

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD  
TUESDAY, NOVEMBER 13, 2007 – 7:00 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, Dale Borgmann, Steve Dietman, Susan Palmer, Jerry Bechtold, & Dan Hansen. Absent: Jerry Tippelt.

Staff members present were: City Administrator Rena Weber, Utility Billing/ Administrative Assistant Judy Neu, Attorney Jim Mogen & Building Official Jeff Howe.  
Others present: Sandra Meyer and David Kuetler

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

**APPROVAL OF MINUTES 10/16/07 – *Motion by Member Bechtold, second by Member Palmer, to approve the minutes of 10/16/07 as presented. Motion carried unanimously.***

**NEW BUSINESS**

**SANDRA MEYER ON VARIANCE – 21225 COUNTY ROAD 8**– Zoning Administrator Rena Weber read the notice of public hearing to consider the request of Sandra K. Meyer for a variance from front yard setback requirements and location of accessory structure in the rear yard. The address of the property is 21225 County Road 8 in the City of Rockville.

Legal Description: That part of Government Lot No. 4 of Section 29, Township 123, Range 29, Stearns County, Minnesota described as follows; Commencing at the southwest corner of said Government Lot No. 4; thence North 00 degrees 20 minutes 49 seconds West (assumed bearing) along the west line of said Government Lot No. 4, 1209.00 feet; thence North 89 degrees 31 minutes 33 seconds East, 803.72 feet to the point of beginning of the land to be described; thence South 19 degrees 02 minutes 46 seconds East, 49.62 feet; thence South 07 degrees 31 minutes 56 seconds East, 140 feet more or less to the north edge of a creek which runs into Grand Lake; thence easterly along said north edge 140 feet more or less to the shoreline of said Grand Lake; thence northerly along said shoreline 200 feet more or less to its intersection with a line which bears North 89 degrees 31 minutes 33 seconds East from the point of beginning; thence South 89 degrees 31 minutes 33 seconds West along said line 177 feet more or less to the point of beginning. Containing 50,000 square feet more or less. Subject to County Road easements and right of way on record.

Rockville Ordinance Section 16 Subd 9 (C) requires building setback from centerline of County Road to be 100'. Said Structure is proposed to be 60' from centerline.

Rockville Ordinance Section 9 Subd. 2 (3) requires accessory buildings to be constructed in the rear yard of the lot. Said structure will be placed 8' ahead of the principal structure.

Sandra Meyer explained that she would like to build a storage shed. The house is the only structure on the property. The siding will be logged siding and the roof will be a red. The shed will match the house. She explained that she does not like to see stuff stored outside.

Member Palmer questioned the impervious surface shows that it is less that 5% of the lot.

Rena Weber reported that the square footage of the lot is 50,000 and the impervious surface is 784.

Rena Weber questioned the setback from the road was 60 feet from centerline. Rena reported that she had Greg Bechtold (Stearns County Environmental) review the shed plans because back in 2004 there was a variance granted for the house and that Stearns County reported that the whole lot was in the wetlands. Rena explained that Stearns County sent a report for the

garden shed. It states that the shed would not impact the wetland and the shed would be 52 feet from centerline. The setback from the County Road will need to be clarified.

Member Dietman questioned on what type of flooring.

Sandra Meyer explained that the shed will not have a cement slab. The shed is being built off-site so it will not be permanent.

David Kuetler explained that the shed will be a 10' x 16' not a 12' x 16' because the company would not be able to haul it.

Member Palmer questioned if the shed could be moved further back from the County Road.

Rena Weber reported that the shed would still need to be 10' from the wetland and that Stearns County Environmental report explains that the proposed garden shed as staked and as shown on the drawing will not impact the wetland as long as all fill material and the building remain within two-feet of the staked area.

***Motion by Member Palmer, second by Member Hansen, to close the public hearing at 7:09 p.m. Motion carried unanimously.***

Rena Weber reported the following written/oral report:

#### **STAFF REPORT AND PICTURES**

Variance(s) Requested:

1. Variance to construct a 10' x 16' storage shed and to locate it in the front yard of property abutting Grand Lake – General Development Lake. Said request is to also locate said structure 60' from the centerline of the roadway – County Road 8.

Construction Requests:

1. Construct new storage shed and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 50,000 square feet more or less. If approved there would be 784 square feet of impervious surface with 12,500 allowed.
3. A variance was granted to Pat Sell in June of 2004 to construct the two story cabin.
4. A May 11, 2004 letter from Stearns County Environmental Services indicates that nearly all of the property is in wetlands. Greg Bechtold from Stearns County has been contacted to get his staff report on the proposed structure. This response is expected by 11/13/07.

Recommendations:

1. Staff has worked with the realtor on this request and determined that the structure cannot be placed any place else or the owner would have to fill in the wetlands. It would be tucked behind a row of pine trees.
2. This requires two variances: building in the front yard (8' ahead of the principal structure) and 60' from the centerline of the roadway (100' required).
3. This request would fall under a unique situation and therefore a variance could be granted.

**FINDINGS OF FACT: A review of the findings of fact was done.**

**Question 1     6 yes**

**Question 2     6 yes**

**Question 3     6 yes**

**Question 4** 6 yes  
~~**Question 5** 6 no~~  
**Question 6** 6 yes

Member Palmer stated that she would like to revisit question # 5. The fact is that there is no garage associated with the home, there is no storage place other than the home and that the homeowner is deprived of a reasonable use of the property.

Attorney Jim Mogen explained that the issue under state law is the use reasonable. Question # 5 is really asking you if the request is a reasonable request.

Member Bechtold explained that after listening to the attorney explain the question he would like to change his answer to "yes" on question # 5.

Chair Honer stated that question # 5 should be read over again.

Rena Weber stated that she was going to change the question # 5 to say "Is the request a reasonable request? Why or Why not?"

**Question 5** 6 yes

**The criteria for granting the variance have has been met.**

(A copy is hereby attached marked Exhibit A).

***Motion by Member Bechtold, second by Member Palmer, to recommend approval to grant the variance request. Motion carried unanimously.***

#### **REVIEW ORDINANCE 2007-41 AMENDING STRUCTURES FOR ACCESSORY USES-**

Attorney Jim Mogen presented a written document regarding Ordinance 2007-41 Amending Structures for Accessory Uses.

**SECTION 1.** Section 8, Subdivision 2 of the City Zoning Code is hereby amended by adding the following definition:

**PRINCIPAL STRUCTURE.** A building or structure that is occupied by, or employed as, a permitted, conditional, or interim use of the zoning district, and that meets all requirements, performance standards, or conditions imposed for the use. Same as a Principal Building.

**Insert in the list as appropriate, and renumber.**

**SECTION 2.** 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.

**Renumber as required.**

**Motion by Member Palmer, second by Member Borgmann, to recommend to adopt the amended Ordinance 2007-41 Structures for Accessory Uses as presented. Motion carried unanimously.**

**INDUSTRIAL SETBACK FROM RESIDENTIAL PROPERTY-** Attorney Jim Mogen presented a written document regarding **Ordinance No. 2007-43 AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO SETBACKS FOR INDUSTRIAL ZONED PROPERTY**

**SECTION 1:** Section 22, Subdivision 5(1) of the Zoning Code (as amended) is deleted and replaced with the following:

1. **Setbacks.**
  - A. Front yard setback. There shall be a twenty-five foot front yard setback.
  - B. Side yard and rear yard setback. There shall be a twenty foot side or rear setback, except as provided below.
  - C. Setbacks from Residential Property, Churches and Schools. A landscaped strip of at least sixty (60) feet in width shall be provided along the boundary of any adjoining property guided to residential development, in the future land use map, or where a residence, church or school is located. This strip shall be landscaped as a Buffer Yard, pursuant to Section 9A, Subd. 5(D). Nothing in the paragraph shall exempt the property from a greater setback if required to meet the requirements of Section 9A.

**SECTION 2:** Section 23, Subdivision 5(1) of the Zoning Code (as amended) is deleted and replaced with the following:

1. **Setbacks.**
  - A. Front yard setback. There shall be a twenty-five foot front setback.
  - B. Side yard and rear yard setback. There shall be a twenty foot side or rear setback, except as provided below.
  - C. Setbacks from Residential Property, Churches and Schools. A landscaped strip of at least sixty (60) feet in width shall be provided along the boundary of any adjoining property guided to residential development, in the future land use map, or where a residence, church or school is located. This strip shall be landscaped as a Buffer Yard, pursuant to Section 9A, Subd. 5(D). Nothing in the paragraph shall exempt the property from a greater setback if required to meet the requirements of Section 9A.

**Motion by Member Bechtold, second by Member Honer, to recommend approval to adopt Ordinance 2007-43 Setbacks for Industrial Zoned Property. Motion carried unanimously.**

**WATER-ORIENTED ACCESSORY STRUCTURES-** Attorney Jim Mogen presented a written document regarding **Ordinance No. 2007-42 AN ORDINANCE AMENDING THE CITY ZONING CODE BY RESTRICTING WATER-ORIENTED STRUCTURES**

**SECTION 1:** Section 9. Subdivision 2 of the Zoning Code (as amended) is deleted and replaced 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<sup>9</sup> 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.
- C. **No Encroachment Over Lot Lines.** Doors and windows of accessory buildings must be constructed so that they do not extend beyond the lot lines when they are opened.
- D. ~~Located in Rear Yard Only~~ **Location on Property. Accessory structures must be located on the property as provided in this paragraph:**
1. In all Residential Districts (i.e. R-1, R-2 and R-3) detached accessory buildings may only be ~~constructed~~ **located** in the rear yard of the lot. ~~except as required by Section 9, subd. 2(D)(2) or allowed by Section 9, subd. 2(D)(3)-~~
  2. ~~No detached accessory structure may be located within the setback from the Ordinary High Water Line (OHWL) as established by the Shoreland Overlay District. This restriction does not apply to stairs, paths, fences or docks. that are otherwise permitted.~~
  3. For property abutting a lake or navigable river, garages and other auto-oriented structures may be located on the road side of the lot.
- E. **Proximity to Principal Structure.** An accessory building, unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
- F. **Site Plan Required.** All accessory structures exceeding 120 sf in area shall require a building permit and approval of a Site Plan.
- G. **Setbacks Requirements for Accessory Structures.** Attached accessory structures must comply with all applicable setbacks to the principal structure. Detached accessory structures shall maintain rear and side yard setbacks of not less than five feet, except:
1. In the B- 1 District, the underlying requirements of that zoning district shall apply: and.
  2. For all corner lots, the side yard setback along a public right-of-way shall be 15 feet, or the requirement of the underlying zoning class, whichever is less.

3. No structure may be constructed over any easement, public or private, without written authorization of the owner of the easement.
- H. **Design and Appearance of Exterior.** All accessory buildings greater than 120 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure. For purposes of this Subdivision 2(G):
1. Appearance is measured when viewed from adjacent property, or from water bodies, streams, rivers, roads, parks, or other facilities open to the public.
  2. Identical material is not required, but the following characteristics should be the same or similar:
    - a. Orientation of boards, grooves, grains, shingles and other exterior characteristics.
    - b. Color of siding
    - c. Color of roofing.
    - d. Style of siding (including, but not limited to, the apparent length and width of boards, shakes or panels and the texture, reflectivity, or gloss of materials), and
    - e. Style of roofing (including, but not limited to, the apparent length and width of shingles, shakes, boards, or panels and the texture, reflectivity, or gloss of materials).
  3. Notwithstanding this subdivision, an accessory structure is not required to match granite. Brick, stone, concrete masonry or other similar stone-like material used on the principal structure. However, the material used must resemble the color and material of the principal structure, and should, at minimum, match nonstone-like materials of the principal structure.
- I. **Prohibited Materials.** Unpainted, uncolored or unfinished material is prohibited, except if the material is designed and marketed for residential finish work, and is weather-resistant in its unpainted, uncolored or unfinished state.
- J. **Number of Structures.** Unless the zoning district has a stricter limit, the number of accessory buildings in all zoning districts shall be limited to two (2) detached accessory buildings and/or garages of any size.
- K. **Hoop Structures.** Hoop structures are prohibited.
- L. **Lot Coverage Restriction.** All detached accessory buildings on a lot may occupy no more than thirty percent (30%) of the area of the rear yard.
- M. **A-40 District Exemptions.**
1. Subdivisions 2(G), 2(H), 2(1) and 2(J) do not apply to structures built within the A-40 Agricultural District where the structure is built at least 100 feet from a residential or commercial zoning district.
  2. Subdivision 2(K) does not apply to the A-40 Agricultural District.

Member Borgmann questioned on how this ordinance would affect the existing water-oriented structures.

Attorney Jim Mogen explained that existing water-oriented structures would come under legal non-conforming. Jim Mogen explained that if the property owner does not increase the size of the non-conforming structure and stay in height requirements they could rebuild.

**Motion by Member Borgmann, second by Member Bechtold, to recommend approval to adopt Ordinance 2007-42 Restricting Water-Oriented Structures. Motion carried unanimously.**

**DISCUSSION ON “FRONT” OF THE LOT**-Attorney Jim Mogen explained that “front sides” needs to be addressed. The definition in the current ordinance defines that the “front side” is the road side and the ordinance needs more clarification on Lake Lots. What needs clarification would be where accessory structure can be placed and the setback from side and rear lot lines. Jim Mogen suggests to draft something up to correct these minor adjustments.

Member Palmer suggested putting something in that would define the lake lots and the setbacks from road.

Attorney Jim Mogen explained that he wants to make sure that all sections of the zoning codes states what the “front” is, so there are no disputes. He suggests looking at the setbacks from the road and the front of the structures along Hubert Lane, Lake Road, Mitchell Lane, and Pleasant Road.

Attorney Jim Mogen suggested changing Section 1 Subdivision 2: **ACCESSORY BUILDINGS** (D). Location on Property (3). For property abuts a lake or navigable river, allowing just one garage or accessory structure in the front yard. Jim Mogen stated he would make the necessary changes.

#### **DISCUSSION ON SUB-COMMITTEES**

Discussion was held on:

- Future Land Use
- Where in Residential District do you want to allow Conservancy Design
- Conservation Subdivision
- Create a Conservation Overlay

Member Palmer presented a written document from the task force regarding what the committee had discussed:

Re: Rural Residential Districts

#### **Overview:**

The City of Rockville is a rural community and committed to maintaining its rural character-at the same time, the city wants and needs to grow. Through the establishment and use of overlay districts and zoning ordinances, the city can encourage the kind of development that is desired and appropriate for different parts of the city. By making small but significant changes to land-use documents-the comprehensive plan, the zoning ordinance, and the subdivision ordinance-the city can provide tools for development to occur that enhances our collective community experience.

#### **Purpose for review and creation of rural residential districts:**

1. To allow rural development that meets the spirit of the consolidation plan-that is to maintain the rural character of Rockville (i.e. conserve open space that protects woodlands, meadows, fields, plus historic, cultural or scenic features of local or greater significance).

2. To identify and protect prime farmland.
3. To revise local ordinances that will multiply the options available to landowners, while also setting higher standards for both the quantity and quality of land that is set aside for permanent conservation.
4. To ensure that development outside the core city occurs in an orderly fashion and does not create undue infrastructure burdens on the city.

**Questions for Consideration:**

1. Where should conventional subdivisions be located within the city?
2. Where are conservation overlay districts most appropriate and desired?
3. Where are we willing to allow 5 and 10 acre parcels and are there any infrastructure issues associated with these?
4. How do we protect and preserve prime farmland?
5. What are the problems associated with the current zoning map?
6. Should we change ordinances and recommend changes that would facilitate encourage and in some cases require conservation subdivisions?

**Timeline:**

The Planning Commission would submit a draft report to the City Council by the end of December that outlines the steps and possible changes needed to the comprehensive plan, zoning ordinances, and the subdivision and land development ordinances.

Chair Honer explained that the Planning Commission should form two sub-committees:

- **Smaller Lots** - Tippelt, Hansen, Honer & Borgmann
  - Scheduled a meeting for Tuesday November 27 @ 7 pm
- **Future Land Use** - Dietman, Honer, Bechtold & Palmer
  - Scheduled a meeting for Tuesday November 20 @ 6 pm

**OLD BUSINESS**-There was none.

**ADJOURNMENT – Motion by Member Borgmann, second by Member Palmer, to adjourn the meeting at 9:21 p.m. Motion carried unanimously.**

---

**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

---

**TONI HONER**  
**CHAIR**