

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD, TUESDAY,
OCTOBER 14, 2014 – 6:00 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: Member Bill Becker, Member Dale Borgmann, Member Jerry Tippelt and Susan Palmer – Liaison.

Absent were: none

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

Others present: Andy & Eunice Molitor, Bill Molitor, Jeff & Kari Patton, Sharon Hodel, Duane Willenbring, & Julene Andrusick.

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

APPROVAL OF MINUTES 9/9/14 – Motion by Member Becker, second by Member Tippelt, to approve the 9/9/14 minutes. Motion carried unanimously.

New Business:

SUSAN DEAN – 21983 AGATE BEACH ROAD - REQUEST FOR QUALIFIED MINOR SUBDIVISION:

Zoning Administrator Rena Weber stated this situation with Susan Dean has been brought to your attention a year ago. The State of Minnesota combined lots. Tract A and B at one time were subdivided into two lots, then the state of Minnesota combined them. The current cabin is over the line. Now they want to sell. Susan Dean wants to keep one lot and her sister will have the other lot.

Zoning Administrator Rena Weber read the City Attorney, Adam Ripple's email:

In order to allow the split the following questions must be answered:

1. Would both lots have a minimum width of at least 80 feet (66% of 120')? Yes
2. Would both lots have a minimum lot size of a least 20,000 square feet (66% of 30,000)? 41,918 +41,157
3. Would both lots have less than 25% impervious surface? Yes
4. Is there a buildable area of 9,600 square feet for each lot (66% of 14,000)? Yes
5. Is sewer available or a septic suitable on both lots? Sewer stub to new lot required but available.

If the answer to any of these is "no" the subdivision is prohibited.

Notwithstanding a "yes" to all of the questions, if the subdivision will create a lot (or two lots) that do not conform to the lot standards in Shoreland, a variance is required. Given your question, I presume this is the case.

Member Becker asked if they want to build on tract B.

Zoning Administrator Rena Weber stated yes, that Susan's sister wants to build on tract B.

Member Becker asked the size of the lots.

Zoning Administrator Rena Weber stated the lots are 112 and 113 feet.

Member Becker asked about the encroachment? They have to maintain 10 feet.

Motion by Member Borgmann, second by Member Becker, to recommend the approval the qualified minor subdivision as presented. Motion carried unanimously.

PUBLIC HEARING @ 6:15 PM FOR ANDREW & EUNICE MOLITOR –123RD AVE - RE-ZONE, SUBDIVIDE, AND VARIANCE FROM FEED LOT SETBACKS – Chair Honer announced that a public hearing would now be held to consider approval of a rezoning, qualified minor subdivision and possible variance for Andrew & Eunice Molitor.

Staff Report

Rockville Planning Commission; City Council

Re: Re-Zoning from Ag to rural residential, Subdivision, Variance Requests
76.41637.0300: Owners: Andrew & Eunice Molitor Trust
Property Address: 123rd Avenue, Cold Spring, MN 56320

Variance(s) Requested:

1. 1st request is to re-zone 20 acres of property to R-R – Rural Residential
2. 2nd request is split this 20 acres from a parcel that contains 100 acres. (not touching)
3. 3rd request is to receive approval to build a house on the eastern most area that may or may not a variance from the 700' feedlot buffer. I will explain.

Construction Requests:

1. Split off the 20 acres to allow for a house to be built.

Relevant Information:

1. Property contains 100 acres more or less.
2. 10 notices of public hearing were sent out.
3. This property is zoned Ag-40.
4. These two properties are not contiguous, but were put on one parcel for taxing purposes.
5. The owners are looking to retire and sell off some of their property.
6. The feedlot that is in question is owned by Jerry Tippelt. According to Stearns County no boundaries were sent back to the county so it is a registered feedlot, but not complete.
7. The area that the proposed structure would be built on is currently cropped. Under RR the standards are to keep this as crop land.

Recommendation:

1. This is a 3 piece request. Each request has issues, but may not be insurmountable.

Zoning Administrator Rena Weber read the letter from Andrew & Courtney Struffert (see exhibit A)

Bill Molitor – 805 1st St S, Cold Spring, representing the Molitor Trust on behalf of my parents and siblings. They have a 20 acre parcel, that has a legal description connected with an 80 acre parcel that is about a half mile away. So, it is not contiguous. It is just combined in the legal description as one parcel. That's where the admin split would come in and get a separate number for that parcel.

Also, with the request there is a feedlot to the west which is not defined and it's over the 80 acres so it could potentially be located within the 80 acres. We were looking to have one building entitlement, and put that on the northeast side of the 20 acre parcel and on the north edge of the property. If the feedlot was there, we would be in the 700 feet. But if we compromise, and both parties get what they want and still function, the feedlot could be active on the Tippelt property and we would be able to have one building entitlement on that parcel. We originally were looking to have two building entitlements, but we are looking to do just one. With the Hodel property, we have to be able to meet the 700 foot setbacks to the area where we would be in the wetlands, and that's why we are just wanting one.

Zoning Administrator Rena Weber asked Mr. Molitor to speak about the land being cropped.

Mr. Molitor stated that this is a 20 acre parcel, and the piece that we are looking at, that is 2.3 acres tillable field, and it is leased to a local farmer. They use it for a site for equipment more than they are planting as it's not an ideal agricultural field for farming. On the south side, there is 7 acres tillable out of the 20 acres; the rest is woods, meadow and grass land.

Chair Honer asked what is currently on the 7 acres. So they are being planted with a crop?

Mr. Molitor said yes one is corn, and beans this year. So if we could compromise and work with each other, since the feedlot is not defined, we could potentially move that back and have a setback requirement for that area, and then the setback for us to be as far east as possible.

Chair Honer asked currently with the PID number, what is the entire acreage on the property?

Mr. Molitor stated 100 acres.

Chair Honer stated it is zoned ag40 so they have one building entitlement. They don't have a building on it.

Zoning Administrator Rena Weber stated that there are 80 acres and 20 acres.

Chair Honer stated it is out of compliance, because the 20 is out of compliance. Was there ever a restriction on them? We will want to know that.

Member Tippelt asked about Larson's 60 acres tillable.

Mr. Molitor stated that the crop site goes from 230th to Larson's and that's the full 80.

Liaison Palmer, why was it combined?

Mr. Molitor doesn't know. They have been there since 1860, and he doesn't know of when that happened.

Chair Honer stated now that they are asking for one building entitlement instead of two if that changes things because we are at 100 acres at Ag 40. We are at two, we already have one unit. We could look at doing that instead of a rezone.

Zoning Administration Rena Weber said it's not contiguous.

Mr. Molitor stated there are no structures on the Tippelt parcel, there is no well, no power and power is available. There is a small corral for a beef cattle operation. They are brought in spring and removed in November. This year the cattle were not there until Sept. 28th. It is not a full year.

Zoning Administrator Weber stated we adopted the right to farm ordinance to keep as much rural as possible.

Julene Andrusick -25912 123rd Avenue stated that we have a turnaround. We put it in and everyone uses it. Would you be using our turnaround?

Mr. Molitor stated no.

Ms. Andrusick stated that they are ok with one house and wants to compromise, but, not a development. It's not affecting my property directly.

Sharon Hodel stated that her grandson Jesse bought their farm and he intends on using the feedlot.

Jerry Tippelt – owner of one the feedlots, stated as far as being undefined, this is news to him. Becky Schlorf was out, she measured and it is 260 ft. from the well. She has those descriptions, so he didn't know why she wouldn't have the exact location of where his feedlot is. He tried calling her as to why it was not a defined feedlot. She was not available. He would like time to find out why it is not defined feedlot. He doesn't have the authority to move it around without talking to them.

Request to table it and it could be included in the bus tour.

Motion by Member Becker, second by Member Borgmann, to close the public hearing at 6: 37 p.m.

Motion carried unanimously.

Motion by Member Becker, second by Member Borgmann, to table this matter until the November meeting and include it in the bus tour.

Motion carried unanimously.

PUBLIC HEARING @ 6:41 PM FOR JEFF & KARI PATTON – 152 BROADWAY ST W – VARIANCE

Chair Honer announced that a public hearing would now be held to consider approval of a variance for Jeff & Kari Patton.

Staff Report

Re: Variance Request

76.42240.0056: Owner: Jeff & Kari Patton

Property Address: 152 Broadway Street West, Rockville, MN 56369

Legal Description: W 4.70' of Lot 1 & all of Lot 2 & E 30' of Lot 3 less RR, Townsite of Rockville.

Variance(s) Requested:

4. Variance to construct a 936 sf unattached garage and to vary from impervious surface lot coverage requirements – no more than **25% required. Proposed 3973 which is 1268.75 over**

Relevant Information:

8. R-1 Single Family District.
9. Existing garage was torn down to make room for a new one.
10. The lot to the north of the property is currently the railroad track.
11. 24 Notices of Public Hearing were sent out.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) nearby north of the property.
3. This property is over the 25% and the 30% impervious surface requirement which were done prior to the ordinance and by previous property owners.
4. Mitigation needs to be done to capture the 1268.75 SF overage,
5. New garage must match the house.

It has to be 5 feet off of the back lot line and they would take some off of the impervious

Jeff & Kari Patton– 152 Broadway Street stated that they had an existing garage that they had to get rid of. They would like to build another. Mike Schlangan is their contractor and he will build the garage. We would like to have a place for our cars and storage, possibly 2 ½ to 3 stall garage. Most people have a garage and that's what they are looking for.

Zoning Administrator Rena Weber stated she would work with them on the impervious surface with rain gardens.

Mr. Patton stated it had one door.

Member Tippelt asked if the earth that you covered on the last garage, is that what the new garage would cover.

Mr. Patton stated yes.

Liaison Palmer asked if the mitigation plans are recorded with the county?

Zoning Administrator Rena Weber stated yes it goes on the deed.

Motion by Member Tippelt, second by Member Borgmann, to close the public hearing at 6:50 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 B)

1. 4 yes why:
2. 4 yes why:
3. 4 yes why: had a garage and could replace

- 4. 4 yes why: railroad
- 5. 4 yes why: we approved one right down the road

Motion by Member Becker, second by Member Borgmann, to approve the variance as presented by the staff reports and mitigation. Motion carried unanimously.

Board/Staff Report:

Discussion was held on what was on the Bus tour and what needs to be added to listed:

- Add Molitor property.
- Outside storage by SJ Louis,
- R-1 allows single family dwelling – look at how the old Sportsman’s club is being used
- Trimming trees in road right of way
- Snow removal
- Campers
- Hoop Structures
- Issues/Concerns: Castaway house, Ruth Brown and Todd Wahnschaffe.
- Future development- salt shed and maybe a public works building
- Forfeiture lots – good news only three left.

October 25th at 9:00 city hall – bus tour

Discussion was held on Knife River IUP:

- Did give their restoration plan.
- The city engineer did approve it.
- We had a complaint about the smell. They were given the phone numbers to contact at Knife River.
- Their house is 1076 ft from the pit, thoughts on extending the 350 ft notification

Member Becker commented might be to the city’s advantage to notify people more than 350 ft.

Member Tippet stated you could be 5000 ft and still smell it if the wind was in the right direction.

Where are we as far as renumbering the road?

Rena said there is no 235th street in Cold Spring. It takes a petition.

ADJOURNMENT – Motion by Member Becker, second by Member Tippet , to adjourn the meeting at 7:09 PM. Motion carried unanimously.

MANDY LAIS
ADMINISTRATIVE ASSISTANT

TONI HONER
CHAIR