

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
MONDAY, FEBRUARY 12, 2008 – 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, Jerry Bechtold, Jerry Tippelt & Vern Ahles. Absent Dan Hansen

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

Others present: Greg Simones, Nathan & Sara Lommel, Mike Schneider, James & Arlene Faber.

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

ISSUE OATH OF OFFICE– Zoning Administrator Rena Weber issued the Oath of Office to Vern Ahles. Vern is now duly sworn in as the liaison for the City Council. Vern replaced Susan Palmer, whose term was up December, 2007.

APPROVAL OF MINUTES 01/08/08 – Motion by Member Tippelt, second by Member Bechtold, to approve the minutes of 01/08/08 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING – GREG SIMONES REZONING REQUEST Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, February 12, 2008 at approximately 7:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Gregory & Joyce Simones for approval of a **Rezoning Request**. Approval is needed for minor subdivision. The address of the property is: 9379 County Road 6 with a legal description of: All that part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Three (3), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, described as follows: Beginning at the Northeast corner of said Section 3; thence South 00° 03' 52" East, assumed bearing, along the East line of said Section 3, a distance of 990.10 feet; thence North 89° 19' 37" West, parallel to the North line of said Section 3, a distance of 440.00 feet; thence North 00° 03' 52" West, parallel to the East line of said Section 3, a distance of 990.10 feet to the North line of said Section 3; thence South 89° 19' 37" East, along said North line, 440.00 feet to the point of beginning and there terminating.

The request is to rezone said property from AG-40 to R-1 Single Family Dwelling.

Zoning Administrator Rena Weber reported that on the east side of Mr. Simones property there is a 33 foot strip of land that is dedicated for future 93rd Ave. In discussion with Mr. Simones he is dedicating 33 feet of land as well. The future access to the back lots would be 93rd Ave.

STAFF REPORT -Rena Weber reported the following written/oral report:

RE: SITE PLAN APPROVAL

76.42144.00176.41604.600 Owners: Gregory and Joyce Simones

Property Address: 9379 County Road 6, St. Cloud, MN 56301

REQUEST:

Approval to rezone 10 acres in A-40 District to R-1 Single Family Dwelling

Approval to sub-divide into two parcels to facilitate the sale of the property

RELEVANT INFORMATION

1. Property is zoned A-40
2. Property is 10.0 acres approximately.

3. The owner is proposing to grant easements along the north and east sides of the lot to facilitate drainage/utility and also roadway access for newly created lot.

RECOMMENDATION

1. Dedicate 50' of Right of Way along CR 6
2. Dedicate 33' of ROW along the east line of the existing parcel for future extension of 93rd Ave.
3. Dedicate 12' drainage and utility easement adjacent to ROW along CR 6 and future 93rd Ave.
4. Dedicate 6' drainage and utility easement along all lot/parcel lines not adjacent to CR6 and future 93rd Ave.
5. Access to new 7 AC +/- tract should be via a temporary road (driveway within the 33' on new ROW along the east line of the existing parcel. Access to a dwelling or further subdivided lots should be off said temporary road (driveway) at least 150' south of CR 6.
6. Approve with these conditions.

Nobody spoke from the public.

Zoning Administrator Rena Weber reported that there were 16 notices that were sent out.

Member Tippelt questioned the land to the east of the property.

Greg Simones reported that the land was already platted into 2 acres lots.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 7:10 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the request to rezone from Ag-40 to R-1 Single Family Dwelling. Motion carried unanimously.

GREG SIMONES - QUALIFIED MINOR SUBDIVISION:

Greg Simones stated that the request is to split the house to 2.5 acres and Tract "A" (7.50 acres) be subdivided in the future.

Motion by Member Borgmann, second by Member Bechtold, to recommend approval of the split. Motion carried unanimously.

PUBLIC HEARING – NATHAN LOMMEL-CONDITIONAL 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, February 12, 2008 at approximately 7:15 p.m. at Rockville City Hall (229 Broadway Street East)** to consider the request of Nathan Lommel for a **Conditional Use Permit** for New Single Family Dwelling Requirements. The address of the property is: 7783 County Road 141, Kimball, MN 55353 with a legal description of: That part of the SW 1/4 of the SE 1/4 and the SE 1/4 of the SW 1/4 of Section 25, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the South Quarter corner of said Section 25; thence on an assumed bearing of S 89°51'24" E along the South line of said SW 1/4 of the SE 1/4, 739.70 feet to the point of beginning of the tract herein described; thence on a bearing of N 00°08'36" E, 430.00 feet; thence on a bearing of N 89°51'24" W, 825.83 feet to the centerline of County Road No. 141; thence on a bearing of N 26°17'12" E along last said centerline, 532.27 feet; thence on a bearing of S 64°25'19" E, 1067.47 feet; thence on a bearing of S 11°31'28" W, 458.37 feet to the South line of said SW 1/4 of the SE 1/4; thence on a bearing of N 89°51'24" W along last said line, 282.25 feet to the point of beginning.

Subject to easements of record. Containing 10.00 acres more or less.

SECTION 24 Subdivision 3: Conditional Uses (17) reads:

1. New Single Family Dwellings as provided for below:

- a. New single family dwellings on platted lots of record as of April 16, 2003 and which meet the requirements of Subdivision 6 of this Section 24.
- b. New single family dwellings at a maximum density of one per Forty (40) acres on platted lots recorded after April 16, 2003 and that meet minimum lot size requirements in this Ordinance as well as the requirements of Subdivision 6 of this Section 24.
- c. With the exception of construction upon platted lots of record existing as of April 16, 2003, no more than four (4) conditional use permits for single family dwellings will be issued in any calendar year.

The request is to construct a single family dwelling in the **SP-1 SPECIAL PROTECTION DISTRICT**.

Zoning Administrator Rena Weber reported that there were 11 notices that were sent out. Rena reported that she spoke to Irene Schneider on the phone and Irene is in favor of it.

Nobody spoke from the public.

Motion by Member Bechtold, second by Member Dietman, to close the public hearing at 7:18 p.m. Motion carried unanimously.

ATTORNEY REPORT:

DETAIL OF REQUEST: See application

RELEVANT ORDINANCES/STATUTES: Section 16 and 27, Zoning Code

BACKGROUND: Request made pursuant to 4 house annual limit.

ANALYSIS:

This application should be reviewed to determine if conditions should be imposed to correct any conflicting or adverse uses on neighboring properties.

The first concern is the City's interest in limiting residential growth in the Agricultural District. As this is the first application, no additional conditions should be added, except language requiring completion within one year.

The second concern is in preventing conflicts with neighboring agricultural uses. A condition should be included recognizing that the district is agricultural, and the residential facility may periodically be subject to sounds, odors, and other farm related activities.

I would like the following shown on the drawing: the dimensions of the septic tanks and grain fields, their distance from the side lot lines, the width of the lot at the front of the building (building line), location of any accessory structures, and distance of the driveway at its closest point to the side lot line.

If City staff should request, I would be happy to draft the CUP. However, I don't believe that is necessary, as the conditions are fairly standard. If requested, I would be happy to review a proposed CUP permit.

The CUP will need to be recorded against the property.

ENGINEER REPORT:

As requested, I reviewed the Nathan Lommel CUP info request and have the following comments:

- 1) I have no concerns.
- 2) I recommend that he dedicate 50' of ROW along CR 141 in conjunction with the request.
- 3) He'll need to obtain a driveway permit from Stearns County.

Member Tippelt questioned if the feedlot was addressed.

Nathan Lommel stated that the feedlot is over 750' from property.

Zoning Administrator Rena Weber reported that Mr. Lommel should verify it with Stearns County that the distance from the feedlot is 750'.

Motion by Member Dietman, second by Member Tippelt, to recommend approval of the Conditional Use permit pending that the property is 750 feet from feedlot. Motion carried unanimously.

AMENDING SUBDIVISION ORDINANCE SECTION 10 PUBLIC LAND DEDICATION –
Zoning Administrator Rena Weber reported that in the Zoning Ordinance the Public Land Dedication was amended but it was not changed in the Subdivision Ordinance.

Motion by Member Borgmann, second by Member Dietman, to approve.

Discussion was held on lot sizes and charging public land dedication for Quality Minor Subdivision or Administrative Plats.

Member Dietman later retracted his motion and Member Borgmann did as well.

Motion by Member Borgmann, second by Member Tippelt, to table the public land dedication. Motion carried unanimously.

Chair Honer suggests discussing this with the Council at the joint meeting on February 26th.

DAN HANSEN-QUALIFIED MINOR SUBDIVISION REQUEST - Dan Hansen requested to remove his item from the agenda.

DISCUSSION ON TRANSFER OF DEVELOPMENT RIGHTS - Attorney Jim Mogen reported the following written/oral report:

- Residential Density Goals
- Residential Density Requirements
- Subdivision of Property
- Declaration of restrictions for non-residential uses
- Declaration of restrictions for residential uses
- Density Standards
- Buildable lot requirements

Attorney Jim Mogen stated that this would only apply in the AG-40 district.

Member Tippelt questioned if the land needs to be adjacent to the property. Yes

Attorney Jim Mogen will bring a draft ordinance back.

Member Bechtold had concerns that this would not preserve the agricultural land.

ORDINANCE NO. 2008-FEEDLOTS - No discussion

ORDINANCE NO. 2008-CUP IN THE SP-1 DISTRICT - Zoning Administrator Rena Weber explained that in the SP-1 district the ordinance requires a CUP when a single-family dwelling is built. The ordinance only allows 4 homes per year. This has never been an issue. Her thought is maybe this condition is not necessary and it is adding extra expense to the property owner.

DISCUSSION ON TRANSITIONAL ZONING - Attorney Jim Mogen reported the following written/oral report: **INTENT** of the A-10 district is to permit the development of large lot residential development that provides for low intensity agricultural uses and provides reasonable standards for such development. It is the City's intent to provide options for residential development with

some rural characteristics, while avoiding the development of land that will prevent the efficient expansion of municipal services, and future increases in the development density of land near more intensely developed land.

Attorney Jim Mogen explained that if the City would move forward with A-10 district. The City would need to adopt the A-10 zoning and identify those areas.

SHORELAND ORDINANCE - Zoning Administrator Rena Weber reported that the members should read the executive summary before the February 26th joint meeting.

Chair Honer stated that if the members have any questions please contact anyone on the Shoreland Committee.

STAFF REPORT

STORAGE BUILDING- Zoning Administrator Rena Weber reported that Eric Kunz owns 10 acres on the corner of County Road 8 and Highway 23. It is zoned R-3. The Kunz's would like to build a storage building and rent out space.

Attorney Jim Mogen explained some options:

- Could Rezone it
- Change the zoning district to allow other accessory uses

Ordinance would not allow:

- It to come under a home extended business
- For a Conditional Use Permit-it is for only what is stated in the ordinance.
- And the ordinance does not have a condition for a mixed uses such as that

MIKE SCHNEIDER - Zoning Administrator Rena Weber reported that Raymond & Irene Schneider have 110 acres and wish to plat the 10 acres where the homestead is.

ADDITION TO THE AGENDA

DISCUSS-IMPERVIOUS SURFACE COVERAGE - Zoning Administrator Rena Weber reported that a Council member suggested when density is higher the Impervious should be lower.

Attorney Jim Mogen explained that the impervious service for the downtown area should be reviewed again.

DISCUSS-PLATTING FEES: Zoning Administrator Rena Weber reported that the Council is requesting to increase the platting fees.

1. Preliminary Plat
 - 1-3 lots \$ 300
 - 4-10 lots \$ 500
 - 11-40 lots \$1500
 - Over 40 lots \$5000
2. Final Plat \$300

Motion by Member Bechtold, second by Member Borgmann, to recommend approval to increase the platting fees. Motion carried unanimously.

OLD BUSINESS-There was none.

ADJOURNMENT – ***Motion by Member Borgmann, second by Member Bechtold, to adjourn the meeting at 9:18p.m. Motion carried unanimously.***

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR