

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, NOVEMBER 14, 2006 – 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, Susan Palmer, Roger Schmidt, Dale Borgmann, Jerry Tippelt & Vern Ahles liaison.

Staff members present were: Administrator/Clerk Rena Weber & Administrative Assistant Judy Neu, & City Attorney Jim Mogen.

Others present were: Danny Kron, Wade Skaja, Duane Willenbring, Jode & Heather Boldt, Jim & Jackie Voigt, Mike Voigt, Linda Brown, Jim Meyer, Clarence Bloch, Mark & Marsha Binnebose, Lloyd Lommel, Jeff Hagen, Greg Simones, Don Simon, Brian Herberg, Dennis Johannes, Tim & Carol Walter, John & Marcia Herberg, Kim Klein, & Harold Rosenow.

APPROVAL OF AGENDA:

Motion by Member Schmidt, second by Member Honer, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES 10/10/06 –

Motion by Member Honer, second by Member Schmidt, to dispense with the reading of the minutes of 10/10/06 and approve as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING – MARK & MARSHA BINNEBOSE –

Rena Weber read the notice of public hearing which is being held to consider the request of Mark & Marsha Binnebose for a **Conditional Use Permit** in the SP-1 District. The address of the property is: 23264 88th Avenue, St. Cloud, MN with a legal description of:
Parcel A: That part of the West 330.00 feet of the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼) of Section 14, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the city (former township) road known as Ahles Road.

Parcel B: The West 330.00 feet of the Northwest Quarter of Southwest Quarter of the Southeast Quarter (NW ¼ SW ¼ SE 1/4) of Section 14, Township 123, Range 29, Stearns County, Minnesota.

SECTION 24 Subdivision 3: Conditional Uses (6) reads: Home Extended Business

The request is to operate a taxidermy business out of the garage.

One letter of support was received from Hunstiger Hillcrest Farm & Association.

7 notices of public hearing were sent out.

Staff has met with Mark Binnebose and he has responded with a written letter addressing the concerns. City Attorney, Engineer and Administration reviewed the application and have two concerns:

- a) Mark Binnebose indicates that West Central Sanitation will dispose of the carcasses and blood. *A call was made to Jeff Bertram to verify that.*
- b) Septic System – approved by Stearns County. *A phone call was made to Hank Schreifels-Stearns County Environmental Services who indicated that Mr. Binnebose has to have a separate septic system (holding tank) from the house.*
- c) Traffic – should not be an issue.

Motion by Member Hansen, second by Member Honer, to close the public hearing at 7:04 p.m. Motion carried unanimously.

Dan Hansen thinks it is great.

Motion by Member Schmidt, second by Member Borgmann, to recommend approval for the conditional use permit. Motion carried unanimously.

Mark Binnebose questioned the signage. Rena Weber reported that there is a separate ordinance for signs.

PUBLIC HEARING – SKAJA ADDITION

Rena Weber read the notice of public hearing which is to consider approval of a Final Plat to be known as:

SKAJA ADDITION

Said plat has a legal description of: That part of Block Six (6) in LAKESIDE PARK, according to the plat thereof, Stearns County, MN described as follows: Beginning at a point on the North line of said Block Six (6) distant 35.5 feet Southwesterly of the northeast corner thereof (said point also being on the Southerly line of Lake Avenue as shown on said plat); thence Southwesterly along the North line of said Block Six (6) a distance of 95.5 feet; thence Southerly at right angle to said North line to point of intersection with the lower water line of Pleasant Lake; thence Northeasterly along said low water line a distance of 95.5 feet; Northwesterly to the point of beginning and there terminating.

AND

Block Six (6), less the Northeasterly 131 feet thereof, in LAKESIDE PARK, according to the recorded plat thereof, being a subdivision adjacent to Pleasant Lake in Section Two (2), Township One Hundred Twenty-three (123), Range Twenty-nine (29) West.

NEW LEGAL DESCRIPTION:

LOTS 1 & 2, BLOCK 1 – SKAJA ADDITION

Jim Mogen reported that a development agreement needs to be signed before the Council meeting 11/15/06.

Motion by Member Schmidt, second by Member Tippelt, to close the public hearing at 7:08 p.m. Motion carried unanimously.

Rena Weber reported that Park Dedication fee of \$1200 needs to be paid before final approval.

Motion by Member Schmidt, second by Member Honer, to recommend approval of the plat with conditions as stated. Motioned carried unanimously.

PUBLIC HEARING – JODE BOLDT –PRELIMINARY & FINAL PLAT

Rena Weber read the notice of public hearing which is to consider the request of Jode & Barry Boldt for approval of a Preliminary Plat and Final Plat to be known as Jodes Acres. The address of the property is: 7353 Ahles Road, St. Cloud, MN 56301 with a legal description of:

The East 30 acres of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West; LESS AND EXCEPT: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 123, Range 29 which lies Northeasterly of a line drawn Southeasterly from a point on the North line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, distant 734.36 feet West of the Northeast corner thereof to a point on the East Line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, distant 434.68 feet South of the Northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ in the City of Rockville.

NEW LEGAL DESCRIPTION: Lots 1 & 2, Block 1, Jodes Acres

40 acre requirement – Jim Mogan explained that this will be tightened up at some time in the future. All concerns of the Engineer and Fire Chief were addressed.

Susan Palmer asked are the 40 acres in the city? Yes.

Dan Hansen asked are the 66' right of way required? Yes.

Susan Palmer asked if it meet all of the setback requirements? Yes.

Lloyd Lommel – 7682 County Road 141, read from Ag 40 zoning ordinance standards regarding:

- Purpose of the district and its intent to meet the low
- Residential Density Requirements
- Standard for Determining Permitted Residential Dwelling sites
- Transfer from one 40 acre tract to another 40 acre tract-not from another town

- Eligible 40 acre tract that does not contain existing residential dwelling
- Cluster development – land owner
- Lot of record – shall be allowed as a building site
- If this is allowed, all shall be by a PUD.
- It does not say anywhere in the ordinance where you can buy property rights.

Jim Mogen stated that he will be recommending this be tightened up to the city council. The question is out there about where you can buy development rights.

Toni Honer asked do we know if there is a home on the lot? No

Vern Ahles asked what is to keep her from splitting this off again? Jim Mogen stated that she can't do this as a PUD is prohibited.

Jerry Tippelt asked if this will be recorded on Fuch's deed? Yes.

Toni Honer asked if on the 40 acres being restricted, we are taking away their right to build? Yes.

Motion by Member Palmer, second by Member Borgmann, to close the public hearing at 7:24 p.m. Motion carried unanimously.

Roger Schmidt stated that everyone here is aware of the fact that through consolidation the thought was that more than anything it was one home per 40 acres. People voted on this. Why now are we changing this? This is what he sold to the residents of the township. We are changing the rules, when we consolidated it was one house per 40.

Dan Hansen stated he has an opposing view and thinks this is the way we should go.

Motion by Member Hansen, second by Member Honer, to recommend approval of the preliminary and final plat as proposed.

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

NAYS: Schmidt

Motion passed on a 6 to 1 vote.

PLEASANT ESTATES PLAT 2 – Jim Voigt and Linda Brown were present to request approval of this plat which is now 7 lots. The request is to consider approval of a Rezoning & Final Plat to be known as:

PLEASANT ESTATES PLAT 2

Said plat has a legal description of: That part of Government Lot 8, Section 2, Township 123 Range 29, City of Rockville, Stearns County, Minnesota and that part of Government Lot 3, Section 1, Township 123 North, Range 29 West, City of Rockville, Stearns County, Minnesota, described as follows; Commencing at the most southerly corner of Lot 17, Block 1, PLEASANT BEACH, according to the recorded plat thereof; thence South 39 degrees 58 minutes 33 seconds East, on an assumed bearing, along the southeasterly extension of the southwesterly line of said Lot 17, a distance of 33.01 feet, to the point of beginning; thence North 49 degrees 53 minutes 19 seconds East, along the southeasterly line of said PLEASANT BEACH, a distance of 225.28 feet, to an angle point in said southeasterly line; thence North 45 degrees 14 minutes 14 seconds East, along said southeasterly line, a distance of 152.18 feet, to an angle point in said southeasterly line; thence North 41 degrees 28 minutes 23 seconds East, along said southeasterly line, a distance of 78.04 feet, to an angle point in said southeasterly line; thence North 33 degrees 28 minutes 56 seconds East, along said southeasterly line, a distance of 81.89 feet; thence North 30 degrees 19 minutes 20 seconds East, along said southeasterly line, a distance of 78.29 feet; thence North 37 degrees 50 minutes 19 seconds East, along said southeasterly line, a distance of 77.12 feet; thence South 56 degrees 28 minutes 09 seconds East, a distance of 211.22 feet; thence South 32 degrees 43 minutes 33 seconds West, a distance of 355.53 feet; thence South 44 degrees 36 minutes 56 seconds West, a distance of 202.30 feet; thence South 50 degrees 16 minutes 00 seconds West, a distance of 201.13 feet to the southeasterly extension of the northeasterly line of Lot 1, Block 2, PLEASANT ESTATES, according to the recorded plat thereof; thence North 39 degrees 58 minutes 14 seconds West, along the said southeasterly extension and the said northeasterly, a distance of 235.64 feet, to the point of beginning. Subject to easement of record, if any.

NEW LEGAL DESCRIPTION:

LOTS 1 – 7, BLOCK 1 – PLEASANT ESTATES PLAT 2

NEW ZONING AMENDMENT – R-1 SINGLE FAMILY DISTRICT

Jim Mogen reported that this development required a developer's agreement that has been signed and the outstanding bills were paid.

Rena Weber reported that park land dedication of \$8400 still needs to be paid and a letter of credit in the amount of \$12,500 be provided as per the agreement.

Motion by Member Honer, second by Member Palmer, to close the public hearing at 7:30 p.m. Motion carried unanimously.

Motion by Member Palmer, second by Member Honer, to recommend approval of Pleasant Estates Plat 2 with the conditions being addressed. Motion carried unanimously.

Chair Bechtold called for a recess of the Planning Commission until 8:00 p.m.

PUBLIC HEARING – CLARENCE BLOCH SHORELAND VARIANCE REQUEST

Rena Weber read the notice of public hearing to consider the request of Clarence Bloch for a variance from Shoreland Requirements. The address of the property is: Hubert Lane with a legal description of: Lot 4, Weisman's 2nd Addition to Grand Lake Park according to the recorded plat thereof as is on file in the office of the County Recorder – Stearns County in the City of Rockville.

The request is to construct a 30' x 48' single family with a 24' x 40' unattached garage in the Shoreland district. A variance will be required build within the shore impact zone (shore impact zone setback).

Rena Weber reported that 4 letters of support and one letter of support but also questioning what can be built, were received. In additions 21 notices were sent out.

Jim Mogen gave a short history of what occurred in this instance and the need for the variance. A 50' variance was granted and the structure was built 48.7' and 47.7' from the OHWL. Jim Mogen further reported that a sub-committee was established by the City Council to review this request and to come up with a recommendation. This has 13 conditions and one change was made reducing item 13. \$10,000 to \$5,000.

#14 is an added condition which lays out the variance expiration.

#15 is an added condition that shows the layout of the variance as built.

Jerry Bechtold reported that he talked to SCSWD to see if they could do a Shoreland correction and wondered if this agreement would affect that. No.

No person from the public appeared for the comment period.

Motion by Member Hansen, second by Member Borgmann, to close the public hearing at 8:14 p.m. Motion carried unanimously.

Jim Mogen stated that by the findings of fact and the fact that the builder used the markers, there is a reason to believe the variance is not instigated by the property owner and a hardship is found. The spirit of the zoning code is met. The house does run behind the houses, but it is within the shore impact zone and we have done everything to improve the run off into the lake.

Jim Mogen recommended the variance be approved by the sub-committee.

Jerry Tippelt asked was this not a responsibility of the city building inspector to check it before this got this far? Jim Mogen indicated there is a three fold answer to this:

It was reviewed by Stearns County,

The building official indicated this is not in her purview,

And the third is just difficult.

Jim Mogen stated that there really are two variances here.

Motion by Member Schmidt, second by Member Tippelt, to recommend approval of granting the variances to Clarence and Mary Ann Bloch according to the findings of fact as presented. Motion carried unanimously.

COUNTY COMPREHENSIVE WATER PLAN – Jerry Bechtold reported that Stearns County is looking for comments from citizens.

NEXT MEETING 11/28/06

ADJOURNMENT – Motion by Member Schmidt, second by Member Borgmann, to adjourn the meeting at 8:29 p.m. Motion carried unanimously.

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

**JERRY BECHTOLD
CHAIR**