

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, FEBRUARY 09, 2010 – 6:30 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: Chair Toni Honer, Dale Borgmann, and Steve Dietman, Jerry Bechtold, Jerry Tippelt & Liaison Duane Willenbring.

Staff members present were: Zoning Administrator Rena Weber & Billing Clerk/Administrative Assistant Judy Neu.

Others present: Councilor Jerry Schmitt, Thomas & Peggy Schulz and Earl & Nancy Anderson.

APPROVAL OF AGENDA/AMENDMENTS – *Motion by Member Borgmann, second by Member Bechtold, to approve the agenda. Motion carried unanimously.*

APPROVAL OF MINUTES 01/12/10 – *Motion by Member Bechtold, second by Member Dietman, to approve the minutes of 01/12/10 as presented. Motion carried unanimously.*

ADMINISTRATIVE PLAT –HOWARD FUCHS: Zoning Administrator Rena Weber reported the following written/oral report:

STAFF REPORT

RE: SITE PLAN APPROVAL

Parcel I.D. No. 76-41605.0200 – Section 3, Township 123, Range 029

76-41606.0100 – Section 4, Township 123, Range 029

31-21117.0080 – Section 34, Township 124, Range 029

Owner: Howard R. Fuchs

Property Address: 25835 County Road 138, St. Cloud, MN 56301

REQUEST

Approval to split 10 acres from the approximate 40 acre site thereby establishing a new property line and further restrict that the newly created parcel is sold with the portion located in St. Joseph Township.

RELEVANT INFORMATION

1. Property is zoned R-1 and a portion is in the Shoreland (Sauk River) Overlay.
2. Property is 40.0 acres approximately.
3. The owner(s) are proposing to sell 10 acres north of the home site for building purposes.
4. Howard R. Fuchs currently lives on Tract B.
5. Denny Kron- Stearns County Surveyor has reviewed this split and gave his approval as long as it is sold with the piece in St. Joseph Township. The City will receive the taxes on any improvement in the city.

RECOMMENDATION

1. Without knowing where the proposed home would be located staff will only comment that the split appears to be okay.

Member Dietman questioned if there is only one single family dwelling on the current 40 acres site.

Zoning Administrator Rena Weber reported “yes”.

Member Tippelt questioned if the new building site would have access to a road.

Zoning Administrator Rena Weber reported that the driveway would come off of County Rd 138.

Liaison Duane Willenbring questioned if this gets approved what would stop them from building on St Joseph portion if they would have access to the property.

Zoning Administrator reported that St Joseph portion is all wetland and if you look at the Survey there is only one area that you would be able to put a building site on.

Motion by Member Bechtold, second by Member Tippelt, to recommend approval of the Administrative plat. Motion carried unanimously.

PUBLIC HEARING- THOMAS & PEGGY SCHULZ VARIANCE REQUEST: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, February 9, 2010 at approximately 6:40 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Thomas & Peggy Schulz for variances from Shoreland Requirements. The address of the property is: 21086 County Road 8 with a legal description of: All that part of the Government Lot Four (4), of Section Twenty-nine (29), in Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, described as follows: Commencing at the Southwest corner of said Government Lot Four (4); thence East on the South line thereof 792 feet to the centerline of a Township Road; thence North 41°00' East on said centerline 542.70 feet to its intersection with the center line of Stearns C.S.A.H. No. 8, for point of beginning, thence South 51°30' East along the center line of said C.S.A.H. No. 8, for a distance of 175 feet; thence North 33°05' East 100.6 feet, more or less, to the shore of Grand Lake; thence Northwesterly on said shore to its intersection with the extended center line of said Township Road; thence South 41°00' West on said extended centerline 85 feet more or less to the point of beginning. Subject to said C.S.A.H. No. 8

The request is to construct a 24' x 12' unattached storage structure in the R-1 – Shoreland District.

Variances from the following will be discussed:

- ◆ Setback from center line of County Road should be 100' (actual 59.62')
- ◆ Setback from OHWL should be 75' (actual 33.8')
- ◆ Impervious surface (exceeds 12%)

Zoning Administrator Rena Weber reported the following written/oral report: **STAFF REPORT**

Variance(s) Requested:

1. Variance to construct a 24' x 12' unattached garage and to locate it on property abutting Grand Lake – General Development Lake.
2. Said request is to also locate said structure 59.62 feet from the centerline of the roadway –(should be 100') County Road 8 and
3. Structure to be located 33.8' from the OHWL and should be 75'
4. Impervious Surface – Total lot area is 14,289 sf of which 47.2% is covered already not including the paving blocks or deck. This amounts to 209 sf for the paver patio and 204 sf for the deck or $7,159 \div 14,289 = 50.1\%$.

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 14,958 square feet more or less.
3. 9 notices of public hearing were sent out.
4. The shed/deck in the SE corner of the lot is proposed to be removed.
5. The owner's had a firm review their proposal to see where rain gardens would work and how they need to be constructed.

Recommendations:

1. This requires 3 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce run off.

3. We suggest that something be installed to catch the run off from the new structure i.e rain barrel or underground trench.

Zoning Administrator Rena Weber reported that she contacted Greg Burg from the Soil and Water Conservation District to see if there are any grants available and the following is Greg Burg comments back.

GREG BURG SOIL AND WATER CONSERVATION DISTRICT: Our office is in favor of any water quality improvements that can be made within the permitting process. Unfortunately as a part of the construction process we cannot provide cost share funds. If this was something the landowner wanted to implement on their own outside of a permit situation (construction) we would be glad to look into the possibility of providing cost share funds. It looks to me that the firm providing the plans has some good concepts. I would agree that they should look at providing stormwater treatment for the runoff generated by the proposed building.

Thomas Schulz stated that they contacted Sauk River Watershed District and they offer 50% cost sharing.

Zoning Administrator Rena Weber reported the following written/oral report:

ENGINEER REPORT: It appears what the applicant is proposing is reasonable. I would prefer the building be setback further from CR 8 but I see why they didn't (save the 24" tree); I concur that at a minimum the new building should be no closer to CR 8 than the existing cabin. I'm assuming based on the site plan that the applicant isn't intending to add another driveway; if he is: 1) need to show it on the site plan; 2) it will increase the total impervious lot coverage - more mitigation needed; 3) he will need County approval - driveway permit. If the City intends to approve the current variance request, I suggest including project timeline and final City as-built inspection/approval conditions to the approval.

Chair Honer questioned that the new accessory building would be in line with the existing cabin.

Thomas Schulz explained where the current accessory building is located now the proposed building will be 4 feet closer to County Road 8 and will meet the side yard setbacks.

Thomas Schulz explained before purchasing the property they had an Inspector inspect the building and they stated that the accessory building is not safe. So regardless that building would need to come down.

Member Dietman questioned if there will be any new sidewalks or driveways added.

Thomas Schulz stated "no".

Thomas Schulz explained that the proposed accessory building will match the existing cabin.

Member Bechtold stated that he likes that they are trying to save the trees and improve the run off into the lake.

Thomas Schulz explained that where the current accessory building is located they are putting a rain garden there.

Motion by Member Tippelt, second by Member Bechtold, to close the public hearing at 6:49 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 A)

1. 5 yes why: Other property have same setbacks
2. 5 yes why: Shoreland Ordinance
3. 5 yes why: The realignment of County Road 8
4. 5 yes why:
5. 5 yes why:

Motion by Member Borgmann, second by Member Tippelt, to recommend approval as presented and include Greg Burg and Engineer comments. Motion carried unanimously.

DISCUSS AMENDING THE STORMWATER ORDINANCE (IMPERVIOUS SURFACE)

Zoning Administrator Rena Weber reported that in the Stormwater ordinance under Lot Coverage Limits we allow shoreland overlay district to contain up to 20% impervious surface without a variance. In the other districts this is not allowed.

Staffs proposal is to add:

Subdivision 12(b). Lot Coverage Limits - Standards.

No parcel may exceed the associated impervious surface coverage limits, as described below:

- A. Residentially zoned property:
 - 1. Not located in the shoreland overlay district, 25%. **add: except that a lot of record may contain up to 30% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).**
 - 2. Located in the shoreland overlay district, 12%, except on a General or Recreational Development lake.
 - 3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).
- B. Commercial and Industrial zoned property:
 - 1. Not located in the shoreland overlay district, 50%.
 - 2. Located in the shoreland overlay district, 25%.
 - 3. Notwithstanding, if the parcel is served by municipal stormwater sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, without a variance, as approved by the City Engineer. A request for such a waiver must demonstrate that the stormwater is adequately treated.

Chair Honer stated that she agrees with adding the verbiage.

Liaison Council Member Willenbring stated that he agrees with the change.

Motion by Member Bechtold, second by Member Borgmann, to recommend approval to amend the Stormwater Ordinance. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT:

AG10/ORDINANCE: Zoning Administrative Rena Weber reported that staff met with a resident that would like to build a single family dwelling on their 60 acres parcel. This property currently has one single family dwelling on the property. Staff went thru the current ordinance and gave her some options to think about.

ADJOURNMENT – Motion by Member Bechtold, second by Member Borgmann, to adjourn the meeting at 7:28 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR