

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, OCTOBER 13, 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 Dale Borgmann, Member Jerry Tippelt, & Liaison Susan Palmer.

Absent were: Members David Meyer and Toni Honer

Staff members present were: Administrator Rena Weber & Administrative Asst. Debbie Weber.

Others present: Randy Seykora, Daryl Steil, Mary Kuhl, Curt Weiers, Vern Rosckes, John Honer, Ev Balko, and Paul Wirth

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

APPROVAL OF MINUTES 09/08/15 – Motion by Member Tippelt, second by Member Borgmann, to approve the 09/08/15 minutes as presented. Motion carried unanimously.

New Business:

PUBLIC HEARING FOR JAMES PURLEE @ 11344 GRAND LAKE ROAD –VARIANCE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, October 13, 2015 at approximately 6:00 p.m. Rockville City Hall – 229 Broadway Street East** to consider the request of: Suellen Purlee for a variance from Impervious Surface and distance from structure in Shoreland Requirements. The address of the property is 11344 Grand Lake Road with a legal description of:

All that part of Government Lot 4, Section 29, Township 123, Range 29, Stearns County, Minnesota, and that part of Government Lot 1, Section 32, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the southeast corner of said Government Lot 4, thence South 01 degrees 08 minutes 57 seconds East, on an assumed bearing, along the east line of said Government Lot 1, a distance of 35.52 feet, to the centerline of Grand Lake Road; thence North 89 degrees 24 minutes 38 seconds West, along said centerline, a distance of 199.56 feet, to the point of beginning of the tract of land to be described; thence continue North 89 degrees 24 minutes 38 seconds West, along said centerline, a distance of 92.18 feet; thence North 01 degrees 08 minutes 57 seconds West, a distance of 267 feet, more or less, to the shoreline of Grand Lake; thence northeasterly along said shoreline to the intersection with a line which bears North 01 degrees 08 minutes 57 seconds West from the point of beginning; thence South 01 degrees 08 minutes 57 seconds East, a distance of 305 feet, more or less, to the point of beginning.

Subject to the right of way of Grand Lake Road, and any easements of record, if any.

The petitioner has moved a 10' x 15' storage shed to the property without a permit.

An after the fact Variance from impervious surface will be discussed as well as the setback from structure.

STAFF REPORT

Variance(s) Requested:

1. Variance to move a 10' x 15' storage shed to said lot and to locate it on property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 23,746 sf of which 21% would be covered. With the addition impervious surface exceeds the 20% by 1337.0 sf and 1384.05 sf of the 15%.
3. The shed was moved onto the lot without a permit so the distance between the house and shed structure has not been identified. Site inspection to occur.

Construction Requests:

1. Approve the shed that has been moved onto the lot already.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.

- 2. Property contains 23,746 square feet more or less.
- 3. 7 notices of public hearing were sent out.
- 4. A certificate of survey was provided previously for this property so the owner, contractor and city were well aware of the impervious dimensions.

Recommendation:

- 1. This requires 1 to 2 variances on a non-conforming lot that was in place before the ordinance was adopted. 30,000 sf is the minimum lot size required for a single family dwelling.
- 2. When the Purlee's started this project they made changes to stay right at the 20% (20.02% actually) impervious as is evidenced by the e-mails I had with their contractor and designer. For the Purlee's to just move a storage shed onto the lot and not think this would be an issue is concerning to me. Furthermore, the statement that they were not informed that the shed was an issue – I have back up information confirming when they were notified it had to be removed.
 5/4/15 – E-mail to Gary Utsch asking him to check on the shed being moved.
 6/23/15 – E-mail to Gary informing him the shed is still there and they are planting trees.
 6/23/16 – Gary taped a letter to their door telling her to remove the shed or no certificate of occupancy would be issued.
 6/24/15 – Suellen called Gary and he told her again to remove the shed.
 8/4/15 – Administrator sent letter to Suellen citing the violation.

Public input:

Paul Wirth voiced concern about Shoreland ordinance and abiding to it. We need to be concerned how this change would affect the future quality of the lake.

One letter of objection from Earl Anderson. Read by Rena Weber, Zoning Administrator. (Marked as Exhibit A)

Motion by Chair Becker, second by Member Borgmann, to close the public hearing at 6:12 pm. Motion carried unanimously.

Chair Becker reported that at the site visit he stood at the neighbor's deck and noticed that the shed blocked the line of sight. Moving the shed north would bring it closer to the lake and place it in front of the house. Upon reviewing the fact findings, the multiple correspondences given to the family to move the shed with no response, only to find instead the family has proceeded with the shed and the landscaping which violates the Rockville City Ordinance.

FINDINGS OF FACT A review of the finding was done: (Marked as Exhibit B)

- 1. Yes 3 No
- 2. Yes 3 No
- 3. Yes 3 No
- 4. Yes 3 No
- 5. Yes 3 No

Motion by Chair Becker, second by Member Tippelt, to recommend denial of the variance. Motion carried unanimously.

**ADMINISTRATIVE SPLIT – JAMES & MARY KUHL TO MARLA HONER -
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 James S. Kuhl & Mary B. Kuhl (husband and wife) to Marla C. Honer Rev Trust in the City of Rockville.

The following described property is to be transferred from parcel #76.41624.0200 and 76.4164.0800 and attached to parcel #76.41624.0500

TRACT B JAMES S. KUHL & MARY B. KUHL TO MARLA C. HONER

The Southwest Quarter of the Southeast Quarter, less and except the Southwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 14, Township 123, Range 29, Stearns County, Minnesota; And that part of the Northwest Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, lying Southerly of the Township Road known as Ahles Road.

LESS AND EXCEPT

That part of the West 330.00 feet of the Northwest Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, Stearns County, Minnesota, lying Southerly of the Township Road known as Ahles Road.

AND LESS AND EXCEPT

The West 330.00 feet of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, Stearns County, Minnesota.

The following described property is the new legal description for the remaining property owned James S. Kuhl & Mary B. Kuhl – Parcel No. 76.41624.0200 and 76.41640.0300

TRACT A:

The Northeast Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, Stearns County, Minnesota, lying Southerly of the Township Road known as Ahles Road. Less and except the west 33.00 feet thereof.

TRACT C:

The Northeast Quarter of the Northeast Quarter of Section 23, Township 123, Range 29, Stearns County, Minnesota.

AND

The Southeast Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, Stearns County, Minnesota.

AND

The west 33.00 feet of the Northeast Quarter of the Southeast Quarter of Section 14, Township 123, Range 29, Stearns County, Minnesota, lying Southerly of the Township Road known as Ahles Road.

Subject to easements of record.

This request is being made for the sale of 40.44 Acres 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 Tippelt, to recommend approval of the administrative plat. Motion carried unanimously.

PUBLIC HEARING FOR JAMES & MARY KUHL – REZONING & QUALIFIED MINOR SUBDIVISION:

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, October 13, 2015 at approximately 6:20 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of James & Mary Kuhl to rezone & sub-divide property. The address of the property is: 8535 Ahles Road-St. Cloud, MN with a legal description of: The Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Twenty-three (23), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West and the South Half of the Southeast Quarter (S1/2 SE1/4) less and except the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW1/4 SW1/4 SE1/4), Section Fourteen (14), Township One Hundred Twenty-three (123), Range Twenty-nine (29); And that part of the North Half of the Southeast Quarter (N1/2 SE1/4) of Section Fourteen (14), Township 123, Range 29, lying Southerly of the Township Road.

Less And Except: That part of the West 330.00 feet of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 14, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the Township Road known as Ahles Road.

Less and Except: The West 330.00 feet of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW1/4 SW1/4 SE1/4) of Section 14, Township 123, Range 29, Stearns County, Minnesota.

The request is to rezone 19.73 acres from Agricultural to RR – Rural Residential.

The request is also to Subdivide said 19.73 acres through a qualified minor subdivision in order to maintain the single family dwelling on it.

STAFF REPORT

Variance(s) Requested:

1. 1st request is to re-zone 19.73 acres of property to R-R – Rural Residential
2. 2nd request is split this 20 acres from a parcel that contains 97.54 acres.
3. 3rd request is to do an administrative split of 40.44 acres to Marla Honer (adjoining property owner). This can't be built upon unless platted.

Construction Requests:

1. Split off the 19.73 acres to allow the house/shed to remain in use.

Relevant Information:

1. Property contains 137.98 acres more or less.
2. 13 notices of public hearing were sent out.
3. This property is zoned Ag-40.
4. The owners are looking to move south and sell their property.
5. John & Marla Honer wish to purchase 40.00 acres and attach it to their adjoining property.
6. Part of the remaining property is in a conservation easement purchased by US Fish & Wildlife Service so this is protected wetlands. Any new owner would need to know this before they purchase it.

Recommendation:

1. This is a 3 piece request so I think the Administrative plat would need to be approved first.

Public Input:

Curt Weiers, realtor, spoke on behalf of the Kuhl's and explained the reasoning of the re-zoning and why this is the best option for the Kuhl's.

Motion by Member Tippelt, second by Member Borgmann, to close the public hearing at 6:28 pm. Motion carried unanimously.

Motion by Chair Becker, second by Member Borgmann, to recommend approval of the Rezoning and Qualified Minor Subdivision for James and Mary Kuhl. Motion carried unanimously.

LION'S CLUB MEMORIAL APPROVAL:

Rosie and Daryl Steil, Rockville Lions Club, are requesting the commission's approval for "Veterans, Firemen, Law Enforcement" memorial/monument to be located at the Rockville Fire Hall. They presented plans for review.

Motion by Chair Becker, second by Member Tippelt, to recommend approval to the council. Motion carried unanimously. Member Borgmann abstained.

UNFINISHED BUSINESS -RANDY SEYKORA @11181 HUBERT LANE – Variance

Re: Variance Request(s)
76.42189.0039: Owners: Randy Seykora
Property Address: 11181 Hubert Lane

Variance(s) Requested:

- 1) Variance to construct a 36' x 42." Unattached garage of property abutting Grand Lake – General Development Lake.
- 2) Variance to add a driveway 42' x 24' to new garage
- 3) Variance to add deck 320 sf and concrete pad 231 sf
- 4) Variance to add 160 sf porch to the front of the house
- 5) Impervious Surface – Total lot area is 17,313.71 sf of which 15% = 2597.06. The proposed request is to exceed the 15% by 2407 sf or 93%.

Construction Requests:

- 1) Construct new unattached garage and match the existing residential structure.

Relevant Information:

- 1) This property is located within the 1000' Shoreland Overlay District.
- 2) Property contains 18,115.48 square feet more or less.
- 3) This property was granted a variance from impervious surface in 2014, but not constructed.
- 4) 13 notices of public hearing were sent out.

Recommendations:

- 1) This requires 5 variances on a non-conforming lot that was in place before the ordinance was adopted
- 2) This is a lot of driveway and maybe some should be turned back into grass.
- 3) If granted mitigation plan must be approved.

PLANNING COMMISSION RECOMMENDATION

- 1) **This is actually an amendment of variances granted in 2014.**
- 2) **The area that is the present driveway will be turned back to grass.**
- 3) **Seykora's provided an updated plan showing less impervious than before.**
- 4) **The grinder station is proposed to be moved and placed under the new driveway with concrete reinforcement ring around the station. The Seykora's will sign an acknowledgement that they are responsible for any costs should this station need to be dug up and repaired.**
- 5) **PC recommends approval.**

Motion by Chair Becker, second by Member Borgmann, to recommend approval. Motion carried unanimously. 6:45 pm

FEEDLOTS ON LESS THAN 10 ACRES: action tabled.

STEARNS COUNTY CONTRACT: action tabled.

PLANNING COMMISSION MEMBER/STAFF REPORT: Rena Weber reported on the following:

- 1) Unger/Althaus: asking for a one-year extension on their plat recording and Rena granted.
- 2) Shawn O'Keefe: variance request for major shore land alteration – moving 99 sf of soil. Rena will do research.
- 3) Site visit for Wayne Hiemenz on Pleasant Road.
- 4) Barking Birch Kennels requesting approval for expansion of their K-9 boarding facility.
- 5) Member Tippelt reported that Eric Kunz contacted him regarding the city ordinance for chickens. Rena reported that we do not have an ordinance for this.

ADJOURNMENT – Motion by Chair Becker, second by Member Borgmann, to adjourn the meeting at 7:01PM. Motion carried unanimously.

DEBBIE WEBER
ADMINISTRATIVE ASST

BILL BECKER
CHAIR