

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, DECEMBER 8, 2009 – 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, Dale Borgmann, and Steve Dietman. Absent Jerry Bechtold, Jerry Tippelt & Liaison Duane Willenbring.

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

Others present: Jason & Cindy Goerger, Roger Bechtold & Roger Utecht.

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

APPROVAL OF MINUTES 11/10/09 – Motion by Member Borgmann, second by Member Dietman, to approve the minutes of 11/10/09 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING-JASON & CINDY GOERGER CONDITIONAL USE PERMIT FOR HOME EXTENDED BUSINESS: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, December 8, 2009 at approximately 6:30 p.m. at Rockville City Hall** to consider the request of Jason & Cindy Goerger for a **Conditional Use Permit** for Home Extended Business. The address of the property is: 25595 County Road 2, St. Cloud, MN 56301 with a legal description of: That part of the Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) of Section Six (6), Township One Hundred Twenty-three (123), Range Twenty-nine (29), Stearns County, Minnesota described as follows: Beginning at a point of the North line of said Northwest Quarter of the Northeast Quarter (NW¼ NE¼) distant 370.81 feet East of the Northwest corner thereof; thence east along said North line for 577.53 feet; thence South at right angles to said North line for 754.20 feet; thence West parallel with said North line for 577.53 feet; thence North for 754.20 feet to the point of beginning. TOGETHER WITH an easement for ingress and egress over that part of the West Half of the Northeast Quarter (W½ NE¼) of said Section Six (6) lying within 16.5 feet on each side of the following described line: Beginning at a point on the South line of the above described tract distant 216.08 feet East of the Southwest corner thereof; thence Southerly at an angle of 87°00'12" with said South line as measured from East to South, for 1431 feet to the centerline of County Road No. 2, and there terminating.

SECTION 16 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

16. Home Extended Business

The request is to use property to operate a portrait studio.

STAFF REPORT

Re: Conditional Use Permit
76.41610.0010: Owners: Jason & Cindy Goerger
Property Address: 25595 County Road 2, St. Cloud, MN 56301

CONDITIONAL USE PERMIT REQUESTED:

SECTION 16 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

16. Home Extended Business

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 10.0 acres more or less.

3. 3 notices of public hearing were sent out.

Recommendations:

1. This request does not involve construction of any buildings – only changing the use from Agricultural use to home extended business.
2. On-site parking will be provided and should not cause any problems.
3. Staff recommends approval.

Cindy Goerger stated that on the east side of the property there is a existing pole shed that is 36x78 they would like to use half of the building for the studio.

Roger Bechtold stated that he is not apposed to it.

Motion by Member Borgmann, second by Member Dietman, to close the public hearing at 6:35p.m. Motion carried unanimously.

Motion by Member Borgmann, second by Member Dietman, to recommend approval Conditional Use Permits as presented. Motion carried unanimously.

ADMINISTRATIVE PLAT-ROGER UTECHT/DANIEL GREENWALD:

Zoning Administrator Rena Weber reported that the request is to split a portion of each property. They would like to split 4.25 acres (in City limits) from the Utecht's to give the Greenwald's and split 4.25 acres (in Maine Prairie Township) from the Greenwald's to give to the Utecht's. The City would only be able to approve the portion that is in the City limits the other portion they would need approval from Maine Prairie Township.

STAFF REPORT

Re: Certificate of Compliance
76.41644.0800.0800: Owners Roger A & Tammy B Utecht
Property Address: 8765 County Road 141, Kimball, MN 55353
Legal Description

TRACT A to attach to 76.4166.0010 Daniel D. Greenwald & Christine Greenwald

That part of the SW 1/4 of the SE 1/4 of Section 26, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said SW 1/4 of the SE 1/4; thence on an assumed bearing of N 00°34'10" E along the West line of said SW 1/4 of the SE 1/4, a distance of 167.85 feet; thence on a bearing of N 56°43'34" E, 523.99 feet; thence Easterly 535.47 feet along a tangent curve, concave to the south, having a radius of 755.50 feet and a central angle of 40°36'33" to the point of beginning of the tract herein described; thence continue Easterly 329.03 feet along last said curve, having a radius of 755.50 feet and a central angle of 24°57'12"; thence on a bearing of S 57°42'41" E tangent to last said curve 73.38 feet to the East line of said SW 1/4 of the SE 1/4; thence on a bearing of S 00°30'30" W along last said line 404.43 feet to the Southeast corner of said SW 1/4 of the SE 1/4; thence on a bearing of S 89°11'03" W along the South line of said Section 26, a distance of 370.56 feet to its intersection with a line bearing S 00°30'30" W from the point of beginning said point being 945.84 feet East of said Southwest corner of the SW 1/4 of the SE 1/4 as measured along the South line of said Section 26; thence on a bearing N 00°30'30" E, 559.55 feet to the point of beginning.

Relevant Information:

1. This property is located in the SP-1 Ag-40 District.
2. Property being split contains 4.25 acres more or less.
3. The Utecht's wish to swap 4.25 acres with the Greenwald's. Part of the Greenwald property is located in Maine Prairie Twp. so the only part the City of Rockville can okay is the portion from the Utecht's to the Greenwald's located in Rockville.
4. There is a legal description for a future driveway easement, but staff was told not to do anything with that.

Recommendations:

1. This request does not involve construction of any buildings – only splitting 4.25 acres.

2. Staff recommends approval.

Roger Utecht explained that he wants to swap 4.25 acres with the Greenwald's so that the east property line would be further away from their home. All we want to do is square up the property lines more.

Motion by Member Borgmann, second by Member Dietman, to recommend approval of the Administrative Plat as presented. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT: NONE

Chair Honer would like for the Planning Commission Members to attend the next Council meeting regarding the Ordinance amending Sections 17, 18, & 19 Residential Districts to include provision for Interim Use Permits Allowing Farm Animals with Conditions.

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Borgmann, second by Member Dietman, to adjourn the meeting at 6:44 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR