

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, DECEMBER 8TH 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 Member Jerry Tippelt.

Absent were: Liaison Susan Palmer

Staff members present were: Interim Administrative Clerk Judy Neu & Administrative Assistant Debbie Weber

Others present: Vern Salzl, Jay Larson, Darwin Voigt

Additions to the Agenda:

- 1) **Concept Site Plan – Minnesota Truck Headquarters**
- 2) **Members Toni Honer and Dale Borgmann: Term expiration/renewal discussion for 2016.**

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

APPROVAL OF MINUTES 11/10/15 – Motion by Member Honer, second by Member Borgmann, to approve the 11/10/15 minutes as presented. Motion carried unanimously.

New Business:

A) Concept Site Plan – Minnesota Truck Headquarters:

Proposed business site at the intersection of Hwy. 23 and County Road 47. Minnesota Truck Headquarters would like to have this section rezoned. Currently zoned agricultural. Chair Becker questioned the driveway/approach. Stearns County may have guidelines on this. Minnesota Truck Headquarters is requesting the rezoning of this property to take effect as soon as possible. At present, this site plan is a FYI for the committee's review.

At the November meeting concerns were raised by the Planning Commission members and needed clarification from the homeowner. The Lenzmeiers were not available for comment. A site visit was made by Rena Weber and documented as listed below. The request exceeds the 15% impervious surface by 2554 or 44%.

STAFF REPORT:

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

Variance(s) Requested:

1. 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.
2. Variance to include the driveway impervious surface.
3. 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:

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

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 21,600 square feet more or less.
3. 10 notices of public hearing were sent out.

12/08/2015

Recommendations:

1. This requires a variance 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.

**DAVID & FRANCES LENZMEIER
10819 MITCHELL LANE
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 No Honer No Borgmann No Meyer No Tippelt No

2. Is the variance *consistent with* the *comprehensive plan*?
Why or why not?
Shoreland impact zone. _____

Becker No Honer No Borgmann No Meyer No Tippelt No

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

Becker No Honer No Borgmann No Meyer Yes Tippelt No

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 No Meyer Yes Tippelt No

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

Becker No Honer No Borgmann No Meyer No Tippelt No

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

**Motion by Member Meyer, second by Member Honer, to deny this variance request of the Lenzmeiers.
Motion carried unanimously.**

Planning Commission needed to complete the Finding of Fact document for Randy Seykora's Variance:

RANDY SEYKORA @ 11181 HUBERT LANE
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 Borgmann Yes Tippelt Yes

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

Becker Yes Borgmann Yes Tippelt Yes

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

Becker Yes Borgmann Yes Tippelt Yes

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

Becker Yes Borgmann Yes Tippelt Yes

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

Becker Yes Borgmann Yes Tippelt Yes

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

New Business

C) VERN SALZL – Interim Use Permit: Railroad Ties

Vern Salzl spoke on his behalf and stated that he has contacted the railroad and they have not given him a timeline on when the ties would be removed. The current IUP on this has expired. Member Tippelt stated that the ties are not posing any problems where they are currently located. Chair Becker questioned if anyone has any issues with the ties. Member Honer questioned if there were any public safety issues with the ties. Mr. Salzl has a locked fence around the property. Member Honer stated that

since its Vern Salzl's name on the permit – he is responsible for the liability since it is his property as far as public safety issues are concerned.

Member Honer would like to make a recommendation to amend the original August 2012 date to August 2017 for a total of 5 years (date of when it was originally recorded) and wave the \$5000 performance bond. Understanding that on this new date the ordinance would be enforced and if the ties need to be removed by the city at that time, the cost of removal would be passed on to Mr. Salzl from the city.

Member Honer would also like to commend Vern and his business in Rockville. He is a great asset to our community.

Motion by Member Honer, second by Member Borgmann, to recommend approval for the extension to 2017 to have the railroad ties removed and wave the \$5000 performance bond. If the railroad ties have not been removed by that time, the city will remove them and pass the charges onto Mr. Salzl. Motion carried unanimously.

VOIGTS BUS – Empty Lot Parking

Darwin Voigt spoke on his behalf stating that they have excessive equipment, buses, trailers, etc. that they would like to park on an empty lot. Mr. Voigt stated that the amount of vehicles could vary. This is a separate lot from Voigts. They are wanting to do this on a long-term basis.

Member Honer stated that we currently do not have an open-storage ordinance. There is no primary building on this property currently.

A Conditional Use Permit would require a public hearing. Need to research the current ordinances regarding outdoor/open storage and parking.

Motion by Chair Becker, second by Member Honer, to table this item until the January 12, 2016 meeting. Motion carried unanimously.

Member Honer will review the zoning ordinances and provide a Staff Report.

Jay and Becky Larson – lifting of PUD

Jay Larson spoke on his behalf, would like to explore the possibility of lifting the PUD which was put in place about 2002-03. This would allow them to increase the size of their lot and increase the value for possible future resell. Property has 3 individual buildable lots (approximately 2 acres each) with common space that would include a centrally located well and drain field area. Removing the current restrictions would require each future homeowner to have their own well and septic. Total acreage is approximately 12 acres. Wooded, non-agricultural. Currently zoned as R-1. It was also noted that one of the possible buildable lots is located next to a feedlot. If this is approved, all attorney fees would be passed onto the Larson's including resurveying of the lot lines. Mr. Larson will need to bring a concept plan back to the Planning Commission if he decides to pursue this request.

Members Toni Honer and Dale Borgmann: Term expiration/renewal discussion for 2016.

Chair Becker explained that Member Honer and Member Borgmann terms would expire after this meeting and questioned whether they would be willing to serve again. If so, Chair Becker would like to request Council approval. Each term is currently 5 years. Member Honer and Member Borgmann will let Chair Becker know their decisions before the next Council meeting.

UNFINISHED BUSINESS –

- a.) Feedlots on less than 10 acres – tabled.
- b.) Stearns County Contract – tabled.

Motion made by Chair Becker, second by Member Meyer to table these items until the new City Administrator has been hired.

PLANNING COMMISSION MEMBER/STAFF REPORT

BUSINESS FOR NEXT MEETING

***ADJOURNMENT – Motion by Chair Becker, second by Member Borgmann, to adjourn the meeting at 7:05
Motion carried unanimously.***

**DEBBIE WEBER
ADMINISTRATIVE ASST**

**BILL BECKER
CHAIR**