

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JULY 14, 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 Jerry Tippelt, and Member David Meyer. Susan Palmer – Liaison

Absent were: Member Dale Borgmann

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

Others present: Dan Hansen, Christa & Elizabeth Althaus, Duane Willenbring, Steve Hansen Brian & Jeanne Stradtmann, Jack Tamble.

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

APPROVAL OF MINUTES 6/09/15 – Motion by Member Honer, second by Member Tippelt, to approve the 6/09/15 minutes as presented. Motion carried unanimously.

New Business:

**PUBLIC HEARING FOR DAN HANSEN/KATHLEEN SYVERSON @ 9545 AHLES RD,
at 6:00 pm & 6:15 pm – PRELIMINARY & FINAL PLAT & REZONE**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2015 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Daniel J. Hansen & Kathleen I. Syverson to subdivide their property. The addresses of the property are: XXX Fire Hall Lane and XXX 230th Street with legal descriptions of:
Fire Hall Parcel: (Proposed Lot 1, Block 2)

That part of the NE 1/4 of the NE 1/4 of Section 16, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Northwest corner of said NE 1/4 of the NE 1/4; thence on an assumed bearing of N 89°37'38" E, along the North line of said NE 1/4 of the NE 1/4, a distance of 250.00 feet; thence on a bearing of S 00°09'30" E, 615.59 feet; thence on a bearing of N 89°37'38" E, 194.63 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°37'38" E, 94.20 feet; thence on a bearing of N 01°05'28" W, 615.63 feet to the North line of said NE 1/4 of the NE 1/4; thence on a bearing of N 89°37'38" E, 11.56 feet to Right-of-Way point B4609, as shown on Minnesota Department of Transportation Right-of-Way Plat No. 73-46 as of public record, Stearns County, Minnesota; thence on a bearing of S 53°46'05" E, 362.71 feet to Right-of-Way point B8 as shown on said Minnesota Department of Transportation Right-of-Way Plat No. 73-46; thence on a bearing of S 01°05'28" E, 1112.96 feet to Right-of-Way point B7 as shown on said Minnesota Department of Transportation Right-of-Way Plat No. 73-46; thence on a bearing of S 89°13'10" W along the South line of said NE 1/4 of the NE 1/4, 394.20 feet to its intersection with a line bearing S 01°05'28" E from the point of beginning; thence on a bearing of N 01°05'28" W along last said line, 716.43 feet to the point of beginning.

Other Parcel:

(Proposed Lot 1, Block 1)

That part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 123, Range 29, lying southerly of the southerly right of way line of Trunk Highway No. 23 as certified in Minnesota Department of Transportation Right of Way Plat No. 73-48, filed July 25, 2000, as document number 943290 in the Stearns County Recorder's Office.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2015 at approximately 6:15 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Daniel J Hansen and Kathleen I. Syverson to rezone certain property. The address of the property is: XXX Fire Hall Lane with legal descriptions of: (Proposed Lot 1, Block 2) That part of the NE 1/4 of the NE 1/4 of Section 16, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Northwest corner of said NE 1/4 of the NE 1/4; thence on an assumed bearing of N 89°37'38" E, along the North line of said NE 1/4 of the NE 1/4, a distance of 250.00 feet; thence on a bearing of S 00°09'30" E, 615.59 feet; thence on a bearing of N 89°37'38" E, 194.63 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°37'38" E, 94.20 feet; thence on a bearing of N 01°05'28" W, 615.63 feet to the North line of said NE 1/4 of the NE 1/4; thence on a bearing of N 89°37'38" E, 11.56 feet to Right-of-Way point B4609, as shown on Minnesota Department of Transportation Right-of-Way Plat No. 73-46 as of public record, Stearns County, Minnesota; thence on a bearing of S 53°46'05" E, 362.71 feet to Right-of-Way point B8 as shown on said Minnesota Department of Transportation Right-of-Way Plat No. 73-46; thence on a bearing of S 01°05'28" E, 1112.96 feet to Right-of-Way point B7 as shown on said Minnesota Department of Transportation Right-of-Way Plat No. 73-46; thence on a bearing of S 89°13'10" W along the South line of said NE 1/4 of the NE 1/4, 394.20 feet to its intersection with a line bearing S 01°05'28" E from the point of beginning; thence on a bearing of N 01°05'28" W along last said line, 716.43 feet to the point of beginning.

The request is to rezone 10.0 acres from Agricultural to B-2 (General Business District).

The request is to approve both a preliminary and final plat of 26 acres to be known as Venison Acres – Lot 1, Block 1 and Lot 1, Block 2.

RE: PRELIMINARY & FINAL PLAT

RE-ZONE 10 ACRES OF SAID PLAT

RE: Parcel I.D. No. 76.41627.0202 Sections 16, Township 123, Range 029

Owners: Daniel Hansen
Kathleen & Howard Syverson

Property Address: xxx Fire Hall Lane, St. Cloud, MN
xxx 230th Street, St. Cloud, MN

REQUEST

Daniel Hansen and the Syverson's would like to subdivide the land and create two parcels. This was part of another lot that was split when Highway 23 was built. The other lot was approved last year for a split, but now they have to plat the remaining two lots.

Also – the 10 acre lot located next to the fire hall is being requested to re-zone to B-2. This does not have city water or sewer.

Lot 1, Block 1 – Venison Acres

Lot 1, Block 2 – Venison Acres

RELEVANT INFORMATION

1. Property is zoned A-40.
2. Property is 26 acres approximately.
3. 10 notices were sent out.

RECOMMENDATION

1. Approve pending review and discussion.

1. ***Jack Tamble opposed to re-zoning of the fire hall piece due to drainage concerns and loss of crops.***

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2. **Jack Tamble wanted to make it known that there is an irrigation well with an easement on the 16 acre lot (south of Hwy. 23). Located next to 230th Street.**
3. **Dan Hansen indicated that Tamble is only allowed to enter the property to service the well, not use the whole lot.**
4. **PC Recommends approval of two lot plat, the re-zoning of the 10 acres by the Fire Hall, and further that there is no building entitlement on the 16 acre that remains zoned AG-40.**

Zoning Administrator Rena Weber read the Minnesota department of transportation recommendations. See attachment A. And read the Hansen staff report. They are looking to subdivide and ultimately would like to build.

Mr. Dan Hansen – owner of said property, stated he is also representing Kathleen Syverson. These are two different lots, one is wooded and one open land. They want to sell the property. There is an easement on for a well on the flat piece.

Mr. Jack Tamble stated he is not opposed to them splitting lots so they will be able to sell, however he is opposed to the rezone on Highway 23. The concern is they currently have a problem with water run-off, and if rezoned business district the new buyer can put a large building (up to 7000 sq. ft.), possibly creating more impervious surface and affecting the amount of water coming on to their property. The lake on Chapel Street gets a lot of water and floods their trees and there has been damage to their field and they can't plant. He made mention of an easement.

Mr. Hansen stated that the agreement was to only allow him to go on to the property to service the well. Not that he has access to the entire property.

Mr. Tamble state there is twice the water flow. They have a meadow and are have a hard time getting anything out of our meadow.

Member Honer asked if that was the lot the Fire Department purchased from Dan Hansen? Yes

Mr. Tamble stated a concern regarding the pond and drainage can't handle it right now. Culvert that runs under chapel. Comes from the parcels and its not handling it.

Mr. Tamble stated if you rezone without having the plan in place. We suffer the consequences. The well is being used for irrigation. What is our liability with the well, if there is a business that goes in? How might that affect our water usage?

Zoning Administrator Rena Weber stated the rezoning is separate from the site plan approval. They will have to take care of their own drainage. Indicated where the well is on the lower lot. And that well is used for irrigation.

Mr. Steve Hansen works with ReMax, thought on the well, stated the lot has sandy soil, 16 acres. They are more interested in the other piece being zoned. It's a great location for a commercial development. They would bring a site plan to the city for the best use of the land. For them the best use for the 10 acres is commercial, and 16 acres would be looked at further down the line.

Zoning Administrator Rena Weber stated you might look at the comprehensive plan and it's proposed to be commercial.

***Motion by Member Honer, second by Member Meyer, to close the public hearing at 6:16 pm.
Motion carried unanimously.***

Member Honer stated with our future land use map she believes the 10 acres was zoned more business type zoning. We have ordinances in effect with the 10 acre parcel, when a site plan comes before us we can make sure the storm-water management and best use practices will be used. The 16 acres has a potential for RR down the road so doing the split especially since it is by Highway 23, it is within reason.

Member Tippelt asked if they can we leave it AG40?

Member Honer stated not if he wants to build on it. So yes they need to rezone.

Member Tippelt asked about the water issue, should we have a study done first?

Member Honer stated it is not our issue, we do a rezone then they come up with a site plan. That will have storm water management in it and needs to be approved by both the state and the county. This is not a small parcel. They have 10 acres so they should have more than enough of land to utilize that.

Motion by Member Honer, second by Member Meyer, to approve the preliminary & final plat & rezone on the 2 parcels and 16 acre parcel stays AG40 with no building entitlement, and rezone the other 10 acre parcel along Highway 23 to B-2, as presented. Motion carried unanimously.

**PUBLIC HEARING FOR JAMES & ELIZABETH ALTHAUS @ 25264 HAYWOOD ROAD,
at 6:30 pm – SUBDIVIDE**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2015 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of James & Elizabeth Althaus to subdivide their property. The addresses of the property are: 25264 Haywood Road with legal description of:

TRACT A

That part of the West Half of the Southeast Quarter of Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence North 89 degrees 23 minutes 57 seconds East on an assumed bearing along the north line of said Southwest Quarter of the Southeast Quarter, 266.87 feet; thence North 60 degrees 34 minutes 14 seconds East 625.47 feet to the point of beginning of the line to be described; thence continue North 60 degrees 34 minutes 14 seconds East 577.95 feet to the East line of said West Half of the Southeast Quarter; thence South 01 degrees 01 minutes 06 seconds East, along said East line 1893.78 feet to the southeast corner of said West Half of the Southeast Quarter; thence South 89 degrees 43 minutes 34 seconds West, along the South line of said West Half of the Southeast Quarter 640.54 feet; thence North 00 degrees 16 minutes 20 seconds East 167.18 feet; thence Northerly and Northwesterly 375.56 feet, along a tangential curve concave to the West, having a radius of 1556.23 feet and a central angle of 13 degrees 49 minutes 37 seconds ; thence North 13 degrees 33 minutes 17 seconds West, tangent to said curve 100.00 feet; thence Northwesterly, Northerly and Northeasterly 239.71 feet, along a tangential curve concave to the East, having a radius of 517.05 feet and a central angle of 26 degrees 33 minutes 48 seconds; thence North 13 degrees 00 minutes 31 seconds East, tangent to the last described curve 775.93 feet to the point of beginning.

The request is to approve both a preliminary and final plat to be known as Althaus Estates – Lots 1 & 2, Block 1.

Zoning Administrator Rena Weber stated they discovered there was a lean on one of the properties, as a result these property owners needed to split this. You approved the other plat, the only change is the Althaus' property is known as the Althaus estates, and the Unger's is going to be known as the Big Oaks Estates.

Member Honer asked if the park dedication was addressed? Yes

Motion by Member Honer, second by Member Tippelt, to close the public hearing at 6:24 p.m. Motion carried unanimously.

***Motion by Member Honer, second by Member Meyer, to approve the final plat as presented.
Motion carried unanimously.***

**PUBLIC HEARING FOR CHARLES & CHERYL UNGER@ 24984 HAYWOOD ROAD,
at 6:45 pm – SUBDIVIDE**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 14, 2015 at approximately 6:45 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Charles & Cheryl Unger to subdivide their property. The addresses of the property are: 24984 Haywood Road with legal description of:
TRACT B

That part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 123, Range 29, Stearns County, Minnesota, which lies Easterly of the following described line: Commencing at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 43 minutes 34 seconds West on an assumed bearing along the North line of said Northwest Quarter of the Northeast Quarter 640.54 feet to the point of beginning of the line to be described; thence South 01 degrees 07 minutes 17 seconds West to the South line of said Northwest Quarter of the Northeast Quarter and said line there terminating.

The request is to approve both a preliminary and final plat to be known as Big Oak Estates – Lots 1 through 3, Block 1.

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

***Motion by Member Honer, second by Member Meyer, to approve the final plat as presented.
Motion carried unanimously.***

Discussion on Campers:

Chair Becker gave an update: We presented a draft to the council on the campers and there are a few things left to discuss like storage.

What are the neighboring cities doing? Munson Township.

Basically they are permitting campers in the one city, removal of storage and wheels.

What do they do during winter months and summer months?

Chair Becker read the proposal: On residential property with a principal structure, the temporary use of trailers and recreational vehicles is permitted subject to the standards in this subdivision. The use of a trailer or recreational vehicle for short term occupancy shall not exceed 10 consecutive days. The temporary use of a recreational vehicle or trailer on a property may not exceed 20 cumulative days from January 1st through June 30th and no more than 10 consecutive days and may not exceed 20 cumulative days from July 1st through December 31st. No more than one (1) recreational vehicle or trailer may be used on a property at any given time. The recreational vehicle or trailer must not be parked in public right of way and must be setback at least 50 feet from the ordinary high water line. A recreational vehicle or generator shall not idle or run while parked as an accessory use. The recreational vehicle or camper must be kept in a sanitary condition free of odors and pests. All cords and hoses connected to the recreational vehicle must be kept out of public right of way and kept in a manner that does not present a safety hazard.

Chair Becker indicated:

- This proposal is city wide.
- January 1st through June 30 gives you 10 consecutive days or 20 cumulative days.
- July 1st through December 31st gives you another 10 consecutive days or 20 cumulative days.
- There 34 days (weekends only which leaves an additional 6 days so you could have a long weekend with 5 days in the middle.
- This would give people a chance to have a camper on their property.

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- They are not currently allowed now in R-1 so this is a way to allow that use.
- This applies to a lot that has a principal structure on it.
- Non-conforming lots – still have to discuss.

Storage Discussion:

Storage issue –as they don't want to make people move their campers.

Non – conforming and storage?

Paul and Trish Ludwig had submitted an email

Liaison Palmer stated most cities allow storing it and not living in it.

Member Tippelt stated we have restaurants bars and we need to be careful how restrictive we are.

There is a concern that the campers may be used as storage.

To allow one camper, even if it is non-conforming.

It shouldn't matter how big the lot is.

They have only a set amount of time impervious is being impacted.

Non-conforming lot without a house, they should be able to use their lot.

If someone owns property, they should be able to use it for something.

In some situations like Grand they knew it was non buildable.

Campers used as storage sheds.

Nonconforming lot like Hubert lane, but have a structure and can be built in the same footprint.

Policing is difficult.

I don't know we can address storage without considering snowmobile trailers campers etc.

If someone has a camper on their property it does not matter if they use it for storage.

Business for next meeting:

Debra Weber - variance

ADJOURNMENT – Motion by Member Tippelt, second by Member Meyer, to adjourn the meeting at 6:53 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**BILL BECKER
CHAIR**