

CITY OF ROCKVILLE

**Planning/Zoning Commission Meeting
Tuesday, May 10, 2016 - 6:00 p.m.
City Hall - 229 Broadway Street East**

AGENDA

- 1. ROLL CALL**
- 2. APPROVAL of AGENDA/AMENDMENTS**
- 3. APPROVAL OF APRIL 12, 2016 MEETING MINUTES**
- 4. PUBLIC HEARING(s)**
 - a) Edward & Sandra Schutz @ 25173 County Road 138 – Rezone from R-1/B-2 to RR
- 5. OTHER BUSINESS**
 - a) Certificate of Survey Requirement
 - b) Variance(s)
 - c) Fences
 - d) Corner Lot Set-backs (I-1)
- 6. 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 A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, APRIL 12th 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: Member Dale Borgmann, Member Toni Honer, Member David Meyer, Member Jerry Tippelt, and Liaison Susan Palmer

Staff members present were: City Administrator Martin Bode, Finance Director Judy Neu.
Others present: Juleen Schaefer, Eleanor Simpson, Sandra and Ed Schutz, Theresa and Mike Mertes, Leif and Julie Spore, Kim Gruenes, Duane Willenbring, Helen Suess.

APPROVAL OF AGENDA – *Motion by Member Honer, second by Member Borgmann, to approve the agenda. Motion carried unanimously.*

APPROVAL OF MARCH 16, 2016 MEETING MINUTES – *Motion by Member Honer, second by Member Meyer, to approve the 03/16/2016 minutes as presented. Motion carried unanimously.*

PUBLIC HEARING(s) –

PUBLIC HEARING FOR ROBERT AND THERESA MERTES @ 25077 COUNTY ROAD 138 – Rezone from R-1 to R-R

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, April 12, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Robert and Theresa Mertes to rezone the property. The address of the property is: 25077 County Road 138 - Rockville, MN with a Parcel No. 76.41607.0302

The request is rezone from R-1 – to RR.

STAFF REPORT

Re: Re-Zoning Request
76.41607.0010: Owners: Robert and Theresa Mertes
Property Address: 25077 County Road 138, Rockville, MN

Re-Zoning Requested:

1. Request to re-zone 10.9 acre parcel more or less from R-1 to RR.

Purpose of Requests:

1. To allow for raising of cattle.

Relevant Information:

1. Property contains 10.9 acres more or less.
2. 6 notices of public hearing were sent out.
3. This property is zoned R-1
4. Future Land Use Map – Low density residential (not agricultural)
5. This area has a 300 foot Shoreland setback

PLANNING COMMISSION RECOMMENDATION

1. Consider Approval, Must Adhere to County Animal Unit Guidelines.

Sandra Schutz, 25173 Co Rd 138, spoke in favor of the Mertes' request to rezone.

It was noted that if the Planning Commission approves of this rezoning that it also consider amending the City's Comprehensive Plan and Future Land use map to reflect this action.

04/12/2016

Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:09 pm. Motion carried unanimously.

Member Honer stated that a site visit to 25077 Co Rd 138 was done on Tuesday, April 5th 2016. All Planning Commission members were present.

Motion by Member Honer, second by Member Meyer, to approve of the rezoning as presented from R-1 to R-R and also amend the City's Comprehensive Plan and Future Land use Map to reflect this action. Motion carried unanimously.

PUBLIC HEARING FOR LEIF AND JULIE SPORE @ 9054 COUNTY ROAD 47 – Subdivide their property and Preliminary and Final Plat Approval

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, April 12, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Leif and Julie Spore to subdivide their property. The addresses of the property are: 9054 County Road 47 and XXX County Road 47 with legal descriptions of:

LEGAL DESCRIPTION:

TRACT A: The East Half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 123, Range 29, Stearns County, Minnesota. LESS AND EXCEPT, That part of the Southwest Quarter of Section 11, Township 123, Range 29, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of the Southeast Quarter of said Southwest Quarter; thence South 88 degrees 33 minutes 46 seconds East, assumed bearing, along the south line of said Southwest Quarter, 36.30 feet; thence North 02 degrees 30 minutes 16 seconds East, 383.94 feet; thence South 84 degrees 16 minutes 39 seconds West, 261.07 feet; thence South 01 degrees 44 minutes 23 seconds East, 351.87 feet, to said south line of the Southwest Quarter; thence South 88 degrees 33 minutes 46 seconds East, along said south line, 196.08 feet to the point of beginning. TRACT B: Tract B: That part of the Southwest Quarter of Section 11, Township 123, Range 29, Stearns County, Minnesota, described as follows: Beginning at the southwest corner of the Southeast Quarter of said Southwest Quarter; thence South 88 degrees 33 minutes 46 seconds East, assumed bearing, along the south line of said Southwest Quarter, 36.30 feet; thence North 02 degrees 30 minutes 16 seconds East, 383.94 feet; thence South 84 degrees 16 minutes 39 seconds West, 261.07 feet; thence South 01 degrees 44 minutes 23 seconds East, 351.87 feet, to said south line of the Southwest Quarter; thence South 88 degrees 33 minutes 46 seconds East, along said south line, 196.08 feet to the point of beginning. The request is to approve both a preliminary and final plat of the Spores Addition – section 11, Township 123, Range 29

STAFF REPORT

RE: SUBDIVIDE THEIR PROPERTY AND PRELIMINARY AND FINAL PLAT APPROVAL
Parcel I.D. No. 76.41618.0600 - Section 11, Township 123, Range 029

Owner: Leif & Julie Spore
Property Address: 9054 County Road 47, St. Cloud, MN 56301

REQUEST

Leif & Julie Spore are requesting approval to split approximately 1 acre from the approximate 20 acre site thereby establishing a new property line.

04/12/2016

RELEVANT INFORMATION

1. Property is zoned A-40.
2. Property is 20.0 acres approximately.
3. The owner(s) are proposing to sell 19 acres south of the home site for building purposes.
4. In 2010 The Planning Commission/ Council approved of a qualified minor subdivision of a 2 acre split from the 22 which is now the current 20 acres.

PLANNING COMMISSION RECOMMENDATION

1. Consideration of Approval of the Preliminary and Final Plat

Juleen Schaefer, 9175 Co Rd 47, requested an explanation of the subdivision of this property.

Kim Gruenes, 9054 Co Rd 47, the future owner of the property split, stated that they would abide by the required legal guidelines.

Leif Spore, 9054 Co Rd 47, spoke that they do have the maps available if anyone would like to review.

Helen Suess, 9206 Co Rd 47, requested additional information on the split. Julie Spore, 9054 Co Rd 47, was able to provide an explanation.

Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:17 pm. Motion carried unanimously.

Motion by Member Honer, second by Member Borgmann, to recommend approval of the Preliminary and Final Plat. Motion carried unanimously.

PUBLIC HEARING FOR DAVE MEYER @ 25533 PLEASANT ROAD – Variance Request Impervious Surface

Notice is hereby given that the Rockville City Planning Commission will hold a public hearing on **Tuesday, April 12, 2016 at approximately 6:00 p.m. at City Hall- 229 Broadway Street East** to consider the request of Dave Meyer for a variance from Lot Coverage Requirements. The address of the property is: 25533 Pleasant Road, Rockville, MN with a legal description of: Lot 5, Pleasant Beach.

The request is to construct an additional driveway 631 SF and paver patio of 216 SF in the R-1 District. Variances are required for: Impervious surface lot coverage.

STAFF REPORT

Re: Variance Request(s)
76.42140.004 Owners: Dave Meyer
Property Address: 25533 Pleasant Road

Variance(s) Requested:

1. Variance to construct an additional/add on 631 SF Driveway and a new 216 SF paver patio on property abutting Pleasant Lake – Recreational Development Lake.
2. Impervious Surface – Total lot area is 18,255 sf of which 15% is 2,739 sf allowed, 20% is 3,651 proposed is 4,271 sf (23.4%) of which 620 is over the 20% allowed.

Construction Requests:

1. Construct new/add on to existing driveway and new paver patio.

04/12/2016

Relevant Information:

- 1. This property is located within the 1000' Shoreland Overlay District.
- 2. Property contains 18,255 square feet more or less.
- 3. 12 notices of public hearing were sent out.

Recommendations:

- a) This requires one variance on a conforming lot
- b) Require mitigation of 1,532 square feet of run off

PLANNING COMMISSION RECOMMENDATION

- 1. Consider Approval, mitigation is already in place.

Dave Meyer, 25533 Pleasant Road, explained the reason for the variance request.

Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:24 pm. Motion carried unanimously. Member Meyer abstained.

**DAVE MEYER
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 Honer Yes Borgmann Yes Tippelt Yes Meyer Abstain

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

Becker Yes Honer Yes Borgmann Yes Tippelt Yes Meyer Abstain

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

Becker Yes Honer Yes Borgmann Yes Tippelt Yes Meyer Abstain

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

Becker Yes Honer Yes Borgmann Yes Tippelt Yes Meyer Abstain

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

Becker Yes Honer Yes Borgmann Yes Tippelt Yes Meyer Abstain

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

Motion by Member Honer, second by Member Borgmann, to recommend approval of the variance as presented. Motion carried unanimously. Member Meyer abstained.

OTHER BUSINESS -

a) Certificate of Survey

Discussion was held on whether to require a Certificate of Survey when permits are issued.

b) Variances(s)

Discussion was held about the purpose of variances. A variance is an exception to the rule and not the rule so if the rules need to be changed we need to consider that for the future.

c) Fences

The commission discussed the purpose of a fence and whether they are needed for primary use or for accessory use.

d) R-R Sheds

Lot zoned B-1 wants to build a utility shed and needs to follow the R-1 setbacks due to the location.

ADJOURNMENT – Motion by Member Honer, second by Member Tippelt, to adjourn the meeting at 7:00 p.m. Motion carried unanimously.

**Martin M. Bode
City Administrator**



CITY OF ROCKVILLE

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Jeff Hagen, Mayor

Don Simon, Councilor

Susan Palmer, Councilor

Richard Tallman, Councilor

Duane Willenbring, Councilor

Martin M. Bode, City Administrator

Judy Neu, Finance Director

Nick Waldbillig, Public Works Director

Debbie Weber, Administrative Assistant

Rockville City is an equal opportunity provider and employer

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, May 10th, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Edward J & Sandra E Schutz to rezone the property. The address of the property is: 25173 County Road 138-Rockville, MN with a Parcel No. 76.41607.0402

The request is rezone from R-1 – to RR, and to amend the Comprehensive Plan & Map to Agricultural Transitional.

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 04.26.16
Cold Spring Record

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Schutz Edward & Sandra Rezone R.1 to RR.wd.doc

Edward and Sandra Schutz

STAFF REPORT

May 10, 2016

Rockville Planning Commission; City Council

Re: Re-Zoning Request
76.41607.0402: Owners: Edward and Sandra Schutz
Property Address: 25173 County Road 138, Rockville, MN

Re-Zoning Requested:

1. Request to re-zone 24.2 acre parcel more or less from R-1/B-2 to RR.

Purpose of Requests:

1. To continue to allow for raising of farm animals.

Relevant Information:

1. Property contains 24.2 acres more or less.
2. 8 notices of public hearing were sent out.
3. This property is currently zoned R-1/B-2
4. This property prior to annexation was zoned Ag-40
5. Have a feedlot permit for 7 units
6. Future Land Use Map – Low density residential (not agricultural)
7. This area has a 300 foot Shoreland setback

PLANNING COMMISSION RECOMMENDATION

1. Consider Approval, Must Adhere to County Animal Unit Guidelines.

Submitted by:
Martin M. Bode
City Administrator-Clerk

Schutz, Edward and Sandra Rezone 04.12.16