

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY, OCTOBER 14, 2013 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Acting Chair Olson, Commissioners Gardner, and Palmquist  
STAFF: City Planner Kaltsas, Administrative Assistant Nelson, and Councilor Fisher  
ABSENT: Chair Phillips, and Commissioner Thompson  
VISITORS: Dean Mooney, Jan Gardner, Linda Franklin, and Ben Carlson

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 9, 2013

**Motion by Gardner, seconded by Palmquist, to table the September 9, 2013 Planning Commission minutes until the November Planning Commission Meeting. Ayes: Gardner, Palmquist, and Olson. Nays: None. Absent: Phillips and Thompson. MOTION DECLARED CARRIED.**

4. PUBLIC HEARING – DEAN L. MOONEY (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 6165 COUNTY ROAD 6, INDEPENDENCE, MN (PID NO. 35-118-24-21-0002, 35-118-24-24-0001):

- a. A minor subdivision to allow the creation of a rural view lot and a lot line rearrangement to combine the remaining properties.

Kaltsas described the properties and the locations of the properties. The smaller of the two properties is 3.83 acres and the larger property is 47.5 acres. He stated on the smaller property, 6165 Co Rd 6, the applicant has an existing home. He explained the applicant is seeking a rural view lot subdivision, which would create a 6.71-acre lot and a 44.68-acre lot.

Kaltsas stated the City Ordinance allows this division on lots with 40+ acres, and it meets all the criteria needed for a Rural View Lot.

Kaltsas stated the subdivision would add the existing home to lot with 44.68 acres. This site does have a building eligibility associated with it, but if looking to build on the property there would be some obstacles. It is located in the agricultural preserve and has very little contiguous upland outside of the where the existing home is located. In addition, the southern portion of would not have road access. There is no clear way to subdivide these properties and yield three lots, due to the lot depth and lot to frontage ratio requirements. He stated the 6.71-acre property has more than 2.5 acres of buildable upland.

Kaltsas explained currently the larger property is zoned agricultural and the smaller lot is zoned rural residential. The lots are guided as rural residential in the Comp Plan. The larger lot is currently under Ag Preserve.

Kaltsas explained on the larger property would have a zoning split, 3.8 acres zoned rural residential and 40.85 acres zoned Agricultural Preserve. The smaller property with 6.71 acres would be zoned Agricultural Preserve. This split zoning is allowable; however, if looking to resolve it, it would require a Comp Plan amendment.

Kaltsas explained a park dedication fee is needed for the smaller newly created lot 6.71-acre parcel. He stated a survey showing easements, and an on-site septic report is needed.

### Public Hearing Open

Gardner questioned how this would qualify for a park dedication fee since one lot is dissolving and just reconfigured to make two lots. Kaltsas stated because the City's Rural View ordinance requires a park dedication fee. He stated technically the remaining parcel has the ability to make a new lot. Gardner stated he believes that a park dedication fee is only paid when a new lot is created. Kaltsas explained he viewed this as creating a new lot because it was only allowed due to the subdivision. Gardner stated he takes real issue with this being legal. Kaltsas stated he is open to recommendation from council regarding how this fee is applied. Olson inquired if there are other past examples. Kaltsas stated we have done this for all Rural View Lot subdivisions. Palmquist asked if this would set some kind of precedence or if it should be looked at differently for this case. Kaltsas stated each situation is looked at individually. He stated that ultimately it is an interpretation of how this ordinance is applied. Gardner stated it is an ordinance that is supposed to reflect the state statute and its intent.

The applicant, Dean Mooney of 6165 County Road 6, stated he does not intend to try to create another lot out of the 40 acres and it is mostly swamp. The parcel is rented as farmland and pasture. He stated he wants to keep it available as pasture and not occupied by housing. He stated timing is an issue and he will get any further information need to the City. He stated he has cement work he would like to complete before the frost.

**Motion by Gardner, seconded by Thompson, to close the Public Hearing. Ayes: Gardner, Palmquist, and Olson. Nays: None. Absent: Phillips and Thompson. MOTION DECLARED APPROVED.**

### Public Hearing Closed

Palmquist agreed with Gardner that moving the lot lines does not gain an additional lot. Gardner stated the Council should look at this to see if it is appropriate to add a park dedication fee.

**Motion by Palmquist, seconded by Gardner, to recommend approval for the request for a minor subdivision at 6165 County Road 6, allowing the creation of a Rural View lot line rearrangement subject to the recommendation of staff, with a note recommending that the Council should consider waiving the \$5000 Park Dedication Fee by reviewing the intent of the ordinance. Ayes: Gardner, Palmquist, and Olson. Nays: None. Absent: Phillips and Gardner. MOTION DECLARED APPROVED.**

5. MOTION TO CHANGE THE PLANNING COMMISSION FROM NOVEMBER 11, 2013 TO MONDAY, NOVEMBER 18TH, 2013 DUE TO VETERANS DAY – OFFICE CLOSED.

**Motion by Palmquist, seconded by Gardner, to change the date of the next Planning Commission meeting from November 11, 2013 to November 18, 2013. Ayes: Gardner, Palmquist, and Olson. Nays: None. Absent: Phillips and Gardner. MOTION DECLARED APPROVED.**

6. OPEN/MISC.

None

7. ADJOURN

**Motion by Gardner, seconded by Palmquist, to adjourn the meeting at 8:52 p.m. Ayes: Gardner, Palmquist, and Olson; Nays: None. Absent: Phillips and Thompson. MOTION DECLARED CARRIED.**

Respectfully submitted

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Jolene M Nelson, Recording Secretary