

Amended
City of Rockville Planning Commission Minutes
July 26, 2005 Time: 7:00 pm
Place: John Clark Elem. School Media Ctr.

The meeting was called to order by Chair Bechtold at 7:00 pm.

Roll Call: Present: Chair Bechtold, Don Merten, Dale Borgmann, Toni Honer, Kathleen Stanger, Linda Peck. Absent: Dan Hansen, Vern Ahles (liason with City Council).

Staff: Rena Weber-Administrator/Clerk and Judy Neu – Administrative Asst.

Approval of Agenda/Amendments: Moved and seconded that the agenda and amendments be approved with two additions: 1) Farmland Inventory update from Jerry for our Comprehensive Plan; 2) Report of the inspection tour on July 22, 2005. **Unanimous approval.**

Approval of Minutes of 07/12/05 and Amended 06/07/05: Moved and seconded that the minutes of 07/12/05 be approved as presented. **Unanimous approval.** Moved and seconded that the minutes of 06/07/05 be approved as amended. **Unanimous approval.**

New Business:

- a) **Public Hearing: Hetherington - request variance:** The public hearing began at 7:05 pm. Michael and Mary Hetherington are requesting a variance from setback requirements from the centerline of Mitchell Lane. They wish to construct a 26 foot by 46 foot storage building and to build within 25 feet of Mitchell Lane's centerline. The setback requirement is 63 feet from the centerline. Discussion followed covering the following issues: 1) a future connection of Mitchell Lane with Hubert Lane is not a wish of anyone residing along these roads; 2) the 25 foot setback is adequate in light of the minimal traffic along Mitchell Lane; 3) property lines for the houses along Mitchell Lane seem to be correct; Sam DeLeo (Boundary Commission) surveyed the property lines for the Hetherington's parcel; 4) the wetland delineation (Stearns County) has been verified and construction of this storage building is ok. A letter supporting the project from people in lots 8,9,10 and 11 was in the packet. Two members of the community who are neighbors spoke in favor: Joyce Hansen and Jack Campbell. **Moved and seconded to close the public hearing at 7:20 pm. Unanimous approval.** Rena read through the 6 points in the Finding of Fact for supporting/denying variances. All 6 items received a majority of yes votes. **Moved and seconded that the Planning Commission recommend approval by the City Council of the Hetherington request for a variance. Passed: 5 yes votes; 1 no vote.**

- b) **Public Hearing: Utecht request for a variance:** The public hearing began at 7:30 pm. Roger and Tammy Utecht, 8765 Co.Rd. 141, wish to construct a 24 foot by 36 foot addition to a storage building that will be within 80 feet of Co. Rd. 141. The setback requirement from county roads is 100 feet. Roger Utecht was present and answered the following questions from Commission members: 1) the existing storage building is used as a woodworking shop (Roger's hobby). This building was present when they bought the home and is located 80 feet from Co. Rd. 141. 2) The new building would be used for parking their autos (they have 3 vehicles at present) and other household items. 3) The Utechts own 13 acres of land but would prefer that the

new structure be attached to the woodworking shop. 4) The Utechts presently have an 800 square foot garage attached to the house and an additional 720 square feet of space with the workshop structure. 5) the lay of the land around the home poses difficulties in locating the new building any other place but adjacent to the workshop. They prefer the structure here vs. elsewhere on their 13 acres. **Moved and seconded to close the public hearing at 7:40 pm. Unanimous approval.** Rena read through the 6 points in the Finding of Fact for approving/denying variances. All 6 received a majority of yes votes **Except # 5** which was split 3 votes yes, 3 votes no. No commission member was willing to change his/her vote. **Moved and seconded that the Planning Commission recommend approval of the Utecht's variance request. TIE vote: Yes votes: Dale, Toni, Jerry; No votes: Kathleen, Linda and Don.** Further discussion followed as to the difficulties posed by Question #5 and depriving someone of reasonable use of their property if the variance is not allowed. The following points were made to support that the owner would be denied reasonable use of the property: 1) the workshop building is only 80 feet from Co. Rd. 141 and the new building would be in alignment; 2) Co. Rd. 141 is not heavily used nor are there expectations that it will be in the near future. The following points were made supporting that reasonable use was not being denied: 1) The Utechts have adequate storage space already; 2) they own 13 acres of land on which they could locate this additional structure and meet the setback requirements. **Moved and seconded that the Planning Commission recommends approval of the Utecht's variance request under the condition that the City Council make the decision on Finding of Fact #5 which reads: "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?" Motion passed: 5 yes votes , 1 no vote.**

c) **Approve Administrative Plat – Tom Porwoll:** Rena read the Certificate of Compliance: "The owner of the property has requested to sell and convey the following described real property: Tract "A" from Parcel #76.416050/001 Gordon Lommel to Thomas M. Porwoll & Amy M. Porwoll." **Moved and seconded to approve the Certificate of Compliance for Tom Porwoll with the following Declaration of Restriction: "Said tract hereafter shall not be considered a separate tract lot, parcel or subdivision of land for purpose of conveyance, but rather a part of the lot or tract to which it is being attached, unless said tract shall become a part of a duly recorded plat." Approved unanimously.**

d) **Tom VanLith – Change to Preliminary Plat:** The discussion was to share additional information. No decisions are required at this time. The preliminary plat is just that and the whole VanLith proposal is subject to an EAW (Environmental Assessment Worksheet). The EAW will address any additional wetland issues. The major reason for the changes to the preliminary plat stem from the Stearn County Highway Department's letter dated February 11, 2005 which states: "Due to the size of this development (29 single family residential lots), and the marginal sight distance (see comments under Traffic and Public Safety below) available due to the vertical crest curve to the west of the development, **we will not permit an approach to CSAH 6 in the area of the plat.**" **"All access to the development shall be from Lena Lane."** Commission members were also directed to a letter dated April 22, 2005 from Scott Hedlund (City Engineer, SEH) which was included in the packet of information for this meeting. **Two concerns were expressed from the Commission as regards the evolution of the preliminary plat: 1) the lot sizes should not get any smaller; 2) no additional lots will result if further wetland mitigation is required.**

Old Business:

- a. **Continued discussion of SP-1 Building Permit:** Rena referred members to the new conditional use permit log sheet that has been compiled by Judy to help keep track of the 4 building permits per year allowed in the SP-1 district. Jerry recommended that the time to accept requests be specifically identified to help with tracking. The ideal time would be during the frost-free months when wetland delineations can be done and visits can be made to the parcels without snow cover.

Additions to the Agenda: (Amended)

1a) Viewing Committee Update – Outside Storage (3 Granite Businesses): On July 22, 2005, Rena Weber, Judy Neu, Linda Peck, Don Merten and Dan Hansen visited Stonecrafters, Capital Granite and Granite Tops, Inc. See Rena's summary of the on-site visit. Key to each of these facilities is keeping up with the demand for their products i.e. having granite slabs available for viewing but not having them collect on the premises. The rate at which granite comes in needs to approximate the time it is used i.e. goes out. All are finding this timing & storage situation to be challenging. Each is making attempts to limit and/or eventually eliminate the outside storage dilemma. There are various ways to accomplish this. Having some identified timeframes to complete the job might be helpful. **The Planning Commission would like to continue this discussion at our next meeting specifically addressing various screening options and the establishment of compliance dates.** Stearns County has more details on this issue in its ordinances.

1b) Skaja RV Use – R1 Shoreland: On June 27, 2005 a site visit to this R-1 parcel on Pleasant Lake was made by Stearns County. Complaints have been made as to the legality of having two (2) RV's parked here during the summer months. Wayne Laudenbach was present representing the two Skaja brothers who own this parcel as they were unable to attend. Much discussion followed. Rena will follow up with the League of Minnesota Cities and try to discern what constitutes a permanent residence.

1c) Further discussion on Comprehensive Plan as regards Agriculture/Farming: Jerry reiterated his concerns from the July 12th, 2005 meeting. He feels the weakest section of our Plan is the addressing of agriculture and farming. He recommended that we improve this section when we start work with the Municipal Development Group, Inc. in August.

Adjournment: It was moved and seconded that the meeting be adjourned at 9:45 pm.
Approved.

Chairman

Rec. Sec.
