

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JUNE 10, 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 Dale Borgmann, Member Vince Schaefer, and Susan Palmer – Liaison.

Absent were: Member Jerry Tippelt

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

Others present: Bill Becker, Jeff Lenzen, David Scrabeck

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

APPROVAL OF MINUTES 5/13/14 – Motion by Member Schaefer, second by Member Borgmann, to approve the 5/13/14 minutes. Motion carried unanimously.

New Member on the Planning Commission

Bill Becker was sworn in with the Oath of Office for the Rockville Planning Commission.

City Council approved Bill Becker as a Planning Commission Member at last City Council meeting.

New Business:

Lenzen –RV Status

Mr. Lenzen stated each summer Stuart plans on moving the camper in September and then moving it back to the lot in May. It is not going to be a camp ground. They have a large family and just like to enjoy the lake. He asked about getting a variance.

Zoning Administrator Rena Weber stated that they can't get a variance on a use. She then gave background on the lots. They are not buildable lots. She read Attorney Adam Ripple's email letters:

10/4/2011 email from Adam Ripple, Attorney

The out lots are not conforming. The only reason the City allowed the creation of nonconforming lots was to facilitate the sale to adjoining properties. The City's goal is to increase conformity of properties, not create new non-conformity. If the Outlots are sold they have to be sold and attached to an existing lot or replatted in conformance with the city code. To answer your question Mr. Bloch can sell the Outlots to someone who does not own an adjoining property with the caveat that they need to be replatted in order to do so. The sale of the Outlots without attachment to existing lots or replatting, increases non-conformity and is not acceptable. I see no need to revise the declaration. Also, the Outlots remain non-buildable if Mr. Bloch continues to own them or if he sells them for attachment to existing lots. The only possibility for making the Outlots buildable is to replat them if conformance with the City's Ordinances. One key component of the City's subdivision ordinance (and any subsequent replat of the Outlots) is access to a public road. The City does not regulate the private easement.

Zoning Administrator Rena Weber stated that she asked the attorney's opinion on this again.

6/10/2014 email from Adam Ripple, Attorney

You have asked for an opinion on the use of campers on vacant property. It is my understanding that the property is zoned R-1. Campers are not a permitted use on R-1 property.

The campers are essentially an accessory use. Section 9 Subd. 2. of the City's zoning code prevents accessory uses without a principal use on the property, or an interim use permit. Simply stated, the campers cannot be located on the property without first having a principal use such as a house. If campers are actually being used instead of just stored on the site, it appears that the dwelling unit restrictions of Section 9 Subd. 6 will need to be satisfied. Further, Section 9 Subd. 7 requires use to either be served by municipal services or a septic.

It appears that the campers create multiple violations of the City's zoning ordinance. Under Section 31 of the zoning code, violations are misdemeanors and each day that a violation exists constitutes a separate offense.

Use variances are not permitted under Minnesota law, so the only options to bring the property into compliance are (1) remove the campers or (2) amend the ordinance to allow the use. My recommendation is that any amendment of the ordinance should be to impose more specific restrictions on campers rather than make them a permitted use. In addition to zoning consideration, the activity may trigger the City's nuisance ordinance, which allows the City to abate such nuisances and charge back the abatement cost to the property owners.

Chair Honer stated that there are complaints coming in regarding the three campers, and there are others that bring their campers on occasion. The issue is with the three campers that are consistently there.

Also state law doesn't allow us to do conditional use permit.

Member Becker asked how long the camper can it be there?

Zoning Administrator Rena Weber stated that the 30 days are in the Stearns County Ordinance. We are dealing with our ordinances. When we created the shoreland ordinances we did not make allowances for that. When Adam talks about R1 that is everywhere, not just lakeshore.

Mr. Lenzen stated there are multiple campers are around the lake currently over the whole summer.

Member Becker stated once this is allowed the concern is a domino effect.

Rena Weber asked if there is a cabin on the property?

Mr. Lenzen stated there is a house on David's lot.

Zoning Administrator Rena Weber asked about the easement they used to get to the property.

Mr. Scrabeck stated there is 24 feet of an easement on county road 8.

Zoning Administrator Rena Weber asked the Planning Commission if they want to amend the ordinance or leave it?

Member Becker stated in his view it is not in best interest for the city to amend the ordinance.

Member Borgmann and Chair Honer agreed.

Chair Honer summarized that this issue with the campers are going on three seasons, and the first year this was an issue, it was explained that the campers were only allowed to be there for the 30 days.

Mr. Scrabeck sought clarification.

Liaison Susan Palmer stated there is a concern if you allow it for one.

Chair Honer stated we need to be fair to everyone. We will address it if we get complaints.

Mr. Scrabeck stated that there are other campers on the lake and have been there more than 30 days.

Chair Honer stated that we wrote it up in our shoreland ordinance. And our shoreland ordinance is more strict than the county.

Member Schaefer stated ordinance should be for everyone, not just the complaints.

Motion by Member Becker, second by Member Borgmann, maintain our current ordinance as is and the ordinance should be enforced for everyone.

Borgmann, Honer, Becker

Nay: Schaefer

Motion carried 3 to 1.

For July 8, 2014 Meeting:

-Variance requests from the Groseth's on Lake Road, they would like to build a little deck and stairway, into the 50 foot buffer zone.

-Browns were given the letter and have 45 days to comply.

-Issue of the tall grass in the industrial park. Stearns County said the grass can't be cut, or they have to change the zoning.

ADJOURNMENT – Motion by Member Becker, second by Member Borgmann to adjourn the meeting at 6:34 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**TONI HONER
CHAIR**