

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JANUARY 13, 2015 – 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 Bill Becker, Member Dale Borgmann, Member Jerry Tippelt, Susan Palmer – Liaison

Absent were:

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

Others present: Duane Willenbring, Jim & Sue Jeffrey, David & Marlene Molitor, Josya Miller, Christa & Elizabeth Althaus, Sarah Lindbloom, Nathan Gill, Thomas & Sandra Robotcek, Charles & Cheryl Unger, Paul & Roxi Schmitz, Jerry Schmit.

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

Election of Chair and Acting Chair

Chair Honer requests taking a break from being chair.

Motion by Member Tippelt, second by Member Borgmann, to nominate Member Bill Becker for Chair of Planning Commission. Member Bill Becker accepted. Motion carried unanimously.

Motion by Member Borgmann, second by Member Tippelt to nominate Member Toni Honer for Acting Chair for Planning Commission. Member Toni Honer accepted. Motion carried unanimously.

APPROVAL OF MINUTES 12/09/14 – Motion by Member Borgmann, second by Member Tippelt, to approve the 12/09/14 minutes. Motion carried unanimously.

Changing the agenda to the public hearing for the Unger/Althaus rezone.

New Business:

**PUBLIC HEARING FOR JAMES & ELIZABETH ALTHAUS @ 25264 Haywood Road,
AND CHARLES & CHERYL UNGER @ 24984 Haywood Road at 6:06PM**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, January 13, 2015 at approximately 6:15 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of James & Elizabeth Althaus and Charles & Cheryl Unger to rezone property. The addresses of the property are: 25264 & 24984 Haywood Road with legal descriptions of: 25.16A of W2 SE4; Beg 640.54' W of SE corner SW4SE4 – NE to SE Corner – N1893.78' – S60DW 577.95' TH SW'ly – S – SE'ly & S'ly 1658.28' to Beg. Sec 6 Township 123 Range 029 AND 19.5A (E) Beg NE Corner of NW4NE4 – W640.54' – S 1330.65' E638.71' – N 1326.12' to PO Sec 7 Township 123 Range 029

The request is to rezone 44.66 acres from Agricultural to RR – Rural Residential.

James & Elizabeth Althaus/Charles & Cheryl Unger Staff Report

Re: Re-Zoning Request
76.41609.0500: Owners: James & Elizabeth Althaus
Property Address: 25264 Haywood Road, St. Cloud, MN 56301
76.41610.0600: Owners: Charles & Cheryl Unger
Property Address: 24984 Haywood Road, St. Cloud, MN 56301

Re-Zoning Requested:

1. These two adjoining neighbors request to re-zone 44.66 acres of property from Ag-40 to R-R – Rural Residential.

Construction Requests:

1. Eventually to subdivide both parcels to allow for a houses to be built.

Relevant Information:

1. Property contains 44.66 acres more or less.
2. 10 notices of public hearing were sent out.
3. This property is zoned Ag-40.
4. These two properties are contiguous.
5. The owners are looking to retire and sell off some of their property to their children.
6. This area was made into smaller lots when it was originally platted.
7. This area is not farmed and is heavily wooded so it is ideal for rural residential

Recommendation:

1. This joint project is quite unique in that both property owners are thinking of doing the same thing at the same time. We figured we could save some costs by doing them together.
2. The next step will be to sub-divide and Dan Kron will provide a concept plan at the hearing for folks to view keeping the lots to no less than 5 acres and not creating any new roads for the city to maintain.

Mr. Charles Unger - 24984 Haywood Road, stated the existing home is on the west side of the property and he would be selling 5 adjoining acres on the east side to our oldest daughter. Then whatever it takes to get two 5 acre plots, the balance will go to the youngest daughter. So it would be two 5's definitely and then the remainder would go to the last plot.

Member Tippelt asked how many acres?

Mr. Unger stated it was 19.5 acres.

Mr. James Althaus - 25264 Haywood Rd, stated they have 25.16 acres and they want to sell 5 acres to their daughter.

Chair Becker stated it would meet the requirements for the rural residential.

Member Honer agreed.

Mr. Dan Hansen asked if someone can rezone the 5 acres, then do a 15 then do it later?

Chair Honer stated yes, you need to come up with a concept plan.

Mr. Duane Willenbring 25123 County Road 139, speaking as an individual, not the Council Member. He is in favor of and hopes the planning commission goes forward to accept this as a friendly gesture.

Mr. Paul Schmitz - 24947 Haywood Rd, located on the West side of Ungers. Is asking about where they are putting a road in? He stated he would like it on the line if there is going to be a road put in.

Mr. Unger stated when the easement was originally laid in, it was for the neighbor further to the south, for him to access his property. His property and our property joined at the corner, the road or rough driveway was an easement allowed. Whoever did the dirt work, they veered off on to the neighbors property. It should be directly on the line, 1/2 on his and 1/2 on mine. That it should be moved over slightly. It curves onto Paul's property. So he is in agreement with Paul Schmitz.

***Motion by Member Tippelt, second by Member Borgmann, to close the public hearing at 6: 20 pm
Motion carried unanimously.***

Motion by Member Honer, second by Member Borgmann, to approve the rezone to Rural Residential as presented. Motion carried unanimously.

Michael Roth – Impervious Surface and Shoreland Setbacks - Discussion

Chair Becker stated Council did not accept Planning Commission's recommendations, so Council sent it back to Planning Commission for re-evaluation. Strong message of our shoreland ordinance which is requiring a 50 feet set back. Open for discussion.

Zoning Administrator Rena Weber stated Mr. Roth wanted to move it to 30 feet back as a counter offer.

Liaison Palmer stated the importance of our objective for the shoreland ordinance. We have to improve on our ordinance if we have created a loop hole to allow non-permanent structures down by the lake. We need to address that. With regard to being in alignment with other structures, our ordinances state it is for principle structures. She would be reluctant to place this in the shore impact zone.

Mr. Mike Roth stated as you see this is the compromise from the previous request. He would move it back another 20 feet and make a buffer. The County allows within 15 feet, unless it changed.

Member Honer stated we are getting caught up with what the County is doing. We have worked hard to make our ordinance more strict than the County to ensure the quality of our lakes.

Mr. Roth stated he is coming from this from a place of reasonableness, his house sits 150 feet off the shoreline, and he doesn't think its extreme as putting a house closer to the lake.

Member Tippelt asked if any neighbors came forward? No.

Member Tippelt asked if the building a non-permanent?

Mr. Roth stated yes it is non-permanent structure.

Liaison Palmer stated it still doesn't change our intent of our ordinance having the 50 foot setback.

Member Honer stated if Council was feeling it was strict 50, they would have denied it there at the last council meeting, leaving room for possibly less than 50 feet.

Member Tippelt suggested a non-transferable conditional use permit. And agrees with Susan, but we should consider if the neighbors are not opposed to it.

Motion by Chair Becker, second by Member Honer, to deny the request for a non-permanent shed within the 50 foot set-back. Motion carried 3 to 1.

PUBLIC HEARING FOR DAVID & MARLENE MOLITOR @ XXX COUNTY ROAD 8 AT 6:38 PM

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, January 13, 2015 at 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of David & Marlene Molitor for a variance from front yard and rear yard setback requirements. The address of the property is: XXX County Road 8 in the City of Rockville.

Legal Description: Lot One (1), Block One (1) and Lot One (1), Block Two (2) of Evens Addition according to the plat and survey thereof, now on file and of record in the Office of the Stearns County Recorder.

Rockville Ordinance Section 9 Subd 27 (a) requires building setback from centerline of County Road to be 100'. Said Structure is proposed to be 90.96' from centerline.

Rockville Ordinance Section 17 Subd. 6 (5c) requires rear yard setback to be at least thirty-five 35' feet. Proposed said structure will be twenty-six 26' feet.

David & Marlene Molitor Staff Report

Re: Variance Request
76.41780.0001: Owners: David & Marlene Molitor
Property Address: XXX County Road 8 (new home)

Variance(s) Requested:

2. Variance to construct a 36' x 72' single family dwelling and to locate it on property abutting Grand Lake – General Development Lake.
 - a) Building setback from centerline of County Road should be 100' – 90.96' is proposed.
 - b) Building setback from the rear property line should be 35' – 26' is proposed.

Construction Requests:

2. Construct 2,592 sf single family dwelling.

Relevant Information:

8. This property is located within the 1000' Shoreland Overlay District.
9. Property contains 25,331 square feet more or less.
10. 7 notices of public hearing were sent out.
11. Impervious Surface – Total lot area is 25,330.83 sf of which 14% would be covered including the pump house.
12. Per Susan McGuire – SC Environmental Services regarding wetland determination:
*I understand that the City would like a wetland determination on the property owned by David and Marlene Molitor Trust, Evens Addition, PID 76.41780.0001.
Concerning the portion of the parcel away from the lake, on the southwest side of County Road 8 --The soils map shows this is Osakis loam with a water table at 2.5 feet below surface. The soil is 5% hydric soil in depressions; the parcel is almost flat. There are no National Wetland Inventory wetland shown. There are not wetland concerns on this parcel.*

Recommendations:

3. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
4. 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.
5. Approve with these conditions.

Mr. David Molitor – 26404 County Road 50, stated they would like to build 1200 square foot house to accommodate the lot.

Zoning Administrator Rena Weber stated the original request was to have a duplex and that was too big.

Member Honer asked if they have a camper?

Mr. Molitor stated yes they currently they have a seasonal camper.

Member Tippelt questioned the size of the garage. And where is the driveway coming in?

Mr. Molitor stated part of that is utility room, the drive way will come in on 210th Street.

Member Tippelt suggested they move it closer to 210th street. It would give you a little more room from County Road 8.

Mr. Jerry Schmit – 21492 County Road 8- brought up the possibility of putting the road in the back, road floods over the road in the northwest corner.

Motion by Chair Becker, second by Member Borgmann to close the public hearing at 6:47 pm. 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. 4 Yes
2. 4 Yes
3. 4 Yes
4. 4 Yes – conforming lot prior to the consolidation
5. 4 Yes

Motion by Member Honer, second by Member Borgmann, to approve the variance request as presented. With conditions that they follow the recommendations of the bmps and with the condition that the camper would be removed. Motion carried unanimously.

Board/Staff Report

**Business for next meeting:
Concept plan for Ungers and Althaus’.**

ADJOURNMENT – Motion by Member Honer, second by Member Borgmann, to adjourn the meeting at 6:56 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**BILL BECKER
CHAIR**