

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD TUESDAY,  
JULY 11, 2006 – 7:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Jerry Bechtold. Roll Call was taken and the following members were found to be present: Chair Bechtold, Commission Members Roger Schmidt, Dale Borgmann, Toni Honer, Vern Ahles, & Jerry Tippelt  
Absent: Dan Hansen, & Susan Palmer.

**Staff Present:** Rena Weber-Administrator/Clerk

**APPROVAL OF AGENDA:** *Motion by Member Schmidt, second by Member Honer, to approve the agenda as presented. Motion carried unanimously.*

**APPROVAL OF 06/27/06 MINUTES:** *Motion by Chair Bechtold, second by Member Schmidt to dispense with the reading of the minutes and approve as presented. Motion carried unanimously.*

**NEW BUSINESS**

**PUBLIC HEARING – SKAJA ADDITION-PRELIMINARY PLAT – 25602 LAKE ROAD**

Rena Weber reported that 34 notices were sent out. Rena Weber read her report, the report from Anne Nelson and the attorney opinion regarding the request:

- Pleasant Lake is a recreational development lake with sewer
- 20,000 minimum square foot is required per lot. These lots total 31,001 square feet so it is 8,999 square feet short.
- A variance will be needed to be considered when the house is built as this proposal is 25' from the rear yard (road side)
- The plat says that storm water management issues are negligible – I would question that.
- Park Dedication – I would like to see that a payment in lieu of dedication be made. \$1200.00 per lot.
- Developer's Agreement – not sure this is necessary
- Proof that this has been sent to Stearns County Environmental Services. City staff has done this in the past and has problems in getting comments back in time for the hearing. It is not our responsibility to do this.
- Anne Nelson – Stearns County is providing the PC with her comments. Please remember that she just received this today.

*It is the attorney's opinion that the plat is premature as it subdivides the property in conflict with the lot size requirements of the Shoreland Ordinance. A variance must be requested, however, the preliminary review by the attorney indicates that a variance would not be appropriate under the current plans.*

Mike VanderWeyst – 25704 Lena Lane, indicated that "it is great to have a lake lot, but rules are set up, and making one lot non-conforming is not right. One house is plenty, especially being on a lake."

Dale Borgmann indicated that he and Wade looked at the 25% impervious surface issue on Lot 2 and he is confident that this is not a problem.

Dan Kron – Surveying and Engineering stated that in regards to an erosion control plan they will present a plan to city engineer.

Toni Honer asked Wade Skaja if the present structure was expected to be used as a guest house when the first variance was given.

Wade Skaja reported that it is rented now. The plan was to build their dream house and use this as the guest house. He currently has five houses for sale.

Jerry Bechtold suggested that Wade Skaja request a variance from the Board of Adjustment for a sub-standard lot which should be run past the attorney first then proceed with the plat.

Toni Honer suggested that he keep it all as one and get a variance to put two homes on one lot.

***Motion by Member Borgmann, second by Member Honer, to close the public hearing at 7:20 p.m. Motion carried unanimously.***

***Motion by Member Honer, second by Member Schmidt, to suggest that Wade Skaja check into the possibility of keeping this as one lot and keep the existing structure as recreational with the possible construction of a new home. Motion carried unanimously.***

**PUBLIC HEARING – JODE & BARRY BOLDT – CONDITIONAL USE PERMIT IN THE SP-1 DISTRICT. 16.50 Acres S 739' of E 30A NE4NE4 – Section 24 Twp. 123 Range 0**

Rena Weber reported that 15 notices were sent out and presented her written report: This request is to construct a single family dwelling in the SP-1 District. If approved this would be #1.

- One Letter of objection has been received – Sherry Olson
- Scott Hedlund is not recommending that a wetland delineation be done as the aerial photo will suffice.
- The driveway should be 20' wide for fire trucks
- 33' public right-of-way dedicated along 227<sup>th</sup> Street and 73<sup>rd</sup> Avenue – Attorney to draft agreement.
- Distance from neighboring feedlot – 1090' feet reported

*It is recommended that the CUP is approved subject to the following conditions:*

*Final approval by Scott Hedlund – City Engineer (who is on vacation)*

*Executing an agreement Dedicating right-of-way for 227<sup>th</sup> St and 73rd Ave Installation of improvements to provide for emergency vehicle access including a 20' driveway.*

*Obtain all necessary permits for building.*

*Building must be constructed within one year and meet all zoning/building/safety codes.*

Jode Boldt – owner of the property stated that this is a 16.5 acre tract of land, mostly trees, it is currently not used as farming, consists of clay and rock. Wetlands are located 135 feet to east 189 to the north from the proposed house. There will be no disturbance of wetlands. Jode provided an itemized list of the trees that would have to be removed (written report on file in the office of the Administrator/Clerk). Jode Boldt stated that she will sign off on drainage and utility easements. Stearns County Environmental Services has been out to view the site for the septic system.

Duane Fruth – 7456 Ahles Road, stated that he has been living in area for 25 years. He and his brother farmed the property before the Boldt's purchased it. Duane stated this land is not very good for farming as there are wetlands and clay and rock on top of the hills. He is in support of splitting off this piece of property and letting them build.

***Motion by Member Schmidt, second by Member Borgmann, to close the public hearing at 7:36 p.m. Motion carried unanimously.***

A review of the findings of fact was done and resulted in yes votes to all questions.

***Motion by Member Honer, second by Chair Bechtold, to recommend approval of the granting of the Conditional Use Permit subject to the following conditions:***

*Final approval by Scott Hedlund – City Engineer (who is on vacation)*

*Executing an agreement Dedicating right-of-way for 227<sup>th</sup> St and 73rd Ave*

*Installation of improvements to provide for emergency vehicle access including a 20' driveway.*

*Obtain all necessary permits for building.*

*Building must be constructed within one year and meet all zoning/building/safety codes.*

***Motion carried unanimously.***

**HEISERICH ADMINISTRATIVE PLAT** – Rena Weber reported that the request for the Administrative Plat is to clean up the property lines between Pickup Power'n Sports 76.42147.001 (Heiserich's) and Loren Minnerath Parcel #76.41630.400

***Motion by Chair Bechtold, second by Member Honer, to approve the Administrative Plat as presented for the above parcels. (Exhibit A). Motion carried unanimously.***

**MARK & DONNA GROSS – VARIANCE FROM LOT AREA COVERAGE AND ACCESSORY BUILDING SETBACK - 532 WALNUT STREET** - Rena Weber reported that a site visit was made to Mark and Donna Gross home on 6/30/06.

Mark & Donna have agreed to place the structure 10' from the rear yard line therefore not encroaching the drainage/utility easement.

The issue of the impervious surface came up at the City Council meeting. The City Attorney reviewed the ordinance and recommends this be changed to reflect what other cities use. If the driveway and sidewalks are not included there is no need for the variance.

*After reviewing the ordinance the attorney's opinion is that the ordinance does not limit impervious surfaces in the R-1 District. It is recommended the code be amended to provide that regulation in the near future. There is no need for the variance.*

***Motion by Member Borgmann, second by Member Schmidt, to instruct the city attorney to draft an ordinance to reflect that impervious surface be the same between Shoreland and R-1 District. Motion carried unanimously.***

Wade Skaja came before the Planning Commission regarding the guest house question he has been asked to research. Councilmember Hagen was present at the meeting and indicated that he thinks you can't even do this. It was determined that this will be checked into before the next meeting.

**BUS TOUR** – Chair Bechtold reported that in checking with members it was determined that the bus tour with the City Council would take place after Labor Day.

**JAMES & TONY SKAJA – RV VARIANCE FINDINGS OF FACT – 25413 PLEASANT ROAD**

The Planning Commission did not go through the findings of fact process at the last meeting. Attorney Mogen has prepared a listing for review/approval.

- a) Unique Circumstances – The unique circumstance occurred as a result from the acts of the property owners.
- b) Necessary to preserve reasonable use of the property – This is a single family zone which is already being enjoyed by the property owner. The proposed use is neither reasonable nor expected in the zone.
- c) Not Merely Economic – The property owner has indicated the request is being made due to economic considerations and has not provided any justification independent of financial concerns.
- d) Maintains the Character of the Neighborhood – While the use is shared by a few non-conforming properties in the area the standards established for the area under the zoning code and comprehensive plan do not allow for this use.

***Motion by Member Borgmann, second by Member Honer, to approve the findings of fact as identified and forward such information on to the City Council as the reasons for denying the variance request to house two RV's on their property at 25413 Pleasant Road. Motion carried unanimously.***

**ADJOURNMENT** – ***Motion by Member Schmidt, second by Member Honer, to adjourn the meeting at 8:38 p.m. Motion carried unanimously.***

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VERENA M. WEBER-CMC  
ADMINISTRATOR/CLERK

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JERRY BECHTOLD  
CHAIR

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