

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, FEBRUARY 14, 2012 – 6:31 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 Bechtold & Dale Borgmann. Arrived Susan Palmer @ 6:33 p.m. & Liaison Jeff Howe @ 6:40 p.m. absent Jerry Tippelt.

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

Councilor Member Jerry Schmitt.

Others present: Ed & Brenda Molitor, Paul Betz, & William Werlinger.

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

APPROVAL OF MINUTES 01/10/12 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 01/10/12 as presented. Motion carried unanimously.

Member Palmer arrived @ 6:33 p.m.

NEW BUSINESS

CHANGE THE PLANNING COMMISSION MEETING DUE TO PRIMARY & GENERAL ELECTION:

Change Planning Commission meeting from August 14th (Primary Election) to August 7th & from November 13th to November 5th (Monday) due to Council moving the Council meeting from November 21st to November 7th because of General Election and canvassing.

Motion by Member Bechtold, second by Member Borgmann, to approve the change in meeting dates as presented. Motion carried unanimously.

PUBLIC HEARING @ APPROXIMATELY 6:30 P.M. ED & BRENDA MOLITOR @ 11290 GRAND LAKE ROAD – VARIANCE REQUEST –Zoning Administrator Rena Weber read the notice of public hearing on Tuesday February 14, 2012 at approximately 6:30 p.m. Rockville City Hall – 229 Broadway Street East to consider the request of Edwin & Brenda Molitor to construct an addition to their home at 11290 Grand Lake Road with a legal description of: All that part of Government Lot 5, Section 28 and that part of government Lot 1, Section 33, all in Township 123 North, Range 29 West, Stearns County, Minnesota described as follows: Beginning at the Northwest corner of said Section 33; thence South 00 degrees 59 minutes 00 seconds East, assumed bearing, along the west line of said section 33, a distance of 34.47 feet to the centerline of a Township road thence South 89 degrees 19 minutes 00 seconds East, along said centerline 100.04 feet; thence North 00 degrees 59 minutes 00 seconds West, parallel to the West line of said Sections 28 and 33, a distance of 322 feet, more or less, to the shoreline of Grand Lake; thence Westerly, along said shoreline, to a point of intersection with the West line of said Section 28, said West line bearing North 00 degrees 59 minutes 00 seconds West from the point of beginning; thence South 00 degrees 59 minutes 00 seconds East, along said West line, 287 feet, more or less, to the point of beginning and there terminating. Containing 0.74 acres, more or less, and being subject to an existing road right of way over and across the southerly boundary thereof.

The request is to construct a 16' x 30' addition to the lakeside of the home in the R-1 – Shoreland District.

Variance from impervious surface will be discussed.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct a 16' x 30' addition and to locate it on property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 30,900 sf of which 24.6% would be covered including the deck. With the addition impervious surface exceeds the 20% by 1407.94 sf.

Construction Requests:

1. Construct attached addition to the lake side of the house.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 30,900 square feet more or less.
3. 9 notices of public hearing were sent out.

Recommendations:

1. This requires 1 variance on a conforming lot that was in place before the ordinance was adopted.
2. Edwin works in the construction field and has provided an underground drainage system (StormTech) that should work to collect and disseminate the storm water from this property.

Approve this drainage system concept and monitor for how successful it is.

Motion by Member Bechtold, second by Member Borgmann to close the public hearing @ 6:53 p.m. Motion carried unanimously.

A review of the finding 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
4. 4 yes
5. 4 yes why: won't alter

Motion by Member Palmer, second by Member Borgmann, to approve the variance request and allow them to go up to 24.6% impervious surface and a review of the mitigation plan by either the City Engineer or Stearns County Soil and Water Conservation District. Motion carried unanimously.

PUBLIC HEARING @ APPROXIMATELY 6:45 P.M. WILLIAM WERLINGER @ 25983 80TH AVE – VARIANCE REQUEST –Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, February 14, 2012 at approximately 6:45 p.m. Rockville City Hall – 229 Broadway Street East** to consider the request of William A. Werlinger for a variance from Shoreland Requirements. The address of the property is 25983 80th Avenue with a legal description of: Lots Twenty-Two (22) and Twenty-three (23) in Block One (1) of Schmitt's Pleasant View, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to construct a 12' x 15' sun room to their home and a 32' x 32' unattached garage to their property.

Variances from the ordinary high water level and impervious surface will be discussed.

STAFF REPORT:

Variance(s) Requested:

1. Variance to construct a 12' x 15' sun room and 32' x 32' unattached garage and to locate it on property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to also locate sun room within the 50' shore impact zone

Construction Requests:

1. Construct sun room and unattached shed and match the structures.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 40,560 square feet more or less.
3. 20 notices of public hearing were sent out.
4. A revised drainage plan was submitted on 2/10/12 – 4 p.m.
5. This plan would now require review by Stearns County Environmental Services as

- they review any shoreline alteration and wetlands.
6. Sauk River Watershed District was also afforded the opportunity to review this proposal as they have not approved the city shoreland management and stormwater management ordinances.
 7. Anne Nelson – comments regarding the wetlands state that a determination should be done in the spring. Refer to e-mails of 2/14/12
 8. There have been water issues with this property in the past.
 9. SRWD has not commented as of yet.
 10. The sun room construction was reviewed by the building official – no concerns were raised.

Recommendations:

1. This requires 2 variances on a lot that was in place before the ordinance was adopted.
2. Anne Nelson requests the following be added.

All I was asking for was that prior to adding fill (whether it's a garage or sand or boulders or gravel, etc.) a wetland determination should be done first. It could be that the entire area is not wetland or it could be that it is wetland. I don't know this. But, if the variances are granted, I am asking that a condition is placed on approval, that prior to installing any fill for the garage or for the 51-foot opening in the buffer that a wetland determination is completed. If it is determined there is wetland, then there is an application process to go through before wetland can be filled.

THE CITY ENGINEER COMMENTS TO THE REQUEST:

Email dated February 13th @ 11:18 a.m. from Scott Hedlund.

I've reviewed the site plan dated 2/10/12 by KLD submitted on 2/10/12 and offer the following comments:

1. Verify if a Sauk River Watershed District Permit is required.
2. Verify if any approvals are necessary from Stearns County Environmental for the proposed shoreline alterations.
3. Construction of a shoreline buffer as proposed in the site plan meets the general intent of the City's Stormwater Management ordinance for water quality. However, it doesn't appear that storm water runoff from the north half of the existing house/garage and existing driveway is being treated. It is also unclear if runoff from the entire proposed garage is being treated. It appears there is area available west of the house and north of the driveway to implement additional storm water BMP's.
4. The proposed sunroom is in the shore impact zone. Verify if a variance is required.

Bill Werlinger explained that the north side has rain gutters and they drain into the ground.

Motion by Member Bechtold, second by Member Borgmann, to continue the public hearing. Motion carried unanimously.

Motion by Member Borgmann, second by Member Palmer, to table the variance request to get further direction from Stearns County Environmental Service, Stearns County Soil and Water Conservation District and to put a task force together. Motion carried unanimously.

COLD SPRING GRANITE – TO RELEASE THE BOND & THE REMOVAL OF THE INTERIM USE PERMIT: Zoning Administrator Rena Weber reported that she received a request from Cold Spring Granite to remove the Interim Use Permit and release the bond.

“Cold Spring Granite Company hereby requests discontinuance of the Interim Use Permit No. 10-01 issued by the City of Rockville on September 28th, 2010 for construction and operation of aggregate wash pond at our Rockville II Quarry.”

A \$5000.00 performance bond was provided to the City of Rockville per Condition No. 3 of the Interim Use Permit. The ponds were not constructed. Therefore, no reclamation is necessary, and request release of the bond.

Motion by Member Borgmann, second by Member Bechtold, to approve the request as present. Motion carried unanimously.

ADMINISTRATIVE PLAT MARK & BRENDA HALL @ 13002 GLEN COVE ROAD: Zoning Administrator Rena Weber reported that when Russell and Kristi Huls built they had only a 2 stall garage, they pulled a building permit with Nancy Scott (building official at the time) to change the garage into living area and add a triple stall garage. The triple stall garage meets the setback but the apron on the driveway exceeds the boundary lines. The neighbor to the east (Mark & Brenda Hall) want to sell there vacant lot but the boundary line would need to be corrected first.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss
CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of transfer of property from Mark H Hall & Brenda L Hall (husband and wife) to Russell Huls and Kristi Huls (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.42188.0009 and attached to parcel #76.42188.0008.

TRACT A MARK H & BRENDA L HALL TO RUSSELL AND KRISTI HULS

That part of Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 10; thence on an assumed bearing of N 05°02'40" W, along the West line of said Lot 10, a distance of 98.71 feet to the point of beginning of the tract herein described; thence on a bearing of N 84°57'20" E, 32.00 feet; thence on a bearing of N 05°02'40" W, 91.66 feet; thence on a bearing of S 84°57'20" W, 32.00 feet to its intersection with the West line of said Lot 10; thence on a bearing of S 05°02'40" E, along last said line, 91.66 feet to the point of beginning.

Subject to easements of record.

The following described property is the new legal description for the remaining property owned by Mark H Hall and Brenda L Hall – Parcel No. 76.42188.0009

TRACT "B"

Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, LESS AND EXCEPT the following described tract:

That part of Lot 10, Block 1, of SPRINGWOOD ESTATES, as of public record, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 10; thence on an assumed bearing of N 05°02'40" W, along the West line of said Lot 10, a distance of 98.71 feet to the point of beginning of the tract herein described; thence on a bearing of N 84°57'20" E, 32.00 feet; thence on a bearing of N 05°02'40" W, 91.66 feet; thence on a bearing of S 84°57'20" W, 32.00 feet to its intersection with the West line of said Lot 10; thence on a bearing of S 05°02'40" E, along last said line, 91.66 feet to the point of beginning.

ALSO LESS AND EXCEPT that part of said Lot 10 lying within MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 73-52, as of public record, Stearns County, Minnesota.

Subject to easements of record.

This request is being made for line correction purposes only and not for building purposes. The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

Motion by Member Borgmann, second by Member Bechtold, to approve the Administrative Plat as present. Motion carried unanimously.

DISCUSS INGE SELEN @ 156 BROADWAY STREET EAST: Zoning Administrator Rena Weber reported the Seelen's family are wanting to sell their property in which it includes the property that has the building (bar) and the piece of property to the north of the building but back in 1959 the Erpelding's had sold the property to the Seelen's but some how the Erpelding's had included the land that was north of the railroad tracks, that wasn't theirs. The Seelen's want to sell the property to Paul Betz but he doesn't want that piece of land that is north of the railroad tracks so the Seelen's want to quick claim that portion of the property to the City.

Motion by Member Palmer, second by Member Borgmann, to accept the property that is north of the railroad tracks. Motion carried unanimously.

DEFINITIONS: Zoning Administrator Rena Weber explained that the city needs to add 2 definitions to the zoning ordinance.

ABANDON: The cessation of a specific use of a property for a period of 12 or more months.

EXPANSION: An increase in the floor or land area or volume of an existing building.

Motion by Member Palmer, second by Member Borgmann, to approve the definitions as presented. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT-

ADJOURNMENT – *Motion by Member Bechtold, second by Member Borgmann, to adjourn the meeting at 7:39 p.m. Motion carried unanimously.*

**JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST**

**TONI HONER
CHAIR**