. He asked what the materials would be and what color the shed would be. Kaltsas noted the plans are for a steel building and that there will be a concrete pad. Kaltsas said the building would be approved, as the plan shows and cupolas, etc. could not be added later. He also said the door would be 14 feet high. Gardner noted that if the house were taller a variance would not be needed. Parmenter asked if power and water are allowed in a structure like the one proposed.

Kaltsas stated by ordinance commercial use is prohibited in this building. He said outside lighting would be permitted. Parmenter stated he did not know why they needed such a large building.

Puth stated she has lived close to the property for thirty years and that the Harnois's are the first people who have taken pride in their property. She said they have cleaned it up nicely. Puth stated a building for all of their trailers, etc. will look nicer than having them scattered throughout the property outside.

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

Public Hearing Closed

Palmquist asked the applicants if they had considered any screening with trees. He said he was sympathetic to the applicants that the City had changed the policy within the two years since they had started the project. Palmquist said he would like to see mindfulness of the neighbors in regards to screening and lighting, as it will affect them. Gardner stated he felt the applicants would do the right thing.

Motion by Gardner to approve the variance for the accessory building at 5175 Fern Drive per Staff recommendations, second by Palmquist. Ayes: Gardner, Olson, and Palmquist. Nays: None. Absent: Phillips and Thompson. Motion declared carried.

6. Upcoming Planning Commission Agendas

Kaltsas noted the request for a text amendment for the Event Center at County Road 6 would be coming up at the next meeting. Kaltsas anticipated a request for a seven property subdivision for the Hendley property at County Road 11 and 90. Verizon is working with the City on a possible cell tower location and solar garden requirements will potentially be coming up for review as well.

7. Open/Misc.

None noted.

8. Adjourn.

Motion by Palmquist, second by Gardner to adjourn the meeting at 8:35 p.m. Ayes: Olson, Gardner and Palmquist. Nays: None. Absent: Phillips and Thompson. Motion declared carried.

Respectfully Submitted,

Trish Bemmels, Recording Secretary