



PLANNING COMMISSION MEETING AGENDA
TUESDAY MAY 20, 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, Dumas & Alternate Story
ABSENT: Volkenant and Alternate Usset
STAFF: City Administrator Kaltsas, Administrative Services Director Simon
VISITORS: See Sign in

3. **Approval of Minutes:**

- a. April 15, 2025, Planning Commission Meeting Minutes.
- b. May 6, 2025, City Council Meeting Minutes (For Information Only).

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

4. **PUBLIC HEARING** - Tyler and Kaitlin Johnson (Applicant/Owner) are requesting the following actions for the property located at 4610 Lake Sarah Dr. S. (PID No. 02-118-24-21-0001) in the City of Independence, MN.

- a. A variance to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.

A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.

Discussion:

Kaltsas noted the property is zoned RR, in the shoreland overlay and guided as RR. Applicant is proposing a minor subdivision. The proposed lots would create a 1 acre parcel on the North

parcel and a 0.62 acre parcel on the South parcel. There is an existing home with a garage on the existing parcel and it is 1.62 acres in overall size. Applicants came before the city in October of last year and they then withdrew their application from going any further so they could review comments from the Planning Commission and city. They submitted a new application to subdivide the property without asking for a variance for the structure and setbacks. In looking at the request, shoreline lots require a minimum of 1 acre in size. The lot against the shoreline would meet those requirements, however the lot on Lake Sarah would only be 0.62 acres. The existing lot does not meet the current requirements, so they are not making it worse. The new lot would be within all requirements. The city noted previously that the shoreline lot would be able to connect to Shady Beach Circle, would have 49.03ft of ROW frontage. They would also connect to city sewer. There are a wide array of property sizes in the area and the lake lot sizes and setbacks vary widely all around the lakes and shoreland areas. This property is very unique as the wetland bisects the property and it has frontage on two roads. The proposed home aligns with the zoning for RR and shoreland overlay. The city noted that 4 letters of support were provided to the planning commission and the city did not receive any public comments prior to tonight's meeting regarding the variance for not meeting minimum lot size of the South parcel.

Story – looking at the notes from the previous meeting on this, they were requesting a private easement and second dock. Was there any mention on that?

Kaltsas – in the application today, nothing was shown or mentioned granting additional access. It is not a part of this subdivision request.

Thompson – the house isn't a part of this plan. Does the city have standards that show livability requirements to some degree that a house can actually go there?

Kaltsas – the city did look at the building pad showing the setbacks. It looks correct. It is a sizable building pad exceeding our minimum requirements. The applicant is proposing bringing a building permit to the city that would meet the requirements. We would review it as a building permit at that time. Soils are another consideration they would have to look at.

Gardner – is there an issue with the setbacks from the buffer?

Kaltsas – the proposed buffer was acceptable according to the watershed. They reduced the buffer for a portion from 25ft to 10ft. They would have to meet the minimum setbacks and then they can expand the buffer on the other side which is considered equal water quality benefits.

Public Hearing Opened

Letters of support came from the following properties:

4614 S Lake Sarah Dr

4620 S Lake Sarah Dr

4625 S Lake Sarah Dr

4560 Shady Beach Circle

Daryl Jorgenson stated that they developed a lot of this neighborhood. He said they considered buying that parcel 8-10 years ago and were told no because they couldn't separate it. The people before the Johnsons were told the same thing. Now Tyler bought it and they are willing to separate it. Council said no last Fall and they withdrew their application. We are law abiding citizens. He stated he would have purchased the property had they known they could separate it.

Lindy Nelson Klaers asked what is going to stop this from everyone wanting to do this. She said no disrespect to the Johnsons, but then everyone is going to want to separate their lots. As far as taxes, take a vote for taxes on that road. You need to consider that everyone will want to do this.

Matt Strobl – 4625 S Lake Sarah Dr – stated that he is a real estate agent and he fully endorses the Johnsons moving forward with this project. He said when the Johnsons purchased this lot they didn't intend to split it. They have a growing family and they are looking to stay in the neighborhood. The 5 properties to the East of this home sit on similar lots to this lot if they were to subdivide it off. The use or look of this won't change in value. It would cause the flow to be more relevant than to what it does now. Knowing them, following plans, they would work hand in hand with the city to meet all standards.

Lindy Nelson said she is on a dead end. No one else is driving through there. That's a bid deal. The privacy, traffic and building a house there. It's not fair.

Katie Johnson thanked the planning commission. She said this has been brought up a lot. She thanked the neighbors for their concern. She said they took all the feedback into account and the city as well. They are trying to make this as possible as it can be. She said they don't want to set a precedence. She said she cares a lot about the water quality. There is no proposed easement, just their own personal dock. She said the lake lot will be 1 acre in size so there is no precedence on the lake and it would be conforming.

Story seconded by Dumas to close Public Hearing

Thompson asked when the shoreland overlay come into being.

Kaltsas said around 1982. It has been amended between 1999-2001.

Thompson said they took all the feedback and make the lakeside 1 acre in size. There is isn't a variance request. This is a dramatically different proposal than we previously seen last Fall. He said his take is it's the same house as it is right now with the wetland. The setback from the property lines are all within requirements. The new property line only causes one property to adjoin two properties, creating two neighbors where there was one. That was addressed. There are no longer building variances. This would be subject to many other things.

Gardner said this is very unique. Subdivided, these are the two biggest lots in the 30 lots that join the lake. They are all tiny lots otherwise. He said it fits in without causing more pain. And it doesn't set a precedent.

Story said it is a unicorn property.

Dumas said they solved all the variance and setback issues. He said he noticed the pad is off the far corner of the garage of the neighbors so visually it is better and the lot conforms.

Kaltsas said if this was approved this would be a buildable lot. They would pull a building permit. The max impervious surface coverage is 25%. Standards would have to be satisfied with the city. He said he would note that wetland setbacks, impervious surface coverage, drainage and grading would all be looked at. They did a three-lot plat and that's how they had to do that to get those lots. This helps planning commission to not set a precedence because they are maintaining

the 1 acre's minimum lot size on lakes. Any other lot on the lake would not be able to subdivide and still maintain the minimum lot size. No other lot is connected be two different streets.

Motion by Thompson, seconded by Tearse to approve the variance and minor subdivision subject to staff recommendations. Ayes: Gardner, Thompson, Dumas, Tearse, Story. Nays: None. Absent: Volkenant, Usset. Abstain: None. Motion Approved. 5-0

This item will go to the June 3rd council meeting.

5. Open/Misc.

Kaltsas mentioned that there will be a workshop about nuisances. Council authorized enforcement to go and enforce violations starting with our worst violators. He said he is currently talking with the city attorney about the processes.

6. Adjourn.

**Motion by Thompson, seconded by Story to adjourn the meeting at 8:12pm.
Motion Approved. 5-0**

Respectfully Submitted,

Amber Simon/Recording Secretary