

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, NOVEMBER 09, 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, Dale Borgmann, Steve Dietman, Jerry Bechtold. Absent Jerry Tippelt & Liaison Duane Willenbring.

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

Others present: Councilor Jerry Schmitt, Dave & Cory Billing, Sam Deleo, Clarence Bloch & Paul Ludwig.

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

APPROVAL OF MINUTES 10/12/10 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 10/12/10 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING DAVE & JEANETTE BILLIG @ 21748 COUNTY ROAD 8 –VARIANCE 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, November 9, 2010 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Dave A & Jeanette M Billig for a variance from Shoreland Requirements. The address of the property is: 21748 County Road 8 with a legal description of: 33A N80 and apos; of that part of N 40A of Govt. Lots lying between the W shore of the lake and County Road 8.

The request is to construct a 705.6 SF cabin and 96 SF unattached shed in the R-1 – Shoreland District. Variances from the following will be discussed:

- ◆ Setback from center line of County Road should be 100' (proposed 50')
- ◆ Setback from OHWL should be 75' (proposed 50')

STAFF REPORT

Re: Variance Request(s)
76.41650.0500: Owners: Dave A & Jeanette M Billig
Property Address: 21748 County Road 8

Variance(s) Requested:

1. Variance to construct a 705.6 sf cabin and 96 sf unattached garage and to locate it on property abutting Grand Lake – General Development Lake.
2. Said request is to also locate said structure 50 feet from the centerline of the roadway –(should be 100') County Road 8 and
3. Structure to be located 50' from the OHWL and should be 75'

Construction Requests:

1. Construct new cabin unattached shed and match the structures.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 14,375 square feet more or less.
3. 10 notices of public hearing were sent out.

Recommendations:

1. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. The property owner appears to have made every effort to meet setbacks and remain within the site line of both neighbors.
3. Approve as presented.

Paul Ludwig questioned if the rain water run off would have to remain on their property.

Chair Honer stated "yes".

Motion by Member Dietman, second by Member Bechtold, to close the public hearing at 6:37 p.m. Motion carried unanimously.

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

- 1. 5 Yes
- 2. 5 Yes
- 3. 5 Yes why: County Road 8
- 4. 5 Yes why:
- 5. 5 Yes why:

Motion by Member Borgmann, second by Member Dietman, to recommend approval of the Variance Request as presented. Motion carried unanimously.

PUBLIC HEARING CLARANCE BLOCH @ 11285 HUBERT LANE – PRELIMINARY, FINAL PLAT & REZONE: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 9, 2010 at approximately 6:45 p.m. at Rockville City Hall – 229 Broadway Street East** to consider approval of a Re-zoning of certain property & Preliminary & Final Plat to be known as:

BLOCH ADDITION

Said plat has a legal description of: All of lots 1, 3, 4, 5, 6, 10, & 11, Block 1, STEARNS COUNTY BOUNDARY COMMISSION PLAN NUMBER1, according to the recorded plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota.

NEW LEGAL DESCRIPTION: LOTS 1 through 7, Block 1, Bloch Addition

The reason for the request is to attach land adjacent to said lots.

STAFF REPORT

RE: SITE PLAN APPROVAL

76.42189.0000 Owners: Clarence J. Bloch & Mary Ann Bloch
Property Address: 11285 Hubert Lane, Cold Spring, MN 56320

REQUEST:

- Approval to rezone 6.07 acres in A-40 District to R-1 Single Family Dwelling
- Approval to sub-divide into 7 parcels to be attached to property abutting Hubert Lane

RELEVANT INFORMATION

- 1. Property is zoned A-40
- 2. Property is 6.07 acres approximately.
- 3. The owner is proposing to sell the abutting land owners the property for attachment purposes only.
- 4. These are non-conforming lots so attaching it to the lakeshore lot makes it closer to conformity. If approved people would still need to apply for permits/variances should they decide to build anything.

RECOMMENDATION

- 1. Dedicate 12' drainage and utility easement around perimeter of lots
- 2. Attach deed restrictions stating that these are not developable lots, but this is making them closer to conformity.
- 3. Indicate that the lots will attach to the lots on the north side of Hubert Lane which could allow space for Stormwater improvements and provide expansion to meet setback requirements.

4. City Attorney is drafting the legal document addressing this process.
5. Approve with these conditions.

Zoning Administrator Rena Weber read the attorney Adam Ripple response: Attached is the draft Declaration of Restriction as we have discussed. It is my understanding that the plat is for the purpose of expanding several existing lots. Neither the existing lots nor the enlarged lots comply with the City Ordinances, but the expanded lots are more conforming than the existing lots. Thus, I feel it is appropriate to use a deed restriction to ensure that the lots are attached to existing lots and conveyed together to ensure that no new non conforming lots are created with development rights. Since I have not had an opportunity to discuss this with Sam, if the Council/Planning Commission is ok approving the plat and rezoning, my advice is to conditionally approve the plat on the condition that a declaration of restrictions for attachment substantially similar to the attached document be executed and recorded with the plat. If the Council uses "substantially similar" I am comfortable making minor adjustments after Sam and the property owners review it. The other option is for the Planning Commission to close the public hearing and table the decisions to the next meeting. The property owners will also need to work out any conveyances that are necessary to make the property records reflect the plat.

**DECLARATION OF RESTRICTIONS
FOR
ATTACHMENT PURPOSES**

THIS Declaration of Restrictions for conveyance for attachment purposes "Declaration" is made this ____ day of _____, 2010, by the undersigned (collectively "Declarants").

WHEREAS, Declarants have submitted a preliminary and final plat ("Bloch Addition") to the City of Rockville;

WHEREAS, the purpose of the Bloch Addition, a copy which is attached as Exhibit A, is to expand a number of existing lots that are part of the Stearns County Boundary Commission Plat Number 1 ("Existing Lots").

WHEREAS, the Existing Lots and the lots created by the Bloch Addition are nonconforming and do not meet the requirements of the City of Rockville Subdivision Ordinance;

WHEREAS, the expansion of the Existing Lots will bring the Existing Lots closer to conformity with the Rockville Subdivision Ordinance;

WHEREAS, the City of Rockville approved the Bloch Addition on the condition that all lots are restricted from additional development and are attached to adjoining lots under the same ownership;

WHEREAS, David A. Scrabek, a single adult, hereinafter referred to as "Scrabek," is the fee owner of Lot 1, Block 1, Bloch Addition and Lot 4, Block 1, Stearns County Boundary Commission Plat Number 1;

WHEREAS, Philip G. Mueller and Shamba L. Mueller, husband and wife, hereinafter referred to as "Mueller," are the fee owners of Lot 2, Block 1, Bloch Addition and Lot 5, Block 1, Stearns County Boundary Commission Plat Number 1;

WHEREAS, Kurt D. Saxton and Anita F. Saxton, husband and wife, hereinafter referred to as "Saxton," are the fee owners of Lot 3, Block 1, Bloch Addition and Lot 6, Block 1, Stearns County Boundary Commission Plat Number 1;

WHEREAS, Timothy J. Walter and Carol G. Walter, husband and wife, hereinafter referred to as "Walter," are the fee owners of Lot 5, Block 1, Bloch Addition and Lot 11, Block 1, Stearns County Boundary Commission Plat Number 1;

WHEREAS, Clarence J. Bloch, as Trustee of the Clarence J. Bloch and Mary Ann Bloch Revocable Trust Agreement dated June 28, 2002, hereinafter referred to as "Bloch Trust," is the fee

owner of Lots 6 and 7, Block 1, Bloch Addition and Lot 12, Block 1, Stearns County Boundary Commission Plat Number 1;

WHEREAS, Lots 4 and 7, Bloch Addition will not be attached to any other contiguous lots; and

WHEREAS, the Declarants are responsible for preparing and executing all conveyance documents to effect the attachments.

NOW, THEREFORE, the Declarants make the following declaration of restrictions. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them:

1. The lots created by the Bloch Addition Plat are attached to contiguous lots in the Stearns County Boundary Commission Plat Number 1 and are attached as follows:
 - a. Lot 1, Block 1, Bloch Addition is attached to Lot 4, Block 1, Stearns County Boundary Commission Plat Number 1.
 - b. Lot 2, Block 1, Bloch Addition is attached to Lot 5, Block 1, Stearns County Boundary Commission Plat Number 1.
 - c. Lot 3, Block 1, Bloch Addition is attached to Lot 6, Block 1, Stearns County Boundary Commission Plat Number 1.
 - d. Lot 5, Block 1, Bloch Addition is attached to Lot 11, Block 1, Stearns County Boundary Commission Plat Number 1.
 - e. Lot 6, Block 1, Bloch Addition is attached to Lot 12, Block 1, Stearns County Boundary Commission Plat Number 1.
2. Each lot being attached, together with the lot receiving the attachment as described above, shall not be further subdivided unless platted to meet all provisions of the City of Rockville Subdivision Ordinance or successor ordinance.
3. No additional building entitlements are permitted in the Bloch Addition Plat unless replatted to meet all provisions of the City of Rockville Subdivision Ordinance or successor ordinance.
4. This Declaration shall remain in effect unless the property described herein is platted to meet all provisions of the City of Rockville Subdivision Ordinance or successor ordinances.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 6:48 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the Preliminary & Final Plat, the Rezoning and the Declaration of Restriction. Motion carried unanimously.

ADJOURNMENT – Motion by Member Borgmann, second by Member Dietman, to adjourn the meeting at 6:52 p.m. Motion carried unanimously.

**JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST**

**TONI HONER
CHAIR**