

**MINUTES OF A SPECIAL PLANNING COMMISSION MEETING HELD,
MONDAY, MAY 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, and Dan Hansen. Liaison Duane Willenbring arrived @ 6:53 p.m..

Staff members present were: Billing Clerk/Administrative Assistant Judy Neu. Zoning Administrator Rena Weber arrived @ 6:54 p.m.

Others present: Stearns County Environmental Specialist/Feedlots Becky Schlorf Von Holdt, Darren Kiffmeyer, Sara Saar & Jack Tamble.

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

APPROVAL OF MINUTES 04/28/09 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 04/28/09 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING – VARIANCE FROM WETLAND SETBACK REQUIREMENT-Chair Honer read the notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Monday, May 11, 2009 at approximately 6:30 p.m. at Rockville City Hall** to consider the request of Arcon Development/Sarah Saar for a variance from Wetland Setback Requirements. The address of the property is: 26086 80th Avenue, St. Cloud, MN 56301 with a legal description of: Lot One (1), Block Three (3), Brentwood Hill Addition, according to the plat and survey thereof, now on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to construct a 2,677 square foot single family dwelling. Said structure would be located 6'3 21/32" from the Southeast corner which requires a 10 foot setback from the wetland. Ordinance No. 2004-19 states:

Subdivision 16: WETLAND SETBACKS

- A. Purpose. The purpose of this subdivision is to prevent negative impacts to the function, value, and quality of wetlands by establishing setbacks for structures, decks, driveways, patios, fences, or other improvements.
- B. Setbacks. In addition to the setbacks established by the Zoning Ordinance, no structure, deck, driveway, patio, fence, or other improvement shall be located in any zoning district within the following setbacks.
- C. 10 feet from the limit of a wetland 0 – 5 acres;

ARCON/SARAH SAAR/DARREN KIFFMEYER STAFF REPORT

Re: Variance Request
76.41729.0426: Owners: Arcon Construction/Sarah Saar/Darren Kiffmeyer
Property Address: 26086 80th Avenue
Legal Description: Lot 1, Block 3 – Brentwood Hills

Variance(s) Requested:

Variance is to construct a 2,677 square foot single family dwelling. Said structure would be located 6'3 21/32" from the Southeast corner which requires a 10 foot setback from the wetland.

Ordinance No. 2004-19 states:

Subdivision 16: WETLAND SETBACKS

- A. Purpose. **The purpose of this subdivision is to prevent negative impacts to the function, value, and quality of wetlands by establishing setbacks for structures, decks, driveways, patios, fences, or other improvements.**

- B. **Setbacks.** In addition to the setbacks established by the Zoning Ordinance, no structure, deck, driveway, patio, fence, or other improvement shall be located in any zoning district within the following setbacks.
- C. **10 feet from the limit of a wetland 0 – 5 acres;**

Relevant Information:

- 1. This property is located within the 1000' Shoreland Overlay District.
- 2. Property contains 11,186 square feet more or less. 2677 is 23% coverage and the PUD agreement stated "the floor-area ratio may not exceed 25%, which means that not more than 25% of the lot may be used for floor areas of all buildings on the lot."
- 3. This is not considered a corner lot by our definition which states "Lot, Corner" is a parcel situated at the junction of two (2) or more intersecting streets, or a parcel at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Recommendations:

- 1. The lot when platted could have been drawn straight back instead of at an angle thereby eliminating the need for a variance.
- 2. This request would fall under a unique situation and therefore a variance could be granted pending a grading plan be provided as well as a copy of the deed when purchased.

Chair Honer explained that if the variance is granted that it would only be for the house. You would not be able to expand, put a deck or a fence in that area.

Darren Kiffmeyer stated he understood that he could not expand on that side.

Member Tippelt questioned if the house and garage could be pushed together so it could meet the 10 foot setback on the side.

Chair Honer explained that the applicant would have to give up 4 feet either in the house or garage then.

Chair Honer reported that the City received a letter of support from Acron Development.

Motion by Member Bechtold, second by Member Tippelt, to close the public hearing at 6:39 p.m. Motion carried unanimously.

FINDING OF FACT- A review of the findings was done.

- 1. 5 yes 1 no
- 2. 5 yes 1 no
- 3. 5 yes 1 no
- 4. 6 yes
- 5. 6 yes
- 6. 6 no
- 7. 6 yes

Motion by Member Bechtold, second by Member Dietman, to recommend approval of the variance from the wetland setback requirement as presented.

AYES: Honer, Bechtold, Dietman, Hansen, & Borgmann

NAYS: Tippelt

Motion passed on a 5 to 1 vote.

STEARNS COUNTY-DISCUSSION ON FEEDLOTS:

Stearns County Environmental Specialist/Feedlots Becky Schlorf Von Holdt briefly went over the Stearns County feedlot ordinance.

The discussion was held on:

- ◆ Setbacks
- ◆ Definition on feedlot, pasture, registration, permit
- ◆ Number on animal units per acres.
- ◆ Referral/Complaints/Compliance
- ◆ Conditional Use permit
- ◆ Drafting an ordinance amendment
 1. Provide a requirement that a residence (new or proposed addition) within the City meet a 700' setback to any feedlot of 10 AU or more within the County jurisdiction located in agricultural, T-20, R-20 or R-10 districts.
 2. Include other structures that need to meet a setback from feedlots within the county jurisdiction (airport, park building, recreational camping, public park, school, church, eating establishment)
 3. Include platted lot setback to feedlot and rezoning requirements within county.
- ◆ Contract is up this year

JACK TAMBLE-PLACEMENT ON MOVEABLE BUILDING (CUP):

Becky Schlorf Von Holdt explained that the State rule requires a conditional use permit for a feedlot that is expanding or constructing within the shoreland zone.

Becky Schlorf Von Holdt explained that she did a site visit to the Hansen farm back in October, 2008 and noticed a portable structure within 300 feet of the creek. The Stearns County ordinance states that any structure that is 433 square feet or more would require a construction site permit. This structure requires a conditional use permit (within the shoreland zone) and a construction site permit (433 square feet or more).

Jack Tamble stated that it is not a permanent structure.

Becky Schlorf Von Holdt stated regardless this structure would require a construction site permit because it is more than 433 square feet it does matter if it is portable or permanent. If the structure was less than 433 square feet "no" permit would be required.

Member Tippelt questioned the reason for locating the portable structure there.

Jack Tamble explained that the reason for putting the portable structure there is because of the location of the other buildings and wanted a south exposure. This is better for the calves. Do we need to pull a permit every time they want to move the structure?

Becky Schlorf Von Holdt explained that Stearns County permits portable structure just as long as the structure meets setback requirements and if there is no pollution control issues they would be allowed to move it in another location.

Zoning Administrator Rena Weber explained that the ordinance calls for the Hansen's Farm to fill out a conditional use permit and a construction site permit to have that structure there.

APPROVAL PARK LAND DEDICATION-SUBDIVISION ORDINANCE:

Judy Neu explained that the Park Land Dedication in the Subdivision Ordinance needs to be consistent with the Park Land Dedication in the Zoning Ordinance.

Motion by Member Borgmann, second by Member Bechtold, to recommend approval to amended the Park Land Dedication in the Subdivision Ordinance as presented. Motion carried unanimously.

DRAFT DOG ORDINANCE:

Chair Honer stated that she received a few phone calls from residents in the rural area. They would like to see the dog ordinance be city wide. They are having issues with there neighbors dogs coming onto their property and killing their live stock such as chickens and pheasants.

Discussion was held on:

- ◆ Make it City wide (all zones).
- ◆ All dogs should have rabies tags on collar
- ◆ No licensing
- ◆ Ag-40 the dog may not be leashed but must be under the owners control
- ◆ Sheriff's would enforce the ordinance
- ◆ Barking dog-reference the state code in ordinance.

Motion by Member Bechtold, second by Member Borgmann to recommend adopting the Dog Ordinance as presented and amended. Motion carried unanimously

SECTION 4: SUB 2 # 7 SUMMARY OF ALL PERMITS IN JANUARY-MAY14:

Just for your information

PLANNING COMMISSION MEMBER/STAFF REPORT:

ALLOWING CAMPGROUND IN COUNTY PARK:

Zoning Administrator Rena Weber reported that the County wants to put a campground in the County Park. Staff will verify to make sure that it is zoned accordingly. The Planning Commission members have no issue with the campground.

DISCUSS THE TYPE OF SIDING:

Zoning Administrator Rena Weber explained that the O'Keefe's would like to demo the existing cabin and rebuild. The siding that they would like to use is called "Architectural profile metal siding". The drawing of the structure shows that the siding goes 2 different directions.

Member Borgmann explained that this is corrugated metal and it is not allowed.

Member Tippelt stated have them bring in a sample.

AMENDING 2009-58 WIND ENERGY CONVERSION SYSTEMS:

Zoning Administrator Rena Weber reported there are a few ideas that need clarification.

◆ **Subdivision 4: DISTRICT REGULATIONS**

District	Non-Commercial*	Commercial	Meteorological Tower*
Commercial Industrial C/I Add I1 and I2	Conditionally Permitted	Conditionally Permitted	Permitted
Add Central Business District B1 & B2	Not Permitted	Not Permitted	Not Permitted

- ◆ Changed Section 28-5 to Section 27
- ◆ Changed Chapter 30 to Section 12

Motion by Member Borgmann, second by Member Tippelt to recommend adopting the Wind Energy Conversion Systems Ordinance with the amendments. Motion carried unanimously

ADJOURNMENT – Motion by Member Bechtold, second by Member Borgmann, to adjourn the meeting at 8:08 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR