



PLANNING COMMISSION MEETING AGENDA
TUESDAY, JULY 15, 2025

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 Thompson at 7:30 p.m.

2. **Roll Call**

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

3. **Approval of Minutes:**

- a. June 24, 2025, Planning Commission Meeting Minutes.
- b. June 24, 2025, City Council Meeting Minutes (For Information Only).

Motion by Dumas, seconded by Usset to approve the minutes. Ayes: Gardner, Dumas, Tearse, Volkenant and Usset. Nays: None. Absent: Thompson & Story. Abstain: None. Motion Approved. 5-0

4. **PUBLIC HEARING:** Sean Keating (Applicant/Owner) requests that the City consider the following action for the Properties located at 1875 Highsted Dr., Independence, MN (PID No.s 20-118-24-42-0002 and 20-118-24-42-0001):

- a. A minor subdivision to allow a lot line rearrangement to realign the existing property line that separates the two properties. The proposed lot line rearrangement would shift the boundary away from the existing house and to the east which would bring the existing house into conformance with applicable building setbacks.

City Administrator Mark Kaltsas presented the request, explaining that Sean Keating owns both subject properties at 1875 Highstead Drive. He noted there was "a unique situation where there's 2 properties and there's a home which was constructed, and the property line dividing those 2

properties actually runs through a little piece of the home." Kaltsas stated he was "not sure the history of how that actually occurred or when or where that occurred," but noted both properties would be considered legal nonconforming in their current condition.

Kaltsas detailed that Highstead Drive comes off Pioneer Creek Drive just west of County Road 92. The property at 1875 Highstead has the existing home and is zoned agriculture, guided by the city's comprehensive plan as agriculture. In the before condition, it's about 29 acres. The second property with an unassigned address is directly adjacent and also zoned agriculture, comprising 10.42 acres in the before condition.

The applicant proposed to relocate the lot lines to "create more of a proper lot that would then also allow frontage for the existing 1875 Highstead property." Kaltsas explained, "In the after condition, we'd really end up with still a 29 acre and a 10 acre parcel. We just have a different orientation of the 10 acre parcel. It'd be more of a north south orientation rather than an east west."

This rearrangement would bring both properties into full compliance with all setbacks and provide frontage on the Highstead cul-de-sac to both properties, "even though it's really creating kind of a quasi flag lot. It's a much better situation than what existed in the precondition."

Staff noted advantages to the lot line rearrangement, with the only requirement being that the applicant provide requisite drainage and utilities as required for any subdivision. The city had not received any written or oral comments prior to the meeting.

Chair Gardner questioned the 60-foot wide access that makes it a flag lot, asking if it was preferable to having an easement. Kaltsas confirmed, "Having a full access owning actually out to the right of way would, I think, is a better situation for the owners if it ever sells as 2 properties. It just gives you a much better control than having an easement would."

Gardner initially thought there was a gap between the two property lines but realized it was just the graphic representation. Kaltsas confirmed the properties are contiguous.

Chair Gardner opened the public hearing. No members of the public came forward to speak.

Motion by Timothy Usset, seconded by Commissioner Dumas, to close the public hearing. Motion carried unanimously.

Motion by Timothy Usset to recommend approval of the requested minor subdivision located at 1875 Highstead Drive, subject to staff recommendations 1 through 4. Motion seconded. Motion carried unanimously. 5-0

Kaltsas informed the applicant that this would go to City Council on August 5th.

5. **PUBLIC HEARING:** Scott Kirchner (Applicant) and Leroy Kowalke Et Al (Owner) requests that the City consider the following action for the Property located at 6551 County Road 6, Independence, MN (PID No. 34-118-24-12-0001):

- a. A minor subdivision to allow a rural view lot subdivision. The proposed rural view lot would be 10 acres and located on the south side of County Road 6 along the east property line.

Kaltsas presented the request, noting that Scott Kirchner is now the owner as the sale has closed. The property is located on both the north and south sides of County Road 6, just west of the intersection with County Road 90. The property is currently vacant with wetlands, wooded areas, and upland pasture. It's zoned agriculture and guided for long-term agriculture, "just on the west side of our north south dividing line between rural residential and long term agriculture."

The property is approximately 71 acres in the before condition. The applicant is asking to split off a 10-acre parcel on the south side of County Road 6. In the after condition, there would be a 10-acre parcel on the south side and a remainder parcel of approximately 61 acres including property on both the north and south sides as well as some property south of the Luce Line Trail.

Kaltsas explained the city's rural view lot provisions: "for every 40 acres of contiguous land owned, you have the ability to realize 1 rural view lot density." Rural view lots must be between 2.5 and 10 acres, have minimum frontage on a public road (300 lineal feet for 5-10 acre lots), maintain a lot depth ratio of no more than 1:4, and have at least 2.5 acres of upland. The proposed lot meets all requirements with 10 acres, 839 feet of frontage, approximately 1:1.5 depth ratio, and nearly 100% upland.

Kaltsas noted requirements including an on-site septic report (to be provided before council consideration), obtaining driveway access from Hennepin County, park dedication, and providing drainage and utility easements for both properties. He mentioned that Hennepin County's engineer "said that they don't foresee any issue granting an access off of County Road 6."

Regarding future eligibility, Kaltsas stated, "the applicant would not have any rural view lot eligibilities in the future." He also noted the split property issue: "You're still going to have a property that has a north side and a south side bisected by County Road 6."

Commissioner Dumas asked about the triangle south of the Luce Line Trail and access issues. Scott Kirchner, the applicant, came forward to explain: "The triangle you're referencing is right there south of the Luce Line, so it does not encompass this proposed 10 acre parcel." He clarified they plan to build their home on the north side of County Road 6 on what they call "the north 40," while the triangle would remain as "god's country or hunting land."

Kirchner confirmed they're maintaining trail access and view it "as an amenity to the area and something that the community can enjoy." He had received email confirmation from the county approving driveway access for a single-family residence and would have septic sites identified after the hay is cut the following week. A wetland delineation confirmed no wetlands on the proposed 10-acre parcel.

Commissioner Dumas asked about access to the northern property. Kirchner explained it would be "on the southwest corner of the northern 40, right pretty much straight across from Ingerson" where there's an existing field drive, and the county has approved driveway access.

Kirchner then raised a point of disagreement about rural view lot eligibility, arguing that with County Road 6 dividing the property, the situation is comparable to 80 contiguous acres. He stated, "if you look at 80 contiguous acres, it doesn't have a county road running through the middle of it. That 80 contiguous acres could have a primary home and 2 rural view lots... But in this case, having County Road 6 running through the property... you would only end up with 2 roof lines potentially on the south side, and 1 on the north side being ours."

Chair Gardner asked if Kirchner would pursue two rural view lots if allowed, to which Kirchner replied, "Yeah. Absolutely." Discussion ensued about nominal 80s and 40s, with Gardner noting "none of these 80 acre parcels ever come up to be have 80 acres in them." He thought there would be wiggle room in the nominal status.

Kaltsas responded that someone could argue this is a nominal 80, noting it's unique with "multiple bites out of it from the roads." Including road right-of-ways, there's approximately 78 acres total. He mentioned they've done some nominal 40s previously but wasn't sure about 80s specifically.

The discussion continued about precedent and interpretation versus hardship. Timothy Usset stated, "I guess I would say that's not what we're considering. That's not on the written proposals."

Chair Gardner suggested, "you're always welcome to come back in and ask for another one in the future." After further debate about whether to include the restriction about future eligibility, Usset stated he would "make the motion to approve it as written, but I think we just need to keep the issue separate."

Chair Gardner opened the public hearing. No members of the public came forward to speak.

Motion by Leith Dumas, seconded, to close the public hearing. Motion carried unanimously.

Motion by Timothy Usset to recommend approval of the minor subdivision to allow a rural view lot located at 6551 County Road 6, subject to staff recommendations 1 and 2, inclusive of 2a through e. Motion seconded by Robert Gardner. Motion carried unanimously. 5-0

Kaltsas noted this would go to City Council on August 5th, clarifying that the meeting time is 5 o'clock due to the Night to Unite celebration.

6. Open/Misc.

There was brief discussion about the changed meeting time for the August 5th City Council meeting, but no other business was brought forward.

7. Adjourn.

Motion by Tearse, seconded by Usset to adjourn the meeting at 8:28pm. Motion Approved. 5-0

Respectfully Submitted,

Amber Simon/Recording Secretary