

CITY OF ROCKVILLE

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

Planning/Zoning Commission Meeting Tuesday, March 6, 2018 – 6:00 p.m. at City Hall

AGENDA

1. **Roll Call**
2. **Approval of Agenda/Amendments**
3. **Approval of February 6, 2018 Meeting Minutes**
4. **Public Hearing – David A. Simones**
Accessory Structure Variance Request Zoning Code Section 9, subd 2.D.1, Section 9, subd 2.J, Section 9, subd 2.H, and Section 17, subd 3.1
5. **Irene Schneider Trust**
Amended Qualified Minor Subdivision and Rezone
6. **February Building Permits**
7. **Other Business**
 - a) Next Meeting Tuesday April 3, 2018, 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 REGULAR PLANNING AND ZONING COMMISSION MEETING
Tuesday, February 06, 2018, 6:00 p.m. – Rockville Fire Hall

Item 1) Roll Call - The meeting was called to order by Chair Bill Becker at 6:02 p.m. Roll call was taken and the following members were present: Brian Herberg, Tom Molitor, and Jerry Tippelt. Absent: Dave Meyer. Staff present: City Administrator, Martin Bode; Bolton-Menk City Engineer, Justin Kannas; JKA Law Firm City Attorney, Susan Kadlec. Others present were various members of the public.

Item 2) Approval of Agenda/Amendments

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

Item 3) Approval of December 5, 2017 Meeting Minutes

Motion by Herberg, second by Molitor, to approve the December 5, 2017 meeting minutes as presented. Motion carried unanimously.

Item 4) Public Hearing – Elaine Barnier Revocable Trust – Side Yard Setback and Impervious Service

STAFF REPORT

Re: Setback and Variance Request
Owners: Elaine Barnier Revocable Trust
Property Address: 25878 Lake Road
Parcel No. 76.41602.0050

Variance(s) Requested:

1. To exceed the 20 percent impervious surface requirement in a R-1-Shoreland Overlay District on Pleasant Lake, a Recreational Development Lake, and;
2. To exceed the 10 foot side yard setback requirement.

Relevant Information:

1. Owners propose to remove existing cabin and garage.
2. Existing garage is currently 2 feet off the side yard property line and within 35 feet of rear yard setback (street side).
3. Construct a new 87' x 32' home with attached three stall garage.
4. New attached garage on the NW (street side) would be inside the side yard setback by 1.4 feet for approximately 30 feet and NOT inside the rear yard setback.
5. Property contains 12,501 square feet more or less.

Impervious Service:

6. 15% is 1,875 sf
7. 20% is 2,501 sf
8. 25% is 3,126 sf
9. Proposed is 3,044 (24.4%)
10. 10 notices of public hearing were sent out

Recommendation:

1. Consider approval with the stipulation of installation of a rain garden for mitigation of 1,169 sf of run-off.

Motion by Tippelt, second by Molitor, to close the Public Hearing at 6:05 p.m. Motion carried unanimously.

Planning Commission held a brief discussion.

Motion by Tippelt, second by Molitor, to approve the Elaine Barnier Revocable Trust – Side Yard Setback and Impervious Service Variance with the installation of a rain garden. Motion carried unanimously.

Item 5) Public Hearing – James and Jacqueline Voigt – Preliminary and Final Plat Registered Land Survey No. 14

STAFF REPORT

RE: James and Jacqueline Voigt Subdivide Property,
Preliminary and Final Plat - Registered Land Survey No.14
Owner: James and Jacqueline Voigt
Property Address: Pleasant Road
Plat known as: Registered Land Survey 14
Legal Description: Parcel I.D. No. 76.41601.0300 - Section 01, Township 123, Range 029, Stearns County, Minnesota, 17.30 A. PT OF GOV'T LOT 2 LYING NW OF RD & NE OF PLEASANT BEACH LESS PART COM SE COR LOT 1 PLEASANT BEACH ADDN-NELY 77.62'-NWLY TO SL PLEASANT LAKE-WLY ALG SL TO NE COR LOT 1-SELY ALG NELY LN LOT 1 TO POB.

Request:

1. Preliminary and Final Plat - Registered Land Survey No. 14 subdividing three (3) new lots.

Relevant Information:

1. Property is zoned R-1.
2. Parcel is riparian and non-riparian.
3. There are three (3), new lots being proposed.
4. Purpose is Residential Development:
 - a) Tracts A and B to be developed and hooked up to city sewer.
 - b) Tract C to be attached to Lot 8 Schmitt's Pleasant View.
5. 10 Public Hearing notices were mailed out.
6. Is consistent with the City's Comprehensive Plan.

Staff Recommendation:

1. Consider Approval

Andy Orth, 25830 80th Avenue, questioned the location of the buildable lots and wetlands. Becker provided map locations.

Bolton-Menk City Engineer, Justin Kannas, stated any future building permits will require drainage plans.

Motion by Tippelt, second by Herberg, to close the Public Hearing at 6:13 p.m. Motion carried unanimously.

Bolton-Menk City Engineer, Justin Kannas, recommended his approval based on his review of the preliminary and final plat.

A brief discussion was held by the Planning Commission.

Motion by Tippelt, second by Herberg, to approve the James and Jacqueline Voigt – Preliminary and Final Plat Registered Land Survey No. 14 with the City Engineer's recommendation. Motion carried unanimously.

Item 6) Public Hearing – Irene Schneider Trust – Qualified Minor Subdivision and Rezone

STAFF REPORT

RE: Qualified Minor Subdivision and Rezone
Parcel I.D. No. 76.42170.0051 - Section 25, Township 123, Range 029
Owner: Irene Schneider Trust
Property Address: County Road 141

Request:

1. Rezone Parcel from Ag-40 to RR and Amend the City's Future Land Use Map
2. Qualified Minor Subdivision of two (2) new lots

Relevant Information:

1. Property is zoned Ag-40.
2. Property is 94.64 +/- acres.
3. There are two (2), new lots (5 +/- acres each) being proposed to be sub-divided.
4. Purpose is residential development.
5. Property not conducive to long-term agriculture use; wooded area, rock outcroppings, and marginal soils.
6. Rezoning does require a Public Hearing as well as Planning Commission and Council approval.
16 Public Hearing notices were mailed out.
7. QMS do not require a Public Hearing but does require Planning Commission and Council approval.

Action Items:

1. Rezoning Application A-40 to RR
2. QMS Application

Dan Kron, surveyor, O'Malley & Kron Land Surveyors, stated he was working with the Schneider's and answered general questions regarding the property.

Roy Schneider, 16222 Hwy. 95 NE Foley, spoke in favor of the requests.

Mary Larson, 24440 Co. Rd 7 St. Augusta, spoke on behalf of her parents, Kevin and Robbin Voigt, 7819 Co. Rd. 141, and expressed opposition of the rezoning request.

Lloyd Lommel, 7682 Co. Rd. 141, approved of the Qualified Minor Subdivision but spoke in opposition to the rezoning request.

Paul Massman, 7468 Co. Rd. 141, expressed disapproval of the rezoning.

Arlene Schneider Williams, 1945 Linda Lane St. Cloud, spoke in favor of the requests.

Bob Schmelzer, 7725 Co. Rd. 141, spoke in disapproval of the rezoning request.

Karen Schlangen, 15302 150th St. Watkins, spoke in favor of the request.

Robbin Voigt, spoke on behalf of her son, 9106 Co. Rd. 141 and expressed concern about water quality due to the wetlands.

Motion by Herberg, second by Molitor, to close the Public Hearing at 6:35 p.m. Motion carried unanimously.

The Planning Commission, JKA Law Firm Attorney, Susan Kadlec, and O'Malley & Kron Land Surveyor, Dan Kron, held extensive discussion on AG-40 versus R-R zoning, the platting process, and wetlands. It was noted and confirmed by the City Attorney that the proposed subdivision meets all the City of Rockville's RR zoning requirements.

Motion by Herberg, second by Becker, to approve the Irene Schneider Trust – Qualified Minor Subdivision and Rezone. Roll Call Vote: AYES: Becker, Herberg. NAYS: Molitor, Tippelt. Motion failed on a 2 to 2 vote. (Note for the record: after the meeting was adjourned it was discovered that under the City of Rockville's Zoning Ordinance, Section 5, Subdivision 2, the Planning Commission Chair shall break all tie votes.)

Item 7) December 2017 and January 2018 Building Permits

The December 2017 and January 2018 Building Permits reports were reviewed by the Planning Commission members.

Item 8) Other Business

- a. Next meeting, Tuesday, March 6, 2018 at 6:00 p.m.

Item 9) Adjournment

ADJOURNMENT – Motion by Tippelt, second by Molitor, to adjourn the meeting at 7:11 p.m. Motion carried unanimously.

Respectfully submitted,

*Martin M. Bode
Zoning Administrator*

STAFF REPORT
DAVID A. SIMONES

March 6, 2018 / March 14, 2018

Rockville Planning Commission / City Council

RE: VARIANCE FROM ACCESSORY STRUCTURE REQUIREMENTS
Parcel I.D. No. 76.41604.0605 - Section 03, Township 123, Range 029

Owner: David A. Simones
Property Address: 9379 County Road 6

REQUEST

1. To construct a 3rd accessory structure, (Section 9, subd 2.J – maximum of two (2) accessory structures)
2. Appearance to match current two accessory structures (Section 9, subd 2.H – uniform and resembles principal structure)
3. Locate said structure in the front yard (Section 9, subd 2.D.1 – rear yard only)
4. Proposed accessory building size is 3,840 sf (Section 17, subd 3.1 - max sf is 2,400)

RELEVANT INFORMATION

1. Property is zoned R-1.
2. Property is 10 +/- acres.
3. Rear yard is mostly wooded wetland.
4. Structure setback from County Road 6 is 100 feet from center or 50 feet from road RW.

ACTION ITEMS:

- 1) Consider Approval of Variance Request: **All** or **No. 1** **2** **3** **4**

PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

Submitted by:
Martin M. Bode
Zoning Administrator

CITY OF ROCKVILLE
APPLICATION FOR VARIANCE REQUEST: Fee \$200
RECORDING FEE \$ 46.00 (PER DOCUMENT)

Need 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 AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

PROPERTY LOCATION/ADDRESS: 9379 County Road 6 Saint Cloud, MN

LEGAL DESCRIPTION: See Site Plan PARCEL#: 76.41604.0605 ZONING: R-1

EXPLANATION OF REQUEST: Would like to build a third pole shed on my property, in front yard, 3,840 square feet. That matches existing pole sheds

Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.

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

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

PROPERTY OWNER:

9.2.D.1 9.2.J

Name (Print): David A Simones Phone: 320-290-2461
First Name Middle Initial Last Name

Address: 9379 Co Rd 6 Saint Cloud, MN 56301

Signature (required): [Signature] Date: 2-11-18

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

APPLICANT:

Name (Print): David Simones Phone: 320-290-2461

Address: 9379 Co Rd 6 St. Cloud, MN 56301

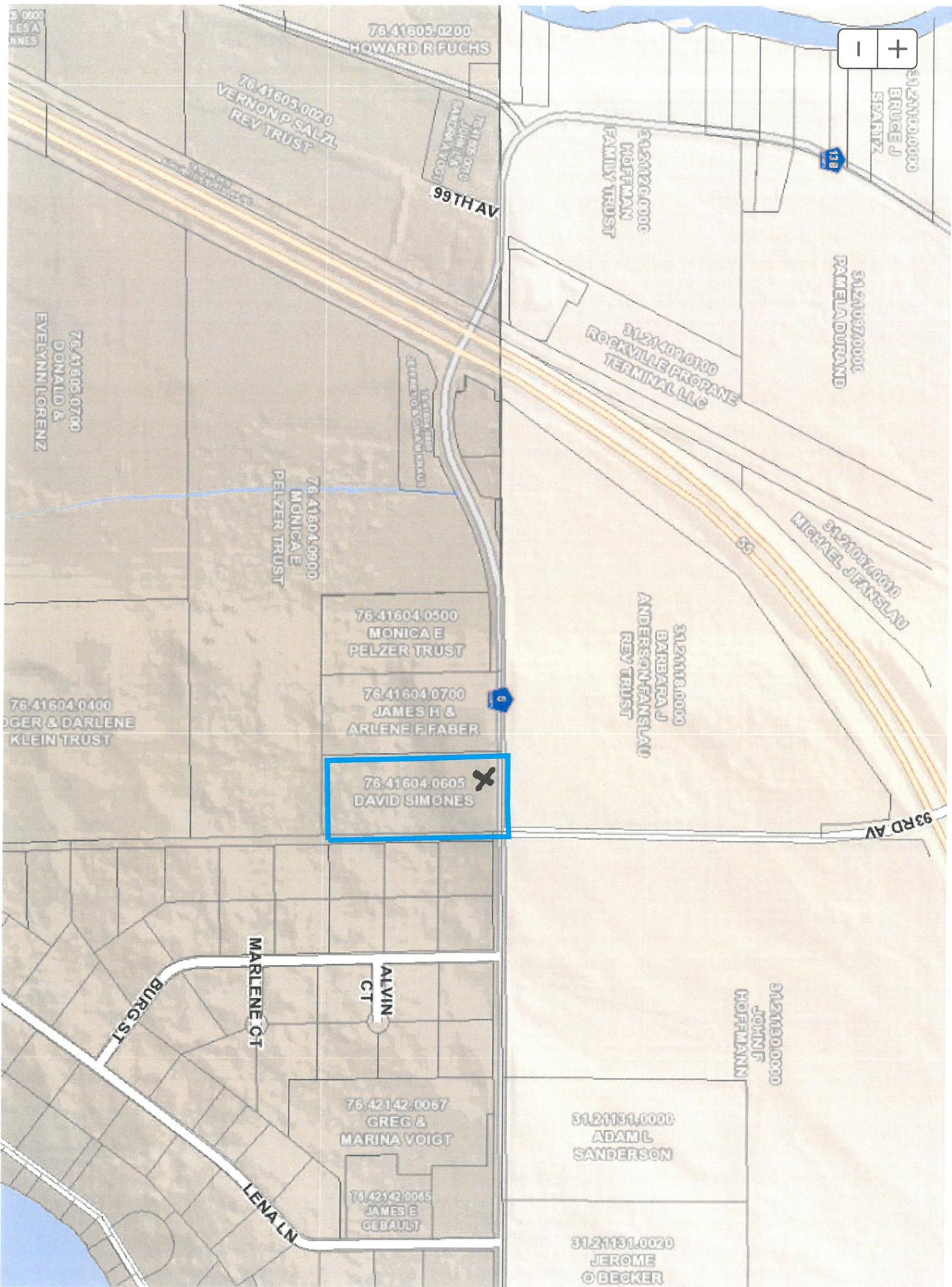
Signature (required): [Signature] Date: 2-11-18

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

STAFF USE ONLY:

Permit# 18-02V
R# _____ Variance Application Fee Check # 3062 Date 2/12/18 101.41000.34103 \$200.00
R# _____ Reimb. for Invoice Check# 3063 Date 2/19/18 101.41000-34102 \$46.00

Requesting a Variance for Section
9D.1, 9H, 17 sub 3.1, 9J





- Search
- Layers
- Draw/
- Measure
- Legend

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 2nd Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** Mar 6th 6 PM 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:** Mar 14th 6.PM Council - (Meets 3rd Wednesday of month) 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.

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.

David Dinorez
(Applicant Signature)

2-11-18
Date

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

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)

VARIANCE JUSTIFICATION FORM

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

- Practical difficulties:

Have inadequate storage space. My existing Pole Sheds only have 8' sidewall height. Would like larger shed to store my Camper, Pontoon, Truck, boat, skidsteer and multiple trailers. I need a workshop to work on vehicles and projects

- Unique circumstances:

At times I store equipment and materials for my employer. I don't want to leave outside. Surrounding neighbors may not appreciate equipment and materials sitting outside. Already have 2 pole barns. Would like 3rd to match

- Applies to the Individual Property: Have 10 Acres. Do not want to demolish a building that currently adds tax value. Would like to add a third building that would increase tax value and increase tax revenue. The terrain and soils in backyard do not permit construction of a pole shed. Currently have 2 structures that don't match main structure. Would like new shed to match existing sheds

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.

Staff Use only:

Zoning Administrator reviewed Variance 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 _____

**NOTICE OF PUBLIC HEARING
CITY OF ROCKVILLE**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, March 6, 2018 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of David A. Simones for a variance from Accessory Structure Requirements of Section 9, subd 2.D.1 and Section 9, subd 9.2.J in a R-1 Zoning District. The address of the property is: 9379 County Road 6, Rockville MN with a legal description of:

Parcel ID# 76.41604.0605 – 10.00A N 990.10' OF E 440' OF NE4NE4
Section-Township-Range 03-123-029

The request is for a variance from the accessory structure requirements to construct a 3rd accessory structure and locate said structure in the front yard (road side) in an R-1 Zoning District.

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 02.20.18
Cold Spring Record

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

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

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie Weber, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **14th** day of **February, 2018**, 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.

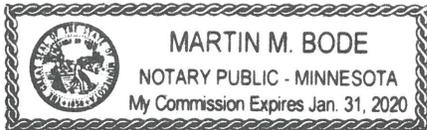


Signature

Subscribed and sworn to before me this 14 day of February, 2018.



Notary Public Signature



Notary Public Stamp

OWNER	OWNER_ADDR	OWNER_CITYSTATEZIP
BARBARA J ANDERSON-FANSLAU REV TRUST	35623 NORTHVIEW HARBOR DR	PEQUOT LAKES MN 56472
DARLENE C KLEIN REV TRUST	24763 LAKE RD	ST CLOUD MN 56301-9713
DAVID SIMONES	9379 COUNTY ROAD 6	SAINT CLOUD MN 56301
JAMES H & ARLENE F FABER	9415 COUNTY ROAD 6	ST CLOUD MN 56301-9406
JIMMY & RENEE HOLMQUIST	25909 BURGS ST	ST CLOUD MN 56301-9485
JOHN F HOFFMANN	26274 93RD AVE	SAINT CLOUD MN 56301
LARRY & LINDA BYZEWSKI	25809 BURG ST	SAINT CLOUD MN 56301
LUKE W GREINER	25901 BURG ST	SAINT CLOUD MN 56301
MONICA E PELZER TRUST	9563 COUNTY ROAD 6	SAINT CLOUD MN 56301
SARAH J WALZ	25707 BURG ST	SAINT CLOUD MN 56301
ST JOSEPH TOWNSHIP	PO BOX 585	SAINT JOSEPH MN 56374
STATE OF MINNESOTA	395 JOHN IRELAND BLVD	ST PAUL MN 55155-1899
STEARNS COUNTY HIGHWAY	PO BOX 246	SAINT CLOUD MN 56302

13 Notices

County Road 6

263'

195'

246'

195'

Driveway

158'

26x40 Pole shed

Proposed 40x96 Pole shed

80'

well

39x93 House

26x48 Pole shed

178'

61'

septic

990.10'

440'

Legal Description

metes and Bounds 3-123-29 10.00 Acres

N 990.10' of E 440' of NE 4 NE 4

Section Township Range 03-123-029

Pin 76.41604.0605

93RD AVE

BARBARA ANDERSON
FAMILY REV. TRUST

JOHN HOFFMAN

COUNTY RD 6

MONICA PELZER TRUST	JAMES & ARLENE FABER	David Simones Pin 76.41604.0605		JAMMY & RENEE HELMQUIST
				LUKE GRENER
			ROGER DARLENE KLEIN	LARRY & LINDA BYZENSKI

BURG
ST

MONICA PELZER TRUST

DANIEL &
TERESA
DOLL

RAYMOND &
JOLENE
CURTIS

DARLENE
KLEIN
REV.
TRUST

DUANE &
KERRI
SCHRAMMEL

ROGER & DARLENE KLEIN
TRUST

506 8-13 WDC 50
2146

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA



NO DELINQUENT TAXES AND
TRANSFER ENTERED

DATE Aug. 17, 2012

AUDITOR [Signature]

DEPUTY [Signature]

76.41604.0600 split

Document: **A1376867**

Certified, Filed, and/or Recorded on
August 17, 2012 3:12 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER

WARRANTY DEED

Individual(s) to Individual

STATE DEED TAX DUE HEREON: \$ 721.88

Date: August 10th, 2012

FOR VALUABLE CONSIDERATION, Gregory D. Simones and Joyce M. Simones, husband and wife, Grantor(s), hereby convey(s) and warrant(s) to David Simones, ~~as joint tenants,~~ Grantee(s), real property in Stearns County, Minnesota, described as follows: a single adult

SEE ATTACHED

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MN
WELL CERTIFICATE RECEIVED

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Subject to easements, restrictions, reservations of record, if any.

Affix Deed Tax Stamp Here

[Signature]
Gregory D. Simones

[Signature]
Joyce M. Simones

STATE OF Minnesota }
COUNTY OF Stearns } ss.

The foregoing instrument was acknowledged before me this 10th day of August, 2012, by Gregory D. Simones and Joyce M. Simones, husband and wife, Grantor(s).

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MN
WELL CERTIFICATE RECEIVED

[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

All that part of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of Section Three (3), Township One Hundred Twenty-three (123), Range Twenty-nine (29), according to the U.S. Government Survey thereof, Stearns County, Minnesota, described as follows:

Commencing at the Northeast corner of said Section 3; thence on an assumed bearing of S 00°03'52" E, along the East line of said Section 3, a distance of 990.10 feet; thence on a bearing of N 89°19'37" W, parallel to the North line of said Section 3, a distance of 440.00 feet; thence on a bearing of N 00°03'52" W, parallel to the East line of said Section 3, a distance of 575.10 feet to the point of beginning of the tract herein described; thence on a bearing of S 89°19'37" E, parallel to the North line of said Section 3, a distance of 261.00 feet; thence on a bearing of N 00°03'52" W, parallel to the East line of said Section 3, a distance of 415.00 feet to the North line of said Section 3; thence on a bearing of N 89°19'37" W, along last said line, 261.00 feet to its intersection with a line bearing N 00°03'52" W from the point of beginning; thence on a bearing of S 00°03'52" E, along last said line, 415.00 feet to the point of beginning.

(Top 3 inches reserved for recording data)

WARRANTY DEED
Individual(s) to Individual(s)

Minnesota Uniform Conveyancing Blanks
Form 10.1.1 (2013)

eCRV number: 511863

DEED TAX DUE: \$ 198.00

DATE: June 17, 2016
(month/day/year)

FOR VALUABLE CONSIDERATION, ~~Gregory Simones and Joyce Simones Trust Agreement dated October 25, 2013~~ THE TRUST
(insert name and marital status of each Grantor)

AGREEMENT OF GREGORY AND JOYCE SIMONES ("Grantor"),
hereby conveys and warrants to David Simones

(insert name of each Grantee)

_____ ("Grantee"), real property
in Stearns County, Minnesota, legally described as follows:

See attached Exhibit A.

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

None.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

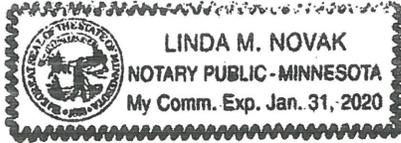
Gregory D. Simones
(signature) Gregory Simones, Trustee

Joyce Simones
(signature) Joyce Simones, Trustee

State of Minnesota, County of Stearns

This instrument was acknowledged before me on 6-9-16, by Gregory D. Simones
and Joyce Simones
(month/day/year)
(insert name and marital status of each Grantor)

(Stamp)



Linda M. Novak
(signature of notarial officer)

Title (and Rank): Notary

My commission expires: 1-31-2020
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Gregory Simones
5740 70th Street NW
Sauk Rapids, MN 56379

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

David Simones
9379 County Road 6
St. Cloud, MN 56301

EXHIBIT A
Legal Description

All that part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Three (3), Township One Hundred Twenty-three (123) North, Range Twenty-nine (29) West, described as follows: Beginning at the Northeast corner of said Section 3; thence South $00^{\circ} 03' 52''$ East, assumed bearing, along the East line of said Section 3, a distance of 990.10 feet; thence North $89^{\circ} 19' 37''$ West, parallel to the North line of said Section 3, a distance of 440.00 feet; thence North $00^{\circ} 03' 52''$ West, parallel to the East line of said Section 3, a distance of 990.10 feet to the North line of said Section 3; thence South $89^{\circ} 19' 37''$ East, along said North line, 440.00 feet to the point of beginning and there terminating.

LEGAL
DESCRIPTION
POST COMBIN

EXCEPTING THEREFROM

All that part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Three (3), Township One Hundred Twenty-three (123), Range Twenty-nine (29) according to the U.S. Government Survey thereof, Stearns County, Minnesota described as follows:

Commencing at the Northeast corner of said Section 3; thence on an assumed bearing of S $00^{\circ} 03' 52''$ E, along the East line of said Section 3, a distance of 990.10 feet; thence on a bearing of N $89^{\circ} 19' 37''$ W, parallel to the North line of said Section 3, a distance of 440.00 feet; thence on a bearing of N $00^{\circ} 03' 52''$ W, parallel to the East line of said Section 3, a distance of 575.10 feet to the point of beginning of the tract herein described; thence on a bearing of S $89^{\circ} 19' 37''$ E, parallel to the North line of said Section 3, a distance of 261.00 feet; thence on a bearing of N $00^{\circ} 03' 52''$ W, parallel to the East line of said Section 3, a distance of 415.00 feet to the North line of said Section 3; thence on a bearing of N $89^{\circ} 19' 37''$ W, along last said line, 261.00 feet to its intersection with a line bearing N $00^{\circ} 03' 52''$ W from the point of beginning; thence on a bearing of S $00^{\circ} 03' 52''$ E, along last said line, 415.00 feet to the point of beginning.

STAFF REPORT

IRENE T. SCHNEIDER TRUST

March 6, 2018 / March 14, 2018

Rockville Planning Commission / City Council

RE: QUALIFIED MINOR SUBDIVISION and AMENDED REZONE
Parcel I.D. No. 76.42170.0051 - Section 25, Township 123, Range 029

Owner: Irene Schneider Trust
Property Address: County Road 141

REQUEST

1. Rezone the 2 new proposed parcel's from Ag-40 to RR and amend the City's Future Land Use Map
2. Qualified Minor Subdivision of two (2) new lots

RELEVANT INFORMATION

1. Property is zoned Ag-40.
2. Property is 10 +/- acres.
3. There are two (2), new lots (5 +/- acres each) being proposed to be sub-divided.
4. Purpose is residential development.
5. Property not conducive to long-term agriculture use; wooded area, rock outcroppings and marginal soils.

ACTION ITEMS:

- 1) Amended Rezoning Application A-40 to RR
- 2) QMS Application

PLANNING COMMISSION RECOMMENDATION TO COUNCIL:

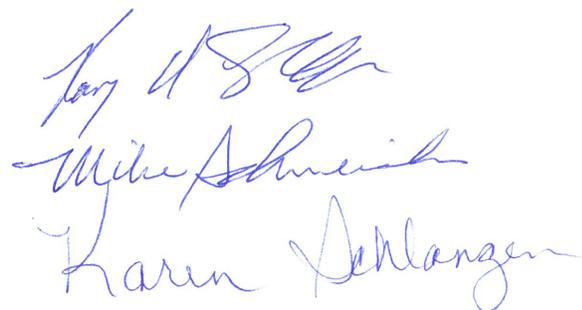
Submitted by:
Martin M. Bode
Zoning Administrator

From: Roy <farmerroy@izoom.net>
Sent: Wednesday, February 07, 2018 11:17 AM
To: mbode@rockvillecity.org
Subject: rezoning withdrawal

Martin, On behalf of the Irene T. Schneider trust. I would like to withdraw our request to rezone the entire property along county 141 in Rockville city. We would like to continue on the course of rezoning the 2 lots as proposed at the planning commission last night.

Thank You, Roy Schneider

P.S. if you need a more proper or legalistic explanation please advise me.



Handwritten signatures in blue ink:

- Roy Schneider
- Mike Schneider
- Karen Schlangen

Building Permits: February 2018

<u>Parcel #</u>	<u>REASON</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>PERMIT #</u>	<u>Valuation</u>	<u>Permit \$</u>	<u>Review</u>	<u>SSC</u>	<u>Fees</u>
76.42144.0009	Replace Furnace	8617 White Oak Rd	2/2/2018	2018-00004		\$ 40.00		\$ 1.00	\$ 41.00
76.42144.0009	Replace Water Heater	8617 White Oak Rd	2/2/2018	2018-00005		\$ 40.00		\$ 1.00	\$ 41.00
76.41621.0500	Replace Furnace	24253 Co Rd 137	2/8/2018	2018-00006		\$ 40.00		\$ 1.00	\$ 41.00
76.41603.0200	windows/patio door	25814 Lake Rd	2/16/2018	2018-00007		\$ 25.00		\$ 1.00	\$ 26.00