

JUN 08 2009

ROCKVILLE ACTIVITY

MAY 2009

TOTAL HOURS 38.50

(SEE ATTACHED ACTIVITY LIST FOR DETAILS)

ALL CITATIONS FOR ROCKVILLE - MAY 2009

05/25/09 15:52:00

Area	Offense_Date	Citation_Number	Case_Number	Charge
CITY OF ROCKVILLE	05/02/2009 20:07:00	ST 404-533	09023866	NO INSURANCE
CITY OF ROCKVILLE	05/02/2009 20:07:00	ST 404-533	09023866	DRUG PARAPHERNALIA-POSSESSION
CITY OF ROCKVILLE	05/06/2009 15:56:00	ST 494-509	09024555	INATTENTIVE DRIVING-PETTY
CITY OF ROCKVILLE	05/09/2009 22:41:00	ST 456-747	09025335	SS609-72-1-3 DISTURB PEACE MS-DISORDERLY CONDUCT
CITY OF ROCKVILLE	05/14/2009 20:05:00	ST 499-667	09026321	SPEEDING
CITY OF ROCKVILLE	05/14/2009 20:20:00	ST 431-338	09026323	CRIM AGNST ADM JUST GM-GIVE FALSE NAME
CITY OF ROCKVILLE	05/14/2009 20:20:00	ST 431-338	09026323	NO VALID DRIVER'S LICENSE-MS
CITY OF ROCKVILLE	05/14/2009 20:20:00	ST 431-338	09026323	NO INSURANCE
CITY OF ROCKVILLE	05/14/2009 20:20:00	ST 431-339	09026323	FAILURE TO TRANSFER TITLE-MS
CITY OF ROCKVILLE	05/14/2009 20:21:00	ST 499-668	09026325	SPEEDING
CITY OF ROCKVILLE	05/17/2009 13:00:00	ST 460-617	09026932	DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM
CITY OF ROCKVILLE	05/17/2009 13:00:00	ST 494-165	09026932	DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM
CITY OF ROCKVILLE	05/20/2009 05:22:00	ST 487-775	09027478	SPEEDING
CITY OF ROCKVILLE	05/20/2009 05:22:00	ST 487-775	09027478	NO PROOF OF INSURANCE
CITY OF ROCKVILLE	05/20/2009 18:37:00	ST 499-736	09027669	SPEEDING
CITY OF ROCKVILLE	05/24/2009 13:20:00	ST 489-502	09028624	SPEEDING
CITY OF ROCKVILLE	05/24/2009 13:36:00	ST 489-503	09028628	SPEEDING
CITY OF ROCKVILLE	05/25/2009 14:30:00	ST 429-333	09028806	NO VALID DRIVER'S LICENSE-MS
CITY OF ROCKVILLE	05/25/2009 15:52:00	ST 429-334	09028820	ALLOW UNAUTHORIZED DRIVER-MISD

ALL CALLS IN ROCKVILLE - MAY 2009

MAY 05 2009

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	05/11/2009 22:05:24	09025710	1050	ACCIDENT
ROCKVILLE	05/28/2009 05:34:54	09029364	1050	ACCIDENT
ROCKVILLE	05/28/2009 05:57:32	09029365	1050	ACCIDENT
ROCKVILLE	05/29/2009 16:13:56	09029755	1050	ACCIDENT
ROCKVILLE	05/31/2009 12:26:57	09030225	1050	ACCIDENT
ROCKVILLE	05/31/2009 12:27:28	09030226	1050	ACCIDENT
ROCKVILLE	05/30/2009 22:41:47	09030136	1072	DEAD BODY
ROCKVILLE	05/20/2009 15:27:39	09027633	ABAND	ABANDONED VEHICLE
ROCKVILLE	05/22/2009 13:35:08	09028114	AENTRY	ATTEMPTED ENTRY
ROCKVILLE	05/20/2009 19:40:54	09027690	AL	ALARM
ROCKVILLE	05/20/2009 21:11:43	09027723	AL	ALARM
ROCKVILLE	05/23/2009 03:16:06	09028304	AL	ALARM
ROCKVILLE	05/23/2009 08:12:44	09028318	AL	ALARM
ROCKVILLE	05/11/2009 17:38:56	09025676	AL	ALARM
ROCKVILLE	05/09/2009 10:11:35	09025187	AL	ALARM
ROCKVILLE	05/15/2009 19:12:15	09026515	AL	ALARM
ROCKVILLE	05/07/2009 12:15:59	09024715	AL	ALARM
ROCKVILLE	05/29/2009 21:11:10	09029838	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	05/29/2009 21:18:22	09029842	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	05/29/2009 21:33:16	09029847	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	05/29/2009 22:22:22	09029872	ALCC	ALCOHOL COMPLIANCE CHECK
ROCKVILLE	05/29/2009 19:41:09	09029803	ANI	ANIMAL COMPLAINT
ROCKVILLE	05/25/2009 14:43:10	09028808	ASSTA	AGENCY ASSIST
ROCKVILLE	05/02/2009 08:40:50	09023746	ASSTA	AGENCY ASSIST
ROCKVILLE	05/20/2009 18:17:58	09027665	ATV	ATV COMPLAINT
ROCKVILLE	05/02/2009 22:25:44	09023899	CC	CITIZEN CONTACT
ROCKVILLE	05/16/2009 17:02:00	09026765	CC	CITIZEN CONTACT
ROCKVILLE	05/09/2009 15:38:50	09025252	CC	CITIZEN CONTACT
ROCKVILLE	05/22/2009 11:47:25	09028094	CHK	BAD CHECKS
ROCKVILLE	05/02/2009 11:46:15	09023781	CIVIL	CIVIL MATTER
ROCKVILLE	05/02/2009 15:20:59	09023816	CONTR	CONTRACT
ROCKVILLE	05/03/2009 01:57:43	09023947	CONTR	CONTRACT
ROCKVILLE	05/01/2009 19:48:37	09023603	CONTR	CONTRACT
ROCKVILLE	05/06/2009 22:53:50	09024633	CONTR	CONTRACT
ROCKVILLE	05/07/2009 05:02:07	09024654	CONTR	CONTRACT
ROCKVILLE	05/07/2009 19:18:13	09024806	CONTR	CONTRACT
ROCKVILLE	05/03/2009 23:23:15	09024079	CONTR	CONTRACT
ROCKVILLE	05/04/2009 14:37:06	09024176	CONTR	CONTRACT
ROCKVILLE	05/05/2009 18:40:42	09024407	CONTR	CONTRACT
ROCKVILLE	05/06/2009 08:09:11	09024494	CONTR	CONTRACT
ROCKVILLE	05/09/2009 01:54:19	09025140	CONTR	CONTRACT
ROCKVILLE	05/14/2009 01:50:14	09026154	CONTR	CONTRACT
ROCKVILLE	05/11/2009 23:41:34	09025720	CONTR	CONTRACT
ROCKVILLE	05/12/2009 09:06:33	09025752	CONTR	CONTRACT
ROCKVILLE	05/13/2009 04:58:37	09025919	CONTR	CONTRACT
ROCKVILLE	05/17/2009 03:13:20	09026887	CONTR	CONTRACT
ROCKVILLE	05/14/2009 21:15:10	09026332	CONTR	CONTRACT
ROCKVILLE	05/16/2009 02:54:53	09026659	CONTR	CONTRACT
ROCKVILLE	05/15/2009 19:32:11	09026522	CONTR	CONTRACT
ROCKVILLE	05/21/2009 18:27:09	09027965	CONTR	CONTRACT
ROCKVILLE	05/23/2009 02:26:02	09028300	CONTR	CONTRACT
ROCKVILLE	05/20/2009 15:17:16	09027615	CONTR	CONTRACT
ROCKVILLE	05/17/2009 19:57:38	09026997	CONTR	CONTRACT
ROCKVILLE	05/18/2009 04:50:25	09027040	CONTR	CONTRACT
ROCKVILLE	05/19/2009 22:59:17	09027454	CONTR	CONTRACT
ROCKVILLE	05/25/2009 09:21:19	09028770	CONTR	CONTRACT
ROCKVILLE	05/24/2009 02:26:22	09028563	CONTR	CONTRACT
ROCKVILLE	05/24/2009 22:03:23	09028709	CONTR	CONTRACT
ROCKVILLE	05/26/2009 22:31:38	09029140	CONTR	CONTRACT

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	05/27/2009 04:59:27	09029164	CONTR	CONTRACT
ROCKVILLE	05/27/2009 20:21:36	09029313	CONTR	CONTRACT
ROCKVILLE	05/30/2009 01:49:03	09029934	CONTR	CONTRACT
ROCKVILLE	05/30/2009 23:00:29	09030139	CONTR	CONTRACT
ROCKVILLE	05/28/2009 20:41:57	09029563	CONTR	CONTRACT
ROCKVILLE	05/29/2009 08:25:21	09029655	CONTR	CONTRACT
ROCKVILLE	05/31/2009 15:22:11	09030251	CONTR	CONTRACT
ROCKVILLE	05/09/2009 22:17:18	09025335	DISOR	DISORDERLY CONDUCT
ROCKVILLE	05/17/2009 11:49:06	09026932	DOMI	DOMESTIC IN PROGRESS
ROCKVILLE	05/19/2009 22:03:40	09027449	DOMI	DOMESTIC IN PROGRESS
ROCKVILLE	05/19/2009 04:32:27	09027279	DOORCHK	DOOR CHECK(S)
ROCKVILLE	05/20/2009 02:47:37	09027472	DOORCHK	DOOR CHECK(S)
ROCKVILLE	05/27/2009 22:36:23	09029331	DRIVE	DRIVING COMPLAINT
ROCKVILLE	05/25/2009 01:29:05	09028744	DWI	DRUNK DRIVER ARREST
ROCKVILLE	05/24/2009 11:41:55	09028610	FIRE	FIRE
ROCKVILLE	05/21/2009 16:38:01	09027938	FIRE	FIRE
ROCKVILLE	05/08/2009 09:39:02	09024890	FPROP	FOUND PROPERTY
ROCKVILLE	05/05/2009 09:09:25	09024319	FUP	FOLLOW UP
ROCKVILLE	05/20/2009 07:29:39	09027486	FUP	FOLLOW UP
ROCKVILLE	05/24/2009 01:09:50	09028553	FWORKS	FIREWORKS COMPLAINT
ROCKVILLE	05/29/2009 17:16:01	09029768	HAZ	HAZARD
ROCKVILLE	05/10/2009 09:32:39	09025454	INFO	MATTER OF INFORMATION
ROCKVILLE	05/01/2009 18:33:09	09023583	INFO	MATTER OF INFORMATION
ROCKVILLE	05/01/2009 12:59:47	09023508	MA	MOTORIST ASSIST
ROCKVILLE	05/30/2009 13:56:05	09030030	MA	MOTORIST ASSIST
ROCKVILLE	05/22/2009 07:10:35	09028071	MA	MOTORIST ASSIST
ROCKVILLE	05/30/2009 23:15:54	09030142	ME CASE	MEDICAL EXAMINER CASE
ROCKVILLE	05/28/2009 11:48:00	09029438	MED	MEDICAL EMERGENCY
ROCKVILLE	05/17/2009 17:50:58	09026980	MED	MEDICAL EMERGENCY
ROCKVILLE	05/17/2009 11:33:20	09026925	MED	MEDICAL EMERGENCY
ROCKVILLE	05/15/2009 11:48:48	09026442	PAPSV	PAPER SERVICE
ROCKVILLE	05/09/2009 15:36:28	09025250	PAPSV	PAPER SERVICE
ROCKVILLE	05/11/2009 13:37:39	09025641	PAPSV	PAPER SERVICE
ROCKVILLE	05/01/2009 20:27:39	09023611	PAPSV	PAPER SERVICE
ROCKVILLE	05/03/2009 10:18:40	09023983	PAPSV	PAPER SERVICE
ROCKVILLE	05/04/2009 19:47:21	09024231	PAPSV	PAPER SERVICE
ROCKVILLE	05/04/2009 08:23:31	09024110	PAPSV	PAPER SERVICE
ROCKVILLE	05/07/2009 12:51:03	09024717	PAPSV	PAPER SERVICE
ROCKVILLE	05/07/2009 13:08:08	09024724	PAPSV	PAPER SERVICE
ROCKVILLE	05/27/2009 20:27:13	09029314	PERD	ISSUE DEER PERMIT
ROCKVILLE	05/29/2009 08:11:29	09029636	PERG	GUN PERMIT
ROCKVILLE	05/13/2009 13:09:04	09026004	PERG	GUN PERMIT
ROCKVILLE	05/02/2009 09:37:44	09023756	SPEEDTRL	SPEED TRAILER
ROCKVILLE	05/01/2009 08:39:07	09023454	SPEEDTRL	SPEED TRAILER
ROCKVILLE	05/04/2009 08:59:19	09024116	STALL	STALLED VEHICLE
ROCKVILLE	05/29/2009 00:15:04	09029613	SUSP	SUSPICIOUS PERSON
ROCKVILLE	05/26/2009 02:40:42	09028915	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	05/24/2009 03:10:13	09028570	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	05/25/2009 14:29:10	09028806	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	05/03/2009 02:56:08	09023960	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	05/13/2009 16:42:15	09026068	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	05/22/2009 17:56:02	09028187	THEFT	THEFT
ROCKVILLE	05/01/2009 11:02:57	09023486	THEFTV	THEFT FROM VEHICLE
ROCKVILLE	05/01/2009 11:35:44	09023491	THREAT	THREATS COMPLAINT
ROCKVILLE	05/03/2009 19:09:04	09024044	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/02/2009 16:19:52	09023823	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/02/2009 20:07:17	09023866	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/07/2009 11:28:40	09024702	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/08/2009 18:06:54	09025027	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/08/2009 19:02:56	09025052	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/13/2009 23:03:34	09026134	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/14/2009 21:43:49	09026337	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/15/2009 20:08:43	09026531	Traffic Stop	TRAFFIC STOP

City	Date Received	Call Number	Complaint	Description
ROCKVILLE	05/15/2009 21:07:04	09026541	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/14/2009 20:05:01	09026321	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/14/2009 20:12:43	09026323	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/14/2009 20:21:57	09026325	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/14/2009 20:41:11	09026327	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/23/2009 19:58:14	09028461	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/24/2009 13:02:49	09028622	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/24/2009 13:20:17	09028624	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/24/2009 13:31:31	09028627	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/24/2009 13:36:15	09028628	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/20/2009 05:22:37	09027478	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/20/2009 18:33:38	09027669	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/18/2009 06:28:48	09027046	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/17/2009 21:17:28	09027011	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/25/2009 15:35:57	09028816	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/25/2009 15:51:43	09028820	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/28/2009 07:47:05	09029379	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/28/2009 12:14:35	09029445	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/28/2009 12:35:59	09029453	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/28/2009 13:14:52	09029466	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/28/2009 13:27:02	09029471	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/30/2009 19:41:10	09030100	Traffic Stop	TRAFFIC STOP
ROCKVILLE	05/20/2009 00:32:58	09027464	TRAIN	TRAINING
ROCKVILLE	05/20/2009 13:42:16	09027567	TRANS	TRANSPORT
ROCKVILLE	05/01/2009 08:01:17	09023448	VANDV	VANDALISM TO VEHICLE
ROCKVILLE	05/06/2009 14:47:46	09024555	VDITCH	VEHICLE IN THE DITCH
ROCKVILLE	05/02/2009 21:28:22	09023888	VERB	VERBAL DISPUTE
ROCKVILLE	05/14/2009 08:56:39	09026171	WARRANT	WARRANT
ROCKVILLE	05/11/2009 10:24:56	09025595	WARRANT	WARRANT
ROCKVILLE	05/20/2009 10:20:18	09027511	WARRANT	WARRANT
ROCKVILLE	05/21/2009 11:49:13	09027847	WARRANT	WARRANT
ROCKVILLE	05/04/2009 19:32:41	09024228	XPAT	EXTRA PATROL

ROCKVILLE CONTRACT - MAY 2009

JUN 01 2009

<u>Actual Incid City</u>	<u>Date Received</u>	<u>Comp</u>	<u>Call Number</u>	<u>Complaint</u>	<u>First Unit</u>
ROCKVILLE	05/01/2009 19:48:37	20:48:25	09023603	CONTR	2577
ROCKVILLE	05/02/2009 15:20:59	17:02:54	09023816	CONTR	2545
ROCKVILLE	05/03/2009 01:57:43	03:05:17	09023947	CONTR	2563
ROCKVILLE	05/03/2009 23:23:15	00:35:15	09024079	CONTR	2578
ROCKVILLE	05/04/2009 14:37:06	15:52:27	09024176	CONTR	2541
ROCKVILLE	05/05/2009 18:40:42	19:44:07	09024407	CONTR	2567
ROCKVILLE	05/06/2009 08:09:11	09:08:35	09024494	CONTR	2551
ROCKVILLE	05/06/2009 22:53:50	23:54:33	09024633	CONTR	2569
ROCKVILLE	05/07/2009 05:02:07	06:02:49	09024654	CONTR	2575
ROCKVILLE	05/07/2009 19:18:13	20:23:24	09024806	CONTR	2574
ROCKVILLE	05/09/2009 01:54:19	02:58:41	09025140	CONTR	2558
ROCKVILLE	05/11/2009 23:41:34	00:51:15	09025720	CONTR	2578
ROCKVILLE	05/12/2009 09:06:33	10:22:54	09025752	CONTR	2541
ROCKVILLE	05/13/2009 04:58:37	06:04:47	09025919	CONTR	2554
ROCKVILLE	05/14/2009 01:50:14	02:52:10	09026154	CONTR	2553
ROCKVILLE	05/14/2009 21:15:10	22:16:33	09026332	CONTR	2540
ROCKVILLE	05/15/2009 19:32:11	21:36:37	09026522	CONTR	2558
ROCKVILLE	05/16/2009 02:54:53	04:01:04	09026659	CONTR	2573
ROCKVILLE	05/17/2009 03:13:20	04:14:08	09026887	CONTR	2575
ROCKVILLE	05/17/2009 19:57:38	20:57:51	09026997	CONTR	2569
ROCKVILLE	05/18/2009 04:50:25	05:51:12	09027040	CONTR	2558
ROCKVILLE	05/19/2009 22:59:17	00:12:09	09027454	CONTR	2567
ROCKVILLE	05/20/2009 15:17:16	16:51:42	09027615	CONTR	2542
ROCKVILLE	05/21/2009 18:27:09	20:49:03	09027965	CONTR	2578
ROCKVILLE	05/23/2009 02:26:02	03:45:00	09028300	CONTR	2573
ROCKVILLE	05/24/2009 02:26:22	03:28:56	09028563	CONTR	2570
ROCKVILLE	05/24/2009 22:03:23	23:09:25	09028709	CONTR	2547
ROCKVILLE	05/25/2009 09:21:19	10:29:26	09028770	CONTR	2548
ROCKVILLE	05/26/2009 22:31:38	23:35:19	09029140	CONTR	2577
ROCKVILLE	05/27/2009 04:59:27	05:59:46	09029164	CONTR	2559
ROCKVILLE	05/27/2009 20:21:36	21:23:36	09029313	CONTR	2578
ROCKVILLE	05/28/2009 20:41:57	21:44:49	09029563	CONTR	2567
ROCKVILLE	05/29/2009 08:25:21	09:36:32	09029655	CONTR	2542
ROCKVILLE	05/30/2009 01:49:03	02:52:48	09029934	CONTR	2570
ROCKVILLE	05/30/2009 23:00:29	02:04:11	09030139	CONTR	2574
ROCKVILLE	05/31/2009 15:22:11	16:26:27	09030251	CONTR	2564

**MINUTES OF A PLANNING COMMISSION MEETING HELD,
MONDAY, JUNE 9, 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 & Dan Hansen. Absent Steve Dietman. Liaison Duane Willenbring arrived @ 6:35 p.m.

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

Others present: Council Jerry Schmitt & Don Simon.

APPROVAL OF AGENDA/AMENDMENTS – *Motion by Member Borgmann, second by Member Tippelt, to approve the agenda as presented. Motion carried unanimously.*

APPROVAL OF MINUTES 05/11/09 – *Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 05/11/09 as presented. Motion carried unanimously.*

NEW BUSINESS

REVIEW FINDING OF FACT-SUPPORTING/DENYING A VARIANCE:

Zoning Administrator Rena Weber explained that the League of Minnesota Cities provided us with sample of City Code Variance Standards.

This is what the City of Rockville is currently using for Finding of Facts:

1. Will the issuance of the requested variance maintain the essential character of the locality? Why or Why not?
2. Will the issuance of the requested variance be in keeping with the spirit and intent of the Ordinance and/or the comprehensive plan? Why or Why not?
3. Are there circumstances created by someone or something other than the property owner that make compliance with the ordinance difficult or not possible? Why or Why not?
4. Are there circumstances unique to the property that makes compliance with the ordinance difficult or not possible? Why or Why not?
5. Without a variance, is the owner deprived of a reasonable use of the property as that use relates to the Ordinance? Why or Why not?
6. Does the proposal involve more than economic considerations? Why or Why not?

The League of Minnesota Cities sample:

1. Because of the particular physical surrounding, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
2. The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought;
3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
4. The grant of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;
5. The proposed variance will not impair and adequate supply of light and air to adjacent property, or substantially increase congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the vicinity;
6. The granting of the proposed variance will not be contrary to the intent of this Code and the City's Comprehensive Plan.

Zoning Administrator Rena Weber read the memo from the League of Minnesota Cities on example of a variance consideration.

Under Minnesota law, a municipality may grant a variance where unique circumstances of the individual property create an undue hardship. Minn. Stat. Sec. 462.357, subd. 6. "Undue hardship" generally means:

The property in question cannot be put to a reasonable use in used under 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 will not alter the essential character of the locality.

The "undue hardship" requirement does not mean a property owner must show that the land cannot be put to any reasonable use without the variance. Instead, the undue hardship standard requires a showing that the property owner would like to use their property in a reasonable manner that is prohibited by ordinance. Minnesota courts have explained there are three requirements for granting a variance under the "undue hardship" standard. The requirements are: (1) reasonableness; (2) unique circumstances; and (3) the essential character of the locality.

Member Borgmann explained at a Land Use Planning Workshop they provided samples:

1. Does the zoning ordinance lead to practical difficulties or undue hardship on the part of the property owner in the use of his property?
2. Is the physical hardship unique to the property?
3. Is the hardship caused by any actions on the part of the landowner?
4. Is the landowner unable to acquire adjacent land so as to meet the dimensional standards of the ordinance?
5. Will the proposal alter the essential character of the area?
6. Is the proposal in conformance with the spirit and intent of the zoning ordinance?

After further discussion the Planning Commission members would like to change the Finding of Facts to:

1. Will the issuance of the requested variance maintain the essential character of the locality? Why or Why not?
2. Will the issuance of the requested variance be in keeping with the spirit and intent of the Ordinance and/or the comprehensive plan? Why or Why not?
3. Are there circumstances created by someone or something other that the property owner that make compliance with the ordinance difficult or not possible? Why or Why not?
4. The grant of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located? Why or Why not?
5. Without a variance, is the owner deprived of a reasonable use of the property as that use relates to the Ordinance? Why or Why not?

REVIEW WIND TOWER ORDINANCE:

Zoning Administrator Rena Weber explained that the Council made a few changes to the Wind Tower Ordinance and added:

1. Pg 3. - Under Shoreland Residential management R1 & Community Residence R1, R2, R3 not permitted unless of 5 acres or more CUP.
2. Pg 4. - The setback from any residential district shall not be less than 500 feet.

Liaison Member Willenbring explained that the 500 feet is referring to the abutting of a different zoning district.

Chair Honer stated that she has concerns allowing towers within the shore impact zone. The towers should be located outside of the 1000 foot (shoreland district) impact zone.

Chair Honer stated that she would be okay with allowing it in the Community Residence R1, R2 and R3 just as long as the property is 5 acres or more.

Member Tippelt stated to leave the ordinance the way it was and see if any issues occur. You can always amend the ordinance if there is enough pressure from the public.

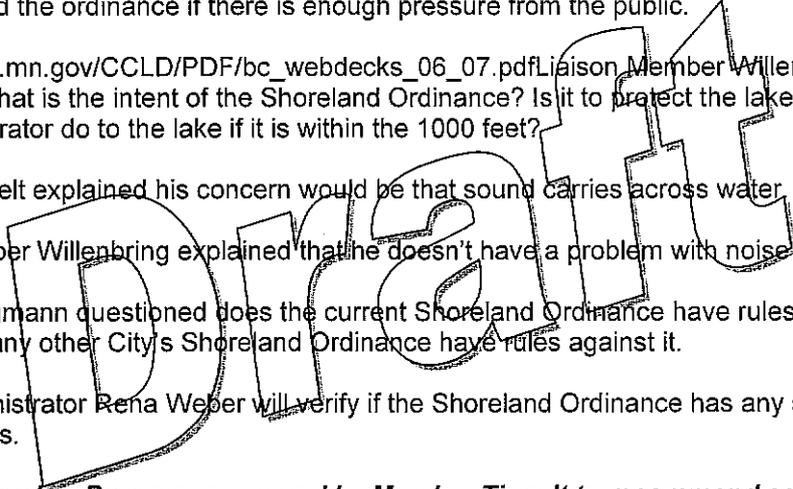
http://www.dli.mn.gov/CCLD/PDF/bc_webdecks_06_07.pdf Liaison Member Willenbring questioned what is the intent of the Shoreland Ordinance? Is it to protect the lake? Then what would a generator do to the lake if it is within the 1000 feet?

Member Tippelt explained his concern would be that sound carries across water.

Liaison Member Willenbring explained that he doesn't have a problem with noise pollution.

Member Borgmann questioned does the current Shoreland Ordinance have rules against it and/or does any other City's Shoreland Ordinance have rules against it.

Zoning Administrator Rena Weber will verify if the Shoreland Ordinance has any specific rules against towers.



Motion by Member Borgmann, second by Member Tippelt to recommend adopting the Wind Energy Conversion Systems Ordinance with the amendments except for not allowing Wind Energy Conversion System within the Shoreland District. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT:

Discussion was held on generators and storage of batteries in the wind towers.

BUSINESS FOR NEXT MEETING:

- ◆ Voigts Minor Subdivision
- ◆ Shannon Wicker Variance
- ◆ Storage of batteries in Wind Towers

ADJOURNMENT – Motion by Member Bechtold, second by Member Borgmann, to adjourn the meeting at 7:27 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR