

CITY OF ROCKVILLE

Planning/Zoning Commission Meeting Tuesday, October 11, 2016 - 6:00 p.m. City Hall - 229 Broadway Street East

AGENDA

- 1. ROLL CALL**
- 2. APPROVAL of AGENDA/AMENDMENTS**
- 3. APPROVAL OF August 9, 2016 MEETING MINUTES**
- 4. PUBLIC HEARING** To consider the request of Janice Meyer to rezone Parcel No. 76.41600.0804, address 25942 Lake Road, from B-2 to R-1 and amend the City's Comprehensive Plan and Map
- 5. OTHER BUSINESS**
 - a) 2016 Commissioner Seats Expire x 2
 - b) Next Meeting November 15, 2016, 6:00 p.m.
- 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 THE REGULAR PLANNING/ZONING COMMISSION MEETING HELD
Tuesday, August 16th 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: Dave Meyer, Toni Honer, Jerry Tippelt, and Liaison Susan Palmer. The following member was absent: Dale Borgmann.
Staff present: City Administrator, Martin Bode.
Others present: none.

APPROVAL OF AGENDA/AMENDMENTS –

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

APPROVAL OF JULY 13, 2016 MEETING MINUTES –

Motion by Tippelt, second by Meyer, to approve the July 13, 2016 meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING(s) –

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, August 16, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider revisions TO SECTION 9 GENRAL REQUIREMENTS, SUBDIVISION 2 AND ADDING ITEM N OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593 TEMPORARY FAMILY HEALTH CARE DWELLINGS

Motion by Meyer, second by Tippelt, to close the public hearing at 6:02 pm. Motion carried unanimously.

Motion by Becker, second by Meyer, to recommend that the Rockville City Council adopt Ordinance No. 2016-85 an ordinance amending Section 9 of the City's Zoning Ordinance opting out of the Minnesota statutes requirements of the temporary family health care dwellings. Motion carried unanimously.

OTHER BUSINESS –

- a) Fence Requirement / Enforcement
Discussion was held on how to enforce fence requirements.
- b) Next Meeting September 13, 2016, 6:00 p.m.
- c) Discussion was held regarding future signage along Highway 23 - future expectations and what we want to see as a city.

ADJOURNMENT – *Motion by Meyer, second by Tippelt, to adjourn the meeting at 6:28 p.m. Motion carried unanimously.*

Martin M. Bode
City Administrator

Janice Meyer

STAFF REPORT

October 11, 2016

Rockville Planning Commission; City Council

Re: Re-Zoning Request
76.41600.0804: Owner: Janice Meyer
Property Address: 25942 Lake Road, Rockville, MN

Re-Zoning Requested:

1. Request to re-zone 0.6 acre parcel more or less from B-2 to R-1.

Purpose of Requests:

1. To facilitate the sale of the property

Relevant Information:

1. Property contains 0.6 acres more or less.
2. 15 notices of public hearing were sent out.
3. This property is currently zoned B-2
4. This property was split off from the business parcel (400 Club) in 2013
5. Adjacent property to the North East (The Water's Edge) is zoned B-2. Adjacent property to the South West is zoned R-1
6. This parcel is located in a Shoreland District

STAFF RECOMMENDATION

1. Consider Approval.

Submitted by:
Martin M. Bode
City Administrator-Clerk

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 City Council meeting at which zoning issues will be considered on the 1st or 3rd Wednesday of each month at 7:00 p.m.; the Planning Commission meetings are held the Tuesday immediately preceding that City Council meeting.

Owner's Name: Janice Meyer Applicant's Name: Janice Meyer
 Property Address: 25942 Lake Rd. St. Cloud, MN 56301 Daytime phone: 612-559-6372
 Present Zone: B-2 Requested Zone: R-1

The Applicant must provide a legal description (From the 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").

See attached sheet

Do not check the boxes on this form; this section 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												
		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 <i>Cold Spring Record</i> , the fee is non-refundable.												
		2.	<p>Site Plan. A site plan of the <i>proposed</i> use of the property <i>after</i> 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:</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> All Buildings</td> <td><input type="checkbox"/> North Directional Arrow</td> <td><input type="checkbox"/> Streets</td> </tr> <tr> <td><input type="checkbox"/> Alleys</td> <td><input type="checkbox"/> Sidewalks</td> <td><input type="checkbox"/> Property Lines</td> </tr> <tr> <td><input type="checkbox"/> Lot Dimensions</td> <td><input type="checkbox"/> Driveways & all Curb Cuts</td> <td><input type="checkbox"/> Decks</td> </tr> <tr> <td><input type="checkbox"/> Wells</td> <td><input type="checkbox"/> Utility Sheds</td> <td><input type="checkbox"/> Easements</td> </tr> </table>	<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
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<input type="checkbox"/> Wells	<input type="checkbox"/> Utility Sheds	<input type="checkbox"/> Easements													
		3.	<p>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.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Is the property located within a Floodplain District?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Is the property located within a Shoreland District?</p>												

- 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 weber@rockvillecity.org
cityhall
- 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.

October 11, 2016 Public hearing and Planning Commission meeting date.

October 19, 2016 City Council meeting date (3/4 vote required).

- 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").

This property was split from a business property in December of 2013. The Rockville City Planning Commission and City Council approved this split and issued a Certificate of Compliance, this was recorded on 12/26/13. I purchased this property on 8/1/14. The property taxes are residential; I was not made aware of the fact that this property was not re-zoned from business to residential. This has now become an issue for buyers of my property, as they are seeking FHA financing. I respectfully request that this property be re-zoned as residential, as the only structures on this property are a house and a garage. This should have been re-zoned in 2013 when the property was split.

Signature of Applicant: Jane Meyer

Date: 9-16-16

Staff use only.

Planning Commission Decision: _____ Date: _____

City Council Decision: _____ Date: _____

Comments:

EXHIBIT A

That part of Government Lot One (1) in Section One (1), 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 a point on the west line of said Government Lot One (1) distant 193.00 feet South of the northwest corner thereof; thence South along said west line 75.00 feet to the point of beginning of Line A; thence easterly deflecting $90^{\circ}00'00''$ left, along said Line A 118.17 feet to a point be referred to herein as Point A, said point also being the point of termination of said Line A and also being the point of beginning of said Tract B; thence westerly along the last described Line A 118.17 feet to said west line of Government Lot One (1); thence South along said west line of Government Lot One (1) 209.00 feet; thence northeasterly, deflecting $138^{\circ}15'00''$ left 156.61 feet; thence southeasterly deflecting $89^{\circ}45'00''$ right a 113 feet, more or less, to the shoreline of Pleasant Lake; thence northeasterly along said shoreline to its intersection with a line drawn southeasterly from said Point A at an angle of $41^{\circ}45'00''$ with the easterly extension of said Line A (as measured from east to south); thence northwesterly along the last described line for 160 feet, more or less to the point of beginning.



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

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

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NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, October 11th, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Janice Meyer to rezone the property. The address of the property is: 25942 Lake Road, Rockville, MN with a Parcel No. 76.41600.0804

The request is to rezone from B-2 to R-1, and to amend the Comprehensive Plan & Map.

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 September 27, 2016

Cold Spring Record

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RESOLUTION NO. 2016-XX

RESOLUTION APPROVING A REZONING FROM B-2 TO R-1

WHEREAS, a request has been received from Janice Meyer to rezone 0.6 acres of property from B-2 to R-1, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on October 11, 2016, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

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

1. The request to rezone 0.6 acres of parcel #76.41600.0804 from B-2 to R-1 is hereby approved.
2. Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.
3. That granting of the rezoning will not be detrimental to the public health, safety, comfort and general welfare of the City.

Adopted this 19th day of October, 2016.

ATTEST:

MARTIN M. BODE
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR