

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD  
TUESDAY, APRIL 10, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Jerry Bechtold. Roll call was taken and the following members were found to be present: Chair Bechtold, Commission members: Dan Hansen, Toni Honer, Dale Borgmann, Susan Palmer & Jerry Tippelt. Absent: Roger Schmidt.

Staff member present: Administrator/Clerk Rena Weber, Administrative Assistant Judy Neu, Engineer Scott Hedlund & Attorney Jim Mogen.

Others present were: Bill Becker, Vern Ahles, Randy Volkmuth, Denny Kron, Bill Schnettler, Vincent Joel Meyer, Don Rieder, Tom Schlough, David Schlough, E. Vogel, Tom Bruce, Randy Volkmuth & Jeff Hagen.

**APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Honer, second by Member Borgmann, to approve the agenda/amendments as presented.**  
**AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.**  
**Motion passed on a 6 to 0 vote.**

**APPROVAL OF MINUTES OF 3/13/07 – Motion by Member Palmer, second by Member Honer, to approve the minutes of 3/13/07 as presented.**  
**AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.**  
**Motion passed on a 6 to 0 vote.**

**NEW BUSINESS**

**PUBLIC HEARING – VINCENT & SUSAN MEYER – VARIANCE REQUEST** – Chair Bechtold announced that a public hearing would now be held.

Rena Weber read the notice of public hearing which is being held to consider the request of Vincent & Susan Meyer for a variance from Shoreland Requirements. The address of the property is: 25899 Holly Road with a legal description of: Lot 15 and Lot 14, except that part of said Lot 14 lying Southeasterly of a line drawn parallel with and distant 37 feet Northwesterly of, as measured at a right angle to, the Southeasterly line of said Lot 14, all in Schmitt's Pleasant View, according to the recorded plat thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

The request is to replace the existing residential dwelling with a new residential dwelling and attached garage.

Variances are needed for: Required setback of the Ordinary High Water Level  
Required setback from the Roadway  
Impervious Surface

For the record 10 notices were sent out. A letter of support was received from Bruce and Joan Abbe, neighbors to the proposed project.

Bill Schnettler – stated he was present on behalf of Vincent Joel Meyer, gave a history of the request stating that the application was incomplete due to demands of city engineer. Additional soil borings are being required. Pervious pavers are proposed and if they were deleted lot coverage area would not be a problem.

Vincent Joel Meyer stated the he felt this could be done easily and it adds value to the lake and the neighbors. Mr. Meyer would like to know what is planned for Holly Road & 80<sup>th</sup> Avenue. He also would like to know the length of variance and if it goes with the sale of the property. Mr. Meyer stated that he spent thousands of dollars and there has been a lack of interaction.

Member Honer asked if they are using this as a primary residence. Mr. Meyer stated it could be.

Member Honer asked when the property was purchased. Mr. Meyer indicated it was purchased the end of June 2006.

Member Borgmann asked if he purchased both lots (the one across the road). No

Member Borgmann asked what is wrong with the cabin and is it fixable. No it is old and not fixable.

Chair Bechtold asked where the well is located. It was shown on middle of the south side of lot just off the property line.

Member Borgmann asked what they plan to do with all the water that sits there now. Bill Schnettler stated they will continue to use the low area and the 30' right of way on the south side acts as a buffer.

Rena Weber reminded all that the bottom floor elevation has to be at 1097.5 mean sea level.

Bill Schnettler stated that pervious patio pavers are a good thing and will take a lot of water. They further propose installing landscape with no plastic below it to absorb more water.

Member Palmer asked what you would have to reduce to meet the 25% impervious surface rule. Bill Schnettler stated they would remove the patio and also reported the owner plans to plant trees. The grinder station is at least 50' from the well. The setback from the road is 15' at a minimum. On the lakeside they will use the 50' allowance, but not less than 50'.

#### PUBLIC COMMENTS –

Randy Volkmuth 25742 Lake Road – stated that he is worried about the 50' setback from the lake.

Jeff Hagen -21614 County Road 8 – stated that Anne Nelson (Stearns County Environmental Services) submitted information to the City of Rockville regarding the string test and how that applies along with three other examples.

Bill Becker – 25844 Lake Road – Cautioned the board about the upcoming Alternative Shoreland Ordinance being more restrictive because of quality of lake shore. Mr. Becker is more concerned about Mr. Meyer coming in applying for a variance stating he might live there or he might not.

Tom Schlough – Sartell – stated that his parents used to live on this property. In regards questions on water standing it always was there until spring thaw. Basically we won't be able to do anything.

Member Borgmann asked what the square footage is. 14,527.5 square feet

***Motion by Member Palmer, second by Member Honer, to close the public hearing at 7:38 p.m.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

Attorney Jim Mogen stated that Member Palmer asked how the setback rules apply. The city adopted Stearns County Ordinance 209 Section 10. The setback should be 75' and in no case shall it be closer than 50'. Mr. Mogen further explained the string test (area between the 50' and 75" where you would establish the site line. When there is not a building on the property right next to it the 75' would be the minimum.

Member Palmer questioned how this fits within the Shoreland moratorium. It is not affected as it is not a lot split.

Scott Hedlund reported that he did review the concerns of his letter and they were close to agreement on most issues. The strict interpretation that we follow is Stearns County and they do not count any pavers as pervious, but he would be okay with Uni Eco Stone pavers. They can control the storm water, but he is asking them to control the runoff for a 100 year storm event, and a 1 year storm event. They need to direct the storm water to other areas instead of the lake. Road setback – Scott Hedlund is comfortable with it.

Plans for Holly Road & 80<sup>th</sup> Ave – the City is developing a road improvement plan and planning on implementing assessments for roads. Nothing is imminent at this time.

City water is nearby but, no there are no plans to extend it at this time.

Member Borgmann asked what about a shoreline restoration project in this?

Rena Weber read Stearns County recommendations:

The existing boathouse or detached garage should be removed and the shoreline impervious coverage should be removed as a condition of the variance.

If the applicants are granted the variance for impervious lot coverage, information on the "pervious" pavers should be supplied to the Board and a maintenance plan submitted and kept on file to ensure that this part of the proposed project continue to function as implied.

Member Tippelt asked if any road improvements would improve storm runoff. Scott Hedlund stated they always address this when designing.

Member Borgmann recommended a site visit.

Member Palmer stated she is concerned about the 31% impervious surface coverage. Bill Schnettler stated they could eliminate the patio and be under the 25%. Scott Hedlund suggested rain gardens be installed. Bill Schnettler stated they could do something with the eaves.

Dan Hansen stated there has been no mention of making the house smaller. Bill Schnettler stated they can make it smaller.

***Motion by Member Borgmann, second by Member Honer, to extend the 60 day timeline and to do a site visit on Thursday, April 12, 2007 @ 5:00 p.m.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

**PUBLIC HEARING – SJ LOUIS VARIANCE REQUEST** – Chair Bechtold announced that a public hearing would now be held to consider the variance request of S J Louis.

Rena Weber read the notice of public hearing to consider the request of James Schueller DBA SJ Louis Construction for a variance from Side yard Requirements. The address of the property is: 2101 State Highway 23 with a legal description of:

That part of the S ½ of the NW ¼ and of the N ½ of the SW ¼ of Section 17, Township 123, Range 29, Stearns County, Minnesota described as follows: Commencing at the Southwest corner of the NW ¼ of said SW ¼; thence on an assumed bearing of N 0° 08' 40" W along the West line of said SW ¼, a distance of 920.00 feet; thence on a bearing of N 89° 51' 20" E, 533.00 feet; thence on a bearing of N 0° 08' 40" W, 38.14 feet; thence on a bearing of N 73° 24' 43" E, 984.19 feet to the point of beginning of the tract herein described; thence on a bearing of N 0° 08' 40" W, 769.34 feet to the Southerly right of way line of Old S.T.H. No. 23; thence on a bearing of N 65° 13' 16" E, along last said line 1303.40 feet to its intersection with the East line of said NW ¼; thence on a bearing of S 0° 19' 15" E along last said line, 1145.65 feet; thence on a bearing of S 88° 40' 32" W, 669.35 feet to its intersection with a line bearing N 73° 24' 43" E from the point of beginning; thence on a bearing of S 73° 24' 43" W along last said line, 541.22 feet to the point of beginning. Subject to easements of record. Containing 25.00 acres, more or less.

The request is to construct an industrial structure within the required 150' side yard setback requirements of the I-1 Industrial District to the Residential District in the City of Rockville and further to make use of said area for parking.

Tom Bruce – Winkelman Building Corporation and Gene Huber – CFO SJ Louis Construction were present to report the following:

- No work to be done in the 50' gas line area on the east side of the property.
- 60 acres of drainage will be going into the holding pond on the south side picking up storm water from the area surrounding it.
- Containment area for on-site fueling station housing a 1000 gallon tank on the west side.
- Berm will be built on north side and half of east side.
- Fence outside of the berm or property line – they would like the property line but not sure about the gas company giving approval.
- Types of buildings explained – corporate office 15,000 square feet.
- Incorporate "Green Building" features.

- Exterior lighting to reflect downward.

Scott Hedlund reviewed the grading and drainage plan and they have made the changes he has asked for. They have secured permits from Sauk River Watershed District and also the NPDES permit.

Vern Ahles – 1390 Broadway Street West – questioned the turn lanes going into the property. The applicant would like to do it but it is not required.

Vern Ahles indicated he is concerned about the lighting issue as well. Gene Huber stated they will address the lighting and on the east side there will be limited lighting.

Member Tippelt suggested they put exterior lighting on the outer perimeter and shine them inward.

***Motion by Member Honer, second by Member Palmer, to close the public hearing at 8:42 p.m.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

Jim Mogen stated that this is a reasonable variance request, but the Planning Commission can place potential conditions on the approval such as: screening thus protecting the neighboring property which is a residential neighborhood from the noise and sight. A berm has been proposed and a fence is in there so the Planning Commission can add to the screening or the lighting on either side.

FINIDINGS OF FACT – A review of the findings was done and is attached as Exhibit A.

***Motion by Member Honer, second by Member Borgmann, to recommend granting of the variance as presented based on the findings of fact attached.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

REVIEW/APPROVE SITE PLAN – Rena Weber reported that the Planning Commission needs to approve the site plan as well.

***Motion by Member Honer, second by Member Borgmann, to approve the site plan subject to the following:***

***a) That the berm be built the entire distance on the east side of the property***

***b) That lighting be restricted to said property so that it does not affect the neighboring property (i.e. direct inward)***

***c) Review the turn lane possibility with Stearns County Highway Department***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

**TEXT CHANGE REGARDING SETBACKS IN INDUSTRIAL ZONES** – Rena Weber read the current city ordinance:

The setback from all residentially zoned property, churches and schools must be at least one hundred fifty (150) feet. This setback area must be landscaped and may not be used for parking, loading or driveways, except if the industrial property is at least one hundred fifty (150) feet from the residential property; then the normal non-residential setback shall apply.

SJ Louis proposed change:

The setback area from all residentially zoned property, churches and schools shall provide for a landscaping strip of at least (30) feet in width along such boundary line in addition to a thirty (30) foot wide strip which may be used for parking and drive lanes making a total side yard setback of at least sixty (60) feet.

Member Honer suggested we leave the ordinance as written.

Member Palmer stated she would like to see something more than 60’.

Member Honer stated she would like to see what other cities like Cold Spring or Richmond have.

Member Borgmann suggested we leave it alone and make people apply for a variance.

Member Tippelt agreed with Member Borgmann.

Jim Mogen stated that as a minimum we need to adjust the confusing part and asked does the Planning Commission have a desire to change the parking requirement or screening.

4 areas need to be cleaned up:

Building 150' off the setback

Parking allowed in the setback

Area between – i.e. commercial – what setback applies

Landscaping required

It was determined that Attorney Mogen should return with something like St. Joseph has.

**CERTIFICATE OF COMPLIANCE – STEIL TO STEARNS COUNTY** – Denny Kron, Stearns County Surveyor was present at the meeting to explain the problem with the Daryl & Rosemary Steil property being on the north side of the Sauk River and possibly swapping land that is part of the island. This could not occur as the land sale/funding did not allow for splits.

***Motion by Member Hansen, second by Member Palmer, to approve the certificate of compliance as presented. A copy is hereby attached and marked Exhibit B.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

**FINDINGS OF FACT** – Jim Mogen suggested that the Planning Commission consider a change where the Planning Commission holds the Public Hearing, the Planning Commission makes a list of what they have found, and the attorney produces the findings of fact for the city council.

***Member Palmer motioned to change the process to hear the request at the first meeting and act on it at the second meeting. The motion was seconded by Chair Bechtold.***

Discussion was held regarding the five findings to be addressed in the ordinance as stated currently. The area of concern is in relation to “reasonable use”. Members had obtained different findings of fact. Attorney Mogen indicated that members keep in mind that “given the requested use is that a reasonable use” a variance can be given.

***\*\*\*Add on something to the application that allows Planning Commission time to go out to look at the property individually or as a quorum.***

***AYES: Bechtold, Borgmann, Hansen, Honer, Palmer & Tippelt.***

***Motion passed on a 6 to 0 vote.***

Member Tippelt asked about SJ Louis moving dirt before the site plan was approved. Jim Mogen reported that the grading plan is separate from the site plan and our new ordinance allows for this.

**DON RIEDER** – Rena Weber explained that Mr. Rieder is one of the four homes that are still not hooked up to the sewer system and needs to be hooked up by 5/15/07. Mr. Rieder wants to build a garage first and the house at a later date. The home will be 100' from the OHWL. Mr. Rieder will remove the old garage slab from south side and also the slab where the cabin was. City Ordinance states: Principal Structure Required.

Attorney Mogen stated that a variance cannot be granted for the accessory structure to be built first. Staff to review the ordinance to see if Mr. Rieder can put an RV in and consider this the principal structure and then build the garage.

**PROCESS OF REVIEW** – Council members Randy Volkmuth and Jeff Hagen were present to voice their concern of the process used in the review of applications and suggested that one or two members of the council be included in the initial review meeting. There is frustration by the residents that was expressed to council members.

**AG-40 ZONING** – Council member Volkmuth asked that discussion begin on the ordinance change of allowing more density in the AG-40 District.

Member Palmer expressed concern that we delay discussion on changing the ordinance until after Randall Arndt gives his presentation at the 6/28/07 meeting.  
No action was taken.

**ADJOURNMENT – *Motion by Member Hansen, second by Member Honer, to adjourn the meeting at 10:28 p.m. Motion carried unanimously.***

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**VERENA M. WEBER-CMC  
ADMINISTRATOR/CLERK**

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**JERRY BECHTOLD  
CHAIR**