

**AMENDED MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, JULY 24, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL**

Planning Commission met at 6:00 p.m. as a committee of the whole to view 2 sites:

- Brad & Laura Johnson @ 25927 80th Ave St Cloud MN 56301
- Eugene & Kay Johnson @ 400 Cedar Street, Rockville, MN 56369

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dan Hansen, Dale Borgmann, Susan Palmer & Jerry Tippelt. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing/
Administrative Assistant Judy Neu and Attorney Jim Mogen.

Others present: Brad & Laura Johnson and Kay Johnson

APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Bechtold, second by Member Tippelt, to approve the agenda and addition as amended. Motion carried unanimously.

APPROVAL OF MINUTES 7/10/07 – Motion by Member Palmer, second by Member Borgmann, to approve the minutes of 7/10/07 as presented. Motion carried unanimously.

NEW BUSINESS

BRADLEY & LAURA JOHNSON VARIANCE – 25927 80TH AVENUE – Zoning Administrator Rena Weber read the notice of public hearing to consider the request of Bradley A. & Laura J. Johnson for a variance from Setback Requirements. The address of the property is: 25927 80th Avenue, St. Cloud, MN 56301 with a legal description of: Lot 20 less that part lying Northerly of a line drawn parallel to an distance 15 feet Southerly of the Northerly line and less that part lying Southeasterly of a line which lies 20 feet Northwesterly of and parallel to the Southeasterly line of said Lot 20.

ALSO that part of Lot 18 lying Northeasterly of a line which lies 25 feet Southwesterly of and parallel to the Northeasterly line of said Lot 18, except that part which lies Southeasterly of a line 40 feet Northwesterly of and parallel to the Southeasterly line of Lot 18, all in Schmitt's Pleasant View, according to the plat and survey thereof, now on file and of record in the office the Stearns County Recorder, Stearns County, Minnesota.

The request is to construct a 22' x 28' unattached garage and to build within 25 feet of 80th Avenue. Setback requirements are: 25 feet.

Said structure will also be placed 8 ½ feet from the primary structure. Setback requirements are 10 feet.

Chair Honer stated that the Planning Commission just completed a site visit of the property.

Member Borgmann had concerns on what kind of time frame we are looking at for the expansion of the house. Brad Johnson stated the house is expected to be done next spring.

Chair Honer made a statement that the lagoon is treated more less part of the shoreland ordinances.

Member Palmer wanted the Johnson's to describe the height of the garage, the siding and the shingles.

Brad Johnson explained that they would like to put a higher peek on the garage so that when they go up a story and a half on the house the 2 peeks would line up. The proposed garage would have approximately 10' sidewalls, steel siding would be 3" or 4" horizontal regular house siding, not pole barn siding.

Member Palmer stated that the Johnson's are looking at changing the color of the siding and one of the requirements is that the house and garage match.

Brad Johnson stated he would side the house and garage at the same time and that the colors will match.

STAFF REPORT AND PICTURES

Re: Variance Requests (2)
76.42170.015: Owners: Bradley & Laura Johnson
Property Address: 25927 80th Ave. St. Cloud, MN 56301

Variance(s) Requested:

1. Variance to construct unattached 22' x 28' garage and to locate it 8 ½' from present home **10' required** and also a variance to locate 11' (on N corner) & 20' (on S corner) from 80th Avenue **25' required**.

Construction Requests:

1. Construct 22' x 28' unattached garage that someday will be connected to present living structure. Also, if finances permit, in the future they would like to add a story to the house as well.

Relevant Information:

1. R-1 Single Family District. Existing home is located within 1000' of Pleasant Lake and Shoreland overlay standards apply.
2. Existing home has vertical brown wood siding and single car garage.
3. Elevation certificate is not required; however, a topography survey has been provided.
4. Grinder station is located on the south side of **proposed garage and should not be built over the 10' utility easement**.
5. The impervious area is not an issue as it was calculated at 23%.
6. The lot to the south of the property is currently vacant and depending on what is built there site impediment could be an issue. There is nothing located on the northern lot blocking view.

Recommendations:

1. Stearns County: Appears to have no concerns other than noting that a variance is needed for the same things the city would require only we have a 25' setback from the roadway not 63'. As to the 4' x 4' entry way. I included it in the 8 1/2'.
2. At the time of presentation no actual plans were submitted. The owner wishes to wait until approval is given before they have those done. **Questions the PC & Council should have are: Height of structure, will the siding match the present structure, and what type of shingles will be on the roof. Johnson's are not sure on the height, approximately 10' side wall, siding will be lap steel siding (3" or 4" horizontal), shingles will be asphalt. The garage and house siding and shingles will match.**
3. As to the roof, Mrs. Johnson informed me that when they actually connect the garage to the house the roof lines will not match. I imagine that will have to be dealt with at that time.
4. Consider whether the view is blocked by the proposed garage for safety reasons. When a vehicle is positioned at the intersection of Holly Road and 80th Avenue – can they still see? **Member Borgmann reviewed it at the site visit - no problem**

Jim Mogen explained that you have some requirements:

- Variance request for the set back from road and principle structure.
- Site plan approved for the construction.

Jim Mogen questioned on what was the reason for the separation of the structures.

Brad Johnson explained that their future plan is to raise the roof of the house and connect the garage at that time.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 7:14 p.m. Motion carried unanimously.

Rena Weber stated for the record a letter from Elaine Vogel stating that she fully supports them.

Findings of fact: (A copy is hereby attached marked Exhibit A).

Motion by Member Palmer, second by Member Bechtold, to recommend approval on both variance request with conditions that the site plan be reviewed by Rena Weber and that siding & shingle will match garage and house with in one year. Motion carried unanimously.

EUGENE & KAY JOHNSON – VARIANCE (400 CEDAR STREET SOUTH) – Rena Weber read the notice of public hearing to consider the request of Eugene & Kay Johnson for a variance from Setback Requirements. The address of the property is: 400 Cedar Street, Rockville, MN 56369 with a legal description of: Lot Six (6) and West Half of Lot Five (5), Block One (1), Clark's Addition to Rockville, according to the plat and survey thereof, now on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to replace existing entry porches with a wrap around porch that encompasses both porches. Said structure would be located 13' from 4th Street which requires a 25 foot setback AND said structure would be located 10 feet from Cedar Street which requires a 15 foot setback.

Motion by Member Bechtold, second by Member Palmer, to close the public hearing at 7:29p.m. Motion carried unanimously.

Re: Variance Request
76.41634.406: Owners: Eugene & Kay Johnson
Property Address: 400 Cedar Street South

Variance(s) Requested:

1. Variance to construct a wrap around porch to the residence and to build within 13' of the 4th Street South property line (requires 25') & further to build within 10' of Cedar Street (requires 15' on corner lot).

Construction Requests:

1. Remove existing porches on north and west side of home and replace with 7' x 22'9" wrap around porch.

Relevant Information:

1. R-1 Single Family District. Existing home, entry porch, etc. are non-conforming due to existing 25' set back.
2. Additions to the home would add to existing non-conformance; therefore requiring this variance.
3. Addition to the west side (Cedar Street) should no encroach upon the 15' setback.

Recommendations:

1. This will improve the livability of the home, will still be in line with existing homes, and will improve the overall appearance of the home.
2. The Staff recommends approval.

Findings of fact: (A copy is hereby attached marked Exhibit B).

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the variance as requested. Motion carried unanimously.

OLD BUSINESS:

ORDINANCE AMENDMENTS – Attorney Jim Mogen presented a written document regarding proposed accessory structures revisions draft July 24, 2007 Section 9, Subdivision 2 (amended by Ordinance 2006-30) is replaced with the following. (A copy is hereby attached and marked Exhibit C).

Discussion was held on some of the below items:

- A. – Principal Structure Required
- B. – No Encroachment Over Lot Lines
- C. – Located in Rear Yard Only
- D. – Proximity to Principal Structure
- E. – Site Plan Required
- F. – Setbacks Requirements for Detached Accessory Structures.
- G. – Design and Appearance of Exterior –
 - Insert of material and the principal structure
 - e. add some verbiage pertaining to brick buildings or natural materials
- H. – Prohibited Materials
- I. – Number of Structures
- J. – Hoop Structures
- K. – Lot Coverage Restriction
- L. – A-40 District Exemptions

Member Bechtold stated that feedlot rules do not kick in until you have 10 or more units.

Jim Mogen stated the issues that are found in G 2.d and G 2.e. would not allow for a steel roof if your house has a asphalt roof.

Member Borgmann had questions on the type of steel roofs. You have corrugated steel roofs and you have residential steel roofs. Residential steel roof looks like shingles.

Jim Mogen stated that if it looks like shingles then it would meet this. It was drafted to allow for the appearance to be the primary thing and not the actual material.

Member Bechtold had concerns on solar panel and is there any restriction on height or shape.

Jim Mogen stated that the ordinance does not specifically state any restriction on height or shape. There is a state law that governs solar panels and they have certain requirement in the law that we can't put certain restriction on them. It was decided that Jim will bring some information back regarding solar panels.

Jim Mogen stated that the revised draft on the proposed accessory structure be passed and send it to the city council.

Motion by Member Palmer, second by Member Borgmann, to adopt this language as an ordinance with the following changes that G. of will be inserted between material and the principle structure and that language would be drafted for G 2. e. regarding natural materials. Motion passed on a 5 to 1 vote. Member Tippelt indicate that he was opposed to the amendments on accessory structures.

ADJOURNMENT – Motion by Member Borgmann, second by Member Bechtold, to adjourn the meeting at 8:16 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR