

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, MAY 13, 2008 – 6:31 P.M. – ROCKVILLE CITY HALL**

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, Jerry Tippelt, Dan Hansen, Vern Ahles, Dale Borgmann & Steve Dietman

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

Others present: Dennis Felch, Gene Hesse, Jeff Heinen, Ed Karls, Eric Spielmann & Ben Wesbur

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

APPROVAL OF MINUTES 04/08/08 – *Motion by Member Bechtold, second by Member Tippelt, to approve the minutes of 04/08/08 as presented. Motion carried unanimously.*

NEW BUSINESS

PUBLIC HEARING – EASEMENT VACATION & RE-ESTABLISHMENT Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will conduct a public hearing on **Tuesday, May 13, 2008 at approximately 6:30 p.m.** in the council chambers at City Hall – 229 Broadway Street East to consider vacation of: **Legal description for the Vacation of Drainage and Utility Easements in the plat of SHADY OAK TERRACE:**

Easement Vacation Description 1:

The north 5 feet of Lot 1 and the south 5 feet of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota. Less and except the west 10 feet and the east 5 feet thereof.

Easement Vacation Description 2:

The north 5 feet of Lot 2 and the south 5 feet of Lot 3, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota. Less and except the west 10 feet and the east 5 feet thereof.

And further to re-establish such Drainage & Utility easements in SHADY OAK TERRACE:

6 Foot Drainage and Utility Easement 1:

A 6 foot perpetual drainage and utility easement over, under, and across the north 6 feet of the south half, by proportional measure, of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota.

6 Foot Drainage and Utility Easement 2:

A 6 foot perpetual drainage and utility easement over, under, and across the south 6 feet of the north half, by proportional measure, of Lot 2, Block 1 of SHADY OAK TERRACE, according to the recorded plat thereof, Stearns County, Minnesota.

STAFF REPORT 5/13/08

RE: EASEMENT VACATION & RE-ESTABLISHMENT

76.42173.002/001 Owners: Dennis & June Felch

Property Address: 25876 Lena Lane, St. Cloud, MN 56301

76.42173.000/001 Owners: Eric & Andrea Satterstrom

Property Address: 25802 Lena Lane, St. Cloud, MN 56301

REQUEST: City is requesting approval to vacate two easements and re-establish at the new property line.

RELEVANT INFORMATION

1. Property is zoned R -1
2. The property was originally platted by Joey & DeLayne Ruegemer into three lots 2004. In 2006 Mr. Ruegemer asked to subdivide Lot 2 in half giving each abutting lot 47.5 feet extra. I believe it was marketing purposes.
3. The subdivision was approved; however, the easements were not addressed.
4. 19 Notices were sent out (including the utility companies).
5. Center-Point Energy responded that they have no facilities in the affected area.
6. Both owners are in favor of the vacation and re-establishment.

RECOMMENDATION

1. Approve the vacation of the old easements and establish the new ones as shown.
2. The City will pay the cost to record this matter.

Motion by Member Bechtold, second by Member Tippelt, to close the public hearing at 6:36 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Hansen, to approve the easement vacation & re-establishment as presented. Motion carried unanimously.

PUBLIC HEARING – DENNIS & JUNE FELCH INTERIM USE PERMIT Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, May 13, 2008 at approximately 6:35 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of Dennis & June Felch for an Interim Use Permit. The address of the property is: 25876 Lena Lane, St. Cloud, MN 56301 with a legal description of: N 2 Lot 2 and Lot 3, Block 1, Shady Oak Terrace (Section 2, Township 123 North, Range 29 West, City of Rockville, Stearns County, Minnesota.

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

- Zoning Code, Ord. 2007-41 Sec 1 Principal Structure
- Zoning Code, Ord. 2007-41 Sec 2 Accessory Buildings as Interim Use

The request is to construct a 32' x 56' Accessory Structure in the rear yard prior to principal structure being constructed.

STAFF REPORT 5/13/08

RE: SITE PLAN APPROVAL

76.42173.002/001 Owners: Dennis & June Felch
Property Address: 25876 Lena Lane, St. Cloud, MN 56301

REQUEST:

Approval to construct 32' x 56' accessory structure in R-1 District prior to construction of principal structure.

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 265.50' x 400' deep.
3. The owner is proposing horizontal siding and standard roofing shingles.
4. New structure cannot be built over sewer easement.
5. New structure will not exceed 25' in height.
6. 14 notices were sent out.
7. Height of proposed structure: 12' with a 4/12 roof pitch

RECOMMENDATION

1. Sewer is available for new house when built.
2. Maintain existing drainage patterns over, under, and across their property.

3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) in the property.
4. Only one driveway/access off Lena Lane should be allowed for this parcel (i.e. not allow a second access when the home is built.
5. Approve interim use permit with these conditions.

Zoning Administrator Rena Weber reported that Mr. Felch received a copy of the ordinance.

Chair Honer questioned when is the primary resident going to be built.

Dennis Felch explained that it could be this summer but no later than next summer. It will depend on if his house sells.

Eric Spielmann @ 8617 White Oak Road –questioned if the accessory structure would match the future house.

Chair Honer explained that the current ordinance requires it to match.

Dennis Felch stated that he spoke to Jeff Howe (Building Official). A suggestion was made to hold off and not side the accessory structure until the final house colors were decided. The house plans are in the works.

Attorney Jim Mogen explained that the Ordinance No. 2007-41 states:

**AN ORDINANCE AMENDING THE ZONING REGARDING
CONSTRUCTION AND CONTINUATION OF STRUCTURES FOR
ACCESSORY USES**

**Section 9, Subdivision 2 of the City Zoning Code is hereby amended by
replacing Subdivision 2(A) with the following:**

Subdivision 2: ACCESSORY BUILDINGS.

A. Principal Structure Required. Except where allowed as an interim use, an accessory building may not be constructed or otherwise located on a parcel of property until after the associated principal structure has been completed. An accessory structure may not remain, and must be removed, if the principal structure is removed, destroyed, or otherwise eliminated. If no structure on a lot is employed as a permitted, conditional or interim use, the structure is no longer a principal structure and no structure on the parcel may be employed for any accessory use.

B. Accessory structure as an interim use. In all zoning districts, the use of a building for a use permitted as an accessory use is allowed as an interim use, notwithstanding the absence of a principal structure, subject to the procedures, and performance and general development standards, set forth in this Ordinance, In addition, the City Council shall impose the following conditions in granting any interim use under this subdivision:

1. An interim use permit under this subdivision shall expire within one year. At the expiration of the permit, the property owner

may apply for a second interim use permit for up to one year. No additional interim use permits shall be issued for the same use or structure, under this subdivision.

2. An appropriate principal structure is planned for the site. A plan requires approval of any site plan necessary under the Zoning Code and proof that a valid building permit has been applied for the principal structure, The building permit must be maintained and renewed for the full term of the interim use permit.
3. Upon expiration of the interim use permit, if a structure is not converted into a principal structure, or is not a permitted accessory use to an existing principal structure, the use must be discontinued and any structure or improvement that does not have a permitted use must be removed or demolished, immediately.

Chair Honer stated that there are 3 issues:

1. If approved, one (1) year to build the primary structure
2. Need to reapply for another interim use permit if primary structure is not built within one year.
3. Need to see a site plan with all structures, driveways and setbacks.

Dennis Felch explained that he thought he was following the rules. He will bring a site plan with all structure locations and there setbacks.

Motion by Member Hansen, second by Member Bechtold, to continue the public hearing. Motion carried unanimously.

Chair Honer stated that it is a platted lot. She feels that where Mr. Felch is looking at put the house he shouldn't have any problems with impervious surface and drainage issue. Chair Honer stated it is not going to be as complicated as what council is making it.

MARY OF THE IMMACULATE CONCEPTION CHURCH-BUILDING PLANS:

Ed Karls explained that the church is proposing to put an addition on the front of the church.

- ◆ 52' x 39' 8" addition
- ◆ Handicapped accessible, bathrooms & gathering space
- ◆ Elevator will accommodate wheel chairs & coffins'
- ◆ The addition would butt the existing side walk (Current side walk is 18' 4")
- ◆ From the property line the addition would be 1' 6"
- ◆ West & east side entrance
- ◆ Elevators will be on the west side

Zoning Administrator Rena Weber questioned the parking issue.

Ed Karls explained that the church can seat 312 people.

Current parking

- ◆ East side-68 parking spots
- ◆ West side-6 parking spots
- ◆ Parking on the entire Broadway Street (County Road 82)

Zoning Administrator Rena Weber questioned if the handicapped people would have access to the church and parish center without going outside.

Ed Karls explained that they would need to go outside to get to the parish center.

Member Tippelt questioned if those plans meet all code requirement regarding handicapped people. He thought that the code requires all handicapped people have access to all parts of the building without going outside.

Member Ahles questioned if the addition for the elevator could be put on the west side of the building.

Ed Karls explained the current addition would need to be torn off and another church window would have to be close up.

Member Ahles explained that if the proposed addition was built on the west side it would utilize both building (church & parish center).

Attorney Jim Mogen references the B-1 District setbacks and other requirements:

Subdivision 6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. The minimum lot depth shall be 100 feet and the minimum lot width 50 feet, except lots fronting on Broadway Street shall be exempt from depth and width requirements.
2. Setbacks:
 - a. Front yard setback shall be thirty (30) feet or the average setback of structures on abutting lots, except if abutting Broadway Street, where setbacks may be reduced providing the parcel fronts on an improved public pathway/sidewalk of sufficient width and adequate site distance is available at street intersections.
 - b. Side yard setback shall be ten (10) feet, plus one-half (1/2) foot for every one (1) foot of structure height in excess of two (2) stories or thirty-five (35) feet whichever is less except for interior lots abutting Broadway Street wherein no minimum setbacks are required provided fire suppression techniques are incorporated to the satisfaction of the building official and fire marshal.

Subdivision 7: OTHER BUILDING REQUIREMENTS

2. For structures abutting Broadway Street, at least fifty (50) percent of the net area of all facades of new construction shall be comprised of granite (Rockville granite is highly encouraged), brick, stone, decorative concrete block or architectural tilt-up/tip-up panels. Said granite, brick, stone and/or concrete masonry may be used as structural components or applied as a veneer. Projects renovating or rehabilitating existing structures shall provide as much adornment as possible to existing facades facing public rights-of-way. Tile, glass, copper, metal and wood may be used for accent materials. The City may appoint an Architectural Review Panel to review and comment on proposed building or development plans prior to their consideration by the Planning Commission and/or City Council.

Ed Karls explained that the church will be using Rockville granite and the brick will match the existing brick.

GENE HESSE-QUALIFIED MINOR SUBDIVISION: Zoning Administrator Rena Weber read the **STAFF REPORT 5/13/08**

RE: SITE PLAN APPROVAL

76.41661.600/001 Owners: Gene & Gordon Hesse

Jeffrey Heinen Property Address: 20635 83rd Ave, St. Cloud, MN 56301

REQUEST

Approval to Combine Parcels A & B, Combine Parcels C & D, and further to establish a new property line to allow both parcels access to a 33' ingress and egress easement

RELEVANT INFORMATION

4. Property is zoned A-40
5. Property is 10.0 acres approximately.
6. The owner(s) are proposing to access the 33' ingress/egress easement by moving the property line.
7. Jeffrey Heinen currently lives on Parcels C & D or the newly created Parcel B.
8. Gene Hesse hopes to build a single family dwelling in the newly created Parcel A.
9. Gene Hesse will provide a copy of the quit claim deed once approved.
10. The subdivision does not provide 75' frontage to either lot.
11. This subdivision is in the proposed detachment area.

RECOMMENDATION

1. Consider the 75' Frontage requirement and determine if this is an issue.

Gene Hesse would like to move the property line to the north 118 feet. Currently there is no driveway access and by going north with the property line he would be voiding the wetland.

Jeff Heinen stated he is okay with it.

Attorney Jim Mogen suggests that there should be some condition put on the Declaration of Restriction.

1. Limiting development to each lot because it is a lot of record. It would identify that each lot would have one building rights.
2. Addressing the 75 foot frontage. When lot "A" gets developed it will need a variance from the zoning code requirements.

Zoning Administrator Rena Weber explained that a Conditional Use permit would need to be pulled because it is in the SP-1 district.

Attorney Jim Mogen stated that all parties would need to sign a joint Declaration of Restriction.

Motion by Member Hansen, second by Member Borgmann, to recommend approval with the stipulation that the Declaration of Restriction be signed jointly by all parties. Motion carried unanimously.

TAUBER/WESBUR-ADMINISTRATIVE PLAT: Zoning Administrator Rena Weber read the **STAFF REPORT 5/13/08**

RE: LOT SPLIT APPROVAL

76.41656.500/001 Owners: Dennis & Mary Lou Tauber
Bernard Wesbur owns adjoining farmland property in Wakefield Township

REQUEST

Tauber's and Wesbur's are seeking approval to subdivide 13.22 acres from the Tauber property located in the City of Rockville to Ben Wesbur in Wakefield Township. This subdivision will also provide an easement for the Tauber's to access their remaining acreage in the City of Rockville.

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 40.0 acres approximately.
3. The Tauber's were granted a CUP in 2005 to construct a new home which was not built.

4. Ben Wesbur had signed an agreement with the Tauber's on 7/24/98 in which Wesbur sold acreage to the Tauber's with some stipulation that he could lease the property and possibly get that property back in 10 years. Mr. Wesbur signed an acknowledgement stating that he knew that in selling the property he may not get approval to sub-divide the property at a later date.
5. This subdivision is in the proposed detachment area.
6. This subdivision has been in the works since last summer as a concern of the Zoning Administrator was that the Tauber's did not sign the original application, and that I needed to know they would not lose their building rights.

RECOMMENDATION

1. Attorney Jim Mogen is drafting the document to allow this transfer to happen since it is rather difficult.

Attorney Jim Mogen explained that the property is in the AG-40 district and is being subdivide for agricultural purpose only. There will be a Declaration of Restriction recorded against the property limiting that portion from future subdivisions and residential use.

Attorney Jim Mogen explained that the Tauber's will maintain a building right on their property.

Zoning Administrator Rena Weber explained that the Tauber's will need to reapply for a Conditional Use permit.

Motion by Member Hansen, second by Member Borgmann, to recommend approval of the Administrative Split contingent on the Declaration of Restriction be signed and record by Dennis & Mary Lou Tauber and a Certificate of Compliance will need to be record on the property. Motion carried unanimously.

LUVERNE HANSEN/INDEPENDENT SCHOOL DISTRICT-ADMINISTRATIVE PLAT: Zoning Administrator Rena Weber read the **STAFF REPORT 5/13/08**

Tract B

RE: SITE PLAN APPROVAL

76.41613.600/001 Owners: Luverne C Hansen & Jeanne Novak

Property Address: 201 4th Street West, Rockville, MN 56369

REQUEST

Approval to sub-divide the 15.28 parcel by donating 13.96 acres to School District #750.

RELEVANT INFORMATION

1. Property is zoned R-1 with Tract A being in a conservation easement.
2. Property is 15.28 acres approximately.
3. Luverne C Hansen has passed away therefore her daughter Jeanne Novak has inherited it.
4. Jeanne wanted to donate this to the city for a park originally and staff advised Ms. Novak (through John Peck) that the School would be better served with this property as they would need acreage in order to add on to the present school.

RECOMMENDATION

1. Approve as presented.

Motion by Member Hansen, second by Member Bechtold, to recommend approval of the Administrative Split. Motion carried unanimously.

ADDITIONS TO THE AGENDA

UPDATE ON MIKE NISLTER- Chair Honer stated that Mr. Nislter owns a barn north of town and he would like to turn his barn into a reception area (ballroom). The sub-committee did a site visit

and Mr. Nistler had a few issues that need to meet code requirements. Mr. Nistler is willing to meet those requirements.

Chair Honer explained what the issues were:

1. Sprinkler Issue - To address the issue Mr. Nistler is going to make the main entrance on the back side of the barn.
2. Handicapped Accessible-He is going to put a ramp to access the main level and the second story.
3. Air Exchanger-Jeff Howe was going to require that they put in an air exchanger but then Mr. Nistler would have to heat (60°) the building. Mr. Nistler will not be open in the winter months.
4. He is looking at adding a 60 foot deck.
5. Need to verify if there is going to be any water/sewer issues.

Chair Honer stated that she will address the City Council to allow the Attorney to draft up some verbiage.

DISCUSSION MIKE SCHNEIDER LETTER:

Discussion was on how the City accommodated the Schneider's.

PLANNING COMMISSION MEMBER/STAFF REPORT:

AG-10 ORDINANCE: This will be discussed at the June 10th Planning Commission meeting. Chair Honer would like for all members to review the ordinance.

OLD BUSINESS-There was none.

ADJOURNMENT – *Motion by Member Bechtold, second by Member Tippelt, to adjourn the meeting at 8:00 p.m. Motion carried unanimously.*

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR