

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, JULY 10, 2007 – 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 Jerry Bechtold, Dan Hansen, Toni Honer, Dale Borgmann, Susan Palmer & Jerry Tippelt. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing/ Administrative Assistant Judy Neu, Building Official Jeff Howe, City Council member Jeff Hagen, and Attorney Jim Mogen.

Others present: Ron Lehmeier.

APPROVAL OF AGENDA/AMENDMENTS – Attorney Jim Mogen asked the Chair to revise the agenda to consider the Lehmeier variance first and the ordinance amendments second.
Motion by Member Honer, second by Member Hansen, to approve the agenda and addition as amended. Motion carried unanimously.

APPROVAL OF MINUTES 6/12/07 – ***Motion by Member Honer, second by Member Borgmann, to approve the minutes of 6/12/07 as presented. Motion carried unanimously.***

NEW BUSINESS

PUBLIC HEARING – RONALD AND TERRI LEHMEIER VARIANCE FROM SHORELAND REQUIREMENTS.

Administrator/Clerk Rena Weber read the notice stating the public hearing was being held to consider the request of Eugene & Doris/Ronald & Terri Lehmeier for a variance from Shoreland Requirements. The address of the property is: 884 West Broadway Street with a legal description of: 8.23A of NE4NW4 all lying in RR & Hwy & S of Sauk River (Section 17, Twp. 123, Range 29) in the City of Rockville.

Rockville/Stearns County Ordinance, incorporating the State Shoreland guidelines, states in section 5.1.2C(3) **“any addition or alteration to a non-conforming structure that is located wholly or partly within the shore impact zone shall not be allowed.”**

The request is to:

- Remove 10' x 16' porch
- Add 30' x 40' Addition which is 87' from the Sauk River (*100' Setback is required*)
- Move 24' x 27' Garage

City Council member Jeff Hagen offered the following written/oral report:

Variance(s) Requested:

1. Variance to allow addition at 87' from OHWL of Sauk River, where setback requires 100'.

Construction Requests:

1. Remove existing 10' by 16' porch on east side of home and replace it with 30' by 38' addition.
2. Remove existing deck on Sauk River side (north side) of home and constructed 13'8" by 6' deck on the west side of the home.
3. Move an existing 24' by 27' detached garage to the south (further from Sauk River than exists), to allow for the 30' by 40' addition on the east side of the home. This garage would be located south of existing septic system.

Relevant Information:

1. R-1 Single Family District. Existing home, deck, porch, etc. are non-conforming due to existing 87' set back.
2. Additions to the home would add to existing non-conformance; therefore requiring this variance.

3. Existing detached garage has standing seam metal siding, metal roof; siding currently does not meet our ordinance, but existed prior to ordinance adoption.
4. Elevation certificate is required, has been provided; and floor of addition must be constructed at least 3' above the OHWL.
5. No confirming information at this time, but if existing septic system is older than 5 years; Stearns County would require a certification.
6. The impervious area is not an issue.

Recommendations:

1. Stearns County: Appears to have no concerns other than noting that a variance is needed for the 87' setback, and that possibly a septic certification would be needed if the existing system is older than 5 years. Best Management Practices during construction recommended-which is obvious to any construction.
2. Rockville City Staff: I believe they recommend approval.
3. My thoughts: The membership may want to discuss requiring matching siding on the detached garage when it's been moved to bring into conformance with existing zoning. With respect to septic; if it has been installed during the past 10-15 years and is working, I would not require certification.

City Engineer Scott Hedlund provided his written comments:

As requested, I reviewed the Lehmeier variance application and the county's review comment letter dated June 1, 2007. I concur with the county's comments. The only concerns I have are:

1. That proper erosion control and turf establishment be done during and after construction. This would include proper installation of silt fence on the down gradient sides(s) of any excavations of earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed, all to protect the river.
2. That the new structures are at least 3 feet above the OHWL of the river. The elevation certificate submitted appears to resolve this concern.
3. If the applicant will be disturbing more than 1 acre of ground, an NPDES Construction Stormwater permit is required.

Copy of the septic system certification to be provided.

Attorney Mogen stated that moving of the garage (which is a non-conforming structure) is considered a new structure and would need to comply with the ordinance. The siding would have to match the house.

Ron Lehmeier stated this really was not his intention so the garage could stay where it is.

Member Honer questioned if the garage is located in the front of the lot. Jeff Howe stated no the river side is actually the front side. Rena Weber and Judy Neu agreed in that this is how Stearns County views property on the lake or river.

Member Palmer asked the applicant if he would be willing to re-side the garage using the same siding as the house. Ron Lehmeier indicated that eventually he would do that. After discussion on the zoning district this is located in it was determined that this is not necessary.

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

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

Motion by Member Honer, second by Member Palmer, to recommend approval and encourage applicant to follow engineer recommendations and best management practices during construction and further to keep this in mind as he uses the property to steward the river bank. Motion carried unanimously.

CHANGES TO THE ORDINANCE – Attorney Jim Mogen presented a written document regarding regulations governing accessory structure exteriors. (A copy is hereby attached and marked Exhibit B). Jim Mogen reviewed the changes:

F1 – Side yard setback would be 10' instead of 5'

F2 – Side yard setback on corner lots would be 15'

F3 – Any structure less than 120 square feet will have no setback as long as the structure is not placed over any easement without written authorization.

G – Definition of homogeneous is same or similar.

Definition of Appearance will be in its own section (G1)

Member Borgmann voiced concern of roof pitch stating that a barn type look like Paul Wirth is okay by him.

H – Hoop structures will be allowed in A-40.

QUESTIONS – Attorney Mogen asked the Planning Commission the following questions:

- How much of a say do you want in that the accessory structure will match the house?
- What do you want to do with structures less than 120 SF?
- How much input does the Planning Commission want on the roof pitch?

Jeff Howe is to help with roof pitch ordinance in regards to type and height. The current ordinance states the accessory structure cannot exceed 25' in height.

It was determined that this will be brought back for further discussion at the 7/24/07 meeting. All are to review the proposal and be prepared for the meeting.

RANDALL ARENDT SEMINAR – Rena asked for discussion on the seminar and how this should be handled. An extension of the moratorium on transfer of development rights and Shoreland subdivision will have to be renewed at the 7/18 council meeting in order to accomplish this. The Planning Commission members are in favor of looking at this concept and wish to proceed with adoption of in certain areas (Ag-40 and SP-1) especially.

ADDITIONAL SITE VISITS – Members discussed whether or not the site visits should still occur and when that would be. It was determined that visits will still happen.

Discussion was held regarding the role of the Planning Commission and the fact that maybe a Planning Commission member should be doing the presentation on variance applications such as what Council Member Hagen did this evening.

Next site visit on 7/24/07 at 6:00 p.m.

APPOINTMENT OF OFFICERS – *Motion by Member Borgmann, second by Member Hansen, to appoint Toni Honer as Chair, and further to let Jerry Bechtold to stay on the Planning Commission as long as he wants to with no termination. This is with the understanding that the Planning Commission wants him on the Commission for his advice at all times.*

Jerry Bechtold asked if the Planning Commission is looking for an ordinance amendment in order to accomplish this. It was determined that the Planning Commission would like to see this happen.

Motion carried unanimously.

Jerry Bechtold voiced concern about the replacement of Roger Schmidt. It was determined that City Council should make contacts with people who would develop an interest in serving on the commission.

Member Honer stated that the ordinance says you have to live in the city. She would like to change it so that a property owner could serve since we are a recommending body. The property owner could have just as much interest in how the city is run.

Dan Hansen thanked Jerry Bechtold for his years as Chair. Jerry Bechtold has been on the Planning Commission since 1962 (Rockville Township and now City).

Rena questioned Planning Commission input on a resident who has five horses on 5 acres of land and is looking for approval to have six horses in the Ag-40. It was determined to let them do it. 10 animal units are where Stearns County Feedlot kicks in.

Jerry Bechtold updated the commission on the County Comp plan amendments.

SUMMARY OF ALL BUILDING PERMITS – Member Borgmann questioned the mechanical permit completion status by All Spec Services. It was reported that completions are recorded on a different form.

ADJOURNMENT – *Motion by Member Honer, second by Member Palmer, to adjourn the meeting at 9:04 p.m. Motion carried unanimously.*

VERENA M. WEBER-CMC
ZONING ADMINISTRATOR

JERRY BECHTOLD
CHAIR