

**MINUTES OF THE REGULAR PLANNING/ZONING COMMISSION MEETING HELD
Tuesday, November 15th 2016, 6:00 p.m. – Rockville City Hall**

ROLL CALL - The meeting was called to order by Chair Bill Becker. Roll call was taken and the following members were present: Toni Honer and Dale Borgmann. The following were absent: Members Jerry Tippelt and Dave Meyer and Liaison Susan Palmer.
Staff present: City Administrator, Martin Bode
Others present: Corey Schreifels

APPROVAL OF AGENDA/AMENDMENTS –

Motion by Honer, second by Borgmann, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF OCTOBER 11th, 2016 MEETING MINUTES –

Motion by Honer, second by Borgmann, to approve the October 11, 2016 meeting minutes as presented. Motion carried unanimously.

LOT COMBINATION REQUEST – Import Motors

STAFF REPORT

Re: Combining Lots Request
Owners: C Chanthakhammy dba Import Motors
PIN: 76.42146.0806, Property Address: Prairie Drive PIN: 76.42146.0807,
Property Address: Prairie Drive
Combine Two (2) Adjacent Lot(s) Requested:
1. PIN: 76.41835.0004, Legal Description: Lot 006, Block 002 of Prairie Business Park
2. PIN: 76.41835.0003, Legal Description: Lot 007, Block 002 of Prairie Business Park

Relevant Information:

1. This property is located in a I-1
2. One of the Lots is a corner lot at the intersection of Prairie Drive and Prairie Court
3. No Public Hearing Required, no notices sent out

Recommendation: Approve

Motion by Honer, second by Borgmann, to approve the lot combination request as presented. Motion carried unanimously.

ADMINISTRATIVE PLAT – Peter & Janet Schaefer/Shirley Tonnell

STAFF REPORT

Re: Administrative Plat
Re: (Schaefer) Parcel I.D. No. 76.41650.0700, Section 29, Township 123, Range 029
AND: (Tonnell) Parcel I.D. No. 76.41650.0800, Section 29, Township 123, Range 029
Owners: Peter and Janet Schaefer, 21725 County Road 8, Cold Spring, MN 56320
AND: Shirley Tonnell, 21734 County Road 8, Cold Spring, MN 56320

Request: Peter and Janet Schaefer want to straighten out a property line issue with their neighbor Shirley Tonnell.

Relevant Information:

1. Property is zoned R-1
2. Property being transferred is less than 40 acres.
3. This split does not require a public hearing since they are re-aligning property lines and not creating more than two lots.

Recommendation: Approve

Motion by Honer, second by Borgmann, to approve the administrative plat request as presented. Motion carried unanimously.

RTCB – Adam’s memo and proposed Council Resolution

RESOLUTION NO. 2016-46 RESOLUTION APPROVING SUBDIVISION FOR PHASE II OF THE ROCORI TRAIL PROJECT

WHEREAS, the ROCORI Trail Construction Board (the “RTCB”) is a joint powers entity consisting of the Cities of Rockville, Cold Spring, and Richmond, whose sole purpose is the construction of a trail between the three cities;

WHEREAS, the RTCB has entered into a purchase agreement with BNSF Railway Company (“BNSF”) for the purchase of a portion of the abandoned rail corridor from approximately ½ mile west of Sauk River Road/Highway 23 intersection in Cold Spring to the east side of Mill Creek in Rockville (“RTCB Property”);

WHEREAS, the RTCB Property will be the second phase of the trail project;

WHEREAS, BNSF owns additional property (“BNSF Property”) that continues east of the RTCB Property;

WHEREAS, the RTCB Property and the BNSF Property (collectively the “Railroad Corridor”) are presently a singular tax parcel;

WHEREAS, BNSF is a large corporation with its headquarters in Ft. Worth, Texas, and has directed the RTCB to secure all necessary local approvals for the sale of the RTCB Property;

WHEREAS, the City of Rockville subdivision ordinance does not contemplate the subdivision of property such as the unique, long, multi-jurisdictional nature of the Railroad Corridor;

WHEREAS, the portion of the Railroad Corridor lying within the City of Cold Spring will not be subdivided;

WHEREAS, the portion of the Railroad Corridor lying outside the city limits of the Cities of Cold Spring and Rockville will not be subdivided;

WHEREAS, time is of the essence for the RTCB due to deadlines imposed by funding sources, and a pending sale for November 17, 2016;

WHEREAS, the RTCB has requested the City of Rockville to formally approve the subdivision of the Railroad Corridor to remove any doubt about the authority for the subdivision of the Railroad Corridor; and

WHEREAS, the City Council has considered the RTCB’s request and hereby makes the following:

FINDINGS OF FACT

1. The applicant, the RTCB, is a special government entity, of which the City is a member.
2. The RTCB is in the process of constructing a public multi-use trail, which is a special circumstance not contemplated in the City's subdivision regulations.
3. The Rail Corridor, RTCB Property, and BNSF Property are unique properties not contemplated in the City's subdivision regulations.
4. Although BNSF owns the Railroad Corridor, the dynamics of the transaction between the RTCB and BNSF are such that the City will grant approval of the subdivision without a request directly from BNSF. The approval of the subdivision is conditioned on the consummation of the sale of the RTCB Property from BNSF to the RTCB.
5. The subdivision is necessary for the preservation and enjoyment of a substantial property right being purchased by the RTCB from BNSF.
6. The RTCB Property is best developed and used as a trail.
7. A significant portion of the Railroad Corridor is currently abandoned. The subdivision of the Railroad Corridor, as requested, will allow the RTCB Property to be put to its highest and best use.
8. The RTCB's purchase from BNSF is time sensitive and any requirement to plat the RTCB Property would make it impossible to meet the funding deadlines faced by the RTCB, which would result in the failure of the trail project to the detriment of the City, its residents, and the Cities of Cold Spring and Richmond and their residents.
9. The subdivision of the RTCB Property will not create a burden on the City; will not impede the normal and orderly development and improvement of surrounding properties; is reasonably related to the overall needs of the City; and will not be detrimental to the public health, safety, comfort and general welfare of the City.
10. The trail planned by the RTCB is a project of significant regional importance that has been planned for many years and is in compliance with the Comprehensive Plan adopted by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE ROCKVILLE CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. The subdivision of the Rail Corridor by the RTCB is hereby approved.
3. City staff is directed to prepare all necessary documentation to facilitate the subdivision of the Railroad Corridor and corresponding acquisition by the RTCB.

Motion by Becker, second by Borgmann, to approve Resolution No. 2016-46 subdivision for phase II of the Rocori trail project as presented.

AYES: Becker, Borgmann

NAYS: Honer

Motion passed on a 2 to 1 vote.

OTHER BUSINESS –

- a) Next Meeting December 13, 2016 6:00 p.m.

- Public hearing sign variance application/Jeff's Auto Body
- Amend 120 sq. ft. to the state's 200 sq. ft.

ADJOURNMENT – *Motion by Honer, second by Borgmann to adjourn the meeting at 6:16 p.m. Motion carried unanimously.*

Martin M. Bode
City Administrator