

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, JANUARY 13, 2009 – 6:32 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, and Steve Dietman. Absent Dan Hansen.

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

Others present: Mike Nistler, Doug Ruhland, Duane Willenbring and Don Simon.

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

**APPROVAL OF MINUTES 11/24/08 – Motion by Member Bechtold, second by Member Tippelt, to approve the minutes of 11/24/08 as presented. Motion carried unanimously.**

**NEW BUSINESS**

**MIKE NISTLER-CONDITIONAL USE PERMIT:** Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, January 13, 2009 at approximately 6:30 p.m. at Rockville City Hall, 229 Broadway Street East, Rockville, MN** to consider the request of Michael A. Nistler for a **Conditional Use Permit** to establish an event center in the A-40 (SP-1) District. The address of the property is: 25417 County Road 2, St. Cloud, MN 56301 with a legal description of: The Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) northerly of Road, Section Six (6), Township One hundred Twenty-three (123) North, Range Twenty-nine (20) West. Stearns County, Minnesota.

SECTION 24 Subdivision 3: SP-1 Conditional Uses reads:

1. Event Centers, as provided in Section 16, Subd. 4

**MIKE NISTLER STAFF REPORT 12/23/08**

RE: CONDITIONAL USE PERMIT REQUEST

**REQUEST**

Approval to establish an event center in the A-40 SP-1 District by conditional use permit.

**RELEVANT INFORMATION**

1. Property is zoned A-40 with an SP-1 overlay.
2. Property is 6.45 acres approximately.
3. Michael Nistler and his wife would like to convert their barn into an event center to hold "barn dances" for weddings. The structure has capacity for greater than 100 people, however, Mr. Nistler would like to keep it to 100.
4. 40 parking spaces are required which Mr. Nistler proposes to provide in the rear of the building(s). The parking lot, access road will be constructed of Class V gravel. Ordinance calls for the road to be a dust free surface maintained or paved.
5. There are no neighbors within 150 of the structure – headlights shining on structures should not be an issue.
6. No residential building is within 200 feet of the access road unless the day care center is considered residential. The commercial use was allowed by CUP before consolidation.
7. Mr. Nistler has agreed to the time restrictions and will be requesting beer/wine licenses.
8. No service or operation is being allowed outside of the enclosed premises after sunset. At some time Mr. Nistler would like to add a deck to the west side of the barn (main entrance), but not right now.
9. No sound should be discernible at the property boundary.
10. No light is to be directed off the property, no flashing or blinking lights are visible from any property line, and no light is greater than 0.1 footcandles at the property boundary.

11. The facility has to comply with existing building, zoning and health code regulations. Stearns County Environmental Services issues the septic system permit and Mr. Nistler has contacted them regarding such. Mr. Nistler to provide the information received from Stearns County.
12. Setbacks from neighboring property, residential structures and road right-of-way are in compliance.
13. There is no existing event center within one mile of the boundary of the property. It should be noted that Jacob's Prairie Church is located within a mile.

**Engineer Report:**

As requested, I have reviewed the Nistler CUP application. The staff report states that 40 parking stalls are required; that they will be located in the rear of the buildings; and they will be constructed of Class 5 gravel. Based on review and comparison of 2005 aerial photography with the site plan provided by the applicant, it appears that the required 40 improved parking stalls don't exist - rather they will be constructed in existing undeveloped areas of the property - i.e. new impervious surface will be created. Thus a Stormwater Management Plan (SWMP) is required. Please forward the SWMP to me for review when you receive it.

Member Bechtold questioned the 40 parking space.

Mike Nistler explained that he has plenty of space to add however amount of parking he needs. He would like to put the 40 parking spaces on the north side of the building because the land goes back 1000 feet. He stated that the parking that he currently has up front would not be used except for possible handicap parking.

Don Simon 601 Othmar Lane Rockville. He agrees with the idea. The City doesn't have an event center like that in town. It sound like Mr. Nistler wants to keep it under 100 people. He thinks that it would be suitable center for small gathering, small wedding, and family functions. The City needs to move forward and encourage businesses to come to Rockville.

Duane Willenbring 25123 County Road 139 Rockville. Current City Councilor. He took the liberty in canvassing some of the property owner in that area and all of them have agreed that it would be a great uses. With that information he strongly recommends with conditions to the City Council for approval.

Jerry Bechtold 24353 250<sup>th</sup> Street Rockville. He would like to commend the Planning Commission for working on this ordinance. The City has 17 farmsteads that are not being used for agricultural or live stock in the rural area. There would be all kinds of neat idea and proposal for that area.

Jerry Bechtold has heard concerns that the City has 6 shoreland owners on the council and only one rural representative. He is not sure that the rural interest is really being considered.

Doug Ruhland (Mr. Nistler attorney) stated that he review the staff report and believes that it addresses all the requirement of the ordinance. The Engineer also indicated that the class 5 or the impervious surface that it would create with the parking lot area would be subject to a Stormwater Management Plan. Mr. Nistler understands and will apply for the permit.

Zoning Administrator Rena Weber stated to Mr. Ruhland that the Planning Commission is only a recommending board. Mr. Ruhland stated that he understood.

Don Simon stated that he thinks that Mr. Nistler goal is to keep this a small family functions and small group. The City should keep this moving forward and is in favor of it.

Duane Willenbring questioned when the 60 day rules starts.

Zoning Administrator Rena Weber explains that the 60 day rules starts when the City has a completed application and the date was December 18, 2008.

Mike Nistler states that he hopes that we can get more things going in Rockville so people have a reason to stop here.

***Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 6:51p.m. Motion carried unanimously.***

***Motion by Member Bechtold, second by Member Dietman, to recommend approval to the Conditional Use Permit with conditions that is listed in the staff report. Motion carried unanimously***

**DEFINITIONS:** Zoning Administrator Rena Weber reported the following written/oral report:

- **“ACCELERATED ACCESSORY STRUCTURE”**-Take from ordinance # 2003-06 - keep
- **“AGRICULTURE”**- remove
- **“AWNING”**- means a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning. - keep
- **“BLUFF”** –A. Part or all of the feature is located in a Shoreland area; and D. The slope must drain toward the waterbody.-Strike (Question the attorney)
- **“BUILDABLE LOT AREA”** means “Buildable Area.” - keep
- **“BUILDING HEIGHT”** means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. - keep
- **“CITY”** The City of Rockville, Minnesota - keep
- **“CITY COUNCIL”** The Rockville City Council - keep
- **“ENFORCEMENT”** - remove
- **“EXTERIOR FINISH”** - keep
- **“EXTRACTIVE USE”**- remove
- **“FEEDLOT”** - add Minn. R. 7020.0300, Subp. 3.
- **“HEIGHT OF BUILDING”**- remove
- **“HOOP STRUCTURE”** is a structure not designed for permanent year round, long-term use, intended to shelter property of any kind, with a membrane, fabric or similar roof and/or walls. Said structure shall be anchored in place, will be considered as another building, will be required to go through the same procedure as accessory buildings, and must meet setback requirements. **Add**-If is its going to be permanent it needs to be certified and meet wind and snow-load requirements.
- **“IMPERVIOUS SURFACE”**- review
- **“IMPROVEMENTS”**- review
- **“INDUSTRIAL USE”**- remove
- **“INSPECTION”**- remove
- **“LAKE & RIVER CLASS”** – use Stearns County definition
- **“LANDING”**- remove
- **“LANDSCAPE AREA”**- end with the word aggregate.
- **“LIFT”**- remove
- **“LOT OF RECORD”**- April 16, 2003 (verify the date)
- **“PETS”** - added
- **“PERMITTED USE”**- remove
- **“PRINCIPAL STRUCTURE”**- remove
- **“RAINWATER GARDEN, RAIN BARRELS, SOAKAWAY PIT/INFILTRATION TRENCH”** - check Stearns County definition
- **“RECREATION AREA USE AREA”** - remove
- **“RESIDENTIAL DWELLING UNIT”** – remove
- **“RESIDENTIAL LOT SUITABLE”** – review
- **“RIVER”** – remove

- “**SHARED INTEREST COMMUNITY**” - check Stearns County definition
- “**SITE MAP**” – review
- “**SITE PLAN**” – review
- “**STAIRWAY**” – remove
- “**STREAM**” – remove
- “**STORMWATER MANAGEMENT PLAN**” – remove
- “**SUBDIVISION**” – check Stearns County definition
- “**TRANSFER OF DEVELOPMENT RIGHTS**” - see ordinance and Stearns county definition
- “**VEGETATION**” - check Stearns County definition
- “**VIEW CORRIDOR**” - review
- “**WATER QUALITY**” - remove

#### **ORDINANCE AMENDMENTS:**

**PLANING COMMISSION SIZE REDUCTION:** Chair Honer explained that she received an email that is stating that they want a reduction of two existing Planning Commission members. What that means is that they want a 5 member Commission and one of those members is a liaison from the council. *(Refer to Mayor Hagen email hereby attached and marked Exhibit A).*

Chair Honer explains that she did some research on other cities regarding members:

- ◆ City of St Augusta has 5 Council and 5 Planning Commission members
- ◆ City of St Joseph has 5 Council and 7 Planning Commission members
- ◆ City of Avon has 5 Council and 5 Planning Commission members
- ◆ City of Cold Spring 5 Council and 5 Planning Commission members

Chair Honer explained that City of Cold Spring has guideline for their Planning Commission Members it is called “Purpose and Membership Guidelines”. After reading these guidelines the City of Rockville should really look at something like this.

Chair Honer read/reference some of the document:

- ◆ **Continuity.** Frequent, significant change in the City’s leadership is disruptive to the operation. The City Council is subject to some turnover every other year. The Planning Commission is subject to very gradual turnover with each passing year. The model of having one commissioner position open each year allows the Council to appoint members that meet their collective vision for the community; yet, the fact that the potential for turnover is very gradual allows for the City’s planning direction to be insulated from violent change.
- ◆ **Mission Statement.** The City Council expects that the Planning Commissioners will support the Mission Statement established by the City Council philosophically, and with their individual contribution to each decision made by the group.
- ◆ **Conflict avoidance.** In order for the relationship to be effective between the City Council and the Planning Commission it is essential that all members of each group recognize that: 1) the City Council is the final authority on all decisions, and that they are responsible for ensuring that the decisions made within the Planning Commission’s purview are reconciled with the other objectives of the community (fiscal, community development, social, etc.); and 2) that the Planning Commission’s expertise on issues that pertain to them are designed to be more advanced than the City Council’s. In essence, so long as the Planning Commission diligently studies the issues, makes decisions solidly grounded in policy, and acts in accordance with the direction set by the Council; the Council should overturn a decision by the Commission only on rare occasions.

- ◆ **Purpose of zoning.** The purpose of zoning is to balance property owners' rights with the rights and needs of the community. It is essential that we keep this premise in mind whenever faced with even the most insignificant decision. It is nearly impossible to find purpose in most of the specific regulations affecting land use, but if you support fully the broader objective you can find justification in each case. Fully supporting the purpose of land use regulation is a prerequisite for membership on the Planning Commission. The Planning Commission should suggest amendments to the zoning ordinance regarding land use regulations; however, the City Council has the only authority to amend any ordinances.

*(Refer the Purpose and Membership Guidelines of the City of Cold Spring hereby attached and marked Exhibit B).*

**EVENT CENTER REPEAL REVIEW ORDINANCE:**

***Motion by Member Borgmann, second by Member Tippelt, request to have a joint meeting with a Facilitator, the City Council, Planning Commission Members and that the City Council holds off on any action regarding the 2 ordinances until the joint meeting has been held and reviewed. Motion carried unanimously***

**PLANNING COMMISSION MEMBER/STAFF REPORT:** None

**ADJOURNMENT – Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 8:18 p.m. Motion carried unanimously.**

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**