



**PLANNING COMMISSION MEETING AGENDA
TUESDAY, SEPTEMBER 16, 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, Thompson, Tearse, Volkenant, Alternates Story and Usset
ABSENT: Dumas
STAFF: City Administrator Kaltsas, Administrative Services Director Simon
VISITORS: Mayor Spencer, Mayor Emeritus Johnson, Councilmember Grotting, Residents Darrin Rosha, Sam Stern and Leslie Locke

3. Approval of Minutes:

- a. July 15, 2025, Planning Commission Meeting Minutes.
- b. September 2, 2025, City Council Meeting Minutes (For Information Only).

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

- 4. PUBLIC HEARING:** AT&T (Applicant) requests that the City consider the following action for the property located at 3310 County Line Road, Independence, MN (PID No. 07-118-24-33-0004):
- a. A conditional use permit amendment to allow the upgrade and replacement of cellular antennas on the existing wireless tower and ground equipment located on the subject property.

City Administrator Mark Kaltsas presented AT&T's request for a conditional use permit amendment for the property at 3310 County Line Road. He explained that AT&T approached the

city about making modifications to antennas, radio equipment, and ground-mounted equipment associated with their cellular tower.

Kaltsas noted that the property is zoned agriculture, guided by the city's comprehensive plan as agriculture, and is about 6.8 acres in size. The existing cellular antenna and ground equipment are located in the southeast corner of the property. The city has previously granted two conditional use permits for the two users on the tower (AT&T and Verizon).

He detailed that AT&T is proposing to relocate three antennas, install three new antennas, remove twelve radios, install six new radios of one frequency and three of another, along with six new filters, a DC trunk cable, and an XMU baseband on their existing cabinet. Kaltsas explained that the changes represent an intensification of equipment on the tower compared to the current condition.

The city received a third-party structural analysis confirming the tower can handle the new equipment. Kaltsas noted that no public comments had been received prior to the meeting.

Commissioner Thompson asked whether the applicant submits electrical or RF engineering documentation about increased intensity. Kaltsas explained that RF emissions are federally regulated and not specifically reviewed by the city. He confirmed that a building permit would be issued for the changes to ensure structural integrity, and electrical permits might be needed from the state.

Chair Gardner opened the public hearing. There were no speakers.

Motion by Story, seconded by Thompson to close the public hearing. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

Motion by Thompson, seconded by Story to approve the amendment to the CUP for AT&T Wireless at 3310 County Line Road, subject to staff recommendations 1 through 4. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

Kaltsas noted that the matter would go before the City Council on October 7th.

5. **PUBLIC HEARING:** Greg A Jurvakainen (Applicants) and Carter Berkleman (Owner) request that the City consider the following action for the properties located at 6785 Highway 12, Independence, MN (PID No. 22-118-24-42-0001) and the property to the south that does not have an address but is identified by the following PID Number (PID No. 22-118-24-31-0002):

- a. A minor subdivision to allow a lot line rearrangement between the two subject properties. The minor subdivision would add approximately 50' to the south side of the 6785 Highway 12 property.

City Administrator Mark Kaltsas presented the request for a minor subdivision to allow a lot line rearrangement between the properties at 6785 Highway 12 and the unaddressed property to the south. The proposal would increase the 6785 Highway 12 property from 5.61 acres to 7.4 acres, while the larger property would decrease from 125.1 acres to 123.31 acres.

Kaltsas explained that the properties are located on the south side of Highway 12 just west of County Road 90. The property at 6785 Highway 12 has an existing home, while the unaddressed property has accessory buildings but no principal structure. Both properties are zoned agriculture and guided agriculture by the city's comprehensive plan.

The applicant approached the city about this lot line rearrangement to allow the existing house to be expanded without requiring variances from applicable setbacks. Kaltsas noted that the existing property is considered lawful nonconforming due to lot frontage on Highway 12 and because it has a septic easement on the adjacent property. The proposed rearrangement would incorporate the drain field onto the property with the house, improving the situation.

Chair Gardner noted that he had spoken with Mark Bendickson, a neighboring property owner, who had no issues with the proposal.

Chair Gardner opened the public hearing. There were no speakers.

Motion by Thompson, seconded by Tearse to close the public hearing. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

Motion by Story, seconded by Tearse to approve the proposal for 6785 Highway 12 pending staff recommendations 1 through 3. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

6. 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 16.9 acres and located on the south side of County Road 6 along the east property line.
- b. A variance to allow a rural view lot to exceed the maximum size of 10 acres.

City Administrator Mark Kaltsas presented the request for a minor subdivision to allow a rural view lot subdivision along with a variance to allow the rural view lot to exceed the maximum size of 10 acres.

Kaltsas explained that the property is located on the north and south sides of County Road 6, just west of the intersection with County Road 90. The property is currently vacant, zoned agriculture, and guided by the city's comprehensive plan as agriculture.

He noted that the applicant had previously approached the city in June and received approval for a 10-acre rural view lot on the south side of County Road 6. Now, the applicant is requesting consideration of an additional rural view lot eligibility based on an interpretation of the ordinance that would consider the property as two quarter-quarter sections, even though it falls short of the full 80 acres due to the railroad right-of-way that cuts through the property.

Kaltsas explained the city's ordinance regarding rural view lot eligibility, which states that a lot of record originally subdivided into a quarter-quarter section (40 acres) that has not been further subdivided shall be deemed a 40-acre parcel for determining eligibility. He noted this provision was created to address properties that were slightly smaller than 40 acres due to surveying errors.

In this case, the applicant is requesting both an interpretation that would grant a second rural view lot eligibility and a variance to allow a 16.9-acre rural view lot instead of the maximum 10 acres. The larger lot size would incorporate a 1.47-acre remnant piece on the south side of the Luce Line Trail that would otherwise be awkwardly attached to the proposed parcel on the North side of the Luce Line Trail.

The commissioners discussed whether the property qualified as a "nominal 80" acres. They noted that even including road rights-of-way, the property was approximately 76.8 acres, falling short of 80. They also discussed that the property had already been subdivided once with the approval of the first rural view lot.

Chair Gardner opened the public hearing.

Sam Stern, a resident at 175 Game Farm Road, expressed concern about increasing housing density in the area. He noted that when he bought his property in 2004, he was told he couldn't subdivide his land due to the 40-acre minimum requirement. He worried that making exceptions would set a precedent and change the rural character of Independence.

Leslie Locke, a resident at 75 Ingerson Road, stated that "80 is 80" and that residents have had to abide by the established rules. She expressed concern that changing the rules would push out current residents who use their properties for agricultural purposes, noting that seven residents on her road have horses.

Darrin Rosha, a resident at 315 Ingerson Road, argued that the nominal rule is an equitable provision designed to address errors that weren't the fault of the landowner. He emphasized that the applicant purchased the property knowing how many acres it contained and that it fell short

of 80 acres. He stated there was no equitable justification for granting the variance and urged the commission to preserve the rural character of Independence.

Kaltsas read a letter from Gary Spiech of 225 Ingerson Road, who stated opposition to any changes to the code to accommodate the new property owner, noting the owner knew the rules when purchasing the property.

Motion by Story, seconded by Thompson to close the public hearing. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

The commissioners discussed the application further, with Commissioner Thompson noting that the property did not qualify as 80 acres, did not meet the special provision for nominal 40-acre parcels, and had already been subdivided once. The commission felt there was no path to approving the application under current ordinances.

Motion by Thompson, seconded by Story to deny the application for a minor subdivision and variance to extend the size of a rural lot beyond 10 acres, reasoning that the property is short of 80 acres, it does not qualify for nominal 80 acres as the ordinance only addresses 40 acres, and it has been subdivided in the past. Ayes: Gardner, Thompson, Tearse, Volkenant and Story. Nays: None. Absent: Dumas. Abstain: None. Motion Denied. 5-0

The commissioners discussed the application further, with Commissioner Thompson noting that the property did not qualify as 80 acres, did not meet the special provision for nominal 40-acre parcels, and had already been subdivided once. The commission felt there was no path to approving the application under current ordinances.

Kaltsas noted that the matter would go to the City Council on October 7th.

6. Open/Misc.

City Administrator Kaltsas provided an update on the gravel road restoration project, which had been delayed due to rain. He mentioned that silt fence installation and product delivery had begun, and residents on affected roads would receive letters about the timing for their particular phase.

There was brief discussion about a large barn being built on the southeast corner of County Road 6 and 110. Kaltsas explained it would house a ceramics/pottery studio for the owner who is an artist, along with living space for a family member.

7. Adjourn.

Motion by Thompson, seconded by Tearse to adjourn the meeting at 8:34pm.

Motion Approved. 5-0

Respectfully Submitted,

Amber Simon/Recording Secretary