

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, APRIL 13, 2010 – 6:32 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, Jerry Bechtold, Steve Dietman, Dale Borgmann & Liaison Duane Willenbring. Absent: Jerry Tippelt.

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

Others present: Mike Kosloski & Sam Deleo.

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

APPROVAL OF MINUTES 03/09/10 – Motion by Member Bechtold, second by Member Dietman, to approve the minutes of 03/09/10 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING MARY ANN STEPHANY & MICHAEL KOSLOSKI 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, April 13, at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Mary Ann Stephany & Michael Kosloski for a variance from side yard Requirements. The address of the property is: 224 Broadway Street East with a legal description of: Lot Three (3), in Block forty-three (43) in the townsite (now City of Rockville, according to the plat and survey thereof, now on file and of Record in the Office of the County Recorder in and for Stearns County, Minnesota.

Section 20, Subdivision 6: LOT, YARD, AREA & HEIGHT REUIREMENTS

- B. Side yard setback shall be ten (10) feet, plus on-half (1/2) foot for every one (1) feet of structure height in excess of two (2) stories or thirty-five (35) feet whichever is less except for interior lots abutting Broadway Street wherein no minimum setbacks are required provided fire suppression techniques are incorporated to the satisfaction of the building official and fire marshal.

The request is to construct a 30' x 24' unattached garage in the B-1 District (**CENTRAL BUSINESS DISTRICT**), locate said structure 3' feet from the side yard lot line.

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

STAFF REPORT

Re: Variance Request
76.42240-0038: Owner: Mary Ann Stephany
Property Address: 224 Broadway Street East, Rockville, MN 56369

Variance(s) Requested:

1. Variance to construct an unattached 24' x 30' garage and to locate it 3' from the east lot line **10' required.**

Construction Requests:

1. Rebuild (due to fire) a larger 24' x 30' unattached garage that will be located 3' from the property line. Current structure is 3' from the line; however, the owners propose to extend this further north thereby increasing non-conformity.

Relevant Information:

1. B-1 – Central Business District. Existing garage is built 3' from east lot line.
2. Existing home has beige stucco with brown shingles and unattached 24' x 30' garage is proposed to match in color.
3. Elevation certificate is not required.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. If approved the owner should provide on site storm water disposal such as a rain barrel or underground trench to catch the water (especially the east side of the garage) from crossing over onto neighboring property. A rain garden could be installed in the 3' area.
3. Or construct a drainage swale along the east line of the property between the garage and property line.
4. No additional driveways will be allowed.
5. 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.
6. Approve with this conditions.

Mike Kosloski explained that he would like to go 7' feet closer to alley to get away from the oak tree so they can build a higher (loft for storage) garage. The new garage will line up with the neighbors.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 6:37 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. 3 yes 1 no why: Garage will line up with the neighbors garages.
2. 4 yes why:
3. 4 yes why:
4. 4 yes why:
5. 4 yes why:

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the Variance Request as presented. Motion carried unanimously.

ABANDONMENT BNSF RAILWAY: Zoning Administrator Rena Weber reported that the City received a letter from Burlington Northern Santa Fe (BNSF) Railway requesting if the proposed abandonment is consistent with existing land use plans. (A copy of the letter and map is hereby attached and marked Exhibit B)

Member Bechtold explained the abandonment is only to Mill Creek.

Zoning Administrator Rena Weber reported that after reviewing the Comprehensive Plan the three Districts where the railroad tracks are located allows Parks/Trails.

Chapter 4 District Two (2)

Recommendations

1. Recommended land uses within District Two (2) in the future include:
 - ◆ Page 19 (3). The City should encourage the development of trail/pathways connecting single-family neighborhoods in Planning District Two to existing/future parks and to residential uses in other portions of the City and Sauk River and Mill Creek.

Chapter 4 District Five (5)

Recommendations

1. Recommended land uses within District Five (5) in the future include:
 - ◆ Page 32, (j). Park/trail development.

Chapter 4 District Six (6)

Recommendations

1. Recommended land uses within District Six (6) in the future include:
 - ◆ Page 39, (e). Park/trail development.

Motion by Member Bechtold, second by Member Borgmann, that the City Comprehensive Plan accommodate the abandonment of the railroad track. Motion carried unanimously.

DISCUSSION WAS HELD ON R-10:

- ◆ Zoning Ordinance is working why are we looking at changing
- ◆ Having Developer takes care of expense on utility and roads
- ◆ Development Rights
- ◆ Special Protection District and Ag-40
- ◆ Cropland
- ◆ Platted lot
- ◆ Informational meeting

ADDITION TO AGENDA:

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF STEARNS AND THE CITY OF ROCKVILLE-LAND USE AND ZONING ORDINANCE.

Zoning Rena Weber explained that Becky Schlorf Von Holdt came before the Planning Commission meeting about year ago to get the Planning Commission approval on amending feedlots ordinance. The following written report is for the Planning Commission review and approve.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STEARNS
AND THE CITY OF ROCKVILLE**

WHEREAS, Stearns County Land Use and Zoning Ordinance, Number 209 was effective April 21, 2000; and

WHEREAS, City of Rockville has adopted a zoning ordinance, entitled "Zoning Ordinance" which is duly recorded in the office of the Administrator/Clerk; and

WHEREAS, It has been determined that specified provisions of the City of Rockville zoning ordinance entitled "Zoning Ordinance" are consistent with , as restrictive or more restrictive than Stearns County Land Use and Zoning Ordinance Number 209; and

WHEREAS, the County of Stearns ("County") and City of Rockville ("City") recognize the importance of cooperating on land use issues in order to: promote and protect the public health, safety, welfare and morals; promote and provide for the orderly development of agriculture, residential, commercial, industrial, recreational and public areas and land uses; preserve agricultural land and animal agriculture; conserve natural and scenic areas of the County; conserve natural resources and open space; and provide official controls to implement the goals and policies included in the respective comprehensive plans of the respective units of government; and

WHEREAS, the County and City desire to enter into a Memorandum of Understanding in order to provide an opportunity to cooperate in administering zoning within the County for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations; and

WHEREAS, County and City desire to enter into a Memorandum of Understanding to ensure mutual understanding of each party to this Memorandum of their respective duties and responsibilities related to land use issues; and

WHEREAS, the permitting process may involve provisions enforced by the County and provisions enforced by the City.

NOW THEREFORE IT IS AGREED, by the County of Stearns and the City of Rockville to cooperate in administering their land use controls as set out in Attachment 1 of this Memorandum of Understanding.

Motion by Member Borgmann, second by Member Bechtold, to approve Memorandum of Understanding between the County of Stearns and the City of Rockville as presented. Motion carried unanimously.

ADMINISTRATIVE PLAT CORYNNE PHILIPSEK: Zoning Administrative Rena Weber reported that the Administrative Plat came in late (3:15 p.m.) this afternoon and didn't allow enough time to review it. The parties are closing this Friday so they need this to come before the Planning Commission tonight.

Sam Deleo explained that the Administrative Plat contains of 3 parcels. The Property owner would like to sell the farm. They would need to adjust some property lines. What they want to do is sell everything from Rausch Lake Road to the east to one party and everything west to another party. There will be no development, no building & no change in use.

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the Administrative Plat pending the Declaration of Restriction is signed. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT:

Zoning Administrator Rena Weber reported that Terry Pennaz came in for a building permit application. It is still under the reviewing processes. The plans show that the house will be setback 75' feet from the Ordinary High Water Level (OHWL) and is working with Mr. Pennaz on the migration process (impervious surface) to void a variance.

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Bechtold, second by Member Dietman, to adjourn the meeting at 7:57 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR