

CITY OF ROCKVILLE

City Hall

229 Broadway Street East

PO Box 93

Rockville, MN 56369

Planning/Zoning Commission Meeting

Tuesday, February 14, 2017 - 6:00 p.m.

AGENDA

1. Roll Call
2. Oath Of Office
3. Approval Of Agenda/Amendments
4. Approval Of December 13, 2016 Meeting Minutes
5. Resolution 2017-05 Finding Of Fact Regarding The Kathleen Mimbach Variance Request
6. Public Hearing: Interim Use Permit For Vernon P. Salzl, 25940 99th Avenue, Temporarily Store Wind Tower On Property.
7. Concept Plan – James Voigt – 25614 Pleasant Rd
8. Zoning Amendments –
 - a. accessory structures exceeding 120SF TO STATE 200SF & All Accessory Structures under 200SF needs a site plan approval
AND: Storm water management Impervious Surface
9. Requesting To Move Future Regular Planning Commission Meeting To The First (1st) Tuesday Of The Month.
10. Other Business
 - a) Time Sheets
 - b) Next Meeting March 7, 2017, 6:00 P.M.
11. 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.



OATH OF OFFICE

OATH

State of Minnesota

SS:

County of Stearns

I, Brian Herberg, do solemnly swear or affirm that I will support the Constitution of the United States and Constitution of the State of Minnesota and that I will discharge faithfully the duties of the office of Planning Commission Member of The City of Rockville in the County of Stearns, the State of Minnesota, to the best of my judgment and ability.

Signature

Subscribed and sworn to before me this 14 day of February, 2017.

Signature of Notary Public

Date commission expires

Printed name of Notary Public

County of residence

Stearns



OATH OF OFFICE

OATH

State of Minnesota

SS:

County of Stearns

I, Tom Molitor, do solemnly swear or affirm that I will support the Constitution of the United States and Constitution of the State of Minnesota and that I will discharge faithfully the duties of the office of Planning Commission Member of The City of Rockville in the County of Stearns, the State of Minnesota, to the best of my judgment and ability.

Signature

Subscribed and sworn to before me this 14 day of February, 2017.

Signature of Notary Public

Date commission expires

Printed name of Notary Public

County of residence

Stearns

**MINUTES OF THE REGULAR PLANNING/ZONING COMMISSION MEETING HELD
Tuesday, December 13th 2016, 6:00 p.m. – Rockville City Hall**

Item 1) ROLL CALL - The meeting was called to order by Chair Bill Becker. Roll call was taken and the following members were present: Dale Borgmann, Jerry Tippelt, and Dave Meyer. Absent: Member Toni Honer and Liaison Susan Palmer.

Staff present: City Administrator, Martin Bode and City Attorney, Adam Ripple w/Rinke Noonan.

Others present were various members of the public.

Item 2) APPROVAL OF AGENDA/AMENDMENTS –

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

Item 3) APPROVAL OF NOVEMBER 15, 2016 MEETING MINUTES –

Motion by Borgmann, second by Tippelt, to approve the November 15, 2016 meeting minutes as presented. Motion carried unanimously.

Item 4) PUBLIC HEARING – Mimbach Variance Request

STAFF REPORT

Owner: Kathleen Mimbach

Property Address: 21567 Agate Beach Road

Legal Description: Parcel ID# 76.41800.0010 – N2 lot 10 and FR.14A of Govt Lot 2 ADJ to said lot old #28.17224.000, Lot 10 of First Add to Agate Beach, Section-Township-Range 28-123-029

Zoning District: R-1 Single Family Residential

Variance Requested:

1. An after-the-fact Variance to setback requirement of a non-conforming lot in an R-1 District

Section 17, Subsection 6, 5 Setbacks,

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. This property is located in the Grand Lake Shoreland District
2. Variance of 3.1 feet on the West end of new addition and 3.5 feet on the East end.
3. 20 notices of public hearing were sent out.

RECOMMENDATION

1. Approve

Tom Jovanovich, attorney for Kathleen Mimbach, spoke on her behalf. He explained a summary of the variance application and its justification.

The following spoke in opposition of the variance request:

Tom Ruether, 21583 Agate Beach Road; Holly Ruether, 21583 Agate Beach Road; John Knutson, 21405 Agate Beach Road; Judy Rothstein, 21485 Agate Beach Road; Harriet Naegeli Lehner, 21503 Agate Beach Road; Michael Hornung, 21537 Agate Beach Road; and LeRoy Steinhoff, 21525 Agate Beach Road.

Commissioner Tippelt, requested clarification about a statement that was made by a resident that implied that the variance was to allow encroachment onto the neighbor's property. Attorney Adam Ripple, went on to explain that this is not a true statement and the variance is to vary from the 10 foot side yard setback.

Motion by Borgmann, second by Tippelt, to close the Public Hearing at 6:17 p.m.

Chair Becker read the staff report. Attorney Adam Ripple stated with the Planning Commission's consent, staff will draft a formal resolution outlining the Finding-of-Fact that the Planning Commission can act on at its next meeting.

**Owner: Kathleen Mimbach
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 Statutes Section 394.27:

1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
2. Is the variance *consistent with* the *comprehensive plan*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
3. Does the proposal put property to use in a *reasonable manner*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
4. Are there *unique circumstances* to the property not created by the landowner?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
5. Will the variance, if granted, maintain the *essential character* of the locality?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes

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

Motion by Meyer, second by Borgmann, to approve the Mimbach variance request as presented. Motion carried unanimously.

Item 5) PUBLIC HEARING – Jeff's Auto Body Sign Variance

STAFF REPORT

Owners: Jeffery and Gina Kraus dba: Jeff's Auto Body
Property Address: 9785 County Road 6
Legal Description: 75.03A P/O N2NE4 & N 33 1/3 RODS of S2NE4 & P/O E2NW4 Lying E RR ROW Less 41 Acres & Less Hwy 23 ROW Section-Township-Range 03-123-029
Zoning District: B-2 – General Business

Variance Requested:

1. Variance to construct a 4.2' x 19.95, 84sf Electronic sign on top of his current 6.8 x 19.95, 136sf for a total 220sf

Section 12, Subdivision 16.

- B.1. Maximum aggregate area for lot.
 - a. Single entity occupant property – One (1) square foot per lineal front foot.
- B.3. Maximum sign area of freestanding signs
 - a. If facing Trunk Highway 23 – One hundred-fifty (150) square feet.
 - b. If facing other arterial or collector street – One hundred twenty- five (125) square feet.

Relevant Information:

- 1. This property is located on the West side of CR 6 at the intersection of State Highway 23.
- 2. Property 4.56 acres more or less.
- 3. Front footage (Hwy 6) 760 lineal feet more or less, (Hwy 23) 183 lineal feet more or less
- 4. 6 notices of public hearing were sent out.

RECOMMENDATION

- 1. Approve

Duane Willenbring, 25123 County Road 139, questioned the current sign ordinance in a B-2 district. Administrator Bode provided the answer as listed in the Staff Report above.

Motion by Borgmann, second by Tippelt, to close the Public Hearing at 6:45 p.m.

After discussion Planning Commission reviewed the following Finding-of-Fact:

Owner: Jeff's Auto Body

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 Statutes Section 394.27:

- 1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
- 2. Is the variance *consistent with* the *comprehensive plan*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
- 3. Does the proposal put property to use in a *reasonable manner*?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
- 4. Are there *unique circumstances* to the property not created by the landowner?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes
- 5. Will the variance, if granted, maintain the *essential character* of the locality?
Why or Why not?
Becker Yes Borgmann Yes Tippelt Yes Meyer Yes

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

Motion by Meyer, second by Tippelt, to approve the sign variance request as presented. Motion carried unanimously.

Item 6) PUBLIC HEARING – Zoning Amendments

Public Hearing Notice: ORDINANCE NO. 2016-86 – Amending Sections of Zoning Ordinance

RE: Section 9, subd.2, Accessory Buildings
Section 9B, Site Plan
Section 33 Storm Water Management

Planning Commission reviewed the following proposed ordinance amendments:

ORDINANCE NO. 2016-86

ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCKVILLE ZONING CODE

WHEREAS, the City Council of the City of Rockville adopted official zoning controls (“Zoning Code”) pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63, 2010-64, 2011-69, 2011-70, 2011-73, 2012-74, 2012-76, 2014-82, 2015-84 and 2016-85.

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the City Council seeks to amend: certain zoning requirements, and

WHEREAS, public hearing was held on December 13, 2016 in front of the City Planning Commission, and members of the public were given an opportunity to comment on the proposed amendment(s)

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN TO AMEND THE ROCKVILLE ZONING ORDINANCE AS FOLLOWS:

SECTION 33: STORMWATER MANAGEMENT Subdivision 12b;A-3 is hereby amended as follows:

3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 25% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).

SECTION 9: GENERAL REQUIREMENTS Subdivision 2;F is hereby amended as follows:

- F. Site Plan Required. All accessory structures shall require a building permit and approval of a Site Plan.

SECTION 9: GENERAL REQUIREMENTS Subdivision 2;H is hereby amended as follows:

- H. Design and Appearance of Exterior. All accessory buildings greater than 200 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure. For purposes of this Subdivision 2(G):

SECTION 9B: SITE PLAN Subdivision 1;1-i is hereby amended as follows:

- i. The erection or construction of any principal structure or building and/or any accessory structure within any zoning classification require submittal of a site plan to the City; except that single/two family residential units on lots within approved subdivisions shall be exempt providing they adhere to elevations and building types as approved with the grading/drainage plan.

SECTION 9B: SITE PLAN Subdivision 2;2-A,a is hereby amended as follows:

- a. Building permit applications for the construction of principal structures and/or accessory structures in the R-1 single family and R-2 two family district shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

SECTION 9B: SITE PLAN Subdivision 2;2-B,a is hereby amended as follows:

- a. Building permit applications for the construction of principal and accessory structures in the A-40 Agricultural District shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

SECTION 17: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT Subdivision 3;4, is hereby amended as follows:

4. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

SECTION 18: R-2 TWO FAMILY RESIDENTIAL DISTRICT Subdivision 3;3, A, is hereby amended as follows:

- A. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

Motion by Borgmann, second by Tippelt, to close the Public Hearing at 6:45 p.m.

Following discussion the Planning Commission decided to postpone any action until the next meeting.

Item 7) OTHER BUSINESS –

- a) Planning Commission Applications
Received two (2) applications for planning commission vacant seats: Tom Molitor and Brian Herberg.

Motion by Tippelt, second by Borgmann, to recommend to City Council to approve the two new Planning Commission applicants. Motion carried unanimously.

- b) Next Meeting January 10, 2017, 6:00 p.m.

ADJOURNMENT – Motion by Meyer, second by Borgmann to adjourn the meeting at 7:06 p.m. Motion carried unanimously.

Martin M. Bode
Zoning Administrator

CITY OF ROCKVILLE, MINNESOTA

RESOLUTUION 2017-05

A Resolution of Finding of Fact Regarding the Variance Request from Kathleen Mimbach to the City of Rockville Side Yard Setback Requirements in an R-1, Shore Land Zoning District

WHEREAS, the Rockville Planning Commission held a public hearing on December 13, 2016 and recommended approval of the variance to the Rockville City Council;

WHEREAS, The Rockville Planning Commission adopts the following findings of fact:

FINDINGS OF FACT

1. The current zoning of Subject Property is R-1 Single Family Residential District within the Shoreland Overlay District; and
2. The current zoning of the surrounding properties is R-1 Single Family Residential District (north and south) and A-40 Agricultural District to the east (wetland); and
3. The current land use of Subject Property a detached single family dwelling; and
4. The current land use of surrounding properties is detached single family dwellings to the north and south, with agricultural (wetland) to the east; Grand Lake is to the west; and
5. The lot size of the Subject Property is fifty (50) feet in width and approximately 320 feet in depth equating to a lot area of approximately 16,000 sf. The property immediately south is a similarly shaped residential parcel. The Subject Property was created decades ago and precedes consolidation and the institution of zoning standards; and
6. The Subject Property is a riparian parcel on Grand Lake; and
7. Section 30, Subd. 2 of the Rockville Zoning Ordinance requires consideration of the following when reviewing variance requests; and
 - a. *Unique Circumstances*: 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 as follows:
 - i. The parcel was created prior to consolidation of the township and the City.
 - ii. The parcel was created prior to the existence of land use regulations.
 - iii. The parcel was developed as a single family detached dwelling nearly 70 years ago.

- iv. The original dwelling is not positioned on the property perpendicular to the front lot line, rather it is askew from being parallel with the side lot lines.
 - v. The original dwelling was found to be in disrepair and in need of updating.
 - vi. When the dwelling was updated it was expanded 13.8 feet to the east into the front yard (toward Agate Beach Road).
 - vii. The dwelling expansion extended the original setback line.
 - viii. The City approved a site plan acting in good faith the original setbacks were adequate.
 - ix. After repairs were completed it was determined the original footprint of the dwelling encroached into side yard setbacks required under Section 17, Subd. 6 of the Zoning Ordinance (ten feet is required).
 - x. The extent of encroachment is limited to an area 13.8 feet in length with a depth ranging from 3.1 feet (west) to 3.5 feet (east).
 - xi. Since the construction has been completed, in good faith, while it appears physically possible to meet the required setback (reconstructing the expansion and offsetting the expansion from the existing side building wall), doing so will involve additional cost, disruption within the shoreland overlay, and disturbance of additional soil area; and
8. *Reasonable use of the property.* The requested variance is reasonable in that the front, side (south), and rear required setbacks are met. The parcel, which was created prior to modern zoning standards, is by today's standards a narrow and deep lot. The variance is of limited area. The limited area of the variance, the fact the site plan was approved by the City (acting in good faith), and the significant costs for remedying the encroachment are evidence the variance is reasonable; and
9. *Not merely economic.* Cost or expense saving is not the sole rationale for the variance. The existing parcel is narrow and deep in shape. In addition, the original dwelling is placed unusually on the parcel and not perpendicular to the road or parallel to the side property line. The City, operating in good faith, previously approved a site plan and construction has been completed. This is an 'after the fact' variance; and
10. *Neighborhood Character Maintained.* The variance does not alter the essential character of the neighborhood as the use is consistent with single family dwellings on riparian lots adjacent to Grand Lake. The variance is for a performance standard and not for the use of the property; and
11. *Spirit of Zoning Ordinance and Comprehensive Plan Retained.* Planned and existing land use are consistent with continued low density residential use. Comprehensive Plan. Providing for continued low density residential use is fitting with the residential character of the existing built environment.

NOW THEREFORE; The Rockville Planning Commission does hereby Adopt/Approve of the aforementioned Finding of Fact in the matter of the Kathleen Mimbach request for a variance to the City of Rockville side yard setback requirements.

Adopted by the Rockville Planning Commission this 14 day of February, 2017.

ATTEST:

Bill Becker, Chair

Martin M. Bode, Zoning Administrator

Adopted by the Rockville City Council this 18th day of January, 2017.

ATTEST:

Duane Willenbring, Mayor

Martin M. Bode, City Administrator

CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200
RECORDING FEE: \$46.00 (Per Document)

Need separate checks: 1 for Conditional Use permit fee & 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 AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

PROPERTY LOCATION/ADDRESS: 25940 99th Avenue St. Cloud 56301

LEGAL DESCRIPTION: 03-123-029 PARCEL #: 76.41605.0020 ZONING: _____

EXPLANATION OF REQUEST: Temporary Storage of Wind Towers

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

Has a variance request been made previously on this property? If yes, when? 2012

- Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

PROPERTY OWNER:

Name (Print): Vernon D. Salzi Phone: 685-3720
First Name Middle Initial Last Name
 Address: 21770 Fisher Court Cold Spring MN 56320
 Signature (required): _____ Date: _____
 *Signature of property owner shall serve as acknowledgement and authorization of this request.

APPLICANT:

Name (Print): Same as the above Phone: _____
 Address: _____
 Signature (required): [Signature] Date: 01-24-2017
 (I hereby certify that I have read the above information and I agree with the terms)

101.41000-34102 \$46.00

OFFICE USE ONLY:

Permit # _____
 R # _____ Conditional Use Permit Fee Check#: 6857 Date 1/24/17 101.41000.34103 \$200.00
 R # _____ Reimb. for Invoice Check# 6858 Date 1/24/17 101.41000.34102 \$46.00

**CITY OF ROCKVILLE
APPLICATION FOR CONDITIONAL USE PERMIT**

Please use this for to explain how your request for a conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.

2. Compatible with existing and planned adjacent uses.

3. No adverse affect on adjacent properties.

4. Related to the needs of the City.

5. Consistent with the Comprehensive Plan.

6. Not a traffic Hazard.

7. Adequate parking and loading.

8. Not detrimental to health, safety, and welfare.

9. Flood plan.

Staff Use only:

Zoning Administrator reviewed Conditional Use Permit Application.

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

Why: _____

2. Determination made & 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 _____

Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement**. It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

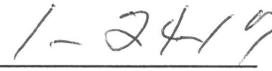
THE STEPS:

1. Provide a complete application by the 2nd Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** _____ 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. **DATE:** _____ Council - (Meets 3rd Wednesday of month) Makes the final decision—if Council grants the Conditional Use Permit.
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 Conditional Use process. 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.
DATE: _____ **Applicant should call 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)

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



Date

From: Matt Fourre <mattfo@ATS-INC.com>
Sent: Monday, January 23, 2017 9:24 AM
To: mbode@rockvillecity.org
Subject: Interim Use Permit File No. 15-01

Hi Marty,

ATS is requesting a 1 year extension for the Interim Use Permit File No. 15-01 from the effective date from the effective end date of May 2017 extending into May 2018. As discussed, we have been awarded an additional wind turbine project with train arrival beginning on/around Feb. 13th. The transport phase to the project begins in July of this year with a completion goal of October 2017. If you need anything further from me, please let me know.

Regards,

*Matt Fourre
ATS Projects
Planning and Pricing Manager
d: 320 258 8003
m: 320 293 7796
f: 320 258 2538
mattfo@atsinc.com*



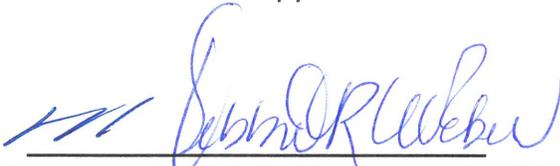
highway maritime projects logistics

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STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie Weber, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **30th** day of **January, 2017**, 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.

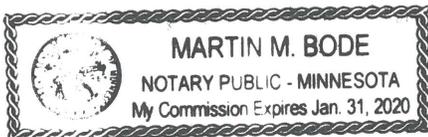


Signature

Subscribed and sworn to before me this 31 day of January, 2017.



Notary Public Signature



Notary Public Stamp

RONALD E & JANET M LORENZ
25745 COUNTY ROAD 138
ST CLOUD MN 56301-9718

10 Notices / 1.30.2017

del

FRANK J & MELANIE A L FROEHLE
25671 COUNTY ROAD 138
ST CLOUD MN 56301

HOWARD R FUCHS
25835 COUNTY ROAD 138
ST CLOUD MN 56301-9708

JOHN L & SANDRA A VOGT
9987 COUNTY ROAD 122
ST CLOUD MN 56301-9476

TIMOTHY R WIENER
10058 COUNTY ROAD 138
SAINT CLOUD MN 56301

DALE H HOMMERDING
25985 COUNTY ROAD 138
SAINT CLOUD MN 56301-9718

JEFFREY G & GINA M KRAUS
22877 FOXFIRE CT
COLD SPRING MN 56320-9763

VERNON P SALZL REV TRUST
21770 FISHER CT
COLD SPRING MN 56320

DONALD & EVELYNN LORENZ
25553 COUNTY ROAD 138
ST CLOUD MN 56301-9718

MONICA E PELZER TRUST
9563 COUNTY ROAD 6
SAINT CLOUD MN 56301



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

Duane Willenbring, Mayor
Devin Cesnik, Councilor
Richard Tallman, Councilor
Jerry Tippelt, Councilor
Don Simon, Councilor

Martin M. Bode, City Administrator
Judy Neu, Finance Director
Nick Waldbillig, Public Works Director
Debbie Weber, Administrative Assistant

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, February 14, 2017 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider approval of an interim use permit for Vernon P. Salzl – 25940 99th Avenue with a legal description of:

(TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesterly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3.2 OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS

The request is to temporarily store wind towers on property.

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 prior to the hearing, or be present at the public hearing.

Martin M. Bode
Administrator/Clerk

Publish 01/31/17
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.

Notice of PH –Salzl IUP 02.14.17.wd.doc

**STATE OF MINNESOTA
COUNTY OF STEARNS**

**INTERIM USE PERMIT
FILE NO. 17-01.IUP**

Permittee: Vernon P. Salzl, 25940 99th Ave, St. Cloud, MN 56301
Requested Use: To store utility infrastructure components (wind turbines and towers, power poles and cables, and pipeline pipe) on property.
Description: This will be a temporary storage of utility infrastructure components on the property by Anderson Trucking Services. The site is a transportation transfer point to off load components from rail and store temporarily until the components are transferred to trucks and removed from the property.

Applicable Ordinances/ AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS

The above entitled matter was heard before the Planning Commission of Rockville during a Public Hearing on the 14th day of February, 2017 for the following property:

PROPERTY ADDRESS: 25940 99th Avenue, St. Cloud, MN 56301

PARCEL NO. 76.41605.0020

LEGAL DESCRIPTION: (TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter (S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwestern right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

RECOMMENDATION: The Rockville Planning Commission Recommends that the Rockville City Council Consider Approval.

The Rockville City Council at its February 15, 2016 Council meeting reviewed this request and found it to be in compliance with the standards set forth in the City of Rockville, Therefore:

IT IS ORDERED that Interim Use Permit No. 17-01.IUP be granted subject to the following conditions:

1. The interim use permit will be reviewed annually in February by the Planning Commission and City Council. If upon review, the use is no longer appropriate in the City's sole discretion, the City will provide 90 days written notice of termination of the IUP. The IUP shall expire (a) upon discontinuance of the use for 90 days, or (b) February 15, 2021, whichever occurs first. Failure to meet any of the conditions of this agreement, or

substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.

2. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.
3. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
4. A New performance bond in the amount of \$5000

Adopted this 15th day of February, 2017

ATTEST:

Duane Willenbring
Mayor

Martin M. Bode
City Administrator

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

Legal.Grant. IUP 17-01. IUP Salzl.wd.doc

76.41600.0415
JAMES E & JACQUELINEA VOIGT

76.41600.0300
JAMES E & JACQUELINEA VOIGT

PLEASANT RD
Rockville



Lots increase in size by about 1 acres

Web Application

ORDINANCE NO. 2017-86

ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCKVILLE ZONING CODE

WHEREAS, the City Council of the City of Rockville adopted official zoning controls ("Zoning Code") pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63, 2010-64, 2011-69, 2011-70, 2011-73, 2012-74, 2012-76, 2014-82, 2015-84 and 2016-85.

WHEREAS, the City Council has the authority pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the City Council seeks to amend: certain zoning requirements, and

WHEREAS, public hearing was held on December 13, 2016 in front of the City Planning Commission, and members of the public were given an opportunity to comment on the proposed amendment(s)

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN TO AMEND THE ROCKVILLE ZONING ORDINANCE AS FOLLOWS:

SECTION 33: STORMWATER MANAGEMENT Subdivision 12b;A-3 is hereby amended as follows:

3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 25% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).

SECTION 9: GENERAL REQUIREMENTS Subdivision 2;F is hereby amended as follows:

- F. **Site Plan Required**. All accessory structures shall require a building permit and approval of a Site Plan.

SECTION 9: GENERAL REQUIREMENTS Subdivision 2;H is hereby amended as follows:

- H. **Design and Appearance of Exterior**. All accessory buildings greater than 200 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure. For purposes of this Subdivision 2(G):

SECTION 9B: SITE PLAN Subdivision 1;1-i is hereby amended as follows:

- i. The erection or construction of any principal structure or building and/or any accessory structure within any zoning classification require submittal of a site plan to the City; except that single/two family residential units on lots within approved subdivisions shall be exempt providing they adhere to elevations and building types as approved with the grading/drainage plan.

SECTION 9B: SITE PLAN Subdivision 2;2-A,a is hereby amended as follows:

- a. Building permit applications for the construction of principal structures and/or accessory structures in the R-1 single family and R-2 two family district shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

SECTION 9B: SITE PLAN Subdivision 2;2-B,a is hereby amended as follows:

- a. Building permit applications for the construction of principal and accessory structures in the A-40 Agricultural District shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

SECTION 17: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT Subdivision 3;4, is hereby amended as follows:

4. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

SECTION 18: R-2 TWO FAMILY RESIDENTIAL DISTRICT Subdivision 3;3, A, is hereby amended as follows:

- A. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

EFFECTIVE DATE: This ordinance shall become effective upon its passage and publication in the official newspaper.

Dated this 15th day of December, 2017

ATTEST:

Martin M. Bode
City Administrator/Clerk

Duane Willenbring
Mayor

Published: Cold Spring Record
December 27, 2016