

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, MARCH 9, 2010 – 6:30 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, and Steve Dietman Dale Borgmann & Liaison Duane Willenbring.

Staff members present were: Zoning Administrator Rena Weber and Billing Clerk/Administrative Assistant Judy Neu.

Others present: Councilor Jerry Schmitt, Dan & Bruce Welle & Chris Gohmann.

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

APPROVAL OF MINUTES 02/09/10 – Motion by Member Tippelt, second by Member Borgmann, to approve the minutes of 02/09/10 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING DAN WELLE CONDITIONAL USE PERMIT FOR SINGLE FAMILY DWELLING:

Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday March 9, 2010 at approximately 6:30 p.m. at Rockville City Hall (229 Broadway Street East)** to consider the request of Daniel Welle for a **Conditional Use Permit** for New Single Family Dwelling Requirements. The address of the property is: 9155 Ahles Road, St. Cloud, MN 56301 with a legal description of: That part of the N 1/2 of the SW 1/4 of Section 14, Township 123, Range 29, described as follows: Commencing at the Northeast corner of said SW 1/4; thence on an assumed bearing of S 01° 00' 29" E along the East line of said SW 1/4, a distance of 616.38 feet to the centerline of Ahles Road as established in WELLE ADDITION, as of public record, Stearns County, Minnesota; thence on a bearing of S 87° 14' 31" W along said centerline, 1327.00 feet; thence on a bearing of S 01° 35' 15" W, 2.39 feet to the South line of BRUCE WELLE ADDITION, as of public record, Stearns County, Minnesota, said point being the point of beginning of the tract herein described; thence continue on a bearing of S 01° 35' 15" W, 373.63 feet; thence on a bearing of N 87° 00' 24" E, 589.61 feet; thence on a bearing of N 00° 06' 56" E, 372.98 feet to Southwest corner of said WELLE ADDITION and the Southeast corner of said BRUCE WELLE ADDITION; thence on a bearing of S 87° 00' 24" W along the South line of said BRUCE WELLE ADDITION, 580.00 feet to the point of beginning.

Subject to easements of record.

Containing 5.00 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 the following written/oral report:

STAFF REPORT 3/9/10

RE: SITE PLAN APPROVAL

76.41625.0400 Owners: Daniel B. Welle

Property Address: 9155 Ahles Road, St. Cloud, MN 56301

REQUEST:

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

RELEVANT INFORMATION

1. Property is zoned SP-1 underlying zone is A-40
2. Property is 5.0 acres approximately.
3. The parcel was NOT A lot of record on 4/16/03.
4. This is the first request for a CUP for 2010.
5. The neighboring feedlot of the proposed structure has been deactivated.
6. No feedlot appears to be within 750' of the proposed house.
7. The site plan indicates that there is over 100' between the well and septic.

RECOMMENDATION

1. This 5 acre plot was once tillable land. It is also located in the vicinity of other homes.
2. The Welle's are aware that this is farming territory and should not object to farming practices going on in their area.
3. Septic system approval is needed from Stearns County if granted.

Zoning Administrator Rena Weber questioned Mr. Welle if he had any objections to the farming practices going on in that area.

Dan Welle stated "no" he farms it.

Zoning Administrator Rena Weber reported on the current site plan there is only one (1) septic site drawn and Mr. Welle will need to show two (2). Stearns County requires having two (2) proposed septic sites.

**Motion by Member Bechtold, second by Member Dietman, to close the public hearing at 6:34 p.m.
Motion carried unanimously.**

Zoning Administrator stated that the site plan shows that the house will be located near the west side of the property line.

Dan Welle stated "yes".

Zoning Administrator Rena Weber questioned if the house is near the wooded area.

Dan Welle stated "no" it's close to a piece of land that is currently not tilled. The proposal is to use about 2 acres for the building site and the other 3 acres will remain crop land.

Member Tippelt questioned where you want to locate the proposed building is that tillable land.

Dan Welle stated "yes".

Chair Honer questioned if the property line went thru the woods.

Dan Welle stated 'no'.

Motion by Member Bechtold, second by Member Dietman, to recommend approval of the Conditional Use Permits as presented just as long as we receive approval from Stearns County on the second septic site.

AYES: Honer, Dietman, Borgmann, Bechtold

NAYS: Tippelt

Motion passes on a 4 to 1 vote.

FINDING OF FACTS- THOMAS & PEGGY SCHULZ VARIANCE REQUEST: Zoning Administrator Rena Weber reported that the finding of fact was missed at the last Planning Commission meeting for Thomas & Peggy Schulz variance request @ 21086 County Road 8. The City should have the finding of facts on record.

A review of the finding was done. (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 5 yes why: Other property have same setbacks
2. 5 yes why: Shoreland Ordinance
3. 5 yes why: The realignment of County Road 8
4. 5 yes why:
5. 5 yes why:

Motion by Member Borgmann, second by Member Dietman, to recommend approval to enter the Finding of Facts into the minutes (February 9th, 2010) as a whole. Motion carried unanimously.

AMENDING STORMWATER ORDINANCE: Zoning Administrator Rena Weber reported the following written report is in ordinance form for the Planning Commission to review and approve.

ORDINANCE NO. 2010-64

AN ORDINANCE AMENDING SECTION 1 SUBDIVISION 12(B) OF THE STORMWATER ORDINANCE 2008-51

WHEREAS, the City Council of the City of Rockville adopted official zoning controls ("Zoning Code") pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63 and

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the City Council seeks to amend the lot coverage requirements in the R-1 Single Family District, and

WHEREAS, public hearing was held on March 17, 2010 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on March 2, 2010; and March 9, 2010.

NOW, THEREFORE, the City Council does ordain:

Subdivision 12(b) A. Residentially zoned property:

1. Not located in the Shoreland overlay district, 25%, except that a lot of record may contain up to 30% impervious surface, without a variance, if the parcel owner provides a plan to the City that treats surface water runoff for water quality, as provided in 13 (b).

Zoning Administrator reported that the at the last council meeting the Mayor brought up a question about Commercial and Industrial zoned property going to 100 % impervious. I think that is in relation to whether or not there were areas with storm sewer that could be allowed.

B. Commercial and Industrial zoned property:

3. Notwithstanding, if the parcel is served by municipal stormwater sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, without a variance, as approved by the City Engineer. A request for such a waiver must demonstrate that the stormwater is adequately treated.

Motion by Member Bechtold, second by Member Borgmann, to recommend approval to amend the Stormwater Ordinance as presented. Motion carried unanimously.

DISCUSSION ON AG-10:

Discussion was held on:

- ◆ Split lots-Does this change green acres
- ◆ How does it affect the neighbors
- ◆ Can't put it in Green Acres if it is not plowed or fenced.
- ◆ Property Value is what is you are going to be taxed on.
- ◆ If you have the potential of selling 10 acres lots-that raises the tax value for farms around it.
- ◆ Are the farms going to be more valuable if you have 2 buildable lots or 10 buildable lots?
- ◆ Eventually tax values are going to go up and it doesn't matter what crop you plant. Stearns County will tell you at first "no" but eventually "yes". It's going to take time for the evaluation to climb.
- ◆ Anytime a lot gets sold around a farm it brings the valuation of the farm up.
- ◆ Preserve the open spaces.
- ◆ Rule preserve
- ◆ How can we develop more of a sense of community

PLANNING COMMISSION MEMBER/STAFF REPORT:

Zoning Administrator Rena Weber reported that:

- ◆ Stearns County notified the City that a resident South of County Road 8 increased their animal units from 50 to 60. Stearns County has no issues with the increase in animal units and
- ◆ Resident came in wanting to construct a 32'x22' accessory building in R-1 District (right next to the church parking lot) The parcel is within 300' feet of the Mill Creek, the structure setback from Mill Creek would be approximately 18' feet, they would need approval from the church to access the building, they own on both sides of the creek. It would look like they would need a Certificate of Survey & variance with the information that the resident provided.

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Tippelt, second by Member Dietman, to adjourn the meeting at 7:38 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR