



PLANNING COMMISSION MEETING AGENDA
TUESDAY SEPTEMBER 15, 2026

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. August 25, 2026, Planning Commission Meeting Minutes.
 - b. September 1, 2026, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING:** Racheal M. Holland (“Applicant”) and Margaret Kowalke (“Owner”) request that the City consider the following action for the properties located at and directly north of 6551 County Road 6, Independence, MN 55359 (PID Nos. 34-118-24-11-0001 and 27-118-24-44-0001):
 - a. A minor subdivision to allow a lot line rearrangement. The lot line rearrangement would adjust the line separating the two properties by shifting the northern property line of 6551 County Road 6 south to County Road 6. No new properties are being proposed.
5. Planning Commission Meeting Time Change.
6. Open/Misc.
7. Adjourn.



PLANNING COMMISSION MEETING AGENDA
TUESDAY, AUGUST 25, 2026

7:30 PM REGULAR MEETING

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: Chair Gardner, Thompson, Tearse, Story
ABSENT: Dumas, Volkenant, Alternate Usset
STAFF: City Administrator Kaltsas, Administrative Services Director Simon
VISITORS: See Sign-in Sheet

3. Approval of Minutes:
- July 21, 2026, Planning Commission Meeting Minutes.
 - August 4, 2026, City Council Meeting Minutes (For Information Only).

**Motion by Thompson, seconded by Tearse. Ayes: Thompson, Tearse, Gardner, Story.
Nays: None. Abstain: None. Absent: Dumas, Volkenant, Usset. The motion carried. 4.0**

4. **CONTINUED (From 7.21.2026 Planning Commission Meeting):** Laura Fredman
("Applicant/Owner") requests that the City consider the following action for the property located at 4465 Lake Sarah Rd., Independence, MN (PID No. 03-118-24-23-0001):
- A conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located within a new detached accessory structure on the subject property.

City Planner Kaltsas reported that this item had been tabled at the July 21, 2026 Planning Commission meeting, at which time the Commission directed the applicant to revise the proposal to address concerns related to the placement and architectural compatibility of the proposed detached accessory dwelling unit (ADU). The applicant returned with several notable revisions.

The proposed structure was shifted westward, increasing the setback from Lake Sarah Road from the required 85 feet to approximately 115 feet. The structure was also shifted southward, increasing the setback from the north property line from the required 30 feet to approximately 60–65 feet. To improve architectural compatibility with the existing farmhouse principal structure, the applicant proposed adding masonry wainscoting around the base of the accessory building to match the stone wainscot on the farmhouse, as well as painting the principal structure white to match the proposed accessory unit. The applicant also proposed planting evergreen trees along the north and east sides of the accessory structure for screening. Additionally, the previously proposed mezzanine and wraparound porch were removed from the plans, bringing the square footage into closer compliance with ordinance standards.

The continued public hearing was reopened.

A neighboring property owner, Lucas Larson, from 4750 South Lake Sarah Drive expressed that his primary concern remained the visual impact of the 26-foot-tall structure from his second-story windows, arguing that there was ample acreage on the property to site the building more favorably. He acknowledged that the southward shift was a modest improvement, but noted that the westward shift actually made the view slightly worse from his property's vantage point. He also reiterated concerns, shared in a submitted letter, regarding the habitability of the principal structure and whether the owners intended to occupy it, as well as alleged non-compliance with the comprehensive plan.

Staff clarified that the city's ADU ordinance requires the ADU to be occupied by the owner or the owner's relatives, but does not require the owner to reside in the principal structure — a standard that applies equally across the city. Staff further noted that the city had been given permission to inspect the principal structure and confirmed that someone was actively living there. A condition of approval requiring septic system review was already included in the staff recommendations.

A second neighbor, John Arneson, spoke in support of the applicants, vouching for their character and their intention to restore the property, and suggesting the objecting neighbor's view was already substantially screened by his own tree line.

A third neighbor, Joe Slavic, raised concerns about the adequacy of the existing septic system upon change of ownership and questioned the sequencing of occupying the ADU before rehabilitating the principal structure. Staff confirmed that septic compliance is reviewed as a standard condition whenever a property changes hands, and that this process would provide appropriate protection.

Following the close of the public hearing, the Commission discussed the revisions. Members acknowledged that the applicant had meaningfully responded to prior feedback — exceeding minimum setbacks, improving architectural compatibility, reducing the building's overall footprint, and proposing landscape screening. The Commission noted that while some members remained curious about why the structure could not be shifted even further, the proposal met all applicable setback requirements. The Commission agreed to add a condition requiring submission of a formal landscaping plan prior to City Council review.

Motion by Thompson, seconded by Story to approve the CUP for the detached ADU at 4465 Lake Sarah Road, subject to staff recommendations 1 through 9 and an additional condition (10) requiring the submission of a landscaping plan prior to City Council consideration. Ayes: Thompson, Gardner, Tearse, Story. Nays: None. Abstain: None. Absent: Dumas, Volkenant, Usset. The motion carried. 4.0

5. **PUBLIC HEARING:** Patrick Dorn (“Applicant”) and Kent Roers (“Owner”) requests that the City consider the following action for the property located at 4708 Lake Sarah Dr. S, Independence, MN (PID No. 02-118-24-22-0026):

- a. A variance to allow the construction of a stairway onto an existing deck that encroaches approximately 5’ into the 100’ lakeshore setback.

Kaltsas presented a request for a variance to allow the construction of a stairway off an existing deck at 4708 Lake Sarah Drive South. The applicant, Patrick Dorn, a general contractor, explained that during a deck reconstruction project a survey revealed that the proposed stairway location would encroach into the 100-foot ordinary high water level setback from Lake Sarah. The actual encroachment was clarified to be 3.8 feet rather than the 5 feet initially noted. The applicant had considered alternative stairway configurations, including a spiral staircase, but sought the variance as the most practical solution given that the house itself was sited at the setback line, limiting options. Staff noted that the variance would essentially restore a stairway to its previous location, as an older stairway in disrepair had existed in the same area.

Kaltsas also noted an apparent anomaly in the city's code: freestanding stairways, landings, and decks are permitted as encroachments within the shoreland zone when not attached to the principal structure, but attached stairways require a variance — a distinction the Commission found incongruous.

The public hearing was opened.

A neighboring property owner, John Arneson, spoke in support, confirming that stairs had existed in that location for a long time, that they presented no issues from his lot, and that the prior approach for accessing the setback area had long been established. No objections were received.

The Commission discussed the matter briefly, finding the hardship clear and the impact on surrounding properties minimal. Members also expressed interest in reviewing the relevant ordinance provisions, noting that requiring a variance for an attached deck stairway while permitting freestanding structures seemed inconsistent.

Motion by Story, seconded by Thompson to approve a variance at 4708 Lake Sarah Drive S., subject to staff recommendations, to allow the stairway encroachment of 3.8 feet into the 100' lakeshore setback. Ayes: Thompson, Gardner, Tearse, Story. Nays: None. Abstain: None. Absent: Dumas, Volkenant, Usset. The motion carried. 4.0

6. **PUBLIC HEARING:** Nate Miller (“Applicant/Owner”) requests that the City consider the following action for the property located at 3470 Lake Sarah Rd., Independence, MN (PID No. 10-118-24-31-0006):
 - a. A conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located on the subject property.

Staff presented a request for a conditional use permit to allow a detached ADU on the approximately 10-acre agriculturally zoned property at 3470 Lake Sarah Road. The applicant proposed to add a second story — a 768-square-foot ADU with one bedroom, a kitchen, a shower area, and living space — above an existing two-car detached garage. Staff confirmed the proposed ADU falls below the maximum allowable size of 935 square feet (33% of the principal structure's above-ground square footage), and that the modified structure would comply with all applicable setback and height requirements relative to the principal structure.

Staff noted that the applicant would be required to modify the existing septic system to accommodate the additional unit, and that the required septic report had been submitted. The existing garage was noted to have good structural integrity, including 2x6 framing and heating, and its recessed siting on the property helped mitigate any height concerns relative to the principal structure.

The public hearing was opened.

The applicant, Nate Miller, addressed the Commission and explained that the ADU is intended to house an aging parent as an alternative to retirement housing or building in a distant urban area, describing it as a family-oriented solution well suited to the rural property.

A neighboring property owner, Lindsay Wallace, of 3585 Lake Sarah Road, briefly addressed the Commission in support of the application.

No objections were received. The public hearing was closed, and the Commission found the application straightforward and compliant.

Motion by Thompson, seconded by Tearse to approve a CUP for a detached ADU at 3470 Lake Sarah Rd., subject to staff recommendations 1 through 4. Ayes: Thompson, Gardner, Tearse, Story. Nays: None. Abstain: None. Absent: Dumas, Volkenant, Usset. The motion carried. 4.0

7. **PUBLIC HEARING:** Frank Smaron (“Applicant”) and Paul Merz Trust Estate (“Owner”) request that the City consider the following action for the properties located at 2919 Independence Road (PID Nos. 14-118-24-13-0008 and 14-118-24-14-0002):
 - a. A minor subdivision to allow a lot line rearrangement. The lot line rearrangement would adjust the line separating the two properties. No new properties are being proposed.

Staff presented a minor subdivision request for a lot line rearrangement between two agriculturally zoned, rural-residential guided properties at 2919 Independence Road (PID Nos. 14-118-24-13-0008 and 14-118-24-14-0002). The rearrangement would transfer approximately 5.41 acres from the westerly parcel (reducing it from ~42 to ~36 acres) to the easterly parcel (increasing it from ~41 to ~46 acres), with no new parcels being created and combined acreage remaining unchanged.

Staff noted that reducing the westerly parcel below 40 acres would technically remove a rural view lot entitlement under the agricultural zoning district; however, staff observed that because both parcels are guided rural residential by the comprehensive plan, any future subdivision would most likely involve a rezoning to rural residential — at which point the 40-acre threshold would no longer be relevant and the combined entitlements would remain the same.

Applicant Frank Smaron, acting as trustee for the Paul Merz Trust Estate, explained the estate planning context. Upon the death of the property's prior owner, the westerly parcel is to pass to his daughter (Smaron's wife), while the easterly parcel passes to a family partnership for continued agricultural use by the owner's son. The lot line adjustment was motivated by the fact that a portion of the westerly parcel — the upper green area — would effectively become landlocked under the existing line configuration, making the rearrangement a practical and logical remedy. Commissioners agreed the rationale was sound.

The public hearing was opened and closed without public comment. The Commission found no substantive concerns with the proposal.

Motion by Thompson, seconded by Story to approve a minor subdivision for a lot line rearrangement at 2919 Independence Rd, as described in the staff report. Ayes: Thompson, Gardner, Tearse, Story. Nays: None. Abstain: None. Absent: Dumas, Volkenant, Usset. The motion carried. 4.0

8. Open/Misc.

Story raised the question of whether the city's ordinance should be reviewed to remove the variance requirement for deck stairways that encroach into the ordinary high water level setback, given that freestanding stairways are already permitted as of right. Staff confirmed this topic could be added to the Commission's work plan and addressed during the slower winter months as an administrative exception or written code amendment. The Commission expressed support for pursuing that review.

Staff also confirmed that the Commission has at least one application pending for the September meeting.

9. Adjourn.

Motion by Thompson, seconded by Story to adjourn the meeting at 6:48pm. 4-0



CITY COUNCIL MEETING MINUTES
TUESDAY SEPTEMBER 1, 2026

CITY COUNCIL MEETING TIME: 6:30 PM

1. CALL TO ORDER

Mayor Brad Spencer called the meeting to order on Tuesday, September 1, 2026, at 6:30 PM

2. PLEDGE OF ALLEGIANCE

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, Fisher, McCoy, Betts, Grotting

ABSENT: None

STAFF: Administrative Services Director Simon, Public Works Director Lehman

VISITORS: Frank Smaron, Edward Genereux, Laura Fredman and family and JonPaul Story

4. ****CONSENT AGENDA****

Mayor Spencer stated that the consent agenda items would be considered routine and acted on by one motion unless someone would like to remove an item for discussion. The consent agenda

- a. Approval of City Council Minutes from the August 18, 2026, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 24570-24593 and Batch #2 – Checks No. 24594-24595).
- c. Assembly Permit:
 - Independence Motor Condos Marketing Event – Wednesday, September 23rd.

Motion by Betts, seconded by Grotting to approve the consent agenda. Ayes: Spencer, Fisher, McCoy, Betts, Grotting. Nays: None. Absent: None. Abstain: None. Motion Approved. 5-0

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

Council member Fisher Attended the following meeting:

- None

Council member Betts Attended the following meeting:

- Planning

Council member McCoy Attended the following meeting:

- WHPS budget meeting
- Assisted in CPR and AED training at Orono Schools

Councilmember Grotting Attended the following meeting:

- Visted properties on planning agenda
- Planning

Mayor Spencer Attended the following meeting:

- Planning
- Candidate Statement Videos
- WHPS budget meeting
- PSCWM technical advisory meeting (zoom) on shoreline restoration

Amber Simon Attended the following meeting:

- Candidate Statement Videos

Mark Kaltsas Attended the following meeting:

- Meeting with financial consultant on sewer rate study

6. Representative Kristin Robbins – Annual City Council Visit.

Representative Kristin Robbins appeared before the Council for her annual visit and provided an update on the recently concluded legislative session. She noted that with the House evenly divided, all legislation passed was bipartisan, which she described as a positive reset, though it limited what could be accomplished.

Representative Robbins highlighted the following outcomes from the session:

Tax Relief: The legislature successfully blocked several proposed tax increases, including increases to the personal income tax rate and a proposed wealth tax. Property tax relief was secured for residents with household incomes of \$146,000 or less, who will see increased property tax refunds. A one-year reduction in income taxes was also enacted for the 2027 tax year.

Pass-Through Entity Tax: Legislation was passed to retroactively conform the state's pass-through entity tax with federal tax policy. Representative Robbins encouraged business owners who file as partnerships to consult her office about filing amended returns, noting the change could save them tens of thousands of dollars in federal taxes.

HCMC Stabilization: The legislature provided resources to prevent the bankruptcy of Hennepin County Medical Center (HCMC), which would otherwise have shifted full financial responsibility to Hennepin County taxpayers. The legislation also required governance reforms by the Hennepin County Board and established a \$500 million housing stabilization fund accessible by both rural and metro hospitals beginning in 2028.

School Safety: New school safety measures were enacted, including an anonymous threat reporting system and increased funding for mental health crisis response teams in schools.

Highway 12 Improvements: A bonding bill was passed that includes funding for long-sought safety improvements along Highway 12. Representative Robbins credited the Highway 12 Safety Coalition for its sustained advocacy and expressed optimism that the improvements would soon move forward.

Fraud Accountability: Representative Robbins noted continued work throughout the session on fraud prevention, exposure, and the implementation of internal controls and guardrails.

The Mayor thanked Representative Robbins on behalf of the Council, specifically acknowledging her assistance with the Maple Plain Fire Department consolidation with West Hennepin, her guidance to the Mayor on testifying before the Capital Investment Committee on railroad safety and Highway 12 funding, and her advocacy for Social Security tax relief, which the Mayor noted was among the highest-polling policy proposals in the state.

Representative Robbins thanked the Council and expressed continued pride in representing the community, noting she would remain an active community member after her term concludes.

7. Laura Fredman (“Applicant/Owner”) requests that the City consider the following action for the property located at 4465 Lake Sarah Rd., Independence, MN (PID No. 03-118-24-23-0001):

- a. **RESOLUTION No. 26-0901-01** – Considering approval of a conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located within a new detached accessory structure on the subject property.

City Administrator Kaltsas presented the item, which had been considered by the Planning Commission at both their July and August meetings. The applicant had requested a conditional use permit (CUP) to allow an accessory dwelling unit (ADU) within a proposed new 4,960 square foot detached pole barn on the approximately 16-acre, agriculturally-zoned property at 4465 Lake Sarah Road.

At the July Planning Commission meeting, the item was tabled after commissioners raised concerns about the building's location on the property, its proximity to property lines and the street, and its architectural compatibility with the existing farmhouse. The applicant was asked to revisit the proposal in response to those concerns.

At the August meeting, the applicant returned with several revisions: the building was relocated further from Lake Sarah Road and the north property line, exceeding applicable front and side yard setbacks; a professional landscape plan was developed providing deciduous and evergreen screening along the north and east sides of the building; and the applicant committed to painting the existing farmhouse white to match the proposed accessory structure. The Planning Commission found that all applicable criteria for the CUP had been satisfied with these revisions and recommended approval, with a condition requiring the submitted landscape plan to be incorporated. Staff noted that a mezzanine level originally proposed above the kitchen within the ADU had been revised so that it would not be connected to or counted as part of the ADU's square footage.

The Mayor acknowledged the applicant's additional efforts, including the construction of a berm along the road frontage, and expressed appreciation for the updated landscaping plan. The applicants were present and confirmed the terms as presented.

Motion to approve Resolution No. 26-0901-01, approving a CUP to allow a detached ADU to be located within a new detached accessory structure on the subject property, was made by Councilmember McCoy and seconded by Councilmember Fisher. 5-0. The motion carried unanimously.

8. Patrick Dorn (“Applicant”) and Kent Roers (“Owner”) requests that the City consider the following action for the property located at 4708 Lake Sarah Dr. S, Independence, MN (PID No. 02-118-24-22-0026):
 - a. **RESOLUTION No. 26-0901-02** – Considering approval of a variance to allow the construction of a stairway onto an existing deck that encroaches approximately 5’ into the 100’ lakeshore setback.

City Administrator Kaltsas presented the item. The applicant requested a variance from the 100-foot ordinary high water level (OHW) setback for Lake Sarah to allow reconstruction of a stairway off an existing deck at 4708 Lake Sarah Drive South. The proposed stairway would be located 96.2 feet from the OHW, representing a 3.8-foot encroachment into the setback. The stairway had not been grandfathered, as the setback was in effect at the time the home was constructed.

The Planning Commission held a public hearing, received one comment in support from a neighboring property owner, and found that the variance criteria had been met. Commissioners

noted that a stairway is a typical accessory feature to a deck, that the position of the principal structure limited feasible stairway placement, and that a freestanding deck would be permitted in the setback area under the ordinance—it was only the attachment to the principal structure that triggered the variance requirement.

The Mayor noted that the property is part of the Tamarac subdivision and, as such, is subject to the more restrictive 100-foot setback, compared to the 60-foot setback that applies to the remainder of Lake Sarah.

Motion to approve Resolution No. 26-0901-02, approving a variance to allow the construction of a stairway onto an existing deck that encroaches approximately 5’ into the 100’ lakeshore setback, was made by Councilmember Fisher and seconded by Councilmember McCoy. 5-0. The motion carried unanimously.

9. Nate Miller (“Applicant/Owner”) requests that the City consider the following action for the property located at 3470 Lake Sarah Rd., Independence, MN (PID No. 10-118-24-31-0006):
 - a. **RESOLUTION No. 26-0901-03** – Considering approval of a conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located on the subject property.

City Administrator Kaltsas presented the item. The applicant requested a CUP to allow a 768 square foot ADU to be constructed on the second floor of an existing two-car detached garage on the agriculturally-zoned property at 3470 Lake Sarah Road. The ADU would include one bedroom, one bathroom, a kitchen, and a family area. The applicant indicated the unit would be occupied by his parents.

Staff confirmed that all applicable criteria were met, including setbacks, square footage relative to the 2,835 square foot principal dwelling, bedroom count, and connection to the existing septic system, which would require modifications as noted in the applicant's septic report. The Planning Commission held a public hearing, received one comment in support, and recommended approval. Commissioners noted that the existing detached garage is partially set into the grade and that the proposed second story would meet applicable height criteria. The ordinance condition limiting occupancy to relatives of the property owner was confirmed to apply.

Motion to approve Resolution No. 26-0901-03, approving a CUP to allow a detached ADU to be located on the subject property, was made by Councilmember McCoy and seconded by Councilmember Betts. 5-0. The motion carried unanimously.

10. Frank Smaron (“Applicant”) and Paul Merz Trust Estate (“Owner”) request that the City consider the following action for the properties located at 2919 Independence Road (PID Nos. 14-118-24-13-0008 and 14-118-24-14-0002):

- a. **RESOLUTION No. 26-0901-04** – Considering approval of a minor subdivision to allow a lot line rearrangement. The lot line rearrangement would adjust the line separating the two properties. No new properties are being proposed.

City Administrator Kaltsas presented the item. The applicant requested a minor subdivision to allow a lot line rearrangement between two adjacent properties near 2919 Independence Road. In the existing condition, the westerly property is approximately 42 acres and the easterly property is approximately 41 acres. The proposed rearrangement would transfer a northern portion of the easterly property to the westerly property, resulting in a 36-acre westerly parcel and a 46-acre easterly parcel. The purpose of the adjustment is to provide the westerly property owner with accessible access to a field currently separated by a wetland and difficult terrain.

Staff noted that the rearrangement is also related to estate planning, with each resulting parcel intended for a different family member, while the properties would continue to be farmed together in the near term. Staff further noted that the westerly parcel, at 36 acres, would fall below the 40-acre agricultural zoning threshold; however, because both properties are guided rural residential under the Comprehensive Plan, this loss of agricultural eligibility was not considered a practical concern, as the highest and best use of the property is anticipated to be rural residential. No new parcels and no new nonconformities would be created by the rearrangement. The Planning Commission found the request straightforward and recommended approval.

Motion to approve Resolution No. 26-0901-04, approving a minor subdivision to allow a lot line rearrangement, was made by Mayor Spencer and seconded by Councilmember McCoy. 5-0. The motion carried unanimously.

11. Consideration of a Stipulation Agreement with Rick Gage (Ese Riders, LLC) to allow them to retain and occupy the existing house located on the property at 1060 Copeland Road while they construct a new home on the same property. The agreement requires an escrow deposit to be made and retained by the City until the new home is complete and the existing home is removed.

City Administrator Kaltsas presented the item. The applicant requested to enter into a stipulation agreement with the City allowing construction of a new home on the property at 1060 Copeland Road while retaining the existing principal structure, which is currently occupied by the individuals who manage the applicant's horse operation. Due to the condition of the existing home and the need to avoid further investment heading into winter, the applicant sought to move forward with the new construction and subsequently demolish the original structure.

This type of stipulation agreement has been used by the City previously. Under the terms, the applicant must remove the existing home within 90 days of substantial completion of the new home, and must provide a \$10,000 escrow deposit, which the City will retain as an incentive to ensure compliance prior to issuing a certificate of occupancy. The applicant would also be required to obtain a separate demolition permit.

Staff noted that the applicant had provided a conceptual sketch demonstrating how the approximately 130-acre property could be subdivided in the future, which was requested by the City Administrator to ensure the longer-term development of the property was considered. The applicant's longer-term intent is to construct a more substantial principal residence on the property at a future date, which would require a formal subdivision.

The motion authorized the Mayor and City Administrator to execute the agreement on the City's behalf, subject to the conditions set forth in the staff report.

Motion to authorize the Mayor and City Administrator to execute the Stipulation Agreement with Rick Gage (ESE Riders, LLC), was made by Councilmember Grotting and seconded by Councilmember Fisher. 5-0. The motion carried unanimously.

12. Consider Approval of the Lake Minnetonka Communications Commission (LMCC) – 2027 Annual Budget.

The Council discussed the proposed 2027 Annual Budget for the Lake Minnetonka Communications Commission (LMCC). It was noted that the LMCC continues to experience a significant decline in cable franchise revenues, with approximately a 20 percent drop being observed, driven by ongoing cable cord-cutting. The Commission has responded with successive reductions in its annual budget. For reference, actual 2025 expenditures were \$193,541; the 2026 adopted budget is \$153,000; and the proposed 2027 budget is \$138,785. The Council noted that the Commission has been managing its overhead tightly and taking cost-saving measures, including through staff retirements. Discussion acknowledged uncertainty around future franchise revenues as subscriber numbers continue to shift toward internet-only services.

Motion to approve the LMCC 2027 Annual Budget, was made by Mayor Spencer and seconded by Councilmember Betts. 5-0. The motion carried unanimously.

13. Open/Misc.

14. Adjourn.

Motion to adjourn was made by Councilmember McCoy and seconded by Councilmember Grotting. Ayes: Spencer, Fisher, McCoy, Betts, Grotting. Nays: None. Absent: None. Abstain: None. Motion Approved. 5-0. Meeting was adjourned at 7:14pm



CITY OF INDEPENDENCE

Planning Commission

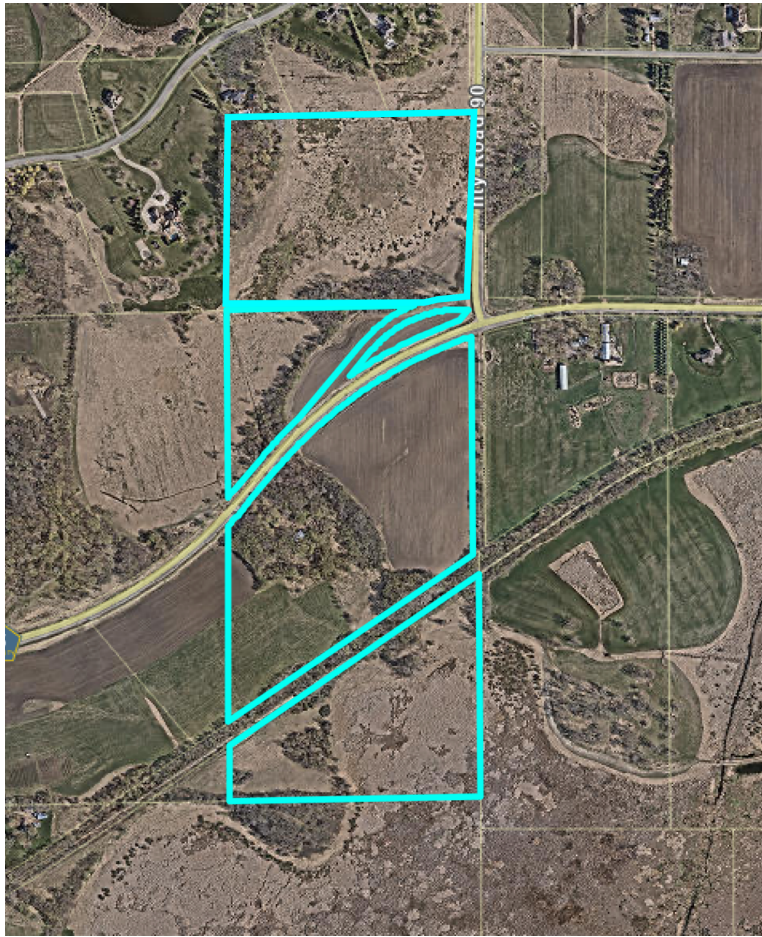
PLANNING COMMISSION STAFF REPORT

6551 County Road 6 - Minor Subdivision Request

Lot Line Rearrangement • No New Parcels Created

To:	Planning Commission
From:	City Planner
Meeting Date:	Tuesday, September 15, 2026, 7:30 PM
Applicant:	Racheal M. Holland, Melchert, Hubert, Sjodin, PLLP
Owner:	Margaret Kowalke
Location:	6551 County Road 6, Independence, MN 55359, and the unaddressed parcel located directly north
PID No.:	34-118-24-11-0001 (6551 County Road 6) and 27-118-24-44-0001 (Address Unassigned)
Application Type:	Minor Subdivision – Lot Line Rearrangement

6551 County Road 6 – Site Location



REQUEST

PUBLIC HEARING – Racheal M. Holland (“Applicant”) and Margaret Kowalke (“Owner”) request that the City consider the following action for the properties located at and directly north of 6551 County Road 6, Independence, MN 55359 (PID Nos. 34-118-24-11-0001 and 27-118-24-44-0001):

- a. A minor subdivision to allow a lot line rearrangement. The lot line rearrangement would adjust the line separating the two properties by shifting the northern property line of 6551 County Road 6 south to County Road 6. No new properties are being proposed.

PROPERTY / SITE INFORMATION

The subject properties are located at and directly north of 6551 County Road 6 in the City of Independence, Minnesota, and consist of two adjacent parcels of record (PID Nos. 34-118-24-11-0001 and 27-118-24-44-0001). Both parcels are currently zoned Agriculture (AG) and are guided Rural Residential (RR) in the City’s Comprehensive Plan. The applicant is requesting approval of a minor subdivision to rearrange the shared boundary line between the two parcels so that it aligns with County Road 6 (CSAH 6); no new parcels would be created as a result of the proposed action.

Property Addresses:	6551 County Road 6, Independence, MN 55359 / Address Unassigned, Independence, MN 55359
PIDs:	34-118-24-11-0001 (6551 County Road 6) / 27-118-24-44-0001 (Directly North Parcel)
Legal Description:	See Boundary Survey (Before and After) prepared by E.G. Rud & Sons, Inc. (Job No. 260746BS)
Zoning:	Agriculture (AG)
Comprehensive Plan:	Rural Residential (RR)
Request Type:	Minor Subdivision – Lot Line Rearrangement (no new parcels created)
PID 34-118-24-11-0001 Acreage (Before):	Approximately 73.63 acres
PID 34-118-24-11-0001 Acreage (After / “Parcel B”):	Approximately 59.36 acres
PID 27-118-24-44-0001 Acreage (Before):	Approximately 30.00 acres
PID 27-118-24-44-0001 Acreage (After / “Parcel A”):	Approximately 44.27 acres
Net Acreage Transferred:	Approximately 14.27 acres from PID 34-118-24-11-0001 to PID 27-118-24-44-0001
Total Combined Acreage:	Approximately 103.63 acres (before and after – unchanged)

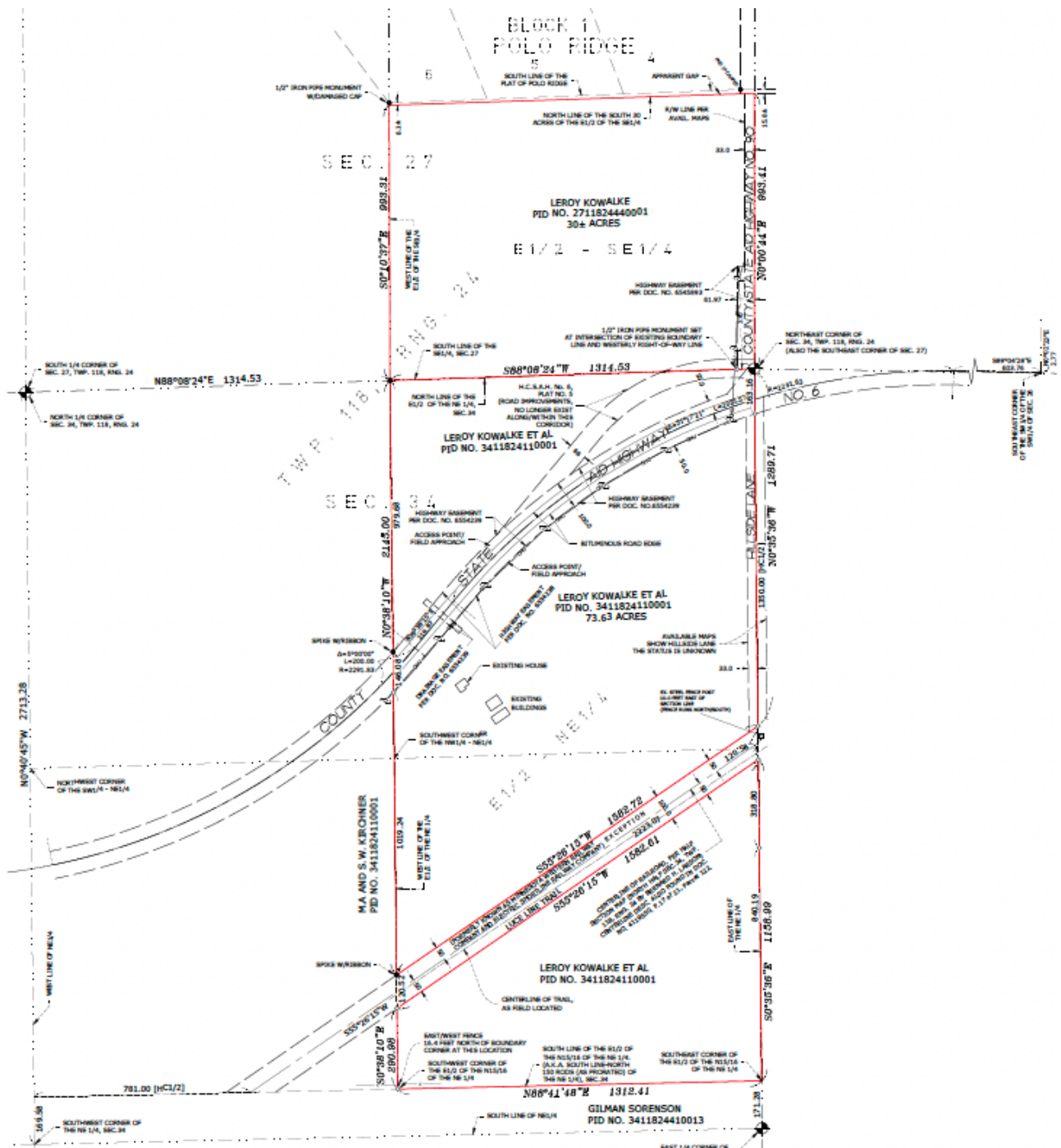
DISCUSSION

Racheal M. Holland (Applicant), of Melchert, Hubert, Sjodin, PLLP, on behalf of Margaret Kowalke (Owner), is requesting approval of a minor subdivision to rearrange the shared boundary line between two parcels of record located at and directly north of 6551 County Road 6 (PID Nos. 34-118-24-11-0001 and 27-118-24-44-0001). According to the application, the affected parcels are held by members of the Kowalke family (Margaret Kowalke, Leroy Kowalke, and the Estate of Kenneth Eugene Kowalke), who have agreed to rearrange the boundary between the two properties in connection with a family division of the land. The proposed action would relocate the common lot line so that it aligns with the southerly right-of-way line of County Road 6 (Hennepin County State Aid Highway No. 6). No new parcels would be created, and the properties would remain two parcels of record following the rearrangement.

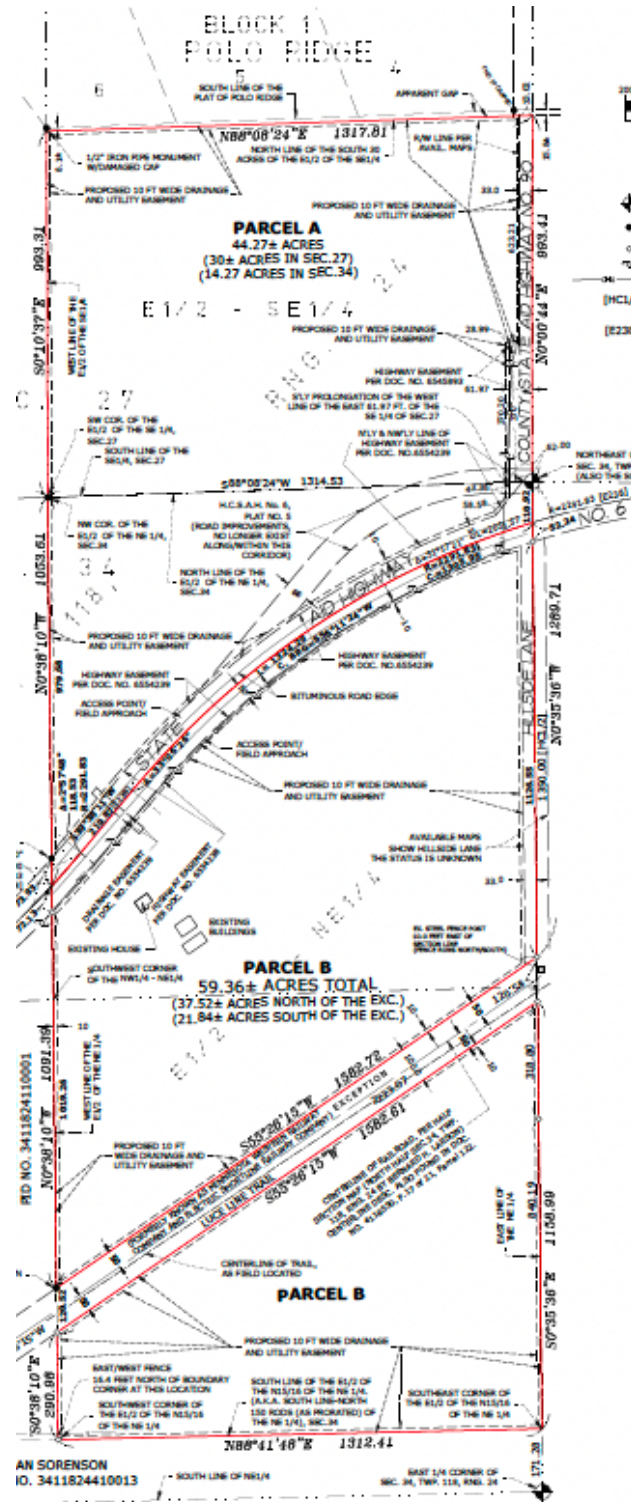
Both parcels are currently zoned Agriculture (AG) and are guided Rural Residential (RR) in the City’s Comprehensive Plan. Within the Agriculture District, the City’s Subdivision Ordinance permits only two forms of minor subdivision: lot line rearrangements and rural view lot subdivisions. Because the proposed action is a lot line rearrangement that does not create any new lots or change the number of parcels of record, it is an allowed form of minor subdivision in the AG District and is being processed by the City accordingly.

As proposed, the lot line rearrangement would transfer approximately 14.27 acres from PID 34-118-24-11-0001 (6551 County Road 6) to PID 27-118-24-44-0001 (the unaddressed parcel directly north). PID 34-118-24-11-0001 would decrease from approximately 73.63 acres in the before condition to approximately 59.36 acres in the after condition (identified as "Parcel B" on the survey). PID 27-118-24-44-0001 would correspondingly increase from approximately 30.00 acres in the before condition to approximately 44.27 acres in the after condition (identified as "Parcel A" on the survey). The combined acreage of the two parcels, approximately 103.63 acres, would remain unchanged. Before-and-after exhibits depicting the configuration of both parcels, prepared by E.G. Rud & Sons, Inc. (Job No. 260746BS, dated August 6, 2026), are included below for reference.

BEFORE – Existing Configuration



AFTER – Proposed Configuration (Parcel A / Parcel B)



Boundary Survey (Before and After) prepared by E.G. Rud & Sons, Inc., Job No. 260746BS, dated 8/06/2026

Under the existing configuration, the boundary of PID 34-118-24-11-0001 crosses County Road 6, with a portion of that parcel lying north of the road and the remainder (including the existing house and farm buildings) lying south of the road. The proposed rearrangement would relocate the shared boundary so that it aligns with the southerly right-

of-way line of County Road 6, resulting in each parcel lying entirely on one side of the road: PID 27-118-24-44-0001 (Parcel A) would lie entirely north of County Road 6, and PID 34-118-24-11-0001 (Parcel B) would lie entirely south of County Road 6, consistent with the existing farmstead and access on that parcel. Staff finds that the proposed rearrangement results in cleaner, more logical property lines that no longer cross the county road.

No building construction, development, or change in use of either property is proposed in connection with the lot line rearrangement.

Zoning Ordinance Compliance

The City's Subdivision and Zoning Ordinance provisions allow lot line rearrangements as a form of minor subdivision within the Agriculture (AG) Zoning District, provided the rearrangement does not create any new parcels. As proposed, no new parcels are being created; the rearrangement affects only the location of the shared boundary between the two existing parcels of record. Both parcels will continue to have direct frontage and access on County Road 6 following the rearrangement. The rearrangement would also bring the north lot Parcel A into compliance with applicable AG-Minimum lot size requirements of 40 acres. Staff did not identify any other issues relating to the proposed minor subdivision, and the proposal appears to meet all applicable criteria for a lot line rearrangement in the AG District.

Additional Considerations

Staff notes that both resulting parcels will be in excess of the 40-acre threshold generally associated with a dwelling unit entitlement in the Agriculture District (approximately 44.27 acres and 59.36 acres, respectively). Accordingly, the proposed lot line rearrangement does not reduce the number of dwelling unit entitlements associated with either parcel. Staff further notes that the properties would likely need to be rezoned to Rural Residential (RR) prior to any future development consistent with the Comprehensive Plan's guided density, at which point the standards of the RR District, rather than the AG District, would govern development potential. The lot line rearrangement itself does not require or trigger rezoning, and no rezoning is being requested as part of this application.

NEIGHBOR COMMENTS

No neighbor comments have been received at the time of preparation of this staff report. Any written comments received prior to or at the public hearing will be forwarded to the Planning Commission for consideration.

Should the Planning Commission recommend approval of the requested minor subdivision (lot line rearrangement), staff recommends the findings and conditions set forth below.

Recommendation

Findings:

- The proposed minor subdivision meets all applicable conditions and requirements of the City's Subdivision Ordinance and Zoning Ordinance applicable to lot line rearrangements within the Agriculture (AG) Zoning District.
- The proposed lot line rearrangement does not create any new parcels; the two parcels of record located at and directly north of 6551 County Road 6 will remain two parcels of record following the rearrangement.
- PID 34-118-24-11-0001 (6551 County Road 6) will be reduced from approximately 73.63 acres to approximately 59.36 acres, and PID 27-118-24-44-0001 (directly north, address unassigned) will be increased from approximately 30.00 acres to approximately 44.27 acres; the combined acreage of approximately 103.63 acres will remain unchanged.
- The rearranged boundary will align with the southerly right-of-way line of County Road 6 (CSAH 6), eliminating the

existing condition in which the boundary of PID 34-118-24-11-0001 crosses County Road 6.

- Both resulting parcels will remain well in excess of the 40-acre threshold generally associated with a dwelling unit entitlement in the Agriculture District; the rearrangement does not reduce the number of dwelling unit entitlements associated with either parcel.

Recommended Conditions of Approval:

- The lot line rearrangement shall be completed in accordance with the Boundary Survey (Before and After) prepared by E.G. Rud & Sons, Inc. (Job No. 260746BS), dated August 6, 2026, submitted with the application.
- The applicant shall record the revised legal descriptions and/or a new certificate of survey reflecting the approved lot line rearrangement with Hennepin County and shall provide the City with a copy of the recorded documents.
- Any future rezoning or development of either parcel shall be subject to separate review and approval by the City.
- The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.

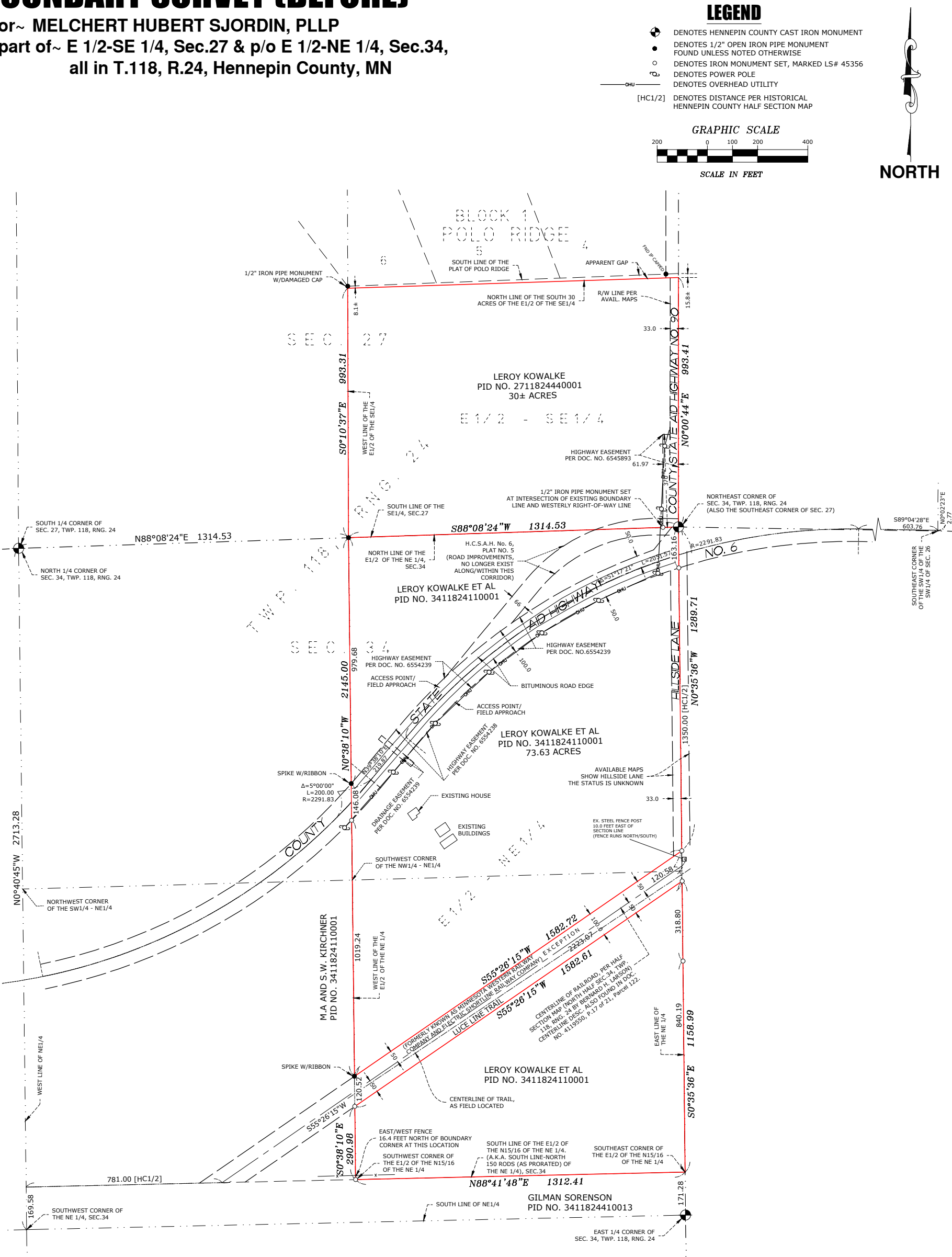
Attachments: Application

Boundary Survey – Before and After (E.G. Rud & Sons, Inc., Job No. 260746BS)

Aerial Exhibit

BOUNDARY SURVEY (BEFORE)

~for~ MELCHERT HUBERT SJORDIN, PLLP
~part of~ E 1/2-SE 1/4, Sec.27 & p/o E 1/2-NE 1/4, Sec.34,
all in T.118, R.24, Hennepin County, MN



EXISTING PROPERTY DESCRIPTION

(Per Warranty Deed Doc. No. 5125065)

PID NO. 2711824440001

The South 30 acres (also known as the South 60 rods) of the East Half of the Southeast Quarter of Section 27, Township 118, Range 24.

(Hennepin County, Minnesota.)

EXISTING PROPERTY DESCRIPTION

(Per Warranty Deed Doc. No. 8412068)

PID NO. 3411824110001

The East Half of the North 15/16ths of the Northeast Quarter of Section Thirty-four (34) Township One Hundred Eighteen (118), Range Twenty-four (24), Except the right of way of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail, according to the Government Survey thereof.

(Hennepin County, Minnesota)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/29/2026.
- Bearings shown are based on the Hennepin County Coordinate System NAD83 (86 adj.).
- Parcel ID Numbers: 2711824440001 & 3411824110001.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON
Date: 8/06/2026 License No. 45356

DRAWN BY:	JMM	JOB NO:	260746BS	DATE:	08/06/26
CHECK BY:	KDN	FIELD CREW:	JM		
1					
2					
3					
NO.	DATE	DESCRIPTION		BY	

E. G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2026

BOUNDARY SURVEY (AFTER)

PROPOSED PARCEL A & B DESCRIPTIONS

PARCEL A

The South 30 acres (also known as the South 60 rods) of the East Half of the Southeast Quarter of Section 27, Township 118, Range 24, Hennepin County, Minnesota.

AND

That part of the East Half of the North 15/16th of the Northeast Quarter of Section 34, Township 118, Range 24, according to the Government Survey thereof, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the Northeast Quarter of said Section 34; thence South 00 degrees 35 minutes 36 seconds East, assumed bearing, along the East line of said Northeast Quarter of Section 34, a distance of 110.92 feet to the Point of Beginning of the line to be described; thence southwesterly 1324.29 feet along a non-tangential curve, concave to the southeast having a radius of 2291.83 feet, a central angle of 33 degrees 06 minutes 26 seconds, and a chord bearing of South 56 degrees 11 minutes 24 seconds West; thence South 39 degrees 38 minutes 11 seconds West, tangent to last described curve, 219.87 feet; thence southwesterly 118.53 feet along a tangential curve concave to the northwest having a radius of 2291.83 feet, a central angle of 02 degrees 57 minutes 48 seconds to the West line of said East Half of the Northeast Quarter and said line there terminating.

This parcel contains 44.27 acres, more or less, and is subject to any and all easements of record.

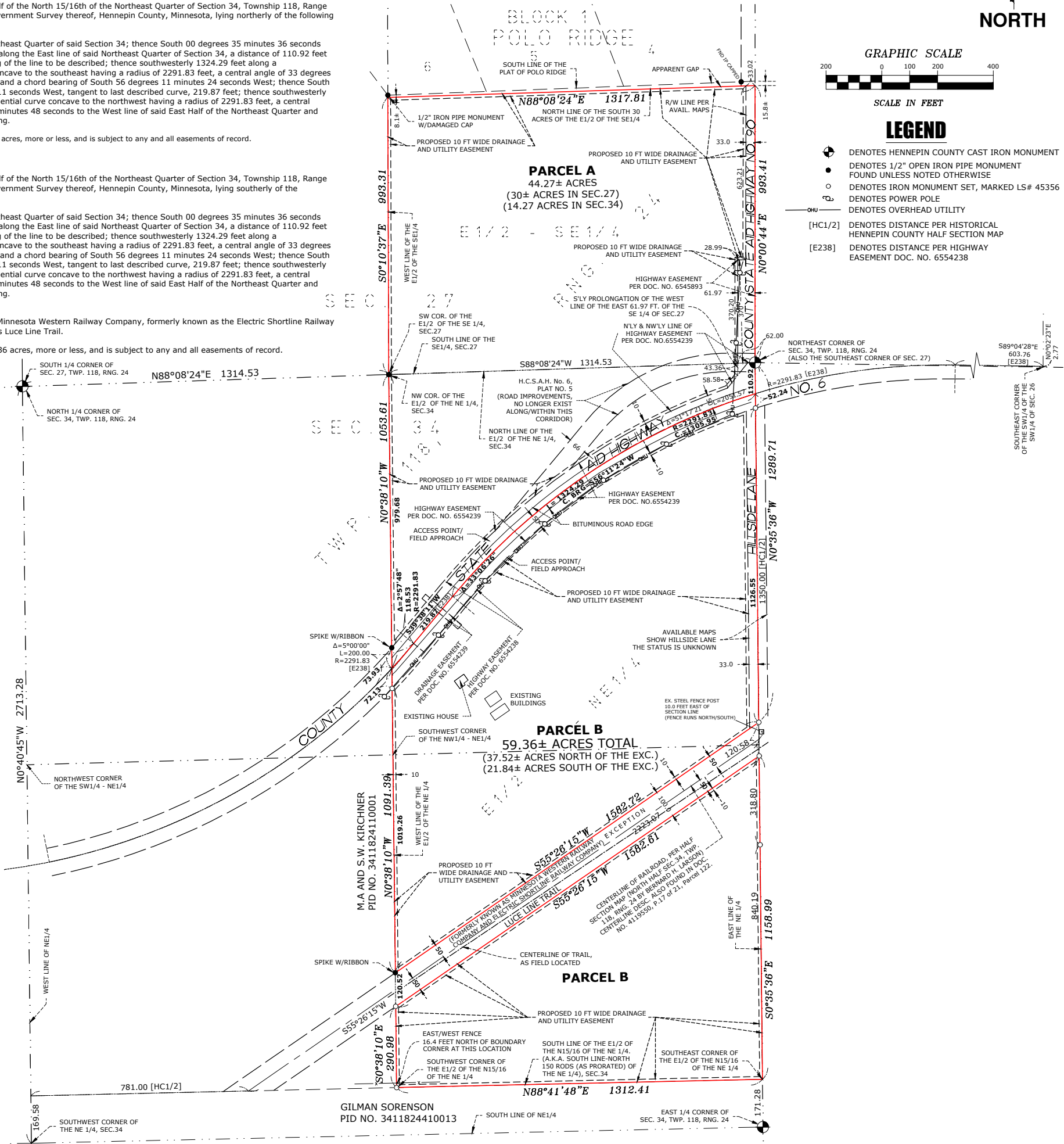
PARCEL B

That part of the East Half of the North 15/16th of the Northeast Quarter of Section 34, Township 118, Range 24, according to the Government Survey thereof, Hennepin County, Minnesota, lying southerly of the following described line:

Commencing at the Northeast Quarter of said Section 34; thence South 00 degrees 35 minutes 36 seconds East, assumed bearing, along the East line of said Northeast Quarter of Section 34, a distance of 110.92 feet to the Point of Beginning of the line to be described; thence southwesterly 1324.29 feet along a non-tangential curve, concave to the southeast having a radius of 2291.83 feet, a central angle of 33 degrees 06 minutes 26 seconds, and a chord bearing of South 56 degrees 11 minutes 24 seconds West; thence South 39 degrees 38 minutes 11 seconds West, tangent to last described curve, 219.87 feet; thence southwesterly 118.53 feet along a tangential curve concave to the northwest having a radius of 2291.83 feet, a central angle of 02 degrees 57 minutes 48 seconds to the West line of said East Half of the Northeast Quarter and said line there terminating.

EXCEPT
The right of way of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.

This parcel contains 59.36 acres, more or less, and is subject to any and all easements of record.



PARCEL A, PROPOSED DESCRIPTION OF DRAINAGE & UTILITY EASEMENTS

A 10.00 foot wide perpetual easement for drainage and utility purposes over, under and across part of the South 30 acres (also known as the south 60 rods) of the East Half of the Southeast Quarter of said Section 27, and over, under and across part of the East Half of the North 15/16th of the Northeast Quarter of Section 34, all in Township 118, Range 24, Hennepin County, Minnesota, the sideline of said drainage and utility easement being parallel with and distant 10.00 feet to the right of (as measured perpendicular to) the following described line:

Commencing at the northeast corner of said Section 34, the same being the southeast corner of said Section 27; thence westerly along the north line of said Section 34 (south line of said Section 27) 62.00 feet to the intersection with the west line of the East 61.97 feet of said Southeast Quarter of said Section 27 and the point of beginning of said line to be described; thence southerly along the southerly prolongation of said west line of the East 61.97 feet of said Southeast Quarter of said Section 27 a distance of 43.36 feet to the northwesterly line of a permanent easement for highway purposes described in Document No. 6554239; thence southwesterly along said northwesterly line 58.58 feet; thence southwesterly continuing along said northwesterly line 1545.88 feet, more or less, to the west line of said East Half of the Northeast Quarter of said Section 34; thence northerly along last said West line 979.68 feet to the northwest corner of said East Half of the Northeast Quarter of said Section 34; thence continuing northerly along the west line of said East Half of the Southeast Quarter of said Section 27, a distance of 993.31 feet, more or less, to the north line of said South 30 acres (also known as the south 60 rods) of the East Half of the Southeast Quarter; thence easterly along last said North line 1284.79 feet, more or less, to the westerly right-of-way line of Hennepin County State Aid Highway No. 90; thence southerly along last said westerly right-of-way line 623.21 feet, more or less, to the north line of the South 370 feet of said South 30 acres (also known as the south 60 rods) of the East Half of the Southeast Quarter of said Section 27, last said north line being the northerly line of a permanent easement for highway purposes described in Document No. 6545893; thence westerly along last said North line 28.99 feet to the northwest corner of said permanent easement for highway purposes described in Document No. 6545893; thence southerly along the West line of the East 61.97 feet of said South 30 acres (also known as the south 60 rods) of the East Half of the Southeast Quarter (said west line also being the west line of said permanent easement for highway purposes described in Document No. 6545893) and it's southerly prolongation 370.20 feet to the point of beginning and said line there terminating.

Also

A perpetual easement for drainage and utility purposes over, under and across part of said Northeast Quarter of Section 34, lying easterly of the southerly prolongation of the west line of the East 61.97 feet of said Southeast Quarter of said Section 27 and northwesterly of the northwesterly line of said permanent easement for highway purposes described in Document No. 6554239.

PARCEL B, PROPOSED DESCRIPTION OF DRAINAGE & UTILITY EASEMENTS

Perpetual easements for drainage and utility purposes over, under and across part of the East Half of the North 15/16th of the Northeast Quarter of Section 34, Township 118, Range 24, described as follows:

A 10.00 foot wide strip of land lying southerly of and adjoining the southeasterly right-of-way line of Hennepin County State Aid Highway No. 6, as described in Document No. 6554238 and in Document No. 6554239.
ALSO
The West 10.00 feet of the East 43.00 feet of said East Half of the North 15/16th of the Northeast Quarter of Section 34, lying southerly of the southeasterly line of Hennepin County State Aid Highway No. 6 as described in Document No. 6554239 and lying northerly of the northwesterly right-of-way line of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.
ALSO
The East 10.00 feet of said East Half of the North 15/16th of the Northeast Quarter of Section 34, lying southerly of the southeasterly right-of-way line of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.
ALSO
The West 10.00 feet of said East Half of the North 15/16th of the Northeast Quarter of Section 34, lying southerly of the southeasterly line of Hennepin County State Aid Highway No. 6 as described in Document No. 6554239, Except the right-of-way of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.
ALSO
The South 10.00 feet of said East Half of the North 15/16th of the Northeast Quarter of Section 34.
ALSO
A 10.00 foot wide strip of land lying northerly of and adjoining the northwesterly right-of-way line of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.
ALSO
A 10.00 foot wide strip of land lying southerly of and adjoining the southeasterly right-of-way line of the Minnesota Western Railway Company, formerly known as the Electric Shortline Railway Company, now known as Luce Line Trail.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/29/2026.
- Bearings shown are based on the Hennepin County Coordinate System NAD83 (86 adj.).
- Parcel ID Numbers: 2711824440001 & 3411824110001.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON

Date: 8/06/2026 License No. 45356

DRAWN BY: JMM	JOB NO: 260746BS	DATE: 08/06/26
CHECK BY: KDN	FIELD CREW: JM	
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NO.	DATE	DESCRIPTION
		BY

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