

CITY OF ROCKVILLE

City Hall

229 Broadway Street East

PO Box 93

Rockville, MN 56369

**Planning/Zoning Commission Meeting
Tuesday, June 4, 2019
6:00 p.m. at City Hall**

AGENDA

- 1. Roll Call**
- 2. Additions/Approval of Agenda**
- 3. Approval of May 7, 2019 Meeting Minutes**
- 4. Public Hearing – Variance Request Eric R. Loxtercamp/Side Yard Setback**
- 5. Qualified Minor Subdivision - Delores M Hansen Trust**
- 6. Maria Berdan/Ann Gross – Concept Plan**
- 7. May 2019 Building Permits**
- 8. Other Business**
 - a) Next meeting Tuesday, July 2, 2019, 6:00 p.m.
- 9. Adjournment**

*This agenda has been prepared to provide information regarding an upcoming meeting of the Rockville City Planning Commission. This document does not claim to be complete and is subject to change.

MINUTES OF THE CITY OF ROCKVILLE PLANNING AND ZONING COMMISSION MEETING
Tuesday, May 7, 2019, 6:00 p.m. – Rockville City Hall

Item 1) Roll Call - The meeting was called to order by Chair Bill Becker at 6:00 p.m. Roll call was taken and the following members were present: Bill Becker, Brian Herberg, Dave Meyer, and Chad Schmitt.

Absent: Corey Schreifels.

Staff present: City Administrator, Martin Bode.

Others present: Various members of the public.

Item 2) Approval of Agenda/Amendments

Motion by Meyer, second by Herberg, to approve the agenda as presented. Motion carried unanimously.

Item 3) Approval of March 5, 2019 Meeting Minutes

Motion by Becker, second by Herberg, to approve the March 5, 2019 meeting minutes as presented. Motion carried unanimously.

Item 4) Public Hearing - Rezone

- a) John and Lisa Lutgen – Rezone Ag-40 to RR with PUD Overlay

Staff Report

Re: Rezoning Application Ag-40 to RR with PUD Overlay

Owner: John and Lisa Lutgen

The legal description of the property is: The Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), LESS AND EXCEPT: The South one-fourth of the SE1/4 of NE1/4, all in Section (5) in Township one hundred twenty-three (123), Range twenty-nine (29), Stearns County, Minnesota. Parcel No. 76.41607.0900

Request:

To change the current zoning district of Ag-40 to RR-PUD Rural Residential Planned Unit Development.

Relevant Information:

1. Property is currently zoned Ag-40.
2. Lot size is 30 +/- acres.
3. 10 notices of public hearing were sent out.
4. Purpose of request is to further subdivide Parcel into six (6) 5-acre lots. Note, some of the lots are using road right-of-way (ROW) to meet the 5-acre parcel requirements in an R-R district.
5. Not prime farmland.
6. Future Land Use Map shows Agricultural Transitional.

Recommendation:

-

Chairman Becker opened the public hearing at 6:03 p.m. for public comment.

Jerome and Donna Karls, 12113 260th Street, expressed concern about future property taxes.

Jerry Tippelt, 12318 235th Street, suggested minimum of 5 acres per lot that does not include the street as part of the 5 acres, and 5 lots instead of the proposed 6 lots.

Gary Gillitzer, 11428 255th Street, spoke about the roads and wetlands.

No additional members of the public came forward therefore motion by Herberg, second by Meyer, to close the Public Hearing at 6:13 p.m. Motion carried unanimously.

Planning Commission reviewed the application.

Following the discussion, motion by Meyer, second by Becker, to approve the Lutgen Rezoning Application from Ag-40 to RR with PUD Overlay. Motion carried unanimously.

Item 5) Public Hearing – CUP

- a) Edward J. Zapp Rev Trust and Verizon Wireless – CUP for Wireless Telecommunication Tower

Staff Report**Re:** Conditional Use Permit Request

Owner: Edward J. Zapp as Trustee of the Edward J, Zapp Revocable Trust, Applicant: Verizon Wireless. Property Address: 22807 Rausch Lake Road, Section 16 and 21, Township 123, Range 029, City of Rockville, Stearns County Minnesota. PID 76.41638.0100.

Conditional Use Permit Requested:

For construction of a new 199-foot telecommunications tower.

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 55.84 acres more or less.
3. 10 notices of public hearing were sent out.

Section 16 Subdivision 4 (19): Conditional Uses reads:

19. Commercial Wireless Telecommunication Service Towers subject to Section 13 of City Zoning Code.

Recommendations:

Approve with the following conditions:

1. All conditions of the City Zoning Code, Subdivision Code and other Ordinances are met, specifically those included in Section 13 of the City's Zoning Code.
2. That the proposed driveway be surfaced with Class 2 crushed granite or other similar material to minimize potential erosion issues.
3. That operation of said communications tower does not interfere with the emergency communications of the City's fire and rescue department or other public safety entity.

Chairman Becker opened the public hearing at 6:20 p.m. for public comment.

Ed Zapp, 21785 Agate Beach Road, property owner, spoke briefly about the opportunity for improved cell service for the surrounding community when this cell tower/site is developed.

No additional members of the public came forward therefore motion by Herberg, second by Meyer, to close the Public Hearing at 6:24 p.m. Motion carried unanimously.

Planning Commission reviewed the Conditional Use Permit. Chris Barton, Verizon Wireless, was available to answer their questions.

Following the discussion, motion by Herberg, second by Becker, to approve Edward J. Zapp Rev Trust and Verizon Wireless – CUP for Wireless Telecommunication Tower. Motion carried unanimously.

Item 6) Ordinance Amendments

Shoreland Section needs an addition per the DNR.

Item 7) March and April 2019 Building Permits

The March and April 2019 building permits report was reviewed by the Planning Commission members.

Item 8) Other Business

- a. Next meeting scheduled for Tuesday, June 4, 2019 at 6:00 p.m.

Item 7) Adjournment

Motion by Herberg, second by Meyer, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Martin M. Bode
Zoning Administrator

STAFF REPORT

June 4, June 12, 2019

Rockville Planning Commission; City Council

Re: Setback Variance Request From:

Owners: Eric R. Loxtercamp
Property Address: 26119 80th Avenue
Parcel No. 76.41720.0421

Variance(s) Requested:

1. To exceed the 10-foot side yard setback requirement in an R-1 Shoreland Overlay District of Pleasant Lake, a Recreational Development Lake.

Section 17.6.5.B Side Yard Setback. The side yard setback must be at least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.

Relevant Information:

1. Owner proposes to construct a deck with a deck walkway
2. Lot dimensions: 135' x 78'
3. The deck walkway would be approximately 4 feet into the 10-foot side yard setback
4. The 16' x 12' deck itself will meet the 10-foot side yard setback
5. The lot is a legal conforming lot
6. 11 notices of public hearing were sent out

RECOMMENDATION

Submitted by:
Martin M. Bode
Zoning Administrator

CITY OF ROCKVILLE
VARIANCE REQUEST APPLICATION
APPLICATION Fee \$200 and RECORDING Fee \$46.00 (per document)
Separate checks: 1 for Variance Request & 1 for Recording Fee(s)

Need a Copy of Deed

PLEASE NOTE: any costs (i.e. legal, engineering, administrative, Stearns County fees, etc.) incurred over the application fee will be the responsibility of the petitioner.

PROPERTY LOCATION/ADDRESS: 26119 80th Ave St. Cloud MN 56301

LEGAL DESCRIPTION: _____ PARCEL#: 76.41720.0421 ZONING: _____

Lot 12 Block 2 Brentwood Hill
EXPLANATION OF REQUEST: To build a deck within the Setback requirements

If replacing an existing structure, what will be done with the old structure? —

Has a variance request been made previously on this property? NO If yes, when? —

PROPERTY OWNER:

Name (Print): Eric R Loxtercamp Phone: 320-402-4465

First Name Middle Initial Last Name

Address: 26119 80th Ave St. Cloud MN 56301

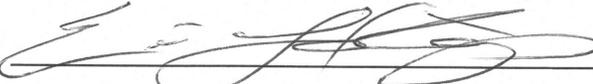
Signature (required):  Date: 4-21-19

**Signature of property owner shall serve as acknowledgement and authorization of this request.*

APPLICANT:

Name (Print): Eric Loxtercamp Phone: 320-402-4465

Address: 26119 80th Ave St. Cloud MN 56301

Signature (required):  Date: 4-21-19

I hereby certify that I have read the above information and I agree with the terms.

STAFF USE ONLY:

Permit# 19-01V
R# _____ Variance Application Fee Check # 1177 Date 4/22/19 101.41000.34103 \$200.00
R# _____ Reimb. for Invoice Check# 1178 Date 4/22/19 101.41000-34102 \$46.00

PAID

APR 22 2019

VARIANCE INFORMATION SHEET

Variance Definition: *A modification of the literal provisions of this ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted. The crucial points of the variance are (a) practical difficulties, (b) unique circumstances and (c) applying to individual property. A variance is not justified unless all three elements are present in the case. District boundary lines, zoning, property use, or non-conforming use restrictions shall not be revised or amended by granting a request for variances.*

Variance: *Where there are practical difficulties or unusual hardships in the way of carrying out the strict letter of the provisions of this ordinance, the Governing Body shall have the power, in a specific case to permit a variance from the provisions of this ordinance (see definition of variance). A variance permit shall expire after ninety (90) days following date of issuance unless written application for time extension is received and granted by the Governing Body prior to such expiration date.*

WHEN IS A VARIANCE APPROPRIATE? A variance may be needed when a landowner wishes to develop property, and due to the uniqueness of their lot, they are unable to comply with the ordinance.

CAN ANYONE GET A VARIANCE? No. The courts have said the applicant has a “heavy burden of proof” to show there are no reasonable development options, and there is “hardship” in following the rules of the ordinance.

WHAT IS A HARDSHIP? “Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. (Minnesota Statutes 394.27)

HOW DO I APPLY FOR A VARIANCE? **You must submit a completed application and a site plan (to scale) that shows all physical characteristics of your property to the Planning/Zoning Committee.** There is an example of a site plan attached to the variance application. This site plan must include: accurate property dimensions and shape, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, city services, nearby structures on adjacent property, steep slopes, topographic alterations, wetlands, etc. All site plans must be signed and dated by the applicant.

WHO DECIDES IF I WILL GET A VARIANCE? After submitting the application for a variance to the Planning/Zoning Committee for review their recommendation is forwarded to the City Council. (Applications are to be submitted to the City Clerk and they will be put on the agenda for the next available meeting) The applicant then decides if they want to proceed with the variance request. If the applicant does proceed, the applicant then requests a Public Hearing to formally ask for the variance to be granted. **A fee of \$200.00** dollars must accompany this request. At the public hearing the Planning Commission and the community have the opportunity to voice their opinions, both for and against, regarding the variance request. If it is found that the three points outlined above in the definition of a variance are met, it will then go to City Council for approval. Any building permits required in relation to a variance must also be approved by the City Council.

It is important to note that a variance cannot be used to circumvent the more formal procedures required to change the zoning category of land (request for rezoning).

CITY OF ROCKVILLE
VARIANCE APPLICATION AND THE PROCESS

VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the City Council unless it finds evidence that the following facts and conditions exist:

1. **Unique Circumstances**. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The unique circumstances did not result from the acts of the property owner.
2. **Necessary to Preserve reasonable use of the property**. The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity.
3. **Not merely economic**. The possibility of increased financial return or economic consideration will not in itself be deemed sufficient to warrant a variance if a reasonable use for the property exists under this Ordinance's terms. This means that cost or money savings cannot be the only reason for the variance.
4. **Maintains the Character of the Neighborhood**. The variance will not alter the area's essential character of the neighborhood.
5. **Meets the Spirit of this Ordinance and Comprehensive Plan**. The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

OTHER CONSIDERATIONS

1. **Solar Energy Systems**. Practical difficulties shall include, but not be limited to, inadequate access to direct sunlight for solar energy systems.
2. **Earth Sheltered Homes**. Variances shall be granted for earth sheltered construction as defined in Minn. Stat. § 116J.06, Subd. 2, when in harmony with this Ordinance.
3. **Non-permitted Use**. The City Council may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located.
4. **Temporary Use for one family dwelling**. The City Council may permit as a variance the temporary use of a one (1) family dwelling as a two (2) family dwelling.
5. **Variances in Floodplain Districts**. No variance shall have the effect of allowing a Floodplain District a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by state law.
6. **Conditions**. The City Council may impose conditions in granting variances to insure compliance and protect adjacent properties.

VARIANCE PROCEDURE

1. **Application Filing Required.** A person applying for a variance must fill out and submit to the Zoning Administrator a Variance Application form.
 - a) Application filled out & signed
 - b) Variance justification form filled out: A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the 3 questions on the justification form. Failure to adequately provide such information may result in a denial of your request for a variance.
2. **Copy of Deed.**
3. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest).
4. **Required Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for a typical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City expenditures. In such case, the applicant must reimburse the City for administrative time and professional services and costs incurred by the City.**
 - The required fee offsets – staff time, publishing the public hearing notice, mailing notices to property owners, the regular scheduled meetings of the Planning Commission and Council. (**Note: there is an additional cost to hold a special meeting.)
5. **Detailed material.** Fully explaining the specific variance request.
6. **Application must include a site plan**
Site Plan shows the following, as applicable:
 - a) Site description (legal description).
 - b) A Certificate of Survey.
 - c) Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.
 - d) Location of all existing and proposed buildings and their square footage.
 - e) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
 - f) Landscaping and screening plans.
 - g) Waste facilities including enclosure and screening.
 - h) Drainage and grading plan.
 - i) Sanitary sewer and water plan with estimated use per day.
 - j) Soil type.
 - k) Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.
7. **Notice for Floodplain Properties.**
 - a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
 - b) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

When a complete variance application is on file. (Here are the next steps)

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council
 - a) The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Variance application.
3. **Recommendation by the Planning Commission.** After reviewing the Variance, the Planning Commission will make a written report and recommendation to the City Council.
4. **Decision by City Council.** Upon receiving the Planning Commission's report and recommendation to the City Council as to whether or not a variance should be granted. The City Council, acting as the Board of Adjustment will make the final decisions on all variances.
 - a) **Appearance by Applicant.** The applicant or applicant's representative(s) must appear before the City Council in order to answer questions concerning the variance application.
5. **Vote Required.** Approval of any Variance to this Ordinance will require passage by a majority of the votes cast.
6. **Conditions and/or Revisions.** If the City Council grants the Variance, it may impose conditions it considers necessary to protect public health, safety and welfare. The City Council may also revise the variance to ensure that it is the minimum variance required.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy if its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Variance application within sixty (60) days after the Zoning Administrator receives the application or will extend the time for consideration under state law.
8. **Recording.** A certified copy of every Variance to abstract or registered property shall be filed with the Stearns County Recorder. The variance shall include the legal description of the property involved.
 - Stearns County Recorder office charges a fee to record the legal document.
The Applicant is responsible for those fees.
9. **Resubmission.** No application, which is substantially the same as and application of a denied Variance shall be resubmitted for a period of one (1) year from the date of the denial. The City Council may permit a new application if, in its opinion, new evidence or a change in circumstances warrant reconsideration.

APPEALS AND ADMINISTRATIVE DECISIONS

Appeals of decisions of the Zoning Administrator will be heard by the City Council provided that the person making the appeal files an application for a hearing within thirty (30) days after the decision to be appealed was delivered to the applicant by the Zoning Administrator. The following procedure will be followed:

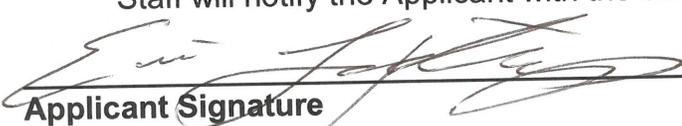
1. **Application**. The person making the appeal must apply for a hearing before the City Council on forms provided by the Zoning Administrator.
2. **Notice and Hearing**. The City Council will schedule a hearing on the appeal.
 - a) At least ten (10) days prior to the hearing a notice will be published in the official county newspaper.
 - b) The City Council will make their decision within thirty (30) days of the public hearing or may extend the time for consideration as permitted by state law.

LAPSE OF VARIANCE

If within one (1) year after granting a Variance the work permitted is not started, such variance shall become null and void unless a petition for an extension has been approved by the City Council.

THE STEPS:

1. **Provide a complete application** by the 1st Tuesday of the month to be on the *following* month's Planning Commission Agenda.
2. **Planning Commission** – (meets the 1st Tuesday of the month) The Planning Commission may schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **Council** - (meets 2nd Wednesday of the month) Council makes the final decision – if Council grants the Variance Request.
4. **Applicant** –
 - If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
 - If Applicant provided the Building Permit Application & 2 full sets of plans with the variance request. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.
5. **Building Official** - Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.


Applicant Signature

4-21-19
Date

I hereby certify that I have read the above information and I agree with the terms.

Staff Use only:

Zoning Administrator reviewed Variance Application.

1. Referred to City Attorney and/or City Engineer: Date _____
Why: _____

2. Determination made and why: _____

() Complete Application

() Incomplete Application Why: _____

Applicant was notified for additional information: Date _____ in which the
information needs to be turned in by: ___ in person ___ by phone ___ email

Staff _____ Date _____



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville City Planning Commission will hold a public hearing on **Tuesday, June 4, 2019 at approximately 6:00 p.m. at Rockville City Hall - 229 Broadway Street East** to consider the request of Eric R. Loxtercamp for a Variance from side yard setback requirements. The address of the property is: 26119 80th Avenue, Rockville, MN, Stearns County, Parcel No. 76.41720.0421, Section 36, Township 124, Range 29, Lot 12, Block 2, Brentwood Hill Addition

The request is to construct a deck with a deck walkway in a R-1, Shoreland Overlay District of Pleasant Lake a Recreational Development Lake. The deck walkway would be approximately 4 feet into the 10-foot side yard setback requirement. Section 17, Subd. 6.5.B.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN 56369 prior to the hearing.

Martin M. Bode
City Administrator/Clerk

Publish 05/21/2019
Cold Spring Record

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie R. Weber, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **16th** day of **May, 2019**, he/she served the annexed Notice on see attachment, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.



Signature

Subscribed and sworn to before me this 16 day of May, 2019.



Notary Public Signature



Notary Public Stamp

Name	Address	City
BRANDON J & JILL M WILCKEN	26122 80TH AVE	ST CLOUD MN 56301
BRIAN A MACKENDRICK	26132 BLUEBIRD LN	SAINT CLOUD MN 56301
DANIEL T HOXTER	26101 80TH AVE	SAINT CLOUD MN 56301
ERIC R LOXTERCAMP	26119 80TH AVE	SAINT CLOUD MN 56301
JEREMY D TONGEN	26120 BLUEBIRD LN	SAINT CLOUD MN 56301
JORDAN FRANZWA	26154 BLUEBIRD LN	SAINT CLOUD MN 56301
JOSIAH D ENNINGA	26086 80TH AVE	SAINT CLOUD MN 56301
LLOYD D HOELSCHER	26083 80TH AVE	SAINT CLOUD MN 56301
MARK R URBAN	26131 80TH AVE	SAINT CLOUD MN 56301
MARQUEE BUILDERS LLC	5770 COUNTY ROAD 5	RICE MN 56367
SCOTT C KUNKEL	26100 80TH AVE	ST CLOUD MN 56301

11 Notices

Legend

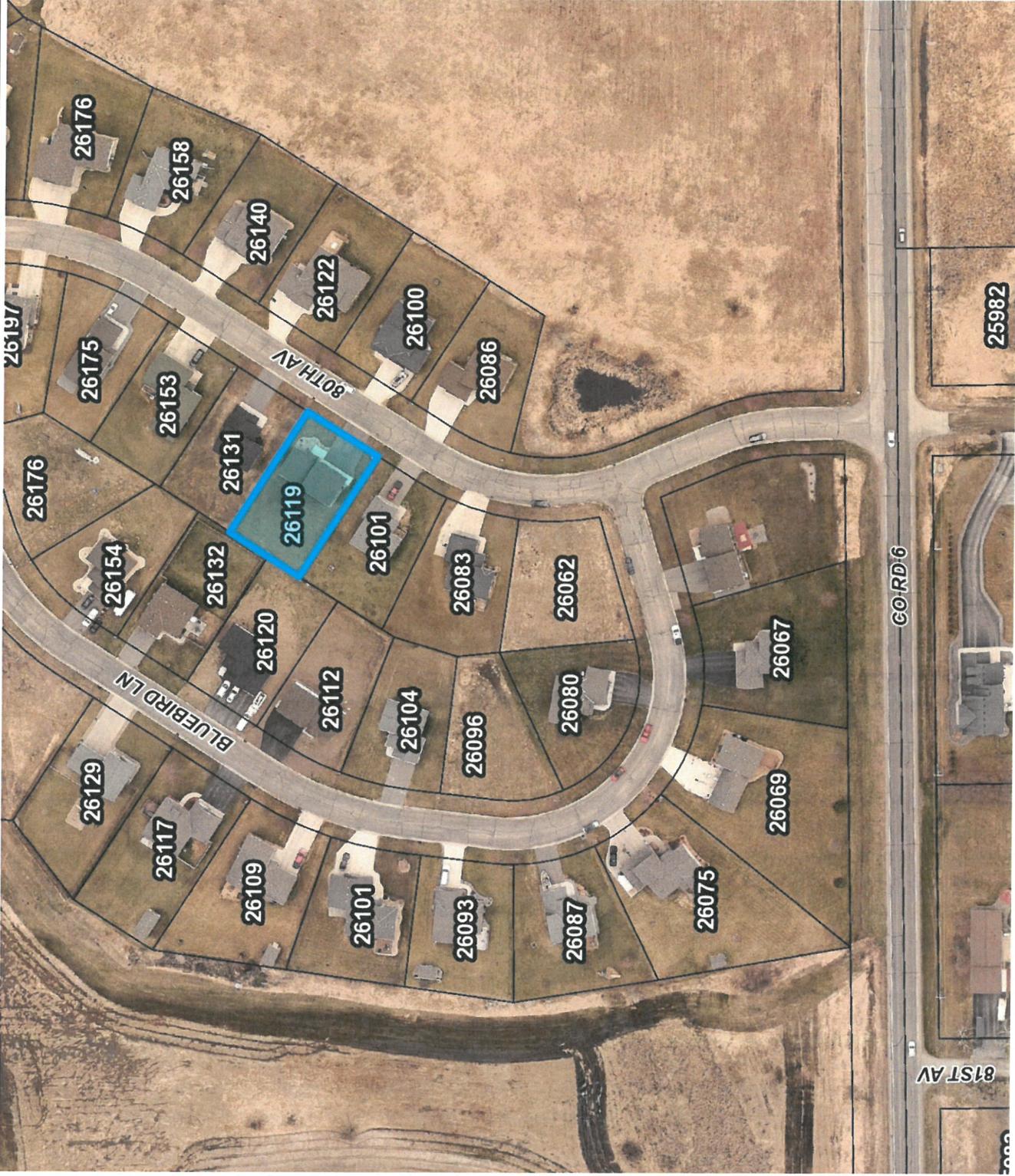
-  City Limits
-  Parcels
-  PWI Watercourse
-  PWI Basin

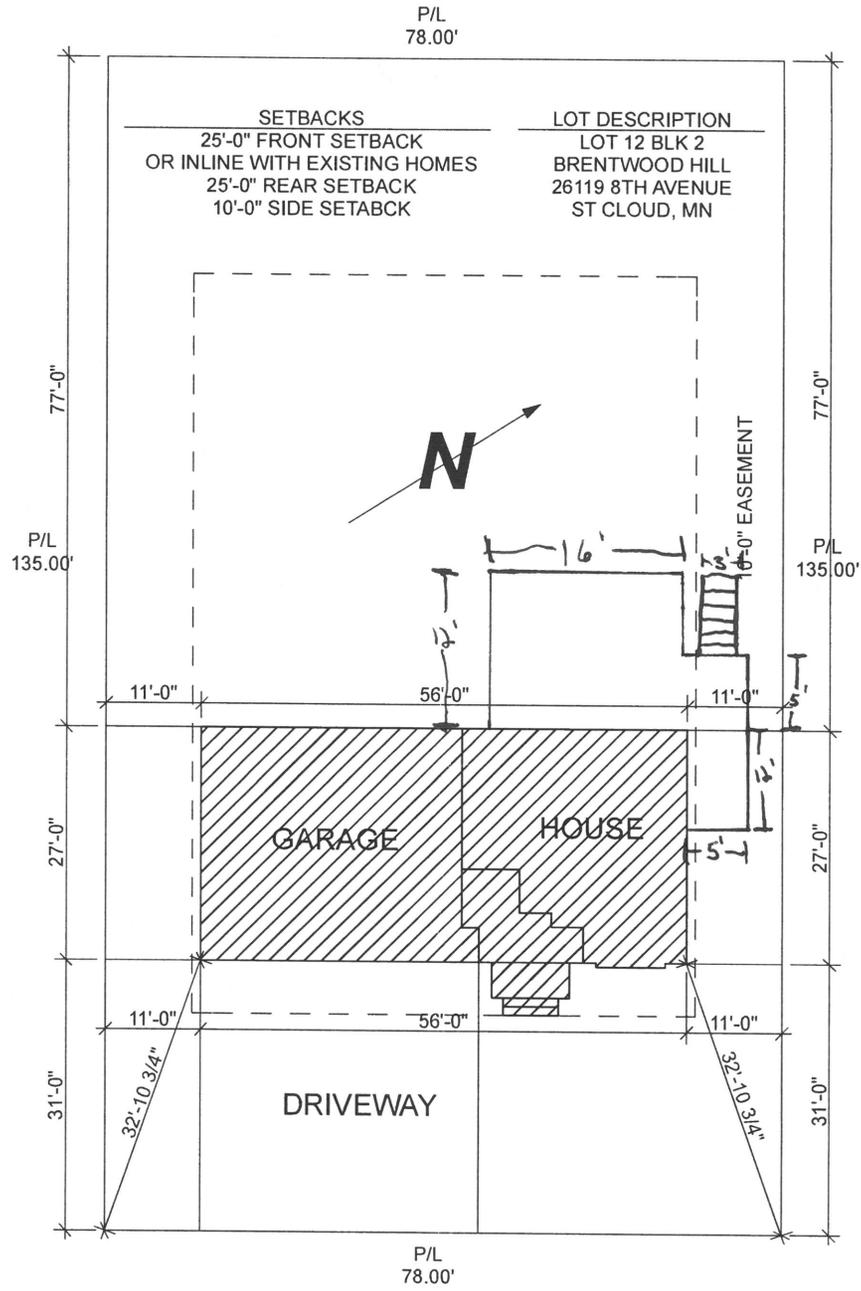


**Loxtercamp
Variance**

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.





80TH AVENUE
PLOT PLAN

SCALE : 1" = 20'-0"

NOTICE OF GRANTING VARIANCE PROCEEDINGS

1. Please take notice that the City of Rockville, Minnesota acting pursuant to the authority of Minnesota Statutes 462.3595, has adopted a resolution granting a variance from the 10 foot side yard setback to: Eric R Loxtercamp, 26119 80th Ave, in the R-1 Single Family District and Shore Land District Recreational Development Lake.

The variance to exceed the 10 foot side yard setback to construct a 5' x 12' backyard deck' walkway, an estimated 4 feet into the side yard set back on the North side of residence.

Is hereby granted for property in the City of Rockville, Stearns County, Minnesota:

Eric R. Loxtercamp
26119 80th Avenue
Rockville, MN

Legal Description:

Parcel No. 76.41720.0421, Lot 12, Block 2, Brentwood Hill Plat

The variance permit for the above mentioned property was completed and became effective June 12, 2019

Drafted by:
City of Rockville
229 Broadway Street East
P.O. Box 93
Rockville, MN 56369

CITY OF ROCKVILLE

**DUANE WILLENBRING
MAYOR**

SEAL

**MARTIN M. BODE
ADMINISTRATOR/CLERK**

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 12th day of June, 2019 by Duane Willenbring, Mayor and Martin M. Bode, Administrator/Clerk for the City of Rockville, Minnesota.

Notary Public

THIS INSTRUMENT DRAFTED BY:
CITY OF ROCKVILLE (MMB)
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836

**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 Statues Section 394.27:

1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
Why or Why not?

Becker _____ Herberg _____ Meyer _____ Schreifels _____ Schmitt _____

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

Becker _____ Herberg _____ Meyer _____ Schreifels _____ Schmitt _____

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

Becker _____ Herberg _____ Meyer _____ Schreifels _____ Schmitt _____

4. Are there *unique circumstances* to the property not created by the landowner?
Why or Why not?

Becker _____ Herberg _____ Meyer _____ Schreifels _____ Schmitt _____

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

Becker _____ Herberg _____ Meyer _____ Schreifels _____ Schmitt _____

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

**CUSTOM PROPERTIES LLC
STAFF REPORT**

June 4, 2019 – June 12, 2019

Rockville Planning Commission; City Council

RE: QUALIFIED MINOR SUBDIVISION

Parcel I.D. No. 76.41830.0006 - Section 16, Township 123, Range 029

Owners: Dolores M Hansen Trust

Property Address: 541 Oak Street

Request is to separate Lots 10 & 11 from Lots 12 & 13 thereby establishing a new parcel.

Relevant Information:

1. This property is located in a R-1 zoning district
2. Property is located on the South end of Oak Street
3. Sperate lots 10 & 11 from lots 12 & 13
4. Purpose is to create two buildable parcels
5. Prior to this application there was an application for an Administrative Subdivision and Combining 2 Lots that separated lot 9 from lots 10 thru 13 and combine it with lots 7 & 8.
6. QMS do not require a public hearing but does require Planning Commission and Council Approval no notices sent out.

Recommendations:

Consider Approval

Submitted by:

Martin M. Bode

Zoning Administrator

Susan

CITY OF ROCKVILLE, MINNESOTA
QUALIFIED MINOR SUBDIVISION

MAY 20 2019

FEE: \$100.00

RECORDING FEE \$46.00 (PER DOCUMENT)

Need separate checks: 1 for Qualified Minor application & 1 for recording fee(s)

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

Date Application Submitted: _____
(Must submit at least ten (10) day prior to the next Planning Commission)

Parcel (1) # 76.41830.0006, Lots 10 + 11, Block 1

Parcel (2) # 76.41830.0006, Lots 12 + 13, Block 1

Location: Section _____ Township _____ Range _____

Legal Description parcel (1): Lots 10 + 11, Block 1, Gardings Addition

Legal Description parcel (2): Lots 12 + 13, Block 1, Gardings Addition

Owners Name Dolores M Hansen Estate Phone 320-290-3353
First Name Middle Initial Last Name

Address 15719 Rulerfield Ct Email: SUSANM.SAUCER@
yahoo.com

The following must be submitted:

Certificate of Survey - fifteen (15) copies 11"x 17"

Susan Saucer Date 5-18-19
Signature of person

Office use only:

Complete Application date _____

MAY 20 2019

R# _____ Qualified Minor Subd. Check # _____ Date _____ 101.41000.34103 \$100.00 Permit # 192010M
Reimb. For invoice check # _____ Date _____ 101.41000-34102 \$46.00

Duplicate

Map of GARDING'S ADDITION TO ROCKVILLE Stearns County Minnesota.

Scale: 1 inch = 60 feet.
 July 1911 M. J. Cleveland Surveyor.

Know all men by these presents, that we Nicholas Garding and Susan Garding, his wife, owners and proprietors of the following described land, to-wit: Beginning at a point on the North line of Block 34, Original Townsite of the Village of Rockville, Stearns Co. Minnesota, 231.2 feet from the North-west corner of said Block 34, Thence S 88° 50' E. at right angles to said North line 308 feet; thence S 70° 10' W. parallel to said North line 218.5 feet to the East line of a private cartway along the East side of Hansen's Ditch (so called) Thence S 8° E. 51 feet; Thence S 4° W. 42.1 feet; Thence S 9° 02' E. 121.4 feet; Thence S 15° E. 120 feet; Thence S 15° 40' E. 240 feet; Thence S 6° 45' E. 60.5 feet; Thence S 15° E. 60 feet; Thence S 72° 00' W. 66.3 feet; Thence S 11° 30' W. 65 feet; Thence N 27° 48' 32.7 feet; Thence N 15° 50' W. 776.2 feet; Thence S 67° 30' W. 1 foot; Thence N 22° 30' W. 359 feet; Thence S 67° 30' W. 50 feet to the place of beginning containing 6.8 Acres more or less, exclusive of that portion contained in Block 34. Have caused the same to be surveyed and platted as Garding's Addition to Rockville and we hereby dedicate all streets and Alleys to the Public Use forever, and we hereby certify that all the requirements of Sections 336 and 337 of the Revised Laws of 1905, as amended by Sections 1 and 2 of the laws of 1907 have been complied with.

Witness our hand and seal this 11th day of August A.D. 1911.
 In presence of
 A. H. Nlesen, Notary Public Stearns Co. Minn.
 J. A. Lahr, Village Recorder
 Susan Garding, Swanna Garding.
 State of Minnesota }
 County of Stearns } Be it known that on this 11th day of August A.D. 1911, personally appeared before me Nicholas Garding and Susan Garding, his wife, to me personally known, and acknowledged the dedication of the foregoing as their free act and deed.
 {Notarial Seal} below hereof
 A. H. Nlesen, Notary Public Stearns Co. Minn.
 My commission expires May 20th 1912

I, M. J. Cleveland, the surveyor who surveyed the property which is correctly described in the foregoing dedication of which the annexed plat is a correct representation, hereby certify that all distances are correctly shown on the plat, that the monuments for the guidance of future surveys have been correctly placed as shown on the plat, that the outside boundary lines are correctly shown on the plat, that there are no wet lands or public highways other than those shown on the plat. Dated at St. Cloud this 12 day of August A.D. 1911.
 M. J. Cleveland Surveyor

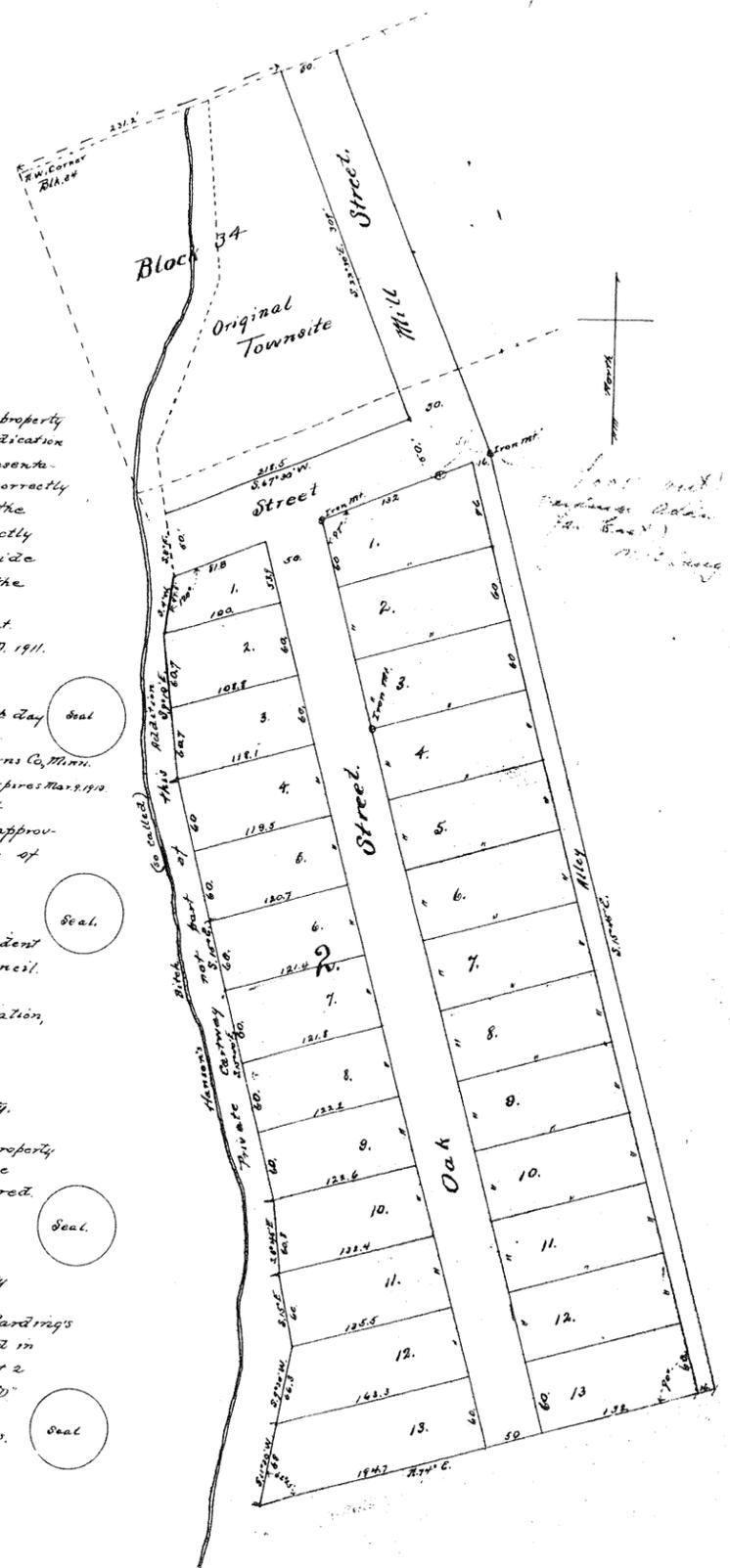
Subscribed and sworn to before me this 12th day of August 1911.
 John A. Fosser, Notary Public Stearns Co. Minn.
 My commission expires Mar. 2, 1912

We hereby certify that the annexed plat of Garding's Addition to Rockville was duly approved by us at a meeting held on the 9th day of Aug. A.D. 1911.
 Attest:
 Theo. Meinig, Village Recorder
 John Weismann, Anton Meoff, John Meinig President, Village Council.

I hereby certify that all the taxes on the property described in the foregoing dedication, for the year 1910 have been paid.
 Christ Schmitt, County Treasurer
 B. Vossberg, Deputy.

I hereby certify that all the taxes on the property described in the foregoing dedication have been paid and the transfer of same entered.
 Dated this 15th day of Aug. A.D. 1911.
 John P. Rau, County Auditor
 By L. C. Duetter, Deputy.

9441a.
 I hereby certify that the annexed plat of Garding's Addition to Rockville was filed for record in my office on the 15th day of August A.D. 1911 at 2 o'clock P.M. and was duly recorded in Book D of Plats Page 34
 John Lang, Register of Deeds.
 By D. Stang, Dep.



Lots 12 & 13
 Block 1
 Garding's Addition

Block 1
 Lots 9-13
 Brenda Stanger, Auditors Office

Seal

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) **ss**
CITY OF ROCKVILLE)

Owners: Dolores M. Hansen Trust, Rockville, MN

The request is a Qualified Minor Subdivision to separate Lots 10 & 11 from Lots 12 & 13 of Block 1, Gardings Addition.

The Rockville City Planning Commission and City Council have reviewed this request and found it to be in compliance with the standards set forth in the City of Rockville. The Application for Qualified Minor Subdivision is approved and the related Certificate of Compliance may be recorded.

Dolores M Hansen Trust Parcel I.D. No. 76.41830.0006, Lots 10 thru 13 of Gardings Addition, Section 16, Township 123, Range 029

Create two (2) separate parcels:

- Lots 10 & 11 of Block 1, Gardings Addition
- Lots 12 & 13 of Block 1, Gardings Addition

Approved this 12th day of June, 2019

City of Rockville, Minnesota

Duane Willenbring, Mayor

Martin M. Bode, Administrator/Clerk

THIS INSTRUMENT DRAFTED BY:
CITY OF ROCKVILLE (MMB)
229 Broadway Street East
Rockville, MN 56369 (320) 251-5836

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 12th day of June, 2019 by Duane Willenbring, Mayor and Martin M. Bode, Administrator/Clerk for the City of Rockville, Minnesota.

Notary Public

THIS INSTRUMENT DRAFTED BY:
CITY OF ROCKVILLE (MMB)
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836

**ANN M. GROSS / CONCEPT PLAN
STAFF REPORT**

June 4, 2019 – June 12, 2019

Rockville Planning Commission; City Council

RE: CONCEPT PLAN FOR A QUALIFIED MINOR SUBDIVISION AND REZONE
Parcel I.D. No. 76.41625.0605 - Section 15, Township 123, Range 029

Owners: Ann M. Gross
Property Address: County Road 47 and Lake Road

Request is to reallocate 71.06 restricted acres to allow for a Qualified Minor Subdivision of 22.09 +/- acres and Rezone the 22.09 +/- acres from A-40 to RR.

Relevant Information:

1. This property is located in an A-40 zoning district
2. Property is located near the intersection of County Road 47 and Lake Road
3. Total acreage is 93.15 +/-
4. Restricted acreage is 71.06
5. Unrestricted acreage is 22.09
6. Purpose is to reallocate the 71.06 restricted acres and subdivide and rezone 22.06 to RR

Recommendations:

Consider Approval

Submitted by:
Martin M. Bode
Zoning Administrator

Legend

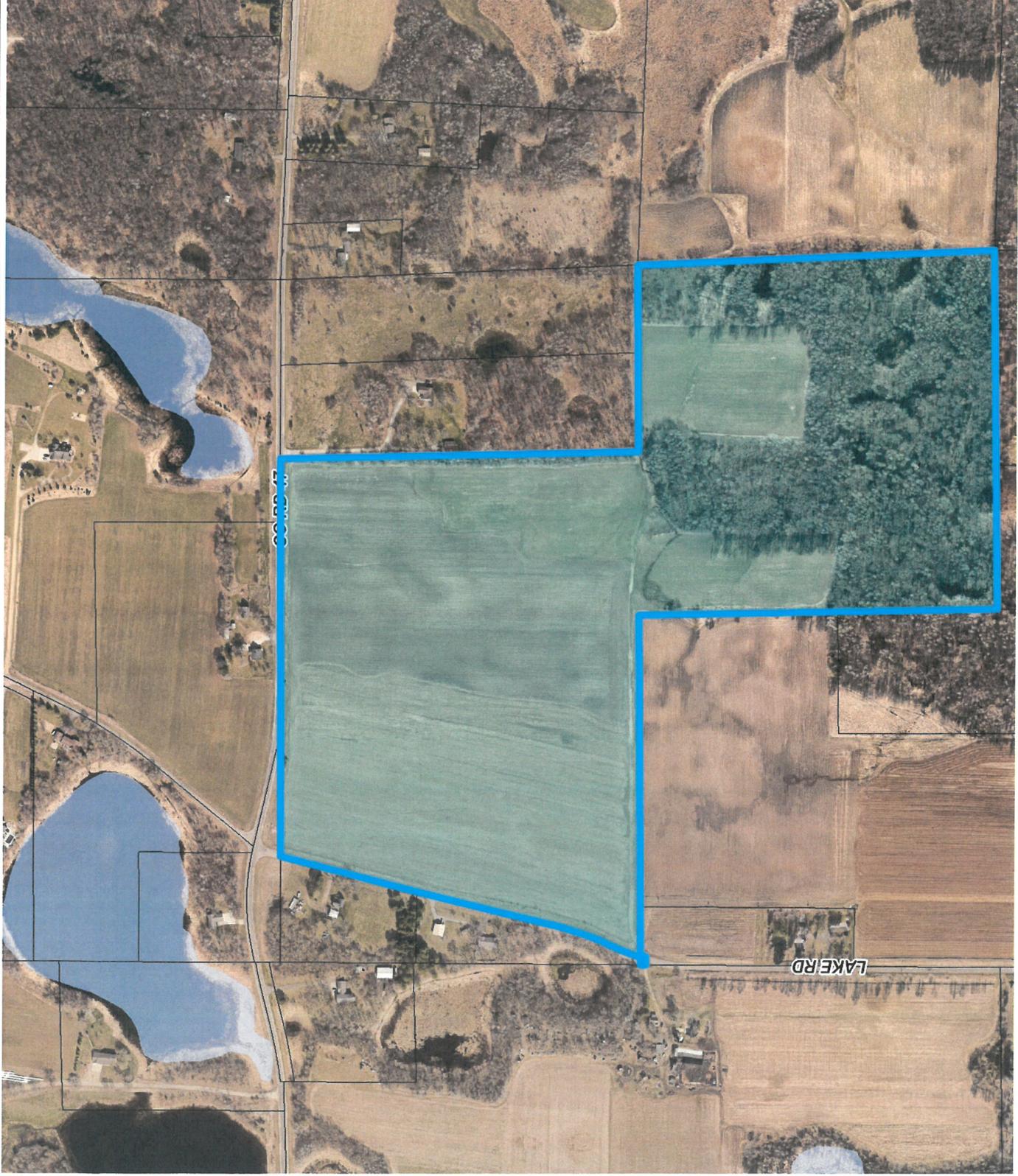
-  City Limits
-  Parcels
-  PWI Watercourse
-  PWI Basin

Map Name



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.

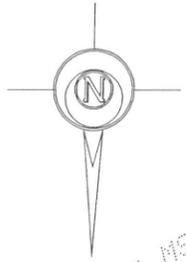


Real People. Real Solutions.

0 527 Feet

© Bolton & Menk, Inc - Web GIS 5/29/2019 1:04 PM

PROPOSED



- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - INDICATES STEARNS COUNTY CAST IRON MONUMENT
 - ▨ INDICATES BITUMINOUS SURFACE
 - ▩ INDICATES GRAVEL SURFACE

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

CERTIFICATE OF SURVEY PREPARED BY:
O'WALLEY & KRON
 LAND SURVEYORS, INC.
 1004 2nd ST. SE
 WILLMAR, MN 56201
 PH. 320-235-4012
 FAX 320-685-3056

340 CHAPEL HILL RD.
 COLD SPRING, MN 56320
 PH. 320-685-5905
 FAX 320-685-3056

JOB NO: 2019-209
 FILE NAME: 2019-209.DWG
 LOCATION: 15-123-29

CERTIFICATE OF SURVEY PREPARED FOR:
ANN GROSS

LEGAL DESCRIPTION

ALSO: The West three-fourths of the North Quarter (W3/4 N 1/2 NE 1/4), of Section Fifteen (15), in Township One Hundred Twenty-nine (29) West, in Stearns County, Minnesota.

EXCEPT: That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Fifteen (15), Township One Hundred Twenty-nine (29) West, in Stearns County, Minnesota, as described in Deced Document Number 516050, according to the files of the Stearns County Recorder, for the point of beginning of the land to be described, a distance of 530.00 feet to the northwest corner of that certain tract of land described in Deced Document Number 516050, according to the files of the Stearns County Recorder, a distance of 264.91 feet to the center line of Lake Road, thence South 13 degrees 52 minutes 41 seconds west along said center line, a distance of 594.00 feet; thence South 22 degrees 53 minutes 54 seconds West along said center line, a distance of 262.60 feet, more or less to its intersection with the south line of said Northwest Quarter of the Northeast Quarter, thence South 89 degrees 06 minutes 03 seconds West along said south line, a distance of 20.26 feet, more or less to the southwest corner of said Northwest Quarter, thence North, along said west line a distance of 818.88 feet to the point of beginning. Subject to the right-of-way of said Lake Road and subject to easements of record, if any.

AND ALSO EXCEPT: All that part of the West Half of the Northeast Quarter of Section 15, Township 123, Range 29, Stearns County, Minnesota lying easterly of the following described: Beginning at a point on the north line of the Northeast Quarter of Section 15, thence west of the northeast corner of the east line of said West Half of the Northeast Quarter of Section 15, thence southerly in a straight line to a point on the south line of said West Half of the Northeast Quarter of the Northeast Quarter which is 43.00 feet west of the southeast corner thereof.

ALSO EXCEPT: That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 15, Township 123, Range 29, Stearns County, Minnesota described as follows: Commencing at the northwest corner of said NW 1/4 NE 1/4, thence South 0°00'00" West (assumed bearing) along the west line thereof for 510.00 feet to the point of beginning; thence South 90°00'00" East for 269.96 feet; thence South 14°10'49" West for 20.62 feet, more or less, the easterly extension of the north line of that certain tract of land described in Deced Document Number 516050, according to the records of the Stearns County Recorder, thence westerly to the northwest corner of said tract, thence North 0°00'00" East for 20.00 feet to the point of beginning.

ALSO EXCEPT: That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 15, Township 123, Range 29, Stearns County, Minnesota described as follows: Beginning at the northwest corner of said NW 1/4 NE 1/4, thence South 0°00'00" West (assumed bearing) along the west line thereof for 510.00 feet; thence South 14°10'49" West for 20.62 feet, more or less, the easterly extension of the north line of that certain tract of land described in Deced Document Number 516050, according to the records of the Stearns County Recorder, thence westerly to the northwest corner of said tract, thence North 0°00'00" East for 20.00 feet to the point of beginning.

That part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 15, Township 123, Range 29, Stearns County, Minnesota described as follows: Beginning at the northwest corner of said NW 1/4 NE 1/4, thence South 0°00'00" West (assumed bearing) along the west line thereof for 510.00 feet; thence South 14°10'49" West for 20.62 feet, more or less, the easterly extension of the north line of that certain tract of land described in Deced Document Number 516050, according to the records of the Stearns County Recorder, thence westerly to the northwest corner of said tract, thence North 0°00'00" East for 20.00 feet to the point of beginning.

Beginning at the northwest corner of said NW 1/4 NE 1/4, thence South 0°00'00" West (assumed bearing) along the west line thereof for 510.00 feet; thence South 14°10'49" West for 20.62 feet, more or less, the easterly extension of the north line of that certain tract of land described in Deced Document Number 516050, according to the records of the Stearns County Recorder, thence westerly to the northwest corner of said tract, thence North 0°00'00" East for 20.00 feet to the point of beginning.

Building Permits: May 2019

Parcel #	REASON	ADDRESS	DATE	PERMIT #	Valuation	Permit \$	Review	SSC	Fees
76.42301.0021	Roofing	21786 Co Rd 8	5/1/2019	2019-00009		\$ 25.00		\$ 1.00	\$ 26.00
76.41741.0055	Window/Door Replacements	521 Cypress Ct	5/1/2019	2019-00010		\$ 25.00		\$ 1.00	\$ 26.00
76.42050.0001	Roofing	24935 Co Rd 138	5/2/2019	2019-00011		\$ 25.00		\$ 1.00	\$ 26.00
76.42142.0029	Roofing	25602 Lena Ln	5/20/2019	2019-00012		\$ 25.00		\$ 1.00	\$ 26.00
76.41830.0003	Roofing	432 Oak Street S	5/24/2019	2019-00025		\$ 25.00		\$ 1.00	\$ 26.00
76.41741.0063	Furnace Replacement	320 Walnut Circle	5/28/2019	2019-00026		\$ 40.00		\$ 1.00	\$ 41.00
76.41741.0036	Furnace Replacement	504 Walnut St	5/29/2019	2019-00027		\$ 40.00		\$ 1.00	\$ 41.00
76.41625.0800	Siding	9622 Ahles Road	5/31/2019	2019-00028		\$ 25.00		\$ 1.00	\$ 26.00
76.41605.0600	Mechanical	25325 St Hwy 23	5/6/2019	2019-00036	\$ 60,000.00	\$ 600.00	\$ 390.00	\$ 30.00	\$ 1,020.00
76.41605.0600	Plumbing	25325 St Hwy 23	5/6/2019	2019-00037	\$ 10,000.00	\$ 100.00	\$ 65.00	\$ 5.00	\$ 170.00
76.42142.0047	4 Season Porch	25901 Burg St	5/7/2019	2019-00038	\$ 28,700.00	\$ 59.50	\$ 38.67	\$ 5.50	\$ 103.67
76.42188.0014	Pool	23018 Grovewood Ln	5/10/2019	2019-00039	\$ 60,000.00	\$ 330.00	\$ 214.50	\$ 30.00	\$ 574.50
76.42189.0043	Detached Garage	11135 Hubert Ln	5/10/2019	2019-00040	\$ 21,000.00	\$ 89.50	\$ 58.18	\$ 10.50	\$ 158.18
76.41623.0900	Deck	23815 88th Ave	5/23/2019	2019-00041	\$ 15,500.00	\$ 74.50	\$ 48.43	\$ 7.75	\$ 130.68
76.42141.0031	Plumbing	25470 Pleasant Rd	5/24/2019	2019-00042	\$ 16,150.00	\$ 75.00		\$ 1.00	\$ 76.00