

CITY OF ROCKVILLE

City Hall 229 Broadway Street East PO Box 93 Rockville, MN 56369

Planning/Zoning Commission Meeting Tuesday, November 5, 2019 6:00 p.m. at City Hall

AGENDA

1. Roll Call
2. Additions/Approval of Agenda 1
3. Approval of October 1, 2019 Planning Commission Meeting Minutes 2
4. Public Hearing – Adam J. Kritzeck Accessory Structure Variance 4
5. Public Hearing – Dan and Terisa Doll Rezone 24
6. October 2019 Building Permits 33
7. Other Business
- a) Next Planning Commission meeting Tuesday, December 3, 2019, 6:00 p.m.
8. 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
Tuesday, October 1, 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, Dave Meyer, and Chad Schmitt. Absent: Brian Herberg and Cory Schreifels.

Staff present: City Administrator, Martin Bode.

Others present: John Lutgen and Duane Willenbring.

Item 2) Approval of Agenda/Amendments

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

Item 3) Approval of September 3, 2019 Meeting Minutes

Motion by Meyer, second by Schmitt, to approve the September 3, 2019 meeting minutes as presented. Motion carried unanimously.

Item 4) Public Hearing – Preliminary and Final Plat Hilltop Woods

Chairman Becker introduced and reviewed with the following Preliminary and Final Plat application for Hilltop Woods with Planning Commission and the public.

Staff Report

Re: Preliminary and Final Plat known as Hilltop Woods

Owner: John and Lisa Lutgen

Legal description of the property: 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 subdivide 30 +/- acres into five (5), 5 +/- acre lots

Relevant Information:

1. Property was rezoned from Ag-40 to R-R with a PUD Overlay (May 8, 2019 Council meeting).
2. Lot size is 30 +/- acres.
3. Proposed plat is five (5) lots at 5 +/- acres per lots.
4. Purpose is residential development.
5. Meets City of Rockville Zoning requirements of Section 16A: Rural Residential District "R-R District".
6. Proposed access road is a private – *Concerns: Road Safety Standards-Road Maintenance-Storm Water.*
7. Planning Commission Public Hearing on October 1, 2019.
8. 10 notices of public hearing were sent out.

Recommendation:

Consider approval.

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

There being no comments offered from the public, motion was made by Meyer, second by Schmitt, to close the Public Hearing at 6:04 p.m. Motion carried.

Planning Commission reviewed the following written City Engineer's report:

- 1) *Zoning Ordinance Section 16A (Rural Residential) Subd. 6.d requires that every tract or parcel abut or have direct vehicular access to a public road that meets minimum road width and other requirements of the City. The Developer shall construct a public roadway that meets City of Rockville minimum requirements.*
- 2) *The plat as submitted includes a 66-foot wide public right of way for the proposed Hilltop Court roadway. The proposed paved roadway width is 24 feet which does not meet City of Rockville ordinance requirements for a public road. The Subdivision Ordinance states a minimum road width of 32 feet; however, the ordinance does not specifically mention a street width for urban vs. rural roadways. City*

staff and the City Engineer would support a modified street width of 28' wide paved plus 2' gravel shoulders.

- 3) Drainage and utility easements shall be 6' in width alongside and rear lot lines and 12' in width along front lot lines and around the plat perimeter according to Subd. Ordinance Section 7.4.1.
- 4) Drainage easements shall be dedicated on the plat from the overflow of each storm pond to the discharge point into the downstream wetland.
- 5) The plans shall show the overflow location and elevation for all storm ponds. The overflow shall be lined with rip-rap to prevent scouring.
- 6) The storm sewer piping under the roadway shall be RCP instead of HDPE.
- 7) Provide invert elevations for all proposed storm sewer.
- 8) The culvert under Hilltop Court within the CR 139 right of way shall be 15" minimum per Stearns County requirements.
- 9) The existing driveway approach onto CR 139 shall be removed per Stearns County requirements.
- 10) Add proposed contour labels to the grading plan.
- 11) Final plans shall be submitted that include the following items:
 - a. A Storm Water Pollution Prevention Plan (SWPPP)
 - b. Typical section of the street including the proposed pavement section
 - c. Street and ditch cross sections. All slopes shall be no steeper than 4:1.
- 12) A storm water management plan shall be submitted. The plan shall include calculations comparing pre-development and post development rates of runoff for the 2, 10, and 100-year storm events. Infiltration pond sizing calculations shall be included. Calculations shall be submitted showing that all MPCA and Sauk River Watershed requirements are being met.
- 13) The wetland delineation has not been approved by Stearns County. The wetland delineation shall be approved prior to Final Plat approval.
- 14) Review and permitting for the septic sites shall be completed by Stearns County. A site analysis completed by a certified SSTS professional was submitted with the plat application indicating that the sites are suitable for above ground (mound) sewage treatment systems.
- 15) The plat shall be subject to the comments that were submitted from the Stearns County Highway Department.
- 16) The Developer shall be responsible for obtaining all necessary permits including but not limited to MPCA NPDES Construction Stormwater, Sauk River Watershed District, and Stearns County Access permit. Copies of all approved permits shall be sent to the City Engineer prior to construction.

I recommend approval of the Preliminary Plat contingent upon the above the above comments and comments as submitted by other City staff. I recommend Final Plat approval be withheld until comments are addressed.

Motion by Becker, second by Schmitt, to approve the Hilltop Woods Preliminary Plat contingent upon the above noted City Engineers comments and postpone action on the Final Plat. Motion passed unanimously.

Item 5) September 2019 Building Permits

The September 2019 building permits report was reviewed by the Planning Commission members.

Item 6) Other Business

- a. Next meeting scheduled for Tuesday, November 2, 2019 at 6:00 p.m.

Item 7) Adjournment

Motion by Becker, second by Meyer, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:13 p.m.

Respectfully submitted,

Martin M. Bode
Zoning Administrator

KRITZECK STAFF REPORT

November 5 and November 13, 2019

Rockville Planning Commission; City Council

Re: Variance Request by

Applicant/Owner: Adam J. Kritzeck

PIN: 76.41641.0715

Property Address: 22313 88th Avenue, Rockville MN

Variance Requested:

1. Locate a new accessory structure in the front yard of property - (Section 9, Subd 2.D.1 – rear and side yard only).
2. Construct a 2,944sf accessory structure with 14-foot sidewalks.
Section 17, Subdivision 3 Permitted Accessory Uses. 1. Accelerated Accessory Structure, Area - 70,000sf to 85,000 sf = 2,400 sf w/14 Sidewalls

Relevant Information:

1. Property is zoned RR.
2. Recently subdivided.
3. Property contains approximately 6.5 +/- acres.
4. Wetland on west (rear) end of property.
5. 10 Public Hearing notices were mailed out.

Action:

1. Findings of Fact

Recommendation:

1. Consider Approval

Submitted by:
Martin M. Bode
Zoning Administrator

**NOTICE OF PUBLIC HEARING
CITY OF ROCKVILLE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 5, 2019 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Adam J. Kritzeck for a variance from Accessory Building Location and Size Requirements. The address of the property is: 22313 88th Ave with a legal description of: Parcel No. 76.41641.0715, Section 23, Township 123, Range 029, Stearns County, Rockville, MN.

The request is to construct an accessory structure and to locate it in the front yard and exceed the permitted size by constructing a 46' x 64' (2,944sf) with 14-foot sidewalls.

Section 9, Subdivision 2D Location on Property. Accessory structures must be located on the property as provided in paragraph 1, rear and side yard.

Section 17, Subdivision 3 Permitted Accessory Uses. 1. Accelerated Accessory Structure, Area - 70,000sf to 85,000 sf = 2,400 sf w/14 Sidewalls

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
Administrator/Clerk

Publish 10/22/2019
Cold Spring Record

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**City of Rockville,
Minnesota**
Granite - Heart of the City

Legend

-  City Limits
-  Parcels
-  PWI Watercourse
-  PWI Basin

Variance 22313
88th Ave



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.

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STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie R. VanHeel, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **17th** day of **October, 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.

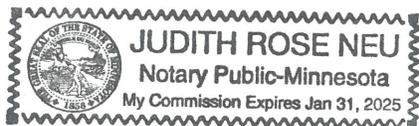


Signature

Subscribed and sworn to before me this 17th day of October, 2019.



Notary Public Signature





Notary Public Stamp

Name	Address	City
ADAM J KRITZECK	22313 88TH AVE	ST CLOUD MN 56301
BRENDA POSTELS	22645 88TH AVE	ST CLOUD MN 56301
CAROL J HUNSTIGER	23000 93RD AVE	ST CLOUD MN 56301-9726
CLEMENT J KREMERS TRUST	22267 88TH AVE	ST CLOUD MN 56301-9723
DANIEL SCHAEFER	22409 88TH AVE	ST CLOUD MN 56301-9723
DOUGLAS F LICHY TRUST	22197 88TH AVE	ST CLOUD MN 56301
EDMUND J HUNSTIGER	23000 93RD AVE	ST CLOUD MN 56301-9726
JAMES & JEAN HEINEN	22218 88TH AVE	ST CLOUD MN 56301-9723
RICHARD & TRACEY EIKMEIER	22571 88TH AVE	ST CLOUD MN 56301
THOMAS M & JEAN E GROSS	22499 88TH AVE	ST CLOUD MN 56301-9723

10 Notices

**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: 22313 88th Ave St. cloud, MN 56301

LEGAL DESCRIPTION: _____ PARCEL#: 76.41641.0715 ZONING: _____

EXPLANATION OF REQUEST: Addition of 46x64 outbuilding with 14ft side wall.
Kritzeck 02@yahoo.com

If replacing an existing structure, what will be done with the old structure? N/A

Has a variance request been made previously on this property? No If yes, when? _____

PROPERTY OWNER:

Name (Print): Adam J Kritzeck Phone: 320-260-7936
First Name Middle Initial Last Name

Address: 22313 88th Ave St. cloud, MN 56301

Signature (required): Ada Ki Date: 9/11/19

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

APPLICANT:

Name (Print): Adam J. Kritzeck Phone: 320-260-7936

Address: 22313 88th Ave St. cloud, MN 56301

Signature (required): Ada Ki Date: 9/11/19

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

STAFF USE ONLY:

Permit# 19-05V
 R# _____ Variance Application Fee Check # 2808 Date 9.13.19 101.41000.34103 \$200.00
 R# _____ Reimb. for Invoice Check# 2809 Date 9.13.19 101.41000-34102 \$46.00

PAID

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.

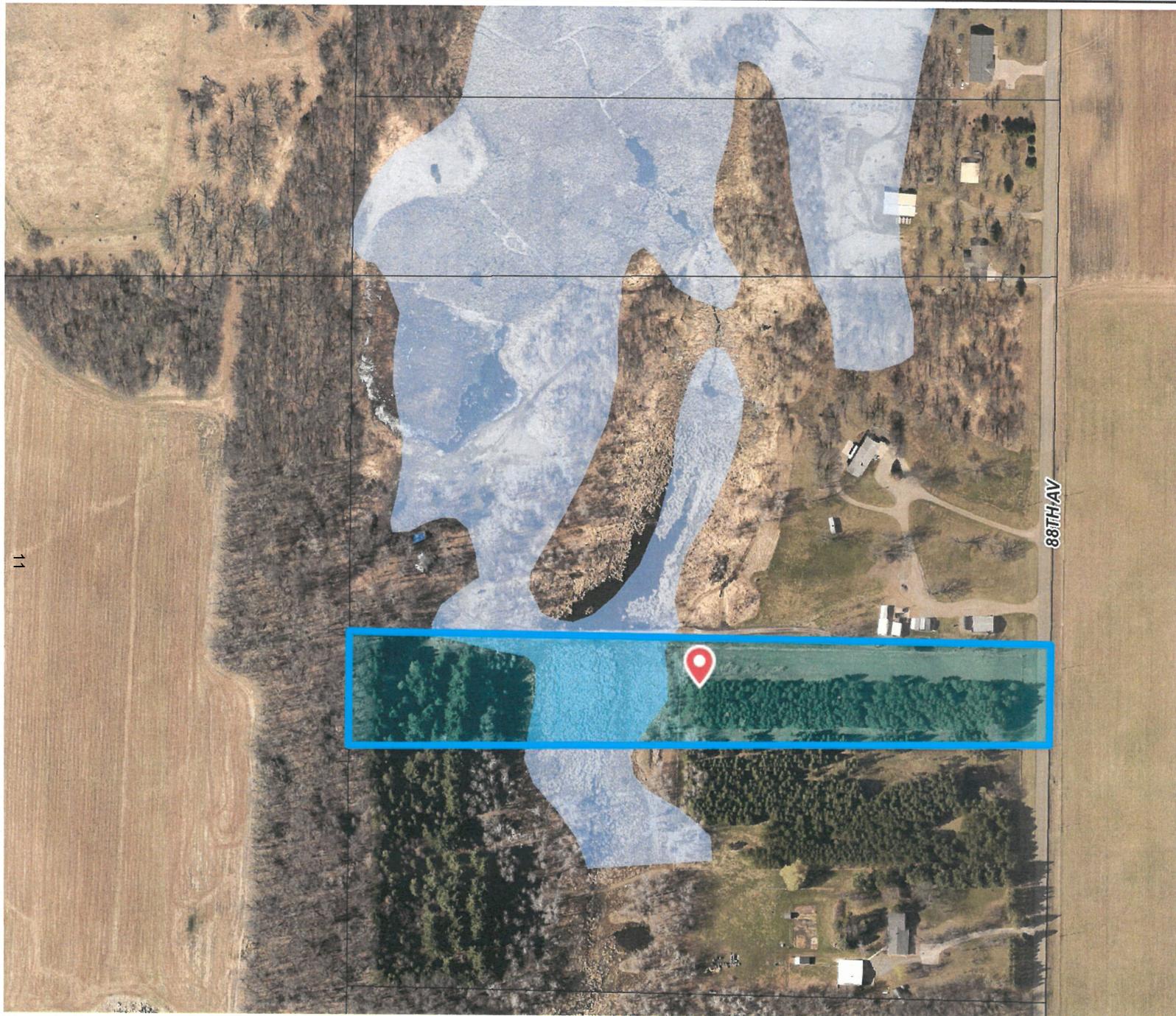
CAN ANYONE GET A VARIANCE? No. The courts have said the applicant has a “heavy burden of proof” to show there are no reasonable development options, and there is “hardship” in following the rules of the ordinance.

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, Minnesota

Granite - Heart of the City

Legend

-  City Limits
-  Parcels
-  PWI Watercourse
-  PWI Basin

Map Name



Disclaimer:

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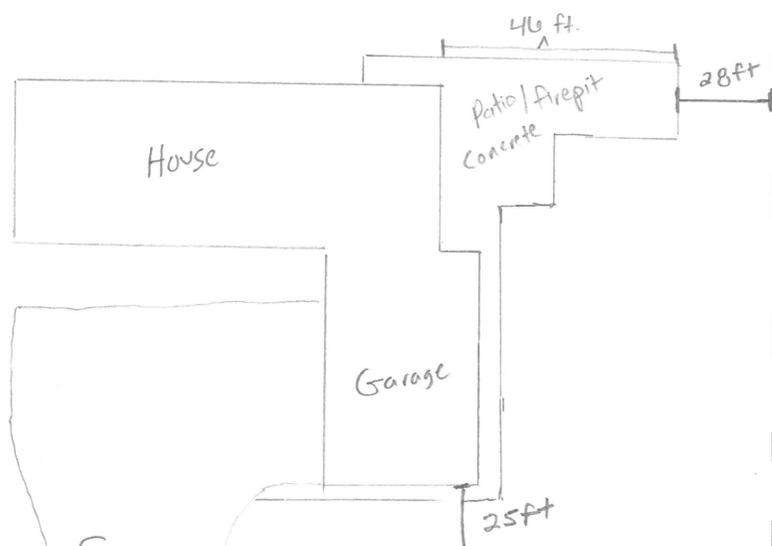
BOLTON & MENK
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Wetland ↑

Adam Kritzeck
76.41641.0715
22313 88th Ave

Septic

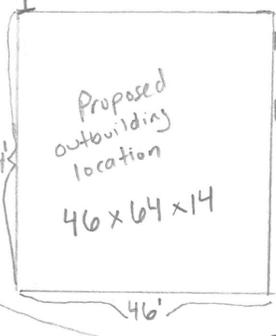
Approx 195ft



Dan Schaefer
76.41641.0511

Clem Kremers

76.41641.0720



Approx 210 ft from 88th Ave

Property line
16ft
Physical fence

W
S + N
E

12
Approx 195ft. 88th Ave

VARIANCE JUSTIFICATION FORM

Please use this form to explain how your variance request meets the three requirements for a variance.

- **Practical difficulties:** It is more practical to place the outbuilding at the requested location due to the centralized location of already existing structures and infrastructure. This location is more functionally accessible and maintainable. Additionally, it would otherwise force the proposed outbuilding to be built on the west end of the property closer to a wetland and at a significantly lower elevation than the requested location. Therefore, a location at the backyard would be less functional on a day to day use, cause unnessecary land deterioration and subject the structure to increased risk for damage i.e. flooding.
- **Unique circumstances:** Due to the narrowness of the property's lot it would be more desirable to place the outbuilding in the centralized location on the northeast end to avoid depreciation of the home's original design intentions. The surrounding area is a major asset to the property and the home was designed the appreciation of the natural landscape. The addition of an outbuilding in the backyard would negatively impact the aesthetic value of the home. As well as keep a clear sight line for both properties by grouping all outbuildings, including the adjacent neighbors', in the same area.
- **Applies to the individual property:** This requested location in addition to being consistant with the adjacent neighbor, Dan Schaefer 76.41641.0510, outbuildings placement location, would ensure consistency among buildings, improved privacy, reduction in land disruption and overall improved functionality of the buildings intended use.

A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the three conditions above. Failure to adequately provide such information may result in a denial or your request for a variance (attach additional sheets if necessary).

USE THE BACK OF THIS FORM TO LIST ALL ADJOINING PROPERTY OWNERS WITHIN 350 FEET OR NEAREST 10 PROPERTY OWNERS, WHICHEVER IS GREATEST.

Dan Schaefer 76.41641.0510

Clem Kremers 76.41641.0720

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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 _____

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.

Ada Ki
Applicant Signature

9/11/19
Date

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

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.

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.

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.

**CITY OF ROCKVILLE, MN
RESOLUTION NO. 2019-xx**

A RESOLUTION GRANTING VARIANCE TO CONSTRUCT A 2,944SF ACCESSORY STRUCTURE WITH 14 FOOT SIDEWALL AND LOCATING SAID STRUCTURE IN THE FRONT YARD.

WHEREAS, A request for a variance has been received from Adam J. Kritzeck for a variance to construct a 46' x 64', 2,944sf accessory structure with 14 foot sidewalls and locating said structure in the front yard in an RR zoning district, and;

WHEREAS, The Rockville Planning Commission held a Public Hearing on November 5, 2019, 6:00 p.m., and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, All persons were given an opportunity to be heard on said request.

WHEREAS, The Rockville Planning Commission did approve the Kritzeck Variance application and recommends the Rockville City Council approve the variance request.

NOW, THEREFORE, PER MINNESOTA STATUTE 462.3595, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.
2. That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.

Adopted this 13th Day of November, 2019

ATTEST:

SEAL:

Martin M. Bode
City Administrator

Duane Willenbring
Mayor

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 to the size requirements of an accessory structure at: Adam J. Kritzeck, 22313 88th Avenue, Rockville, MN, in an RR – Rural Residential Zoning District.

The variance request is to construct a 46' x 64' x 14' sidewalls, 2,944 sf accessory structure and locate said structure in the front yard.

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

Adam J. Kritzeck
22313 88th Avenue
Rockville, MN

Legal Description:

The South Half of the Northeast Quarter of the Southwest Quarter (S1/2 NE1/4 SW1/4) of Section 23, Township 123, Range 29, Stearns County, Minnesota.
Together with that part of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 23, Township 123, Range 29, Stearns County, Minnesota, lying northerly of the following described line: Beginning at the northwest corner of said SE1/4 SW1/4; thence easterly to a point on the east line of said SE1/4 SW1/4 distant 26.00 feet southerly of the northeast corner of said SE1/4 SW1/4, as measured along said east line thereof.

Except that part of the South Half of the Northeast Quarter of the Southwest Quarter (S1/2 NE1/4 SW1/4) of Section 23, Township 123, Range 29, Stearns County, Minnesota, lying northerly of the following described line: Beginning at the northwest corner of said S1/2 NE1/4 SW1/4; thence easterly to a point on the east line of said S1/2 NE1/4 SW1/4 distant 21.52 feet southerly of the northeast corner of said S1/2 NE1/4 SW1/4, as measured along said east line thereof, excepting therefrom that part lying southerly of a line distant 215.00 feet southerly of, as measured at a right angle to and parallel with the north line thereof.

The variance permit for the above-mentioned property was completed and became effective November 13, 2019.

CITY OF ROCKVILLE

**DUANE WILLENBRING
MAYOR**

SEAL

**MARTIN M. BODE
ADMINISTRATOR/CLERK**

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

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 14th day of November, 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.

STAFF REPORT

November 5 and November 13, 2019

Rockville Planning Commission / City Council

RE: Rezoning Application Ag-40 to R-1

Owner: Dan and Terisa Doll

25293 Pleasant Road, all in Section (2) in Township one hundred twenty-three (123), Range twenty-nine (29), Stearns County, Rockville, Minnesota. Parcel No. 42160.093

Request:

To change a portion of the current zoning district of Ag-40 to R-1

Relevant Information:

1. Application to Rezone a portion of their parcel from Ag-40 to R1 to match with the existing parcel.
2. 10 notices of public hearing were sent out.

Recommendation:

Submitted by:
Martin M. Bode
Zoning Administrator

**NOTICE OF PUBLIC HEARING
CITY OF ROCKVILLE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, November 5, 2019 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider Ordinance 2019-xx regarding the request of Dan and Terisa Doll to rezone their property from Ag-40 to R1. The address of the property is: 25293 Pleasant Road, Rockville, MN with a Parcel No. 76.42160.0930. A complete copy of the proposed ordinance is available for inspection by any person during regular office hours at the City Administrator-Clerk's office or on the City of Rockville web site at www.rockvillecity.org.

The request is rezone from Ag-40 to R1.

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, P.O. Box 93, Rockville MN 56369 prior to the hearing.

Martin M. Bode
City Administrator/Clerk

Publish October 22, 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.



**City of Rockville,
Minnesota**
Granite - Heart of the City

Legend

- City Limits
- Parcels
- PWI Watercourse
- PWI Basin

**Rezone 25293
Pleasant Rd**



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.

0 263 Feet

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

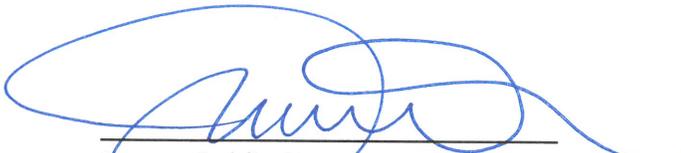
AFFIDAVIT OF SERVICE

Debbie R. VanHeel, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **17th** day of **October, 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.

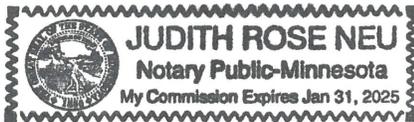


Signature

Subscribed and sworn to before me this 17th day of October, 2019.



Notary Public Signature





Notary Public Stamp

Name	Address	City
BRIAN KASPER	25297 PLEASANT RD	ST CLOUD MN 56301-9765
DANIEL D & TERISA D DOLL	25293 PLEASANT RD	ST CLOUD MN 56301
DENNIS B & DORIS A MENKE	25322 PLEASANT RD	ST CLOUD MN 56301
DENNIS M VOGEL	25298 PLEASANT RD	SAINT CLOUD MN 56301
JAMES E & JACQUELINE A VOIGT	25614 PLEASANT RD	ST CLOUD MN 56301-9764
JEANNE M DUININCK REV TRUST	25325 PLEASANT RD	SAINT CLOUD MN 56301
JERRY J & SANDRA M PAUL	25304 PLEASANT RD	ST CLOUD MN 56301-9766
RICHARD E & GAIL A BLOMMER	25295 PLEASANT RD	ST CLOUD MN 56301-9708
RICHARD G CLUBB	25313 PLEASANT RD	ST CLOUD MN 56301-9708
VICTOR MANIFOLD	25303 PLEASANT RD	ST CLOUD MN 56301-9708

10 Notices

CITY OF ROCKVILLE
REQUEST TO CHANGE ZONING DISTRICT

The information on this form must be typed or printed legibly. State law requires that a public hearing must be held to rezone property. The applicant must attend the public hearing to discuss the request, which will be held before the Planning Commission. The Planning Commission shall make a report to the City Council upon any application for rezoning and shall recommend to the City Council (³/₄ vote required) whatever action it deems advisable. The Planning Commission meeting is held the 1st Tuesday of each month at 6:00 p.m. The City Council meetings at which zoning issues will be considered are held on the 2nd Wednesday of each month at 6:00 p.m.

Owner's Name: Dan + Terisa Doll
Applicant's Name: Dan + Terisa Doll
Property Address: 25293 Pleasant Rd, St Cloud, MN 56301
Phone: 320-267-0360 Dan / 320-293-1572
Presently Zoned: _____ Requested Zoning: _____

The Applicant must provide a legal description (from abstract/deed) for the property. The City will not be responsible for utilizing an incorrect legal description. This information is required to make sure that maps are properly updated, and that the project that follows the rezoning conforms to the Zoning Ordinance. Please write the legal description here; if it is lengthy, you may attach on a separate sheet (in this case write "see attached sheet").

Signature of Applicant: Terisa Doll Date: 9-19-19

Do not check the boxes below (this section listed below must be completed by the Zoning Administrator). The Zoning Administrator will check "yes" if the applicant has met that specific requirement or there is an unusual reason that the requirement does not apply (in which case the reason must be noted in the space provided).

YES NO # Item

w/c

1. **Fee Paid.** The Applicant must submit payment for the rezoning application fee of \$200.00 prior to processing this application. Once the notice has been sent to the *Cold Spring Record*, the fee is non-refundable.

2. **Site Plan.** A site plan of the *proposed* use of the property *after* the property has been rezoned must be submitted with this application. The site plan must be neatly drawn **to scale**; grid paper is available at City Hall if needed. Be sure to draw, label and show dimensions for:

- | | | |
|---|--|---|
| <input type="checkbox"/> All Buildings | <input type="checkbox"/> North Directional Arrow | <input type="checkbox"/> Streets |
| <input type="checkbox"/> Alleys | <input type="checkbox"/> Sidewalks | <input type="checkbox"/> Property Lines |
| <input type="checkbox"/> Lot Dimensions | <input type="checkbox"/> Driveways & All Curb Cuts | <input type="checkbox"/> Decks |
| <input type="checkbox"/> Wells | <input type="checkbox"/> Utility Sheds | <input type="checkbox"/> Easements |

3. **Floodplain or Shoreland District.** The Zoning Ordinance requires that staff shall determine whether or not the property is located within either the Floodplain or Shoreland District. If so, there are likely additional restrictions that apply. Indicate below whether the property lies within either of these districts after you've consulted with City staff. If so, a copy of the notice of public hearing must be sent to the Commissioner of Natural Resources.

- Yes No Is the property located within a Floodplain District?
 Yes No Is the property located within a Shoreland District?

4. **Legal description.** The applicant must provide an electronic copy of an accurate legal description to the Zoning Administrator. This should be accomplished by E-mailing the legal description in Microsoft Word format to mbode@rockvillecity.org

5. **Hearing Date.** The date of the Public Hearing will generally be scheduled for the Planning Commission meeting nearest the date that the application is submitted if possible. That date may be impacted by other factors, however. The applicant should be notified of the *probable* date of the hearing at the time that the application is submitted.

11-5-19 Public Hearing and Planning Commission meeting date.
11-13-19 City Council meeting date (³/₄ vote required).

n/a
Subdivision

6. **Narrative.** The applicant must provide a written explanation of the purpose for requesting the rezoning. The narrative should explain in detail what action will be taken with the property once the property has been rezoned. Be sure to include arguments why approving the request is a good idea for the *community*. Please write the narrative here; if it is lengthy, you may attach on a separate sheet (in this case write "See attached sheet").

Staff use only.	
Planning Commission Decision: _____	Date: _____
City Council Decision: _____	Date: _____
Comments: _____	

**CITY OF ROCKVILLE, MN
ORDINANCE 2019-101**

**ORDINANCE APPROVING REZONING APPLICATION
FOR DAN and TERISA DOLL PROPERTY**

WHEREAS, Dan and Terisa Doll has submitted an application to Rezone a portion of their parcel from Ag-40 to R1 to match with the exciting parcel; and

WHEREAS, the application was reviewed by the Rockville City Planning Commission at their November 5, 2019 Planning Commission Meeting, and;

WHEREAS, the Planning Commission held a Public Hearing for the Rezoning application on November 5, 2019; and

WHEREAS, persons wishing to address the Planning Commission were given an opportunity to do so; and

WHEREAS, proper notification and publication had been given; and

WHEREAS, the Planning Commission after discussion was in favor of rezoning all of Dan and Terisa Doll property from Ag-40 to R1 and to forward this application on to the Rockville City Council for their consideration.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
ROCKVILLE, STEARNS COUNTY, MINNESOTA that the Dan and Terisa Doll
Property as described below is Rezoned from Ag-40 to R1.**

Tract A:

All that part of Government Lot 7, Section 2, Township 123, Range 29, Stearns County, Minnesota, described AS FOLLOWS:

Commencing at the southeast corner of Tract A, REGISTERED LAND SURVEY NO. 12, STEARNS COUNTY, MN;
thence South 78 degrees 56 minutes 30 seconds West, along the southerly line of said Tract A 105.00 feet to the southwesterly corner of said Tract A, said point also being the point of beginning;
thence continue South 78 degrees 56 minutes 30 seconds West 45.00 feet;
thence North 11 degrees 30 minutes 06 seconds West 327 feet, more or less, to the southeasterly shoreline of Pleasant Lake;
thence northeasterly along said shoreline of Pleasant Lake a distance of 45 feet, more or less, to the westerly line of said Tract A;
thence South 11 degrees 30 minutes 06 seconds East, along said westerly line of said Tract A 324 feet, more or less, to the point of beginning.

Tract B:

Tract A, REGISTERED LAND SURVEY NO. 12, STEARNS COUNTY, MN.

Adopted this 13th day of November, 2019.

ATTEST:

MARTIN M. BODE
ADMINISTRATOR/CLERK

DUANE WILLENBRING
MAYOR

Building Permits: October 2019

Parcel #	REASON	ADDRESS	DATE	PERMIT #	Valuation	Permit \$	Review	SSC	Fees
76.41950.0005	Reroof	500 Othmar Rd	10/2/2019	2019-00060	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41840.0005	Siding	11456 230th St	10/4/2019	2019-00061	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41636.0400	Siding	12827 Co Rd 140	10/8/2019	2019-00093	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41636.0400	Window	12827 Co Rd 140	10/8/2019	2019-00094	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41651.0510	Window	21367 Co Rd 8	10/8/2019	2019-00095	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.42189.0059	Roofing	11317 Hubert Lane	10/22/2019	2019-00096	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41634.0404	Roofing	225 4th St E	10/28/2019	2019-00097	\$ -	\$ 25.00	\$ -	\$ 1.00	\$ 26.00
76.41720.0333	Demo (5 Buildings)	21986 Co Rd 8	10/29/2019	2019-00098	\$ -	\$ 25.00		\$ -	\$ 25.00
76.42170.0039	Mechanical	6049 Scenic View Ct	10/2/2019	2019-00108	\$ -	\$ 75.00	\$ -	\$ 1.00	\$ 76.00
76.42170.0039	Plumbing	6049 Scenic View Ct	10/2/2019	2019-00109	\$ -	\$ 75.00	\$ -	\$ 1.00	\$ 76.00
76.41840.0005	Deck/Porch	11456 230th St	10/2/2019	2019-00110	\$ 7,500.00	\$ 50.50	\$ 32.83	\$ 3.75	\$ 87.08
76.42142.0007	Deck/Porch	25284 Lake Rd	10/3/2019	2019-00111	\$ 68,000.00	\$ 374.00	\$ 243.10	\$ 34.00	\$ 651.10
76.42070.0002	Mechanical	10824 Grand Lake Rd	10/11/2019	2019-00113	\$ -	\$ 75.00	\$ -	\$ 1.00	\$ 76.00
76.41900.0006	Plumbing (water heater)	501 Maple St	10/14/2019	2019-00114	\$ 9,896.00	\$ 98.96	\$ -	\$ 4.95	\$ 103.91
76.42147.0001	Fuel Tank	1640 Prairie Dr SE	10/25/2019	2019-00115	\$ 75,000.00	\$ 412.50	\$ -	\$ 37.50	\$ 450.00
76.42170.0016	Mechanical (furnace)	25953 80th Ave	10/31/2019	2019-00116	\$ -	\$ 40.00	\$ -	\$ 1.00	\$ 41.00