

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, AUGUST 11, 2009 – 6:30 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dale Borgmann, Jerry Tippelt, Steve Dietman & Liaison Duane Willenbring. Absent Dan Hansen.

Staff members present were: Zoning Administrator Rena Weber, Billing Clerk/Administrative Assistant Judy Neu.

Others present: Charles & Polly Grell, Karla Spanier, Julia Lintgen, Glen Johannes, David Biery, Councilor Jerry Schmitt & Donald & Cynthia Wagener.

APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Borgmann, second by Member Bechtold, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES 07/28/09 – Motion by Member Bechtold, second by Member Dietman, to approve the minutes of 07/28/09 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING CHARLES & POLLY GRELL-CONDITIONAL USE PERMIT/VARIANCE

REQUEST: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, August 11, 2009 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Charles & Polly Grell for a conditional use permit from Shoreland Requirements. The address of the property is: 21096 Fowler Road with a legal description of: 5.89 Acres, part of Government Lot 4, Section 28, Township 123 North, Range 29 West.

The request is to construct a 10 KW Wind Turbine in the Shoreland District.

Subdivision 4: DISTRICT REGULATIONS States:

WECS will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below:

| District | Non-Commercial* | Commercial | Meteorological Tower* |
|-------------------------------------|---|---|---|
| Shoreland Residential Management R1 | Not permitted <u>Unless on 5 Acres or More CUP</u> | Not permitted <u>Unless on 5 Acres or more CUP</u> | Not permitted <u>Unless on 5 Acres or more CUP</u> |

The setback from any non-permitted districts R-1, R-2, B1 & B2 SRM or where a conditional use permit is needed shall not be less than 500' from the property line. A variance from the property line setback is also being requested.

STAFF REPORT

Re: Conditional Use Permit & Variance Request
76.41647.0400: Owners: Charles & Polly Ann Grell
Property Address: 21096 Fowler Road, Cold Spring, MN 56320
Legal Address: 5.89 Acres, part of Government Lot 4, Section 28, Township 123 North, Range 29 West.

Conditional Use Permit & Variance Requested:

1. Conditional use permit is requested to construct a 10 KW Wind Turbine and to locate it within the Shoreland abutting Grand Lake – General Development Lake. CUP approval is required.

2. Said request is to also locate said structure 290' feet from the centerline of the roadway – 145' from the east property line, 250' from the west property line and approximately 385' from the shore. **500' from property line is required.**

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 5.89 acres more or less.
3. 12 notices of public hearing were sent out.
4. A letter of "No objection" was received on 7/28/09 from Paul Wenner via e-mail from Grell's.
5. Engineer Report:
 - 1) There doesn't appear to be engineering certification on the WECS plans specific to this installation (turbine, structure, foundation).
 - 2) It appears the applicant is increasing the impervious lot coverage on their property as a result of the construction of the WECS. If so, a storm water management plan is required.
 - 3) Verify the setbacks requirements from all property lines (fall zone + 10' should be verified) are met.

Recommendations:

1. The Grell's will supply the engineered certification on the WECS if approved.
2. There are 5.89 acres on this property – the Grell's do not exceed the 12% impervious surface lot coverage, but the increase from the concrete pad holding the tower will need to show some sort of drainage plan to capture the run off. **Tower pad 18x18**
3. The tower is 120' in height with a 23 Rotor diameter – thus Setbacks from structures on their own property would be affected.

Zoning Administrator Rena Weber explained the location of the tower from property lines and buildings:

- ◆ 250' from Fowler Road
- ◆ 145' from East property line
- ◆ 290' from Grand Lake Road
- ◆ 385' from Grand Lake
- ◆ 35' from existing metal shed
- ◆ 110' from barn

Charles Grell explained that the proposed tower is designed to take wind speed up to 200 (mph) miles per hour and that this turbine would automatically shut down if the wind speed would exceed over 150 (mph) miles per hour.

Charles Grell stated that this is a green project and is hoping that their home can become carbon free. In the future they would like to open a wind energy business in Rockville. If the tower needed to be torn down it could be reused.

Charles Grell explained that the value of the 2 out buildings is very little. The barn is valued at \$5000 and the metal shed is valued \$2500. His insurance company doesn't have a problem with the tower located there because the buildings are insured for very little.

Polly Grell explained that the 2 building are nearly emptied. The barn has miscellaneous stuff that they need to get rid off and the metal shed has a tractor and a car in it. The other buildings (machine shed) on their property is outside of the fall zone. They could store the car and tractor in there. If there insurance company would require them to leave the buildings empty they would do so.

Charles Grell explained the proposed wind tower is designed to never shut off. When the wind blows more than 30 (mph) miles per hour the top of the unit turns itself side ways with its tail so that the blades face directly into the wind. The blade speed is design to spin at 26 (mph) miles per hour and will not speed up if the wind blows harder.

Polly Grell explained that the tower has very little maintenance and the life is about 25 to 30 years. The product has been well tested.

Member Borgmann questioned being that the tower is open like that would it make more noise? (Example howls)

Charles Grell stated "no" the towers are design to let air go thru them. The towers make less noise than an air conditioner outside your home. With the tower a 120 feet in the air you won't hear a thing. There have been engineer studies done on the noise.

Member Dietman questioned if the tower is going be a demonstration tower.

Charles Grell stated that instead of having people that are from the area drive to Evansville or Western Minnesota, they could come here and look at the tower.

Polly Grell stated that their goal when they purchased the property 10 years ago was to be environmentally friendly. They haven't done any major shoreland modification, they didn't take down the ice ridge on the lake, they put the geothermal heating in the house and now they would like to put the wind energy tower up.

Member Tippelt questioned if there was a wind study done on the property.

Charles Grell explained that according to State and National Wind charts there is not one place in Minnesota that wouldn't be able to put a wind tower up and be profitable in 10 years. On the Eastern side of Minnesota the wind class is a 2 in which it would take about 12 years to profit. The Western side has class 4 winds in which it would only take 7 years to pay for itself.

Liaison Duane Willenbring stated that the City Engineer is requesting a Stormwater Management plan. In this case we would not mandate the Grell's to go thru a certified engineer for the small pad they need for the tower.

Motion by Member Borgmann, second by Member Bechtold, to close the public hearing at 6:52 p.m. Motion carried unanimously.

FINDING OF FACT- A review of the findings was done. (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 5 yes why: Not going to change the character of the local
2. 5 yes why: Fits spirit and intent; accommodates the public.
3. 3 yes 2 no why: No unique circumstances
4. 4 yes 1 no
5. 5 yes why: Has the potential to erect & utilize such structure benefit to public in general

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the variance with the conditions that they provide an engineers certificate, provide a storm water drainage (swale) plan, provide certification on the fall zone and would take full responsibility if tower would fall on anyone of their buildings. Motion carried unanimously.

PUBLIC HEARING KARLA SPAINER - VARIANCE REQUEST: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, August 11, 2009 at approximately 6:45 p.m. at City Hall- 229 Broadway Street East** to consider the request of Karla Spanier for a variance from Lot Coverage Requirements. The address of the property is: 525 Cypress Court with a legal description of: Lot Ten (10), Block One (1), COUNTRY SIDE ADDITION PLAT 5, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County in the City of Rockville.

The request is to construct a 256 square foot attached deck in the R-1 District. Variances are required for: Impervious surface lot coverage.

STAFF REPORT

Re: Variance Request
76.41741.0056: Owner: Karla Spanier
Property Address: 525 Cypress Court, Cold Spring, MN 56320
Legal Description: Lot 10, Block 1, Country Side Addition Plat 5

Variance(s) Requested:

1. Variance to construct a 256 Square Foot attached deck and to vary from impervious surface lot coverage requirements – no more than **25% required**.

Relevant Information:

1. R-1 Single Family District.
2. Existing home was built with a patio door from the rear of the home knowing that some day a deck would be attached.
3. The lot to the south of the property is currently wooded and fronts State Highway 23.
4. Engineer Report:
Attached are my calcs for the existing impervious lot coverage ==> approx. 27.5% (existing non-conformity). The property is not within the Shoreland District. It is zoned R-1. City ordinances allow 25% lot coverage without a variance. So adding the deck would increase the impervious lot coverage, and require a variance for impervious lot coverage. The City's Stormwater Management Plan Ordinance Subdivision 13(b) requires that all new impervious surfaces be treated for Water Quality. The applicant needs to submit a site plan showing the location and size of their proposed Water Quality Feature, the calculations made to determine the size, a list of materials they intend to use/install, etc. per Subdivision 13(d). Subdivision 13(d) lists "pre-approved" methods to help simplify meeting the Water Quality requirement, however the applicant can decide to do something different.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) nearby south and southwest of the property.
3. Construct either a 26 square foot rain garden, French drain, or soak away pit.
4. Approve with this conditions.

Julia Lintgen 529 Cypress Court has no objections.

Duane Willenbring 25123 County Road 139 explained that there is sandy soil in that area for water to soak in.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 7:09 p.m. Motion carried unanimously.

FINDING OF FACT- A review of the findings was done. (A copy of the finding of facts is hereby attached and marked Exhibit B)

1. 5 yes why: Will be keeping and maintain the character.
2. 5 yes
3. 5 yes why: yes
4. 5 yes
5. 5 yes why: When purchased the home she believed she had every right to put on a deck.

Motion by Member Borgmann, second by Member Bechtold, to recommend approval of the variance with the condition that she provides a storm water mitigation plan. Motion carried unanimously.

PUBLIC HEARING DAVID & TAMMY BIERY- VARIANCE REQUEST: Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, August 11, 2009 at approximately 7:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of David L & Tammy L Biery for a variance from Accessory Building Height Requirements. The address of the property is: 25910 Burg Street with a legal description of: Lot Two (2), Block Two (2) of PLEASANT LAKE HEIGHTS PLAT 3, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

Subdivision 3: PERMITTED ACCESSORY USES READS:

ACCELERATED ACCESSORY STRUCTURE – Private garages are permitted in all residential districts based on the following accelerated structure and only if the exterior covering materials on the roof and side walls are the same as the roof and side walls materials on the principal structure.

| | | | | |
|---------------------------------|-----------------|-----------------------------|----------------|--------------------------------------|
| 10,200 SF to 13,000 SF = | 600 SF | Building with 8' Side Walls | | |
| 13,000 SF to 18,000 SF = | 900 SF | “ | “ 10' “ | |
| 18,000 SF to 25,000 SF = | 1,100 SF | “ | “ 10' “ | |
| 25,000 SF to 35,000 SF = | 1,200 SF | “ | “ 12' “ | |
| 35,000 SF to 45,000 SF = | 1,500 SF | “ | “ 12' “ | with 15' setback from main structure |
| 45,000 SF to 65,000 SF = | 1,800 SF | “ | “ 14' “ | with 20' setback from main structure |
| 65,000 SF to 70,000 SF = | 2,000 SF | “ | “ 14' “ | (because of higher side walls) |
| 70,000 SF to 85,000 SF = | 2,400 SF | “ | “ 14' “ | |

The request is to construct a 22' x 40' addition to the unattached garage currently constructed in the R-1 District. The request is to exceed the 14' sidewall restriction and to vary from the same roof and siding requirement.

Amended: The 2nd request is to construct 14' x 52' addition to the unattached garage currently constructed in the R-1 District. The request is to exceed the 14' sidewall restriction and to vary from the same roof and siding requirement.

STAFF REPORT

RE: VARIANCE REQUEST

76.42142.0054 Owners: David & Tammy Biery
Property Address: 25910 Burg Street, St Cloud MN 56301

VARIANCE(S) REQUESTED:

1. Variance to construct a (22' x 40') addition and (14' x 52') addition to the unattached garage. The request is to exceed the 14' side wall restriction and to vary from the same roof and siding requirement.

RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 300' x 317' deep. .
3. The owner is proposing vertical siding and roof that will match the existing unattached garage. This is not the same as the house.
4. New structure will not exceed 25' in height.
5. Height of walls 16'.
6. 10 notices were sent out.
7. Property owner has exhibited care in installing rain gardens on the property and rock with landscaping fabric.
8. Engineer report:
As requested, I have reviewed the submittals and digital photos taken by City staff with respect to drainage for the Biery Variance application. City staff has already determined that lot coverage limits (25%) will not be exceeded after construction of the shop

addition.

The area where the shop addition would occur is currently delineated by block retaining wall. The ground within the retaining wall area appears to be highly compacted (i.e. impervious) with no vegetation; used for parking and/or storage. The City's Stormwater Management Ordinance classifies highly compacted soils as impervious. Thus, per the ordinance, construction of a structure within the confines of the existing retaining wall area will not increase the net impervious lot coverage area; thus, no storm water runoff treatment is required.

With construction of the structure addition, water will shed from the structure to the east and/or west. City staff advises that the applicant plans to direct the shop addition runoff to an existing draintile & rock channel system on the property. The existing drainage system drains northerly to an existing culvert under CR 6.

In summary, it appears the applicant is being responsible with their drainage.

RECOMMENDATION

1. Maintain existing drainage patterns over, under, and across their property.
2. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
3. Previously City of Pleasant Lake granted a variance from height of side wall restriction and to vary from the same roof and siding requirement.

David Biery explained the reason for the addition is he doesn't like any of his stuff sitting outside. He likes to keep the neighborhood neat.

Member Borgmann explained that he liked what the Biery's did to the property.

Councilor Schmitt questioned why does the side walls need to be so high.

David Biery explained that the current structure has 16 foot side walls. The 3 side walls are only 11 feet because they are being built into the hill. It is the front wall that will be 16 feet high.

Member Bechtold questioned if the height of the building is changing.

David Biery explained "no" the height will remain the same.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 7:21 p.m. Motion carried unanimously.

FINDING OF FACT- A review of the findings was done. (A copy of the finding of facts is hereby attached and marked Exhibit C)

1. 5 yes why: It will maintain the character
2. 5 yes why: It will keep with the ordinance and the intent of the comprehensive plan
3. 5 yes why: Making the best of a bad situation & will improve the neighborhood: An ordinance amended that was done by the City of Rockville after his last variance was granted by City of Pleasant Lake.
4. 5 yes
5. 5 yes

Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the variance request as presented. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT:

Member Bechtold explained the reason for this discussion was that he was going through the new copy of the Zoning Ordinance and under the Planning Commission it states 7 Planning Commission Members. If the Council accepts the change the ordinance will need to be amended.

Member Borgmann explained that at the last Park Board meeting there was discussion on hunting in City Parks. The Park Board Members feeling was just as long as they are outside the City Parks they would be okay with it.

Chair Honer explained that this is in the Rockville County Park that the County wants to be able to allow handicap people to hunt there. The County wants to control/manage it. It is like what they do at Camp Ripley.

Discussion was held on hunting in/near the park.

BUSINESS FOR NEXT MEETING:

- ◆ Qualified Minor Subdivision –Hunstiger Assoc. 95.2 acres
- ◆ Hunting

ADJOURNMENT – Motion by Member Borgmann, second by Member Bechtold, to adjourn the meeting at 8:02 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR

draft