



PLANNING COMMISSION MEETING AGENDA
TUESDAY, JUNE 2, 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, Gardner at 7:30 p.m.

2. **Roll Call**

PRESENT: Gardner, Tearse, Dumas, Volkenant, Alternates Story and Usset
ABSENT: Thompson
STAFF: Mayor Spencer, City Administrator Kaltsas, Administrative Services Director
Simon, Councilmember Grotting
VISITORS: See Sign-in Sheet

3. Annual Election of Commission Chair and Vice Chair/Alternate Discussion.

City Administrator Mark Kaltsas noted that the annual election of Commission Chair and Vice Chair had not yet been conducted for the year. Commissioner Dumas nominated the current Chair to continue in that role, which was seconded and approved by all present members. It was noted that the Vice Chair position is held by the absent Commissioner Steve, and his continuation in that role was affirmed pending his acknowledgment at a future meeting.

4. Approval of Minutes:
- a. April 21, 2026, Planning Commission Meeting Minutes.
 - b. May 19, 2026, City Council Meeting Minutes (For Information Only).

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

Usset later brought attention to TABLING the minutes due to some errors. MINUTES TABLED.

5. **PUBLIC HEARING:** Alex Rykken (Applicant/Owner) requests that the City consider the following action for the property located at 6605 Hillstrom Road, Independence, MN (PID No. 22-118-24-13-0001):

- a. A variance from the requisite structure setback from the OHWL of Pioneer Creek to allow the construction of a deck that is attached to the principal structure on the subject property.

City Administrator Kaltsas presented the staff report. The subject property at 6605 Hillstrom Road is zoned Rural Residential and is subject to the City's Shoreland Overlay District, which requires a 100-foot setback from the Ordinary High-Water Level (OHWL) of Pioneer Creek. The applicant applied for a deck permit, at which point staff identified that the existing principal structure sits approximately 89.8 feet from the OHWL — a lawful nonconforming condition that arose not from any action by the property owner, but from the natural meandering and erosion of Pioneer Creek over time. The home had been inspected and approved at the required setback when originally constructed.

The applicant is requesting a variance to allow the construction of a deck attached to the home, with the deck surface located approximately 89.8 feet from the OHWL and the deck stairs at approximately 85.4 feet — representing a roughly 15-foot variance from the required setback. Staff noted that the proposal meets all applicable variance criteria: the practical difficulty is directly attributable to the natural migration of the creek; the proposed deck does not materially increase encroachment toward the creek; the impervious coverage would increase only modestly from 11.7% to 11.9%, well within the 25% shoreland maximum; and the improvement is consistent with the residential character of the area. No grading or vegetation removal toward the creek is proposed.

No public comments had been received prior to the meeting, and no members of the public came forward to speak during the hearing. Commissioners concurred that the applicant's circumstances were compelling and consistent with at least one prior similar variance the Commission had considered. The public hearing was opened and closed without testimony.

Motion by Story, seconded by Volkenant to recommend approval of the variance for the property located at 6605 Hillstrom Road, consistent with the findings and conditions detailed in the staff report. Ayes: Gardner, Tearse, Volkenant, Dumas, Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved. 5-0

City Administrator Kaltsas noted the application will proceed to the City Council on June 16, 2026.

6. **PUBLIC HEARING:** Mark Bjorgum (Applicant/Owner) requests that the City consider the following action for the property located at 230 Hart St., Independence, MN (PID No. 32-118-24-42-0053):

- a. A variance to allow the construction of a new accessory structure that exceeds the height of the principal structure located on the subject property.

City Administrator Kaltsas presented the staff report for this request. The applicant owns multiple adjacent parcels in the area of Hart Street, First Street, and Lyndale Avenue. The specific lot subject to the application, 230 Hart Street, contains a small, fully functioning single-family home in the southeast corner of the lot — serving as the legal principal structure.

The applicant had originally sought to tear down an existing detached accessory structure that was a lawful nonconforming building spanning two of the applicant's parcels. Because any rebuild would require bringing the structure into conformance, the applicant returned with a revised proposal: remove the existing nonconforming structure and replace it with a new, fully conforming 40-by-48-foot accessory building located entirely on the 230 Hart Street parcel.

The complication triggering the variance request is that the principal structure on the lot has a low, nearly flat roofline at approximately 16 feet in height, while the proposed accessory building would have a median roof pitch height of 19 feet 4 inches — exceeding the principal structure's height by approximately 3.5 feet. The property also could not meet the criteria for the City's Accessory Building Review Committee (ABRC) process, as the proposed building would be located approximately 50 feet from the principal structure (rather than the required 75-foot minimum) and would technically be situated in the front yard of the parcel rather than the rear. All other setback requirements are met.

Staff characterized the overall outcome as a net improvement for the city: the proposed structure would be fully conforming with respect to setbacks and property lines, replacing a building that currently straddles a property line as a lawful nonconforming structure. Commissioners agreed the request was straightforward. No public comments had been received and no members of the public came forward to speak.

Motion by Volkenant, seconded by Story to recommend approval of the variance for the property located at 230 Hart Street, to allow construction of an accessory outbuilding that exceeds the height of the principal structure, consistent with the proposed plan and all applicable conditions and considerations noted in the staff report. Ayes: Gardner, Tearse, Volkenant, Dumas, Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved. 5-0

City Administrator Kaltsas noted the application will proceed to the City Council on June 16, 2026, at 6:30 PM.

7. **PUBLIC HEARING:** Michael Keenan (Applicant) and Mark Moorhouse (Owner) are requesting the following actions for the property located at 3760 County Road 92 N. (PID No. 09-118-24-13-0001) in the City of Independence, MN.
- a. A conditional use permit (CUP) to allow three (3) detached accessory buildings that exceed 5,000 SF. The applicant is proposing to develop a new primary residence and three detached accessory buildings (phased over several years) that exceed 5,000 SF. All detached accessory buildings constructed in the City of Independence that are greater than 5,000 SF can only be constructed upon issuance of a conditional use permit.

City Administrator Kaltsas presented the staff report. The applicant, Michael Keenan, appeared as the representative for property owner Mark Moorhouse, who was out of town. The subject property is approximately 60 acres, zoned Agricultural Preserve, located south and east of the intersection of County Roads 92 and 11. The applicant is requesting a Conditional Use Permit (CUP) to allow the construction of three large detached accessory buildings, all exceeding 5,000 square feet, as part of a phased private agricultural operation. The first building, to be constructed immediately, would also contain a principal residence (a barndominium-style dwelling unit meeting the City's 1,200 square foot minimum with required bedroom, bathroom, and living quarters), making it the legal principal structure on the property.

The three proposed buildings are substantial in size: Building 1 is approximately 70 by 250 feet; Building 2 is 96 by 242 feet; and Building 3 is 60 by 250 feet — all well in excess of the 5,000 square foot threshold requiring a CUP. The applicant's plans include an earthen berm around the perimeter of the approximately 10-acre development pad, infiltration basins for stormwater management, tree plantings, and a prairie restoration area. The site disturbance of nearly 7 acres triggers review by the Pioneer-Sarah Creek Watershed District, which had not yet returned comments at the time of the meeting. The proposed impervious coverage is approximately 10%, well within the 25% city maximum.

Kaltsas noted several considerations for the Commission: the timeline for construction of Buildings 2 and 3 is uncertain and spans several years; all approvals should restrict commercial use; stormwater and engineering review remains ongoing; and the city does not limit total accessory building square footage on properties greater than 10 acres, though the CUP process exists precisely to evaluate and mitigate impacts from larger structures.

The applicant's representative described the project as a generational farming operation, noting that Moorhouse family intends to consolidate agricultural buildings from other nearby properties — some of which are in disrepair or do not meet current functional needs — to this single location. Letters of support from several neighbors were included in the packet, with one additional letter received the night before the meeting.

Public Hearing Opened

The public hearing produced significant testimony from neighboring residents raising concerns about the broader history of the Moorhouse LLC's operations in the area.

Steve Eckman, residing at 3250 County Road 92 North (one parcel away from the subject property), addressed the Commission at length. He commended the Commission's work but expressed serious reservations about the application. He suggested the City consider expanding the notification radius for applications in agricultural zones beyond the current 350-foot requirement, noting that the letters of support appeared to come largely from individuals employed by or living at a distance from the applicant's operations. He argued that the scale of investment — which he described as the applicant having spent in excess of \$10 million — and the pattern of community complaints over the past five years indicate this is not a modest family farming operation, but rather a large-scale commercial enterprise. He referenced City Ordinance 2013-07, Section 1, which states that no accessory building shall be constructed prior to construction of the principal building to which it is accessory, questioning whether a living unit tucked into a corner of a large metal building truly satisfies that requirement in spirit. He urged the Commission to require a substantial cash bond — he suggested at least \$250,000 — to ensure compliance with any conditions imposed, citing the applicant's access to legal resources that could make enforcement costly for the city and its taxpayers.

Karen Carlson, a neighboring property owner, provided extended testimony drawing on her family's multi-generational connection to the land in the area. She acknowledged that the Moorhouse LLC employs local workers and supports the local economy, and she drew a distinction between her concerns and any opposition to farming activity itself. Her central grievance was the persistent and pervasive use of backup alarms on heavy construction equipment associated with the LLC's ongoing projects, which she described as having severely diminished the quality of life for the nearest neighbors — including an elderly widow living directly across the street. She described incidents of construction equipment operating on weekends and into the evenings, generating backup alarm noise over extended periods. She cited research linking chronic exposure to such alarms with physiological stress responses, elevated cortisol, and mood disturbances, framing the issue as one of public health and safety. She proposed that conditions on any approval include restricted hours of operation for equipment using backup alarms, and suggested the Commission explore the use of broadband alarms as a less intrusive alternative. She expressed a desire for a direct working relationship with the Moorhouse operation to resolve these issues collaboratively.

Kenton Anderson, a resident living across Highway 92 from the site for approximately 12 years, corroborated the concerns raised by the previous speakers. He described periods of 50 to 100 dump trucks per day using the road during berm construction, with associated noise from jake braking, speeding, and backup alarms. He questioned whether any limit exists on the number of trucks that can be brought to a site in a given day, and stated that no meaningful enforcement had been observed in response to the complaints raised over the past four years.

Motioned by Tearse, seconded by Volkenant to close the Public Hearing. 5-0

Following the close of the public hearing, commissioners engaged in a substantive discussion about how to structure conditions for any approval. Key points included:

Commissioner Dumas observed that a prior conditional use permit related to the Moorhouse property had included no time limit on grading activity, allowing fill to be hauled in intermittently over several years as free fill became available from nearby construction projects. He recommended that any CUP for this site include a defined timeline — he suggested one year — for completing the grading and pad preparation, after which the applicant would need to return to the City if the work was not complete. The Commission agreed that the construction of the pad and grading work was the primary driver of heavy truck traffic and associated noise, and that confining that activity to a fixed window would provide meaningful relief to neighbors.

Commissioner Volkenant and other commissioners agreed that restricting construction hours was appropriate. City Administrator Kaltsas confirmed the City had previously placed construction hour restrictions on the Bridgevine development at neighboring residents' request, beyond the general city ordinance limits of 10 PM to 6:30 AM. The Commission discussed restricting construction operations to Monday through Friday, 8 AM to 5 PM.

Kaltsas also raised the possibility of requiring the applicant to post financial security — analogous to the 150% of project value requirement used in subdivision approvals — to ensure compliance with the timeline and other conditions. The Commission expressed support for this concept.

The Commission further agreed that the CUP should be structured so that Buildings 2 and 3 require separate, future applications rather than being approved as a package. This would allow the City to evaluate the applicant's compliance with conditions before authorizing further development. Kaltsas noted he would work with the applicant to refine these conditions prior to the matter going before the City Council.

Kaltsas also noted that the City had previously declined to allow the applicant to combine this parcel with adjacent properties, as doing so would have created a street-bisected property. Instead, the City directed the applicant to establish a principal structure on this parcel — which the barndominium approach satisfies — in order to maintain appropriate oversight of development on the site.

Motion by Story, seconded by Volkenant to recommend approval of the Conditional Use Permit for the property at 3760 County Road 92 North, consistent with the staff recommendations in the packet and subject to the following additional conditions: (1) construction hours restricted to Monday through Friday, 8 AM to 5 PM; (2) a one-year timeline for completion of pad grading and site preparation; (3) financial security posted at 150% of total project value; and (4) Buildings 2 and 3 to be reviewed and approved individually upon separate future applications. Ayes: Gardner, Volkenant, Dumas, Story. Nays: Tearse. Absent: Thompson. Abstain: None. Motion Approved. 4-1 The motion carried.

City Administrator Kaltsas noted that the application is anticipated to proceed to the City Council on June 16, 2026, though that date may be adjusted if additional time is needed to work through conditions with the applicant.

8. Open/Misc.

City Administrator Kaltsas noted that a Planning Commission meeting is scheduled for June 16, 2026, with several items on the agenda. He indicated that a July meeting may or may not be necessary and advised commissioners to stay tuned for further notice.

Alternate Story's earlier suggestion regarding expanding the neighbor notification radius for applications in agricultural zones was acknowledged. Kaltsas noted that doing so would require an ordinance amendment and that the Commission could formally recommend such a change to the City Council. Discussion indicated that a tiered or fixed expanded radius for agricultural zone applications would be preferable to a subjective case-by-case standard.

9. Adjourn.

Motion by Tearse, seconded by Volkenant to adjourn the meeting at 9:30pm. Motion Approved. 5-0

Respectfully Submitted,

Amber Simon/Recording Secretary