

City of Rockville Planning Commission Minutes
October 11, 2005 Time: 7:00 pm
Place: John Clark Elem. School Media Ctr.

The meeting was called to order at 7:00 pm by Chair Jerry Bechtold.

Roll Call: Present: Chair Jerry Bechtold, Toni Honer, Dale Borgmann, Dan Hansen, Linda Peck and Roger Schmidt. Absent: Kathleen Stanger. Also present Vern Ahles (liaison with the City Council).

Staff: Rena Weber (City Administrator), Judy Neu (Administrative Asst.) and Scott Hedlund (City Engineer).

Approval of Agenda/Amendments: It was moved and seconded that the agenda be approved as printed: **Passed.**

Approval of Minutes of 9-27-05: It was moved and seconded that these minutes be approved as presented. **Passed.**

New Business:

- a) Issue Oath of Office:** Rena issued the Oath of Office to Roger Schmidt. Roger is now duly sworn in as a Planning Commission member replacing the vacancy created due to Don Merten's passing.
- b) Public Hearing: Klein Variance Request:** Jerry opened the public hearing at 7:04 pm. Rena read the public hearing notice. John G. & Deanna L. Klein live at 11525 Glacier Road. **The request is to construct a 36' x 60' storage building and to build within 60' of Glacier Road. Setback requirements are 100 feet.** John Klein went over his request and supplied the following additional information: 1) The old shed on site was 24 feet by 32 feet. This shed is too small for the Klein's storage needs. 2) The Kleins own ten plus acres of land. 3) The new storage shed will have its own driveway – it will not be combined with the driveway serving the dwelling. This means that two driveway accesses will be joining Glacier Road vs. one. 3) John got a construction permit for the new driveway. 4) Locating the new shed further back from Glacier Road would destroy three healthy Oak trees and be closer to the Klein's mound system. Additional information was provided from Commission members: 1) Glacier Road before consolidation was a Township road and setback requirements were 63 feet. 2) Now Glacier Road is classified as a minor collector and the setback requirements are 100 feet. 3) The Klein's home was built under Township rules which allowed 1 home on a ten acre parcel. Under the new zoning (SP-1) only 1 house for 40 acres is allowed. **Concerns raised by Commission members: 1) safety issue posed by having two driveways joining Glacier Road. The City Engineer, when asked about this, said that in general it is wise to limit/reduce the number of access points along a roadway but often decisions are made on a case by case basis. 2) Much of the work that would be allowed if this variance was granted has already been done i.e. driveway in, old shed removed, ground prepared for new shed. In faith, property owners**

requesting variances should get the variance first before altering their property. As there was no one from the public wishing to testify, it was **moved and seconded that the public hearing be closed at 7:28 pm. Passed.** Rena read through the **Finding of Fact: Supporting/Denying a Variance. Three of the 6 items received a majority of Yes answers; Three of the 6 items received a majority of No answers. Moved and seconded** that the Planning Commission recommends **denial** by the City Council of the Kleins' request for a variance from setback requirements for a new shed. **Roll Call Vote: 3 No votes:** Honer, Bechtold and Borgmann; **2 Yes votes:** Peck and Hansen; **1 abstention** – Schmidt. **Motion for denial failed on a 3-2 vote. Moved and seconded** that the Planning Commission recommends **approval** by the City Council of the Kleins' request for a variance from setback requirements for a new shed. **Roll Call vote: 3 Yes votes:** Honer, Bechtold and Borgmann; **2 No votes:** Peck and Hansen; **1 abstention** – Schmidt. **Motion to approve passed on a 3-2 vote.** Due to this “split vote”, Chair Bechtold requested that the votes and comments on each of the six questions be included in the minutes (Roger Schmidt abstained from voting):

Question 1: 5 yes votes – no comments

Question 2: 3 yes votes, 2 no votes. Comments: The property came under Township guidelines prior to consolidation. The setback from the township road was 63 feet. After consolidation, Glacier Road became a minor arterial road and the setback increased to 100 feet. Requesting a 60 foot setback meets neither the old township guidelines nor Rockville's new guidelines. Further setback would place the shed nearer the mound system and require the removal of 3 oak trees. There are safety concerns with 2 driveways accessing Glacier Road on a curve and close to Sauk River Road. The landowner has already altered the parcel assuming a variance would be allowed. The landowner erred and should meet the new setback requirements.

Question 3: 2 yes votes, 3 no votes. Comments: There was an existing shed being used but the owner wants a larger shed. This is not undue hardship. Kleins did not request a change in the road classification – that occurred with consolidation and new ordinances being drafted.

Question 4: 5 yes votes – no comments

Question 5: 5 no votes. Comments: without a variance the owner is **not** being deprived of a reasonable use of his property because a smaller sized shed is possible. The problem is simply the difficulty of increasing the size of the shed where the owner chooses.

Question 6: 1 yes vote, 4 no votes. No Comments.

- c) **Public Hearing: Sorenson Variance Request:** The Public Hearing opened at 7:40 p.m. Rena read the public hearing notice. Chris and Deb Sorenson presently reside in Sauk Rapids, MN (1023 Garden Brook Drive). **The request is to construct a single family dwelling (34 feet by 74 feet) in the R-1 – Shoreland District (northern end of Pleasant Lake) bordered by C.R. 6 on the north and 80th Avenue to the east. The following setbacks can not be met and would require variances: 1) the required setback from C.R. 6 is 100 feet. The variance request is for a 50 foot setback from the centerline of C.R. 6. 2) The required setback from the ordinary high water level of Pleasant Lake is 100 feet. The**

variance request is for a 50 foot setback. The plan also indicated driveway entrance onto C.R. 6. The address for this property would be 8057 County Road 6. Deb Sorenson presented the Commission with a **brand new plan**. The proposed home location has now been moved further east (closer to 80th Avenue). The house will face C.R. 6 but the driveway to the home will enter via 80th Avenue vs. C.R. 6. This change had been made because the Stearns County Highway Department would not permit access onto C,R.6. This alteration changed the address for this property from 8057 C.R. 6 to 25983 80th Ave., St. Cloud. The setback from C.R. 6 was now 57 feet vs. 50 feet but still not the 100 feet required. The home will be hitched up with City water and City sewer. The following people submitted public testimony:

- 1) Tony Schmitt (25974 81st Ave., St. Cloud), nearby landowner: expressed support for the variance requests.
- 2) Gwen Ballinger (C.R. 6): Concerns: this should be a one-time variance request and there should be NO accessory buildings allowed.
- 3) Norm and Rose Meyer submitted a letter dated Thursday, October 6, 2005 (see attached letter sent to the City Administrator). This letter is part of these official minutes. Key point in this letter: **the Meyers hope no variances will be granted for any construction on this site.**
- 4) Email message dated Tuesday, October 4, 2005 from Rita and Del Taylor (25511 Pleasant Road). (See attached mail sent to the City). This email message is part of these official minutes. Key point of the email: **The Taylors oppose the Sorensons' variance requests.**

As there were no other people wishing to testify, it was **moved and seconded that the public hearing be closed at 8:55 pm. Passed.** Some Commission members expressed concern over being presented with a new plan by the Sorensons' as the public hearing began. In addition the letter from the Meyers and email from the Taylors had been mentioned but not read into the record.

It was moved and seconded that this variance request be tabled until the Planning Commission's next meeting to allow time to review the new plan along with the public testimony. Roll Call vote: Ayes: Peck and Hansen; Nays: Honer, Bechtold, Borgmann, Schmidt. **Motion failed (4-2).** Rena read through the 6 questions (Finding of Fact for approving/denying variances). All 6 questions received 5 yes votes (Roger Schmidt abstained from voting). Moved and seconded that **the Planning Commission recommends approval** by the City Council of Sorenson's variance requests from setback requirements from C.R. 6 and the ordinary high water level of Pleasant Lake **with the following conditions:**

- 1) **No other accessory buildings will be allowed on the property; 2) the applicant is required to have an elevation certification completed after finishing construction of their new home.** Roll Call Vote: Ayes: Bechtold, Honer, Hansen, Borgmann; Nays: Peck; Abstaining: Schmidt. **Motion passed (4-1).**

d) Public Hearing: Pleasant Estates Plat 2 Preliminary Plat: Jerry opened the public hearing at 8:15 pm. Rena summarized the information contained in the Public Hearing notice: Pleasant Estates Plat 2 (Preliminary Plat) is for the

establishment of 8 residential lots located on the south side of Pleasant Road. Linda Brown (representing Surveying & Engineering Professionals, Inc., Waite Park) briefly went over the preliminary plat. Each of the 8 lots meet the setback requirements from Pleasant Road and the minimum lot size for a residential lot (R-1).

Public Comments:

- a) **Norman Meyer (25533 Pleasant Road):** Norm asked why he had not received and official notice of the Public Hearing? He mentioned that 5-6 other residents living on the north side of Pleasant Road across from where these 8 lots are located also did not receive a public notice. Norman also referred to information he had sent to the City as regards this preliminary plat: **See letter dated June 24, 2005 and email dated Thursday, August 18th, 2005. These two documents are part of these official minutes.** Additional comments made: 1) Pleasant Road ends in a cul-de-sac; 2) if one drives down Pleasant Road from C.R. 137 it starts out wider, then narrows for about 17 lots, then widens again by the newer homes located prior to the cul-de-sac on the north side away from Pleasant Lake. This he feels is a safety concern. There will be 8 more driveways accessing Pleasant Road; 3) these 8 lots are much smaller than those already developed on the north side by the Lake – why are they R-1 size (10,200 square feet)?
- b) **Two emails from Rita and Del Taylor (25511 Pleasant Rd):** These two emails (October 4 and October 8, 2005) **are part of these official minutes.** Both indicate a variety of issues **against approving** this preliminary plat at this time.
- c) **Wayne Laudenbach (25409 Pleasant Road):** Wayne asked if there were any plans to update Pleasant Road. He prefers the road ending in a cul-de-sac and does not want Pleasant Road to become a “race track” by extending it beyond the cul-de-sac. Are the new homes going to have water service? If so would that mean all other people along Pleasant Road would have to hook up?
- d) **Gwen Ballinger (C.R. 6):** Where are the wetlands on the plat?
- e) **Wayne Hiemenz (25465 Pleasant Road):** He was not notified by mail of the public hearing.
- f) **Richard Clubb (25313 Pleasant Road):** He has no problems with more homes along Pleasant Road but why are these lots so much smaller the other lots?

It was moved and seconded that the **Public Hearing be closed-** -Time: 8:38 pm. **Passed.** Discussion followed: 1) the County Auditor is responsible for issuing Public Notices to adjacent land owners; 2) the City has a capital improvement plan for every street within the City. Rena encouraged people voicing concerns over the potential widening of Pleasant Road to check this plan which is available at City Hall. If road improvements are made, all properties benefited along Pleasant Road would be assessed; 3) **a wetland delineation and or inventory has not been done** for this preliminary plat; 4) Scott Hedlund submitted a **Preliminary Plan Review (Dated October 11, 2005) which had 14 comments that need to be addressed. This Review is part of these official minutes;** 5) if water service is extended down Pleasant Road than all people along Pleasant Road will have to eventually hook up; 5) the 8 lots being proposed meet the minimum lot size for R-1 zoniing which is 12,200 square feet. **However, the land is presently zoned Ag-40 not R-1 so a rezoning would have to take place;** 6) there is no intention at this time to extend Pleasant Road beyond the cul-de-sac. The cul-de-sac was

made larger a while ago so that it would allow proper turning ability for school buses. There are no restrictions anyone is aware of on the number of homes along Pleasant Road to the cul-de-sac; 7) the June 7, 2005 minutes of the Planning Commission requested that this project remain a Concept Plan until all the plans for the Voigt property be in order vs. doing things piece-meal. Requested were ingress-egress roads, aerial photo, impacts on wetlands, impacts on C.R.s 137 and 6; 8) increasing the traffic volume on Pleasant Road itself is a major concern; 9) Linda Brown mentioned that the house set backs from the center line of Pleasant Road for this Preliminary Plat could be extended 16 ½ feet further beyond the 33 feet required.

It was moved and seconded to table a decision on this Preliminary Plat until the following additional information is made available and tasks completed:

- 1) **Land must be rezoned from Ag-40 to R-1.**
- 2) **Scott Hedlund’s (City Engineer) comments are addressed.**
- 3) **Aerial photos are made available**
- 4) **Wetland inventory and delineation is completed.**
- 5) **A more complete picture of what is taking place on all of Voigt’s property be presented. This is regardless of whether or not parcels in the planning stage are directly connected to another parcel in the planning stage.**

Motion to Table passed unanimously (6-0).

Adjournment: Moved and seconded to adjourn the meeting. Time: 9:10 pm. **Passed.**

Chairman _____

Rec. Sec. _____