

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JULY 13, 2010 – 6:32 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 Tippelt, Dale Borgmann, Steve Dietman & Liaison Duane Willenbring. Absent: Jerry Bechtold

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

Others present: Julie Spore, Mark & Jeremiah Gross, Chuck & Glenn Johannes, Bill & Adeline Boucher, Bob Neitzke, Suzanne Kelleher, Andrew & Eunice Molitor, Dan Hansen, Jim Voigt, Cory Schreifels, Mayor Jeff Hagen & Councilor Jerry Schmitt.

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

APPROVAL OF MINUTES 06/08/10 – No motion was made.

NEW BUSINESS

PUBLIC HEARING JEREMIAH GROSS VARIANCE REQUEST: Zoning Administrator Rena Weber read the amended notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 13, 2010 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Jeremiah T. Gross for a variance from Setback Requirements. The address of the property is: 330 Mill Street with a legal description of:

Section Nine (09), Township One Hundred Twenty-three (123), Range Twenty-Nine (29), to-wit: N87' of S107' of Block 34, Lying E of Mill Street, Block 34, Townsite of Rockville

The request is to construct a 22' x 30' unattached garage in the R-1 District which is located within 300' of a creek/river and also in the Zone A Floodplain

Variance from the following will be discussed:

1. Setback from creek/river tributary 100' (actual 42')

Zoning Administrator Rena Weber reported that she did review the Zone "A" floodplain map from Stearns County and where Mr. Gross is requesting to build an accessory shed, she doesn't see that it is within the floodplain but that doesn't mean that it couldn't ever happen.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct an unattached 22' x 30' unattached garage and to locate it 42' from the Mill Creek where 100' is required.

Construction Requests:

1. Construct a 660 square foot building to match the house.

Relevant Information:

1. R-1 – Residential District.
2. Existing 16' x 12' garage/apron and dog kennel is to be removed.
3. Access to new structure would occur via the church parking lot. Written approval is required from the church and was provided.
4. No certificate of survey was required as the applicant supplied information from Stearns County as to the size being approximately 10,900 on the west side of the creek and 8,280 on the east side of the creek. Total 19,180 square feet
 $19,180 \times 25\% = 4795$ square feet
 $19,180 \times 30\% = 5754$ square feet
 Jeremy will be at 2604 with the new building.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. No additional driveways will be allowed.
3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
4. Approve with these conditions.
5. **Gets permission in writing from the Parish Council to access his property from the church parking lot.**
6. **That the egress/ingress be recorded to their warranty deed.**

Zoning Administrator Rena Weber reported that Mr. Gross had questions regarding the septic tanks that where in the same area that he would like to build.

Jeremiah Gross explained that he spoke to Vince Schaefer; he explained that at the time the zoning (sewer) was the septic tank had to be smashed. Mr. Gross stated that he spoke to previous owners and they thought there was an old oil tank that was removed and the septic tanks were smashed.

Mark Gross @ 532 Walnut Street - Just would like to state the current shed is only 18' feet from the water and he will be removing that shed.

Member Tippelt stated that the permission was signed by the priest but is wondering if the Parish Council should have signed it.

Jeremiah Gross explained that he spoke to Frank Neu and that Frank stated he brought it to Parish Council for approval and this is where the approval came from. The permission letter does state to use the southeast corner of the church parking lot to enter his property. However, the church will not eliminate any parking spots which means there may be times (i.e.: mass times, parish functions) when the property may not be accessible due to the parking spots being in use.

Chair Honer questioned Mr. Gross if he was okay with the permission letter and that he is not going to put anything up to block that parking spot so he can gain access to his lot.

Jeremiah Gross stated "yes".

Member Tippelt explained the reason why he brought the permission issue up was because priests come and go and for your own protection it might be better for you to have it in writing from the Parish Council. If you decide to sell your property you would have documents regarding that and maybe you should have something in writing from the Parish Council stating that if the Parish decides to sell that area that you would get first chance on it because you may not be able to access your property.

Member Tippelt questioned is there any way for you to access the accessory building from the public street vs. using the parking lot.

Jeremiah Gross stated that he would have to jump the curb unless the City would give him permission to remove the curb to access the lot.

Member Tippelt explained that it maybe a slim chance that the church would sell the parking lot but there is always that possibility.

**Motion by Member Dietman, second by Member Tippelt, to close the public hearing at 6:40 p.m.
Motion carried unanimously.**

Liaison Duane Willenbring explained that the egress/ingress is important in this case and the potential of getting another access to the street would probably be slim to none. He suggested that the egress/ingress be added to the warranty deed and be recorded.

Jeremiah Gross explained that he would have 13' feet between the proposed accessory building and the house that if need be and this became an issue he would have room to go between the house and the shed but he would have to tie into the current driveway or get permission from the City to put another driveway on the property.

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

1. 4 yes
2. 4 yes
3. 4 yes why: abnormal lot
4. 4 yes why: safety issue with the parking lot
5. 4 yes

Motion by Member Borgmann, second by Member Tippelt, to recommend approval as present with the recommendation as noted above. Motion carried unanimously.

QUALIFIED MINOR SUBDIVISION JULIE & LEIF SPORE: Zoning Administrator Rena Weber reported that the Rockville Zoning Map is incorrect, this 20 acres parcel off of County Road 47 had been approved to be rezoned to a R-1 before the city consolidated and for some reason that was not carried forward. The request is that the Spore's would like to split their property into 2 lots but before doing this the Spore's have a 24.1 x 24.2 shed located on the Molitor's property that would need to be taken care of by purchasing the land and quit claiming the property from the Molitor's. The Spore's then would need an approval to split approximately 20 acres from the 22 acres. The current house would be on the 2 acres and the new home would be built on the 20 acres.

Zoning Administrator Rena Weber questioned the current driveway is bituminous and it is a circular driveway and part of that driveway is located on the proposed 20 acre parcel.

Julie Spore explained that the driveway that is shown on the 20 acre parcel is going to be the driveway to access the 20 acre parcel.

Zoning Administrator Rena Weber explained that this is not a plat this is only a Qualified Minor Subdivision that would be correcting the property line issue and subdividing the property one time. In the future if that property wants to be split more it would require to be platted.

STAFF REPORT:

RE: ADMINISTRATIVE PLAT, QUALIFIED MINOR SUBDIVISION & SITE PLAN APPROVAL
Parcel I.D. No. 76-41618.0400 – Section 11, Township 123, Range 029
76-41618.0600 - Section 11, Township 123, Range 029

Owner: Thomas & Joseph Molitor Partnership
Leif & Julie Spore

Property Address: 9054 County Road 47, St. Cloud, MN 56301

REQUEST

1. Leif & Julie Spore have a 24.1 x 24.2 shed located on the Thomas & Joseph Molitor Partnership property. They need to purchase and quit claim this property from the Molitor's first.
2. The Leif & Julie Spore are requesting approval to split approximately 20 acres from the approximate 22 acre site thereby establishing a new property line.

RELEVANT INFORMATION

1. Property is zoned R-1 and a portion (Molitor's) is in the A-40.
2. Property is 22.0 acres approximately.
3. The owner(s) are proposing to sell 20 acres south of the home site for building purposes.
4. Leif & Julie Spore currently live on Tract B.

RECOMMENDATION

1. Without knowing where the proposed home(s) would be located staff will only comment that the split appears to be okay.

Motion by Member Borgmann, second by Member Dietman, to approve the Certificate of Compliance as presented. Motion carried unanimously.

Motion by Member Borgmann, second by Member Dietman, to approve the Qualified Minor Subdivision as presented. Motion carried unanimously.

DISCUSSION B1 & SP 1 (Ag-40) (Residential property in the district):

Zoning Administrator Rena Weber explained that the Commission should think about the residential property that is in the B-1 District. The ordinance allows that district to cover 90% impervious surface. We can discuss this at another meeting.

PLANNING COMMISSION MEMBER/STAFF REPORT:

Zoning Administrator Rena Weber reported that the next Planning Commission meeting is Thursday August 12th due to the primary election on Tuesday August 10th.

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Tippelt, second by Member Dietman, to adjourn the meeting at 6:57 p.m. Motion carried unanimously.

**JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST**

**TONI HONER
CHAIR**