

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, JUNE 9, 2015 – 6:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Bill Becker. Roll call was taken and the following members were found to be present: Member Toni Honer, Member Dale Borgmann, Member David Meyer. Susan Palmer – Liaison

Absent were: Member Jerry Tippelt

Staff members present were: Zoning Administrator Rena Weber, Administrative Assistant Mandy Lais

Others present: Dennis Harren, Amy Harren, Jake Salzburn, Mary Molitor, Cindy Pillippi, David Scrabeck, Jim Voigt, Jackie Voigt, Jay & Becky Larson, Stephen Hunstinger, Ed Hunstinger, Carol Hunstinger, David Regneir, Nicole Legatt, Keith Legatt, Dan Welle, Lon & Julie Voigt, Joanne Bell, Tanya Mueller, Dick Blommer, Wayne Laudenbach.

***APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Honer, second by Member Borgmann, to approve the agenda with amendments. Motion carried unanimously.***

***APPROVAL OF MINUTES 4/14/15 – Motion by Member Honer, second by Member Meyer, to approve the 4/14/15 minutes as presented. Motion carried unanimously.***

**New Business:**

**PUBLIC HEARING FOR DENNIS HARREN @ 9545 AHLES RD,  
at 6:00 pm – CONDITIONAL USE PERMIT**

**NOTICE OF PUBLIC HEARING  
CITY OF ROCKVILLE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 9, 2015 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Dennis J Harren for a **Conditional Use Permit** in the AG- 40 District. The address of the property is: 9545 Ahles Road, St. Cloud, MN 56301 with a legal description of: 6.23 Acres Pt of NW ¼, SE ¼, Lying S'ly of H & L property, Section 15, Township 123, Range 29

SECTION 16 Subdivision 4: Conditional Uses (6) reads: Home Extended Business

The request is to operate wood cutting and dog grooming businesses out of the home.

Re: Conditional Use Permit  
76.41626.0010 Owners: Dennis J. Harren  
Property Address: 9545 Ahles Road, St. Cloud, MN 56301  
Legal Description: : 6.23 Acres Pt of NW ¼, SE ¼, Lying S'ly of H & L property, Section 15, Township 123, Range 29

**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

The request is to operate wood cutting and dog grooming businesses out of the home.

**Relevant Information:**

1. This property is located in the Ag-40 District.
2. Property contains 6.23 acres more or less.

3. 7 notices of public hearing were sent out.
4. Neighbors to the East that about this property share the same road access.
5. Harren's do have a 33.68' access to Ahles Road.
6. There is a concern that semis are accessing this property over the neighbor's property line.

Recommendations:

1. This request does not involve construction of any buildings – only changing the use from Agricultural use to home extended business.
2. Staff recommends approval as long as the neighbors can come to an agreement on the roadway.

Rena Weber stated the Public Works Director took some pictures and that a petition was given for Harrens to continue to use their property to operate "Wood Chuckers Firewood".

Mr. Dennis Harren, 9545 Ahles Road asked to continue the firewood business. He has been running it for 3.5 years.

Chair Becker asked if he had any complaints?

Mr. Harren stated yes a couple of times, from the neighbors about when we run our machines. We have been running it from 8 am to 8 pm.

Member Honer asked if he has the intention to continue to do business the same as he has like the last 3.5 years, not bringing any new equipment in.

Mr. Harren stated he is planning on keeping it the way it is right now and not looking to expand. He gets logs and cuts them up and delivers them to Cities and Casey stores.

Chair Becker commented at how neat his site looks.

Member Meyer questioned the hours of operation, noise level, and the timing of the semis coming in or is there something in the ordinance for hours of operation.

Zoning Administrator Rena Weber stated we do have hours and you can put conditions on that such as the hours of operation. We have noise level in the ordinance.

Member Meyer asked about the semis and the time they are coming in and out of the property from 8 am – 8 pm?

Mr. Harren stated some semis come earlier than 8.

Member Meyer asked can a home based business have semis coming in and out of it?

Zoning Administrator Rena Weber stated in an agricultural area then yes.

Liaison Palmer commented that in the past when large trucks come through we have asked that pictures be taken of the road before and after, to see if there is a big impact. Then we would compare the condition of the road and we asked for money for road improvement.

Mr. Harren stated it looks good right now.

Zoning Administrator Rena Weber stated that there is an issue with the driveway.

Member Meyer stated you can't run a semi over the neighbor's property of another unless you have permission or an agreement.

Zoning Administrator Rena Weber stated where the dot is in the picture is where the property line is, which is not leaving a lot of room for semis to come through.

Mr. Harren stated that this is an issue they ran into, because they can't extend the driveway because they don't own that part.

Member Meyer stated that they can approve the CUP, but they can't have the semis drive over the neighboring property.

Member Honer stated the survey was just done in the last couple weeks.

***Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:17 pm. Motion carried unanimously.***

Member Honer stated that for the record we shouldn't make it a habit to allow people make a home business running then come for a conditional use permit after the fact.

***Motion by Member Honer, second by Member Meyer, to approve the Conditional Use Permit for the home extended business as presented. Motion carried unanimously.***

**PUBLIC HEARING FOR JAMES & JAQUELINE VOIGT @ 25614 PLEASANT RD.**  
**at 6:15 pm – REZONE & SUBDIVIDE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 9, 2015 at approximately 6:15 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of James E & Jacqueline A Voigt to rezone and sub-divide property. The addresses of the property are: 25614 Pleasant Road with legal descriptions of: 141.79 A NE 4 SW4 & Govt. Lot 3, less Part Platted & Govt. Lot 2 less parts sold & less 17.30 Acres annexed.

The request is to rezone 5.0 acres from Agricultural to RR – Rural Residential and further to subdivide said acreage from a larger parcel.

Re: Re-Zoning Request & Qualified Minor Subdivision  
76.41600.0400: Owners: James & Jacqueline Voigt  
Property Address: 25614 Pleasant Road, St. Cloud, MN 56301  
Legal descriptions of: 141.79 A NE 4 SW4 & Govt. Lot 3, less Part Platted & Govt. Lot 2 less parts sold & less 17.30 Acres annexed.

Re-Zoning Requested:

1. The Voigt Brothers along with Jim & Jackie wish to re-zone 5 acres of property from Ag-40 to R-R – Rural Residential so that Jim and Jackie's house is separated from the farm.
2. Furthermore this involves a subdivision of the 5 acres from the farm.

Construction Requests:

1. None

Relevant Information:

7. Property contains 141.79 acres more or less.
8. 29 notices of public hearing were sent out.
9. This property is zoned Ag-40.
10. The owners are looking to split Jim & Jackie's house from the farm.
11. This property is currently served by city sewer.
12. This area is not farmed so it is ideal for rural residential

Recommendation:

1. As part of the settlement agreement with the Voigt Brothers the city agreed to look at that this split so it requires approval of 2 requests: the re-zoning of 5 acres to meet RR standards and also the qualified minor subdivision.

Mr. Jim Voigt – 25614 Pleasant Road stated he is asking to subdivide the 5 acres from the farm so their house is separate from the farm.

Chair Honer asked about their mortgage issue with the city?

Zoning Administrator Rena Weber stated that was taken care of.

***Motion by Member Borgmann, second by Member Honer, to close the public hearing at 6:26 pm. Motion carried unanimously.***

***Motion by Member Honer, second by Member Borgmann, to approve the subdivision and a rezone as presented. Motion carried unanimously.***

**PUBLIC HEARING FOR JAMES & JAQUELINE VOIGT @ 25614 PLEASANT RD,  
at 6:30 pm – REZONE & SUBDIVIDE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 9, 2015 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of James E & Jacqueline A Voigt to rezone and sub-divide property. The addresses of the property are: 25614 Pleasant Road with legal descriptions of:  
141.79 A NE 4 SW4 & Govt. Lot 3, less Part Platted & Govt. Lot 2 less parts sold & less 17.30 Acres annexed.

The request is to rezone 60' x 387.11' from Agricultural to R1 – Residential and further to subdivide said acreage from a larger parcel.

Re: Re-Zoning Request & Qualified Minor Subdivision  
76.41600.0400: Owners: James & Jacqueline Voigt  
Property Address: 25614 Pleasant Road, St. Cloud, MN 56301  
Legal descriptions of: 141.79 A NE 4 SW4 & Govt. Lot 3, less Part Platted & Govt. Lot 2 less parts sold & less 17.30 Acres annexed.

Re-Zoning Requested:

3. The Voigt Brothers along with Jim & Jackie wish to split 60' from the farm property and attach it to a 40' lot at the end of Pleasant Road. The property this would be attached to is zoned R-1. This requires both a re-zoning and Qualified Minor Subdivision.

Construction Requests:

2. None

Relevant Information:

13. Property contains 141.79 acres more or less.
14. 30 notices of public hearing were sent out.
15. The property being split off is zoned Ag-40 land it is attaching to is R1
16. The owners are looking to attach the 60' to 40' to make it 100' x 387.11' = 38,711 sf.
17. The Shoreland Management ordinance calls for a minimum of 150' lot width with an average lot size of 40,000 sf – 17,400 buildable lot area. See attached.
18. An additional 5' would make the lot size 40,646.55 sf.
19. One letter of NO objection was received.

Recommendation:

1. Discuss the minimum lot size requirements.

2. I have forwarded this to Greg Bechtold at Stearns County Environmental Services to see if there are wetlands on any of this.

Zoning Administrator Rena Weber stated Greg Bechtold looked at it. The part toward the lake is wetland. Zoning Administrator Rena Weber stated that Mr. Bechtold told her via an email and phone conversation, 1090.05 is the OHWL for Pleasant Lake, 100' in from the lake is the wetlands, then an ice ridge. In the 60' there is another wetland. Before selling to anyone the wetland must be delineated. 1094.1 was the OHWL in 1984.

Mr. Jim Voigt -25614 Pleasant Road stated they are asking for this because it would help them to make it a buildable lot, and they are agreeable to add the 5 feet making it 65 feet.

Mr. Wayne Laudenbach- 25409 Pleasant Rd, has a concern. How many more lots are they going to ask for? There was a survey on the road he has not heard anything. More homes might equal having to add water and he is not in favor of that. He would like to know how this will affect him personally.

Zoning Administrator Rena Weber commented on the survey that people were against city water and in-favor of a new road. We have not taken action on anything with that information yet.

Mr. Voigt stated he is not planning on doing any more lots, this lot is 40 feet and is not doing anyone any good. Extending it to make a buildable lot would make it saleable and also improve the city's tax base.

Chair Becker asked if the two lots are contiguous?

Member Honer stated yes they are contiguous. And this is still under the Ag-40 overlay and there is only one buildable site per 40 acres, so nothing can happen on the land until they come up with a site plan and a planned unit development.

Member Meyer stated that the road is a problem on Pleasant. It could be a concern if more lots were being developed, but he doesn't have a concern with just one.

***Motion by Member Meyer, second by Member Honer, to close the public hearing at 6:41 pm. Motion carried unanimously.***

***Motion by Member Honer, second by Member Borgmann, to approve the request as presented to sub-divide and rezone, and amend it to add the 5 feet to make it 65 feet so it abides by our new ordinance. Motion carried unanimously.***

### **DISCUSS DEFINITIONS**

- Discussion on definition of Structure – fish house, trailer, storage, and RV restrictions.
- Fish house definition: means a structure set on the ice of state waters to provide shelter while taking fish by angling as defined by Minnesota Statute 97A.015 Subd 21. 21.
- Trailer definition: means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle, or is designed to provide temporary living quarters during recreation, camping or travel.
- Passengers could mean animals.
- Recreational Vehicle: means a vehicle used to provide temporary living quarters including, but not limited to: motorhomes, travel trailers, campers, camping trailers, popups, or watercraft.
- Question, does this cover the new fish houses? Some use them as campers.
- Trailer storage restrictions – To restrict storage but allow limited season exceptions for fish houses, consider adding the following to Section 32 Subd 3. 3:
- C. Outdoor storage of trailers is prohibited within 50 feet of the ordinary high-water level. As seasonal exception to this prohibition shall be made for fish houses during the periods of ...
- Houses down to the lake before it freezes?
- Suggestion C should read .... Outdoor storage of trailers is prohibited within 50 feet of the ordinary high-water level. Period. That allows me to bring it down a little early, its not storing it. We wouldn't have to put in specific dates.

- RV and Camper Restrictions –
- Question should RV and Camper Restrictions be City wide or just shoreland?
- What are other areas doing?
- If everyone has a camper, then it creates an issue with impervious surface.
- No Sewer hook-up or generators allowed.
- If trying to enforce you will need documentation.
- Brings business to the area.
- Don't think we should infringe on neighbors rights.
- Impervious surface is a concern.
- A resident suggested to allow the camper all summer long.
- A concern is if everybody did this and all summer.
- Need to protect the lake and our resources, impervious is a concern.
- Zoning Administrator Rena Weber read Harold Fleigle's proposal and comments from Stewart Lenzen.
- We are we good with C. Don't add anything about on the lake or shore any amount of time.

***Motion by Member Honer, second by Member Borgmann, to approve to amend the definitions and restrictions, eliminating the last sentence in C, and title the other to combine Camper/Trailer. Motion carried unanimously.***

**Discussion on Campers:**

- We are trying not to increase our non-conformity.
- The non-conforming lot – stating there is a difference from a regular lot and a non-conforming lot.
- Make allowances for the smaller lots, now with the new ordinance they are non-conforming, make some exceptions so the lot can be used.
- Hard to police variances.
- Recommend a working session. Set a date for Tuesday June 16<sup>th</sup> 6 pm.

**Rear yard setbacks**

- Zoning Administrator Rena Weber read the Section 9, Subdivision 12.
- Possible reduce 25 ft to 35 ft.
- There is a difference from a foundation and a deck.
- Change B for clarification to define the foundation of the house or the garage and that's where you would measure, not the deck.
- There should be some stating the foundation should be 35 feet, and then there should be something stating that other structure should be at 25 feet setback. This would allow someone to build a deck. And not have to go for a variance.
- Always measure setbacks from the foundation not the deck.
- Leave house and garage foundation 35 feet, and 25 feet.

***Motion by Member Meyer, second by Chair Becker, to change the setback to measure from the garage and house foundation at 35 feet, and any additional structure setback at 25 feet. Motion carried unanimously.***

**Business for next meeting:**

Harrens and Larson – square out their lot.

***ADJOURNMENT – Motion by Member Meyer, second by Member Borgmann, to adjourn the meeting at 7:24 PM. Motion carried unanimously.***

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**MANDY LAIS  
ADMINISTRATIVE ASSISTANT**

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**BILL BECKER  
CHAIR**

6/09/2015