

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, NOVEMBER 10TH, 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 Toni Honer, Member David Meyer and Liaison Susan Palmer.

Absent were: Member Jerry Tippelt

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

Others present: Susan Hiemenz, Wayne Hiemenz, Travis Kunz, Shannon Kunz, Nikki Walters, Shawn O'Keefe, Vern Salzl, and John Vogt.

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

Rena requested that the committee approve the findings of facts for Randy Seykora Variance. It was agreed upon by the committee to wait until the next meeting because Member Meyer and Member Honer were not present at the last meeting and need time to review the variance before proceeding with the findings of facts.

APPROVAL OF MINUTES 10/13/15 – Motion by Member Honer, second by Member Meyer, to approve the 10/13/15 minutes as presented. Motion carried unanimously.

New Business:

PUBLIC HEARING FOR WAYNE HIEMENZ @ 25465 PLEASANT ROAD – VARIANCE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 10, 2015 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Wayne Hiemenz for a variance from impervious surface requirements. The address of the property is: 25465 Pleasant Road with a legal description of: Lot 11, Pleasant Beach – City of Rockville.

The request is to re-construct a 26' x 46' attached garage in the R-1 – Shoreland District and provide a breezeway connecting the house to the garage.

Variances from the following will be discussed:

- Impervious surface (exceeds 15%) by 2113.46 square feet

STAFF REPORT

Re: Variance Request(s)
76.42140.0010 Owners: Wayne & Susan Hiemenz
Property Address: 25465 Pleasant Road

Variance(s) Requested:

1. Variance to construct a 46' x 26' attached garage and to provide a breezeway connecting the house to the garage on property abutting Pleasant Lake – Recreational Development Lake.
2. Impervious Surface – Total lot area is 15,456.90 sf of which 15% is 2318.54 allowed
Proposed is 4432 sf of which 2113.46 is over the 15% allowed.

Construction Requests:

1. Construct new attached garage and match the existing residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 15,456.90 square feet more or less.
3. 18 notices of public hearing were sent out.

Recommendations:

1. This requires one variance on a non-conforming lot that was in place before the ordinance was adopted.
2. Require mitigation of 2,113.46 square feet of run off.

One letter was submitted from neighbor, Dedric McBroom, approving of the variance.

Wayne Hiemenz spoke and addressed the committee. He clarified the size of 26' x 46'. Mr. Hiemenz stated that the improvements to the existing structure will greatly improve the overall appearance. Member Honer stated that she and Member Meyer did a site visit a couple months ago.

Motion by Member Borgmann, second by Member Honer, to close the public hearing at 6:13 pm. Motion carried unanimously.

FINDINGS OF FACT A review of the finding was done:

**WAYNE HIEMENZ
25465 PLEASANT ROAD
FINDING OF FACT
SUPPORTING/DENYING A VARIANCE**

A variance may be granted when the applicant for the variance established that there are practical difficulties in complying with the zoning ordinance. The consideration of the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statutes Section 394.27:

- 1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
Why or Why not?

Becker Yes Honer Yes Borgmann Yes Meyer Yes

- 2. Is the variance *consistent with* the *comprehensive plan*?
Why or Why not?

Becker Yes Honer Yes Borgmann Yes Meyer Yes

- 3. Does the proposal put property to use in a *reasonable manner*?
Why or Why not?

Becker Yes Honer Yes Borgmann Yes Meyer Yes

- 4. Are there *unique circumstances* to the property not created by the landowner?
Why or Why not?
non-conforming lot _____

Becker Yes Honer Yes Borgmann Yes Meyer Yes

- 5. Will the variance, if granted, maintain the *essential character* of the locality?
Why or Why not?

Becker Yes Honer Yes Borgmann Yes Meyer Yes

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.
FINDING OF FACT.8/9/11 ADOPTED.FORMS

Motion by Member Honer, second by Member Meyer, to recommend approval of the variance and allow up to 29.8% impervious surface with mitigation. Motion carried unanimously.

PUBLIC HEARING FOR TRAVIS KUNZ @ 23445 COUNTY ROAD 8 – CONDITIONAL USE PERMIT

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 10, 2015 at approximately 6:15 p.m. at Rockville City Hall, 229 Broadway Street East, Rockville, MN** to consider the request of Travis R. Kunz for an **Amended Conditional Use Permit** for a canine boarding facility in the R-2 District. The address of the property is: 23445 County Road 8, Cold Spring, MN 56320 with a legal description of:

14.00 Acres N462' of NW4SE4 Section Seventeen (17), Township One hundred Twenty-three (123) North, Range Twenty-nine (29) West. Stearns County, Minnesota.

SECTION 18 Subdivision 4: Conditional Uses reads:

7. Uses the City Council determined to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general health and welfare.

Request is to expand a canine boarding facility.

STAFF REPORT:

Re: Conditional Use Permit Request
76.41629.0500: Owners: Travis R. Kunz
Property Address: 23445 County Road 8, Cold Spring, MN 56320
Legal Description: 14.00 A N462' of NW4SE4, Section 17, Twp. 123, Range 029

Conditional Use Permit Requested:

SECTION 18 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.

7. Uses the City Council determined to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general Health and welfare.

The request is to EXPAND canine boarding facility.

Relevant Information:

4. This property is located in the R-2 District.
5. Property contains 14.00 acres more or less.
6. 24 notices of public hearing were sent out.
7. The area is completely surrounded by trees.
8. The city has not received any complaints of the operation thus far.

Recommendations:

1. Mr. Kunz would like to expand the canine boarding business from the present 15 stalls.
2. There will be more traffic in the neighborhood as people drop off and pick up their pets.
3. If the neighbors are fine with this – it could be allowed as a CUP.

Travis and Shannon Kunz spoke on their behalf explaining the details and benefits of this type of business. They explained the need for expansion due to their success. Member Honer also voiced her approval. Member Meyer verified the amount of their current acreage and the possible noise level. Kunz explained that they keep the canines supervised and monitored at all times.

Motion by Member Borgmann, second by Member Honer, to close the public hearing at 6:30 pm. Motion carried unanimously.

Motion by Chair Becker, second by Member Honer, to recommend approval of the Conditional Use Permit. Motion carried unanimously.

PUBLIC HEARING FOR DAVID & FRANCES LENZMEIER @ 10819 MITCHELL LANE – VARIANCE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 10, 2015 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of David & Frances Lenzmeier for a variance from Shoreland Requirements. The address of the property is: 10819 Mitchell Lane with a legal description of: Lot 3, Wheelock Shore Lots

The request is to construct a 60 square foot addition to an attached deck in the R-1 – Shoreland District.

Variances from the following will be discussed:

- ◆ Impervious surface will exceed the 15% rule by 2850.00 square feet

STAFF REPORT:

Re: Variance Request(s)
76.42340.0002: Owners: David & Frances Lenzmeier
Property Address: 10819 Mitchell Lane

Variance(s) Requested:

3. Variance to construct a 10' x 12' pad to place a storage shed on adjacent to existing paver patio of property abutting Grand Lake – General Development Lake.
4. Variance to include the driveway impervious surface.
5. Impervious Surface – Total lot area is 21,600 sf of which 15% = 3240. The proposed request is to exceed the 15% by 2554 or 44%.

Construction Requests:

2. Construct new accessory structure and match the existing residential structure.

Relevant Information:

9. This property is located within the 1000' Shoreland Overlay District.
10. Property contains 21,600 square feet more or less.
11. 10 notices of public hearing were sent out.

Recommendations:

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

Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:35 pm. Motion carried unanimously.

Concerns were raised by the Planning Commission members and need clarification from the homeowner. The Lenzmeiers were not available for comment. A site visit will need to be scheduled before proceeding.

Motion by Member Meyer, second by Member Honer, to table this variance and schedule a site visit with the Lenzmeiers. Motion carried unanimously.

PUBLIC HEARING FOR SHAWN O'KEEFE – MAJOR SHORELAND ALTERATION PERMIT

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 10, 2015 at approximately 6:45 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Shawn O'Keefe for a variance for a major Shoreland alteration permit. The address of the property is: 21096 Fowler Road with a legal description of: 5.89 Acres, part of Government Lot 4, Section 28, Township 123 North, Range 29 West.

The request is to reshape the slope in the Shoreland abutting Grand Lake. A sand blanket and rip rock of shoreline is also a part of the project.

STAFF REPORT:

Re: Variance Request

76.41647.0400: Owners: Shawn O'Keefe

Property Address: 21096 Fowler Road

Variance(s) Requested:

6. Variance for major Shoreland alteration permit on property abutting Grand Lake – General Development Lake.

Construction Requests:

3. Refer to Stearns County Staff Letter dated 10/9/15.

Relevant Information:

12. This property is located within the 1000' Shoreland Overlay District.
13. Property contains 5.89 acres more or less.
14. 11 notices of public hearing were sent out.

Shawn O'Keefe, 21096 Fowler Road, spoke on his behalf. Explained the plan and reasoning for the shoreland alteration. The county doesn't have an issue with the alteration. Due to the amount of cubic foot of soil that is being moved this is a considered a major shoreland alteration. O'Keefe has worked with Stearns County previously and he has done extensive work on this.

Motion by Member Borgmann, second by Member Honer, to close the public hearing at 6:46 pm. Motion carried unanimously.

Rena Weber spoke about reclassifying this from a variance to a Conditional Use Permit (CUP) allowing them to go with the recommendations of the Stearns County.

Motion by Member Honer, second by Member Borgmann, to change the title of this from a variance to a Conditional Use Permit under the guidance of Stearns County. Motion carried unanimously.

PUBLIC HEARING FOR VERN SALZL – INTERIM USE PERMIT

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 10, 2015 at approximately 7:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider approval of an interim use permit for Vernon P. Salzl – 25940 99th Avenue with a legal description of:

(TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesterly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS

The request is to store wind towers on property temporarily.

Nikki Walters, Anderson Trucking (ATS) was here to represent the company and answer any questions. Rena Weber explained that there will be a \$5000 bond in order to proceed with this permit. Timeframe for this project would be May 2016 thru the end of August 2016. Vern Salzl explained ATS' interest in bringing the wind towers

via railcars on the railroad located adjacent to the property. Rena also questioned the railroad ties that are currently on the property and were to be removed from a previous/expired project. This will be an action item for the December Planning Commission meeting. Member Honer explained to Mr. Salzl that he will need additional information regarding the railroad ties for the December meeting.

Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:55 pm. Motion carried unanimously.

Motion by Member Honer, second by Member Borgmann, to recommend approval of the Interim Use Permit. Motion carried unanimously.

PUBLIC HEARING FOR KEVIN SCHNEIDERMAN – ADMINISTRATIVE PLAT approval

Rena explained the Kevin and Lynette Schneidermann tract to be transferred to Tony and Rachel Thoennes.

Motion by Member Meyer, second by Member Borgmann, recommend approval the administrative plat. Motion carried unanimously.

UNFINISHED BUSINESS –

- a) Feedlots on less than 10 acres – Rena Weber talked about a resident that wanted chickens and would need to apply for a Conditional Use Permit. Member Honer expressed the need to have additional future discussions regarding specific guidelines of farm animals and feedlots. This item will be added to the December agenda and include what Stearns County describes as a feedlot.
- b) Stearns County Contract

PLANNING COMMISSION MEMBER/STAFF REPORT

BUSINESS FOR NEXT MEETING:

Vern Salzl – Railroad ties

Feedlot

ADJOURNMENT – Motion by Chair Becker, second by Member Honer, to adjourn the meeting at 7:10 pm. Motion carried unanimously.

**DEBBIE WEBER
ADMINISTRATIVE ASST**

**BILL BECKER
CHAIR**