

MAR 11 2010

ROCKVILLE ACTIVITY

FEBRUARY 2010

TOTAL HOURS 39.5

(SEE ATTACHED ACTIVITY LIST FOR DETAILS)

ROCKVILLE CITATIONS - FEB 2010

Area	Offense Date	Citation #	Case #	Charge
ROCKVILLE	02/04/2010 21:17:00	ST 527-580	10006165	FAILURE TO TRANSFER TITLE
ROCKVILLE	02/12/2010 21:38:00	ST 522-189	10007594	DRIVING AFTER REVOCATION
ROCKVILLE	02/12/2010 21:38:00	ST 522-189	10007594	NO PROOF OF INSURANCE
ROCKVILLE	02/20/2010 10:55:00	ST 535-981	10009062	ASLT 5-MS-INFLICT BD HRM-HANDS-ASLT-AC
ROCKVILLE	02/20/2010 10:55:00	ST 535-982	10009062	ASLT 5-MS-INFLICT BD HRM-HANDS-ASLT-AC
ROCKVILLE	02/20/2010 12:24:00	ST 490-049	10009073	ALL OTHER PARKING VIOLATIONS
ROCKVILLE	02/21/2010 12:00:00	ST 590-051	10009266	SPEEDING
ROCKVILLE	02/20/2010 13:05:00	ST 490-050	10009081	PARKING PROHIBITIONS
ROCKVILLE	02/20/2010 21:49:00	ST 536-542	10009171	NO VALID MN DRIVER'S LICENSE
ROCKVILLE	02/20/2010 21:49:00	ST 536-542	10009171	NO PROOF OF INSURANCE
ROCKVILLE	02/20/2010 19:06:00	ST 536-544	10009129	NO PROOF OF INSURANCE
ROCKVILLE	02/23/2010 01:35:00	PENDING	10009511	TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV
ROCKVILLE	02/23/2010 01:35:00	PENDING	10009511	TRAF-ACC-MS-4TH DEG DWI-.08 OR MORE-MV
ROCKVILLE	02/28/2010 20:51:00	ST 522-194	10010694	SPEEDING
ROCKVILLE	02/27/2010 22:55:00	ST 536-561	10010505	NO PROOF OF INSURANCE

ALL CALLS IN ROCKVILLE - FEB 2010

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	02/22/2010 01:06:52	10009369	1057	INTOXICATED PERSON
ROCKVILLE	02/06/2010 13:59:41	10006514	ABU	ABUSE AGAINST CHILD
ROCKVILLE	02/02/2010 02:09:40	10005607	AL	ALARM
ROCKVILLE	02/17/2010 23:46:51	10008495	AL	ALARM
ROCKVILLE	02/18/2010 00:54:00	10008498	AL	ALARM
ROCKVILLE	02/23/2010 17:38:48	10009605	ASLT	ASSAULT
ROCKVILLE	02/23/2010 01:56:28	10009514	ASSTA	AGENCY ASSIST
ROCKVILLE	02/24/2010 16:18:51	10009775	ASSTA	AGENCY ASSIST
ROCKVILLE	02/25/2010 11:39:33	10009894	ASSTA	AGENCY ASSIST
ROCKVILLE	02/19/2010 15:06:44	10008830	ASSTA	AGENCY ASSIST
ROCKVILLE	02/14/2010 02:33:16	10007888	ASSTA	AGENCY ASSIST
ROCKVILLE	02/08/2010 20:59:01	10006869	ASSTA	AGENCY ASSIST
ROCKVILLE	02/16/2010 00:17:35	10008119	CC	CITIZEN CONTACT
ROCKVILLE	02/27/2010 17:15:07	10010416	CIVIL	CIVIL MATTER
ROCKVILLE	02/27/2010 22:20:36	10010485	CONTR	CONTRACT
ROCKVILLE	02/28/2010 02:53:06	10010581	CONTR	CONTRACT
ROCKVILLE	02/25/2010 04:33:40	10009841	CONTR	CONTRACT
ROCKVILLE	02/27/2010 02:04:43	10010324	CONTR	CONTRACT
ROCKVILLE	02/28/2010 20:48:50	10010693	CONTR	CONTRACT
ROCKVILLE	02/20/2010 00:17:59	10009008	CONTR	CONTRACT
ROCKVILLE	02/20/2010 05:02:26	10009041	CONTR	CONTRACT
ROCKVILLE	02/20/2010 12:08:52	10009070	CONTR	CONTRACT
ROCKVILLE	02/21/2010 01:51:44	10009233	CONTR	CONTRACT
ROCKVILLE	02/21/2010 01:54:37	10009235	CONTR	CONTRACT
ROCKVILLE	02/20/2010 21:41:06	10009169	CONTR	CONTRACT
ROCKVILLE	02/21/2010 19:17:51	10009318	CONTR	CONTRACT
ROCKVILLE	02/25/2010 19:58:32	10010013	CONTR	CONTRACT
ROCKVILLE	02/26/2010 18:35:59	10010218	CONTR	CONTRACT
ROCKVILLE	02/23/2010 23:16:39	10009654	CONTR	CONTRACT
ROCKVILLE	02/24/2010 07:56:00	10009693	CONTR	CONTRACT
ROCKVILLE	02/22/2010 05:19:16	10009377	CONTR	CONTRACT
ROCKVILLE	02/22/2010 19:42:14	10009469	CONTR	CONTRACT
ROCKVILLE	02/16/2010 05:21:32	10008133	CONTR	CONTRACT
ROCKVILLE	02/15/2010 19:20:46	10008083	CONTR	CONTRACT
ROCKVILLE	02/18/2010 21:54:56	10008740	CONTR	CONTRACT
ROCKVILLE	02/18/2010 00:34:09	10008497	CONTR	CONTRACT
ROCKVILLE	02/17/2010 03:05:33	10008306	CONTR	CONTRACT
ROCKVILLE	02/14/2010 21:50:06	10007984	CONTR	CONTRACT
ROCKVILLE	02/13/2010 01:29:00	10007637	CONTR	CONTRACT
ROCKVILLE	02/08/2010 19:22:29	10006851	CONTR	CONTRACT
ROCKVILLE	02/11/2010 14:58:37	10007337	CONTR	CONTRACT
ROCKVILLE	02/10/2010 21:28:49	10007231	CONTR	CONTRACT
ROCKVILLE	02/12/2010 22:08:44	10007601	CONTR	CONTRACT
ROCKVILLE	02/09/2010 07:15:35	10006909	CONTR	CONTRACT
ROCKVILLE	02/07/2010 23:29:26	10006739	CONTR	CONTRACT
ROCKVILLE	02/08/2010 05:11:00	10006760	CONTR	CONTRACT
ROCKVILLE	02/07/2010 01:47:55	10006644	CONTR	CONTRACT
ROCKVILLE	02/05/2010 22:23:13	10006398	CONTR	CONTRACT
ROCKVILLE	02/06/2010 04:52:54	10006447	CONTR	CONTRACT
ROCKVILLE	02/02/2010 21:46:04	10005746	CONTR	CONTRACT
ROCKVILLE	02/03/2010 21:41:13	10005940	CONTR	CONTRACT
ROCKVILLE	02/01/2010 18:51:32	10005558	CONTR	CONTRACT
ROCKVILLE	02/04/2010 09:26:04	10006008	CONTR	CONTRACT
ROCKVILLE	02/08/2010 14:32:06	10006816	DOG	DOG COMPLAINT/BARKING
ROCKVILLE	02/25/2010 22:09:26	10010032	DRIVE	DRIVING COMPLAINT
ROCKVILLE	02/23/2010 01:34:46	10009511	DWI	DRUNK DRIVER ARREST
ROCKVILLE	02/14/2010 02:26:56	10007884	DWI	DRUNK DRIVER ARREST
ROCKVILLE	02/11/2010 15:32:59	10007344	INFO	MATTER OF INFORMATION

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	02/16/2010 11:05:14	10008164	LITTR	LITTERING COMPLAINT
ROCKVILLE	02/13/2010 17:48:40	10007746	MA	MOTORIST ASSIST
ROCKVILLE	02/19/2010 02:37:58	10008767	MA	MOTORIST ASSIST
ROCKVILLE	02/16/2010 22:23:57	10008272	ME CASE	MEDICAL EXAMINER CASE
ROCKVILLE	02/16/2010 21:41:00	10008264	MED	MEDICAL EMERGENCY
ROCKVILLE	02/08/2010 09:42:30	10006787	MED	MEDICAL EMERGENCY
ROCKVILLE	02/04/2010 18:41:55	10006141	MED	MEDICAL EMERGENCY
ROCKVILLE	02/28/2010 17:38:46	10010651	MED	MEDICAL EMERGENCY
ROCKVILLE	02/04/2010 12:50:34	10006083	PAPSV	PAPER SERVICE
ROCKVILLE	02/04/2010 18:14:54	10006138	PAPSV	PAPER SERVICE
ROCKVILLE	02/26/2010 22:05:45	10010274	PARKV	PARKING VIOLATION
ROCKVILLE	02/20/2010 12:24:14	10009073	PARKV	PARKING VIOLATION
ROCKVILLE	02/20/2010 13:09:21	10009081	PARKV	PARKING VIOLATION
ROCKVILLE	02/18/2010 08:46:05	10008535	PERG	GUN PERMIT
ROCKVILLE	02/16/2010 06:49:04	10008137	SD	SPECIAL DETAIL
ROCKVILLE	02/06/2010 07:53:27	10006454	SD	SPECIAL DETAIL
ROCKVILLE	02/07/2010 14:53:31	10006696	SNOW	SNOWMOBILE COMPLAINT
ROCKVILLE	02/09/2010 14:25:33	10006986	SNOW	SNOWMOBILE COMPLAINT
ROCKVILLE	02/15/2010 15:27:21	10008048	SNOW	SNOWMOBILE COMPLAINT
ROCKVILLE	02/11/2010 15:56:49	10007351	SNOW	SNOWMOBILE COMPLAINT
ROCKVILLE	02/11/2010 19:39:05	10007404	SNOW	SNOWMOBILE COMPLAINT
ROCKVILLE	02/16/2010 21:09:56	10008261	STALL	STALLED VEHICLE
ROCKVILLE	02/05/2010 17:50:31	10006336	STALL	STALLED VEHICLE
ROCKVILLE	02/04/2010 10:38:40	10006043	STALL	STALLED VEHICLE
ROCKVILLE	02/05/2010 12:22:31	10006258	STALL	STALLED VEHICLE
ROCKVILLE	02/03/2010 18:38:33	10005911	STALL	STALLED VEHICLE
ROCKVILLE	02/26/2010 19:53:12	10010235	STALL	STALLED VEHICLE
ROCKVILLE	02/20/2010 01:29:04	10009021	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	02/21/2010 02:48:27	10009242	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	02/28/2010 03:12:39	10010585	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	02/07/2010 00:13:32	10006624	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	02/02/2010 01:11:08	10005603	THEFT	THEFT
ROCKVILLE	02/06/2010 12:47:05	10006500	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/09/2010 15:24:43	10007000	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/15/2010 20:04:22	10008091	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/15/2010 20:42:16	10008096	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/19/2010 00:09:17	10008758	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/11/2010 22:46:24	10007435	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/12/2010 21:37:50	10007594	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/12/2010 22:35:00	10007609	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/28/2010 15:03:58	10010634	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/27/2010 22:55:21	10010505	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/26/2010 23:40:09	10010297	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/27/2010 01:57:15	10010322	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/28/2010 20:51:39	10010694	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/21/2010 11:57:27	10009266	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/20/2010 21:49:19	10009171	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/20/2010 18:59:51	10009127	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/20/2010 19:06:20	10009129	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/20/2010 21:39:46	10009168	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/25/2010 22:20:22	10010033	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/25/2010 20:02:26	10010014	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/24/2010 16:23:56	10009776	Traffic Stop	TRAFFIC STOP
ROCKVILLE	02/23/2010 06:27:15	10009528	VANDV	VANDALISM TO VEHICLE
ROCKVILLE	02/08/2010 22:40:03	10006876	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	02/09/2010 01:43:14	10006893	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	02/04/2010 08:59:37	10006004	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	02/04/2010 21:17:34	10006165	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	02/20/2010 10:54:35	10009062	VERB	VERBAL DISPUTE
ROCKVILLE	02/21/2010 16:49:19	10009291	VERB	VERBAL DISPUTE
ROCKVILLE	02/05/2010 14:22:42	10006292	WARRANT	WARRANT

<u>City</u>	<u>Date Received</u>	<u>Call Number</u>	<u>Complaint</u>	<u>Description</u>
ROCKVILLE	02/01/2010 11:27:14	10005458	WARRANT	WARRANT
ROCKVILLE	02/11/2010 06:32:23	10007273	WELF	WELFARE CHECK
ROCKVILLE	02/14/2010 14:14:44	10007934	XPAT	EXTRA PATROL
ROCKVILLE	02/13/2010 13:44:32	10007700	XPAT	EXTRA PATROL
ROCKVILLE	02/01/2010 09:22:34	10005442	XPAT	EXTRA PATROL

ROCKVILLE CONTRACT - FEB 2010

<u>Actual Incid</u>	<u>City</u>	<u>Date Received</u>	<u>Comp</u>	<u>Call Number</u>	<u>Complaint</u>	<u>First Unit</u>
ROCKVILLE		02/01/2010 18:51:32	20:04:07	10005558	CONTR	2540
ROCKVILLE		02/02/2010 21:46:04	22:50:24	10005746	CONTR	2572
ROCKVILLE		02/03/2010 21:41:13	22:43:33	10005940	CONTR	2574
ROCKVILLE		02/04/2010 09:26:04	10:29:04	10006008	CONTR	2548
ROCKVILLE		02/05/2010 22:23:13	23:25:07	10006398	CONTR	2571
ROCKVILLE		02/06/2010 04:52:54	05:56:32	10006447	CONTR	2578
ROCKVILLE		02/07/2010 01:47:55	02:50:18	10006644	CONTR	2559
ROCKVILLE		02/07/2010 23:29:26	00:29:32	10006739	CONTR	2567
ROCKVILLE		02/08/2010 05:11:00	07:22:46	10006760	CONTR	2580
ROCKVILLE		02/08/2010 19:22:29	21:14:55	10006851	CONTR	2577
ROCKVILLE		02/09/2010 07:15:35	08:16:45	10006909	CONTR	2553
ROCKVILLE		02/10/2010 21:28:49	22:34:16	10007231	CONTR	2571
ROCKVILLE		02/11/2010 14:58:37	16:33:10	10007337	CONTR	2554
ROCKVILLE		02/12/2010 22:08:44	23:11:46	10007601	CONTR	2547
ROCKVILLE		02/13/2010 01:29:00	02:29:11	10007637	CONTR	2550
ROCKVILLE		02/14/2010 21:50:06	22:54:57	10007984	CONTR	2544
ROCKVILLE		02/15/2010 19:20:46	20:40:03	10008083	CONTR	2546
ROCKVILLE		02/16/2010 05:21:32	06:33:41	10008133	CONTR	2566
ROCKVILLE		02/17/2010 03:05:33	04:06:55	10008306	CONTR	2580
ROCKVILLE		02/18/2010 00:34:09	01:52:08	10008497	CONTR	2579
ROCKVILLE		02/18/2010 21:54:56	22:55:14	10008740	CONTR	2571
ROCKVILLE		02/20/2010 00:17:59	01:20:17	10009008	CONTR	2558
ROCKVILLE		02/20/2010 05:02:26	06:03:50	10009041	CONTR	2564
ROCKVILLE		02/20/2010 12:08:52	13:39:03	10009070	CONTR	2545
ROCKVILLE		02/20/2010 21:41:06	22:45:35	10009169	CONTR	2544
ROCKVILLE		02/21/2010 01:51:44	01:52:31	10009233	CONTR	2570
ROCKVILLE		02/21/2010 01:54:37	02:54:42	10009235	CONTR	2570
ROCKVILLE		02/21/2010 19:17:51	20:25:06	10009318	CONTR	2549
ROCKVILLE		02/22/2010 05:19:16	06:23:36	10009377	CONTR	2550
ROCKVILLE		02/22/2010 19:42:14	20:58:49	10009469	CONTR	2547
ROCKVILLE		02/23/2010 23:16:39	00:54:52	10009654	CONTR	2567
ROCKVILLE		02/24/2010 07:56:00	09:04:25	10009693	CONTR	2543
ROCKVILLE		02/25/2010 04:33:40	05:35:24	10009841	CONTR	2559
ROCKVILLE		02/25/2010 19:58:32	21:00:20	10010013	CONTR	2546
ROCKVILLE		02/26/2010 18:35:59	19:36:50	10010218	CONTR	2576
ROCKVILLE		02/27/2010 02:04:43	03:05:59	10010324	CONTR	2550
ROCKVILLE		02/27/2010 22:20:36	23:25:22	10010485	CONTR	2544
ROCKVILLE		02/28/2010 02:53:06	06:39:30	10010581	CONTR	2573
ROCKVILLE		02/28/2010 20:48:50	21:58:10	10010693	CONTR	2571

**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 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

FINDING OF FACT
SUPPORTING/DENYING A VARIANCE

THOMAS & PEG SCHULZ 21086 COUNTY ROAD 8 (EXHIBIT A)

A variance may be granted only where the strict enforcement of city zoning controls will result in unnecessary hardship. A determination that a "hardship" exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27:

1. Will the issuance of the requested variance maintain the essential character of the locality?
Why or Why not? **OTHER PROPERTY HAS THE SAME SETBACKS**

JB TH DB JT SD

2. Will the issuance of the requested variance be in keeping with the spirit and intent of the Ordinance and/or the comprehensive plan?
Why or Why not? (Health, Safety & Welfare issues) **SHORELAND ORDINANCE**

JB TH DB JT SD

3. Are there circumstances created by someone or something other than the property owner that make compliance with the ordinance difficult or not possible?
Why or Why not? **REALIGNMENT COUNTY ROAD 8**

JB TH DB JT SD

4. The grant of variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located?
Why or Why not?

JB TH DB JT SD

5. Without a variance, is the owner deprived of a reasonable use of the property as that use relates to the Ordinance?
Why or Why not?

JB TH DB JT SD

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE
HAVE BEEN MET. FINDING OF FACT APPLICATION FORM FORMS

WELLE 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

Legal Description: 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 0° 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 0° 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 0° 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.

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.

Submitted by:
Rena Weber
Zoning Administrator

CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200

Need a Copy of Deed

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

PROPERTY LOCATION/ADDRESS: 9155 Ahles Rd

LEGAL DESCRIPTION: _____ PARCEL #: _____ ZONING: _____

EXPLANATION OF REQUEST: New Home

If replacing an existing structure, what will be done with the old structure? _____

Has a variance request been made previously on this property? NO If yes, when? _____

- Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

PROPERTY OWNER:

Name (Print):	<u>Daniel</u>	<u>B.</u>	<u>Welle</u>	Phone:	<u>320-761-7054</u>	
	<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>			
Address:	<u>9020</u>	<u>Ahles</u>	<u>Rd.</u>	<u>St. Cloud</u>	<u>MN</u>	<u>55301</u>
Signature (required):	<u>Dan Welle</u>				Date:	<u>1-20-10</u>
*Signature of property owner shall serve as acknowledgement and authorization of this request.						

APPLICANT:

Name (Print):	<u>Daniel B. Welle</u>	Phone:	<u>(320) 761-7054</u>	
Address:	<u>9020 Ahles Rd.</u>	<u>St. Cloud MN</u>	<u>55301</u>	
Signature (required):	<u>Dan Welle</u>		Date:	<u>1-20-10</u>
(I hereby certify that I have read the above information and I agree with the terms)				

OFFICE USE ONLY:

R #	Conditional Use Permit Fee Check#	<u>1437</u>	Date	<u>2.3.10</u>	101.41000.34103
\$200.00 Permit#	_____				

CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT

Please use this form to explain how your request for a conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.
Home site will have a private well & septic. House will have no effect on public facilities.
2. Compatible with existing and planned adjacent uses.
At this time there is no uses for the remaining land adjacent to this property other than farming.
3. No adverse affect on adjacent properties.
This property only meets up with one other owner and it will have no effect on him.
4. Related to the needs of the City.
Building of this home will produce more revenue in taxes for the city.
5. Consistent with the Comprehensive Plan.
Yes
6. Not a traffic Hazard.
Home meet the requirements with the rules of distance from the road.
7. Adequate parking and loading.
Plenty of space for residential use.
8. Not detrimental to health, safety, and welfare.
NO
9. Flood plan.
Building is on a hill. Basement will have sump pumps.

A conditional use permit cannot be granted unless evidence is presented that satisfies the conditions above. Failure to adequately provide such information may result in a denial of your request for a conditional use permit. (Attach additional sheets if necessary).

Boundary line

540'

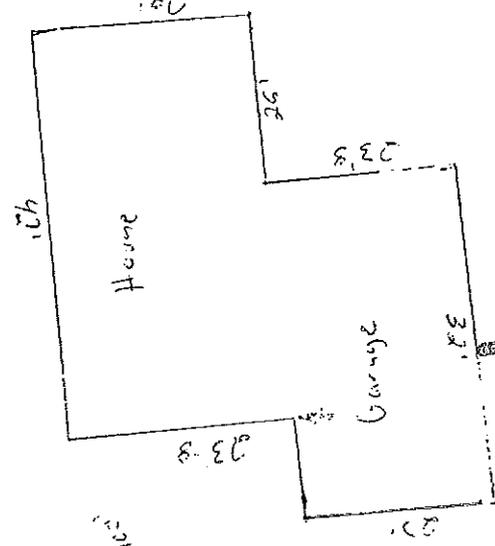
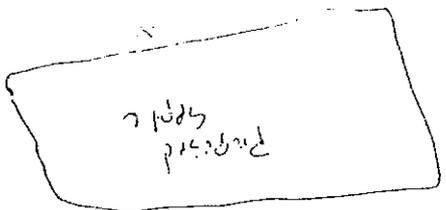
Boundary line

Boundary line

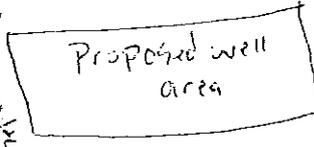
373'

Boundary line

House is approx 1200 sq feet



Proposed well area



Heater sits approx 150' from Road



250'

415' Rd

580'

225'

330'

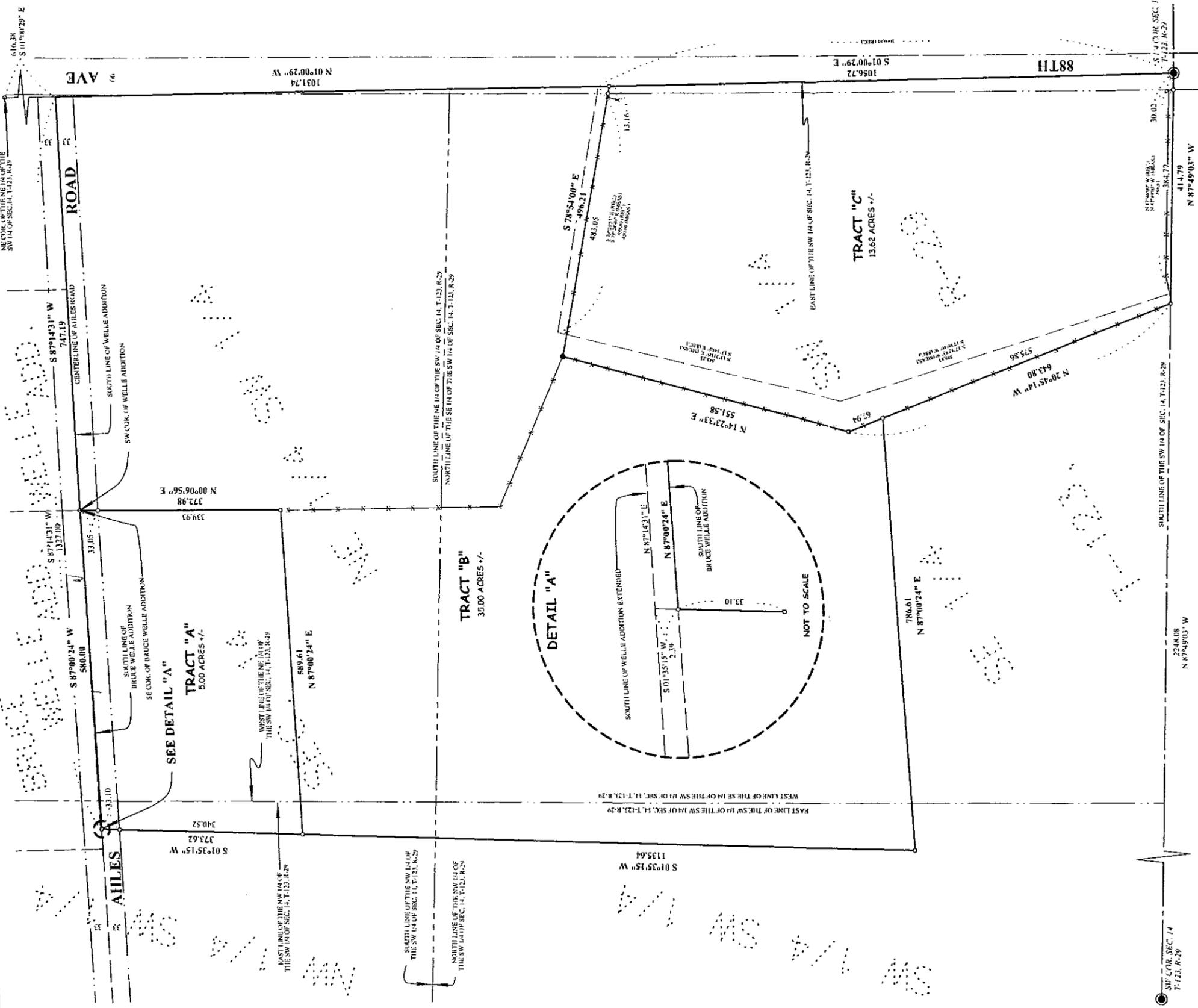
105'

Brace well Driveway

415' Rd



Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data from city, county, state and federal offices, and is to be used for reference purposes only.



NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & BOE
 LAND SURVEYORS, INC.
 370 CHAPEL HILL RD., SUITE 105
 COLD SPRING, MN 56320
 PH. 320-685-5905
 FAX 320-685-3056

328 SW 3RD ST.
 WILLMAR, MN 56201
 PH. 320-235-4012
 FAX 320-214-9380

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 BENJAMIN C. O'MALLEY
 MINNESOTA REGISTRATION NO. 42300
 DATE: 09-20-09

SHEET 1 OF 1

LEGAL DESCRIPTION

Tracts of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

TRACT "A"
 That part of the N 1/2 of the SW 1/4 of Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Northeast corner of said SW 1/4; thence on an assumed bearing of S 01°35'15" W, 373.63 feet; thence on a bearing of S 01°35'15" W, 373.63 feet to the centerline of Ables Road as established in WELLE ADDITION, as of public record, Stearns County, Minnesota; thence on a bearing of S 01°35'15" W, 2.59 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, 589.61 feet; thence on a bearing of S 01°35'15" W, 1135.64 feet to its intersection with a line bearing S 87°00'24" W along the South line 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.

TRACT "B"
 That part of the SW 1/4 of Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the South Quarter corner of said Section 14; thence on an assumed bearing of N 87°00'24" W along the South line of said SW 1/4, a distance of 414.79 feet; thence on a bearing of N 20°45'14" W, 575.85 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 20°45'14" W, 673.8 feet; thence on a bearing of N 14°23'33" E, 551.58 feet; thence on a bearing of S 78°54'00" E, 496.21 feet to its intersection with the East line of said SW 1/4; thence on a bearing of N 01°00'29" W along said line 1031.74 feet to its intersection with the centerline of Ables Road as established in WELLE ADDITION, as of public record, Stearns County, Minnesota; said point being 616.38 feet South of the Southwest corner of said SW 1/4, as measured along the East line of said SW 1/4; thence on a bearing of S 87°00'24" W, 589.61 feet to the Southeast corner of BRUCE WELLE ADDITION, as of public record, Stearns County, Minnesota; thence on a bearing of S 00°06'56" W, 372.98 feet; thence on a bearing of S 87°00'24" W, 589.61 feet; thence on a bearing of S 01°35'15" W, 1135.64 feet to its intersection with a line bearing S 87°00'24" W from the point of beginning; thence on a bearing of N 87°00'24" E, along last said line 786.61 feet to the point of beginning.

Subject to easements of record.
 Containing 35.00 acres more or less.

TRACT "C"
 That part of the SE 1/4 of the SW 1/4 of Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows: Beginning at the South Quarter corner of said Section 14, thence on an assumed bearing of N 87°00'24" W along the South line of said SW 1/4, a distance of 414.79 feet; thence on a bearing of N 20°45'14" W, 643.80 feet; thence on a bearing of N 14°23'33" E, 551.58 feet; thence on a bearing of S 78°54'00" E, 496.21 feet to the East line of said SW 1/4; thence on a bearing of S 01°00'29" E, along last said line, 1056.72 feet to the point of beginning.

Subject to easements of record.
 Containing 13.62 acres more or less.

CERTIFICATE OF SURVEY PREPARED FOR:
DAN WELLE
 JOB NO: 0967
 FILE NAME: 0967.SCJ
 LOCATION: 14-123-29