

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
THURSDAY, AUGUST 12, 2010 – 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 Tippelt, Dale Borgmann, Steve Dietman, Jerry Bechtold & Liaison Duane Willenbring.

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

Others present: Bill Molitor, C Chanthakhammy, Sam Deleo, Don Simon, Steve Merten & Councilor Jerry Schmitt.

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

APPROVAL OF MINUTES 06/08/10 & 07/13/10 – Motion by Member Bechtold, second by Member Tippelt, to approve the minutes of 06/08/10 & 07/13/10 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING WILLIAM & MARY MOLITOR/C CHANTHAKHAMMY 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 **Thursday, August 12, 2010 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of William & Mary Molitor/C. Chanthakhammy for a Conditional Use Permit. The address of the property is: 1380 Prairie Drive with a legal description of: Lot 6, Block 2, Prairie Business Park in the City of Rockville.

SECTION 22: I -1 LIGHT INDUSTRIAL SUBDIVISION 4: CONDITIONAL USES (4) READS:

Uses the City Council determined to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

The request is to operate an auto recycling business in the I-1 District.

STAFF REPORT:

Conditional Use Permit Requested:

1. Conditional use permit is requested to operate an auto recycling business.
2. The request is being asked under "Uses the City Council determined to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare."

Relevant Information:

1. This property is located in the I-1 District.
2. Property contains 1.012 acres more or less.
3. 5 notices of public hearing were sent out.
4. I-2 General Industrial CUP (4) says "The use is entirely enclosed, in a roofed structure with concrete floor, storage of junk and salvage including automobile salvage, scrap metal, paper, rags, household appliances, or recyclables"
5. The only difference in the intent between I-1 & I-2 is that I-1 has sewer/water and I-2 doesn't.
6. Also – this is mainly to be an internet business.

Recommendations:

1. Get in writing exactly when the petitioner will construct his building.
2. Review the Development plan.
3. Maintain existing drainage patterns over, under, and across their property.
4. No additional driveways will be allowed.
5. 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.

6. Approve with these conditions.

Zoning Administrator Rena Weber reported/read the City received two (2) written letters from the neighboring properties.

Honorary member of the planning commission, my name is Darwin Voigt owner of Lot 5, Block 2, Prairie Business Park in the city of Rockville. I am sending this e-mail in regards to the request of William and Mary Molitor/C.Chanthakhammy for a C.U.P. to operate a automobile recycling business.

The size of this lot is less than 3 acres without knowing the size of buildings, office and cold storage, is there enough land for disassembling vehicles, parking, landscaping, etc. If they would purchase the lot to the east another 2.5 acres, I don't believe that 5 + acres is large enough for that type of business. If you look at the A.P.S. lot they have almost 2 acres for parking for incoming vehicles customer's vehicles and employee parking.

I feel these lots up by Highway 23 sets the opinion of people as to what the city of Rockville is. Granite Tops, Freedom Motors and the rest of the land owners have done a good job in creating a positive, clean, neat, professional image for the city of Rockville. If this C.U.P is granted we would have a 6' fence topped with a barbed security wire to 8' (Imagine). This I feel would deteriorate from the present image.

So for these reason I am apposed to granting this C.U.P. for this area. There may be other areas in the city where this type of business is more suitable. Not along Highway 23. Darwin E. Voigt, 8/10/2010.

2nd written letter.

I will be unable to attend tonight's public hearing due to prior business commitments but would like my opposition to the proposed conditional use permit be read to the council. I am very pro business and would like to welcome all new businesses into the Rockville Community however I can not in good conscience keep my opposition quiet as to the current proposal from Mr. Molitor and C.

Chanthakhammy. I am against this proposal for 2 main reasons, 1-location and 2-type of business. I will elaborate on both. Location, I feel that the location of an auto recycling center (salvage yard) would be detrimental to future growth of the Prairie Industrial Park in the location described in the Notice of Public Hearing (lot 6 block 2) or the very front of the business park. The topography of the land puts Highway 23 elevated to the business park and to think that a salvage yard would be hidden to the eye by an 8 foot fence would be a huge mistake. The proposal as it stands does not fit with commercial / retail feel that park was designed around. I am sure I will not be alone in my opposition to the location selected as other members of the park are heard. The second part of my opposition is based on the type of business and the needs that they require. Auto salvage as stated is a business of selling parts from cars that have been damaged or deemed unsafe for the roads and inventory as most companies refer to it would be junked cars and many of them. For the cities that have faced this challenge the remedy has always been to build a tall fence to hide the salvaged cars and that remedy clearly does not fit the feel of the business park. As a current occupant of the Prairie Industrial Park I think the proposal as it stands should be voted down. Kip Cameron – Granite-Tops

Mr. Chanthakhammy feels that his business is not a typical salvage yard. The vehicles will only be foreign not domestic vehicles. The vehicles will be certain makes and model such as BMW's, Toyota's, and Honda's. The yard will not be the typical salvage yard where you see shells on top of shells. The vehicles will be dismantled, crushed and hauled out as soon as possible. The warehouse will be located down in the Twin Cities where most of the parts will be stored such as body parts, electronic parts, airbags, seats and headlights. Being that the business is an internet business this salvage yard will be more traffic going in and out. There will be times when people may come in to pick up parts such as a transmission.

Zoning Administrator Rena Weber reported that in the General Information Plan.

The Schedule:

1. Install City sewer and water prior to October 1st, 2010 (Contractor: Gene Lang Excavating)
2. Construct building, fencing, and parking surface: begin construction in April of 2011 with completion before September 1st, 2011.
3. Construct cold storage building addition: Currently estimated to begin construction in the spring 2012. This date will be dependent on space needs.

Zoning Administrator Rena Weber questioned "What would be done now?"

Mr. Chanthakhammy explained that he will have two phases.

- ◆ First (1st) phase will consist of installing city services, building the dismantle area and office. In April, 2011 put a fence up.
- ◆ Second (2nd) phase late spring of 2012 will be Cold Storage-it will store transmissions, motors, big heavy items that will be difficult to transport to the warehouse in the Twin Cities.

Chair Honer questioned how quickly you anticipate once you receive an automobile that it gets dismantled and crushed.

Mr. Chanthakhammy explained the plan is for it to be done right away. There will be two dismantling stalls so that two vehicles can be dismantled at the same time.

Chair Honer questioned "If the vehicles will be crushed on site?"

Mr. Chanthakhammy explained the vehicles will not be crushed on site because of financial reasons. There are portable crushers where people would crush the vehicles on site and haul the cars away.

Member Tippelt questioned would that be an option where you would have 8 or 10 vehicles ready to be crushed then have a crusher come in or a soon as you have the parts off the vehicles then the vehicles leave the site.

Mr. Chanthakhammy stated the vehicles will leave the site once there are 8 or 10 built up. It wouldn't be efficient every time there is a vehicle sitting there to have it crushed and hauled away.

Bill Molitor from Prairie Industrial Park-I'm trying to help bring more businesses to town and I understand that there is 2 letters opposing it. There were 5 public notices mailed out and 4 of those properties within the park (J & T Partners, Chip Shoppe, John Lenneman, Pickup's & Power Sports) did not apply back. **(A public notice was sent to properties within 350 feet of lot 6, Block 2. The public notice was mailed to Prairie Industrial Park Inc (4 lots), J & T Partners LLC, Darwin and Mary Voigt (Voigt Bus) & Granite Tops. No public notice was sent to John Lenneman, Pickup's & Power Sport & Chip Shoppe because they are not within 350 feet (per ordinance requirement).** The ordinance does require businesses to have fences, in which this business would. They will be putting in a manhole that is recommended by the City Engineer. They are doing everything that the ordinance is requiring them to do.

Member Tippelt questioned "The vehicles that will be sitting in front of the lot are they wrecked vehicles?"

Mr. Chanthakhammy stated 'No' it will be cars that are ready to operate on roads. The plan is to have about 8 vehicles on display and those are the vehicles that have been already repaired.

Member Dietman questioned "If there was going to be baking/body work done there?"

Mr. Chanthakhammy stated "No" the plan is to contact local businesses like Jeff's Auto Body.

Member Tippelt questioned would you be open in changing the location of the building, instead of having the building facing South to North (length) of the lot have it face East to West (width) so that it covers more of the front of the lot so that the vehicles that are waiting to be hauled out are not visible to the highway.

Mr. Chanthakhammy explained he has "no" problem with that.

Zoning Administrator Rena Weber questioned the Engineer (Sam Deleo) regarding the building pad on the plat and the drainage pattern on how the water is supposed to run.

Sam Deleo explained that it would allow positive drainage and the easement will cover both lots. This is a very green business, very good for the environment. There will not be a problem turning the building direction.

Councilor Jerry Schmitt 21492 County Road 8-It sounds like most of the business is going to be down in the Cities. Why wouldn't you have your business down there? Wouldn't it be more profit effective? Do they have laws down there that you can't run your business there?

Mr. Chanthakhammy explained that he would rather be down in the Twin Cities but financially it is not feasible. Lot of the salvage yards in the Cities are not for sale. The reason for choosing Rockville is that he knows the area. I can sure you that tires, batteries, etc will not be in the front yard.

Don Simon 600 Othmar Lane-It's good that businesses want to come to town. Does see some of the concerns with what the other businesses have but doesn't think it's going to be that bad. How many people are they going to employ.

Mr. Chanthakhammy stated 4 employees and is looking at growing.

Don Simon if we can get a new business here lets work with them.

Zoning Administrative Rena Weber explained that one of the conditions that is asked when granting a Conditional Use Permit. Is it consistent with the Comprehensive plan? This property is in District Five (5), Recommendations: Recommended land use within District Five in the future include: (g) Higher quality business park/office park/light industrial adjacent to Highway 23 adjacent to the intersection with CR 140.

Liaison Duane Willenbring questioned by turning the building wouldn't change anything.

Chair Honer explained it would be for future expansion.

Member Tippelt explained that the reason for turning the building is so the activity would be behind the building and if they want to expand the cold storage it keeps the activity further away from the highway.

Liaison Duane Willenbring questioned if they would possibly incorporating some type of retention holding spot so that if there is a leak it would catch it before it gets into the wetland.

Member Tippelt explained that is why we would require all dismantling be done indoors.

Mr. Chanthakhammy states that he will make sure the pans are placed under all vehicles that are sitting waiting to be dismantled.

Don Simon stated to check with AJ Auto about how they take care of leaks or if they have any oil pans under their vehicles.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 7:20p.m. Motion carried unanimously.

Member Tippelt questioned what would be the maximum number of vehicle on the lot waiting to be dismantled.

Mr. Chanthakhammy stated no more than ten vehicles waiting to be dismantled. It takes 2 individuals 4-6 hours to dismantle one vehicle and will have two dismantling stalls.

Chair Honer questioned if one of the conditions that the Planning Commission would put on your Conditional Use Permit would be at any given time you would not have no more than 40 vehicles on your lot –this would include vehicles that have been repaired for sale, vehicles that are waiting for dismantling and vehicles that are waiting to be crushed. Is that reasonable?

Mr. Chanthakhammy stated "Yes" he could work with that number.

Zoning Administrator Rena Weber questioned "Will there be any dismantling before the building is up in 2011?"

Mr. Chanthakhammy stated "No".

Motion by Member Tippelt, second by Member Bechtold, to recommend approval that the building be turned the width of the lot, Maintain existing drainage patterns over, under, and across their property, the easement on lot 6 and 7 be recorded, no more than 40 cars on the lot at one time, no additional driveway added, no dismantling until building is up. Motion carried unanimously.

PUBLIC HEARING JAMES & NORLENE THEISEN/STEVE MERTEN 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 **Thursday, August 12, 2010 at approximately 6:45 p.m. at Rockville City Hall (229 Broadway Street East)** to consider the request of James & Norlene Theisen/Steve Merten for a **Conditional Use Permit** for a hunting/shooting preserve. The address of the property is: 8630 County Road 141, Kimball, MN 55353 with a legal description of:

95.87 A N2SE4 Less E 1 ROD, Also SW4SE4 Less 23.63 Acres sold. Old #28.17062.005

SECTION 16 Subdivision 4: Conditional Uses (7) reads:

The following uses may be allowed as conditional uses following the procedures set forth.

(7) Hunting Clubs and shooting preserve

The request is to release raised pheasants on property and shoot them with clients.

STAFF REPORT:

Conditional Use Permit Requested:

1. Conditional use permit is requested to release raised pheasants on the property and shoot them with clients. CUP approval is required under Section 16. Subd. 4 (7) Hunting Clubs and shooting preserves.

Relevant Information:

1. This property is located in the SP-1 District.
2. Property contains 95.9 acres more or less.
3. 11 notices of public hearing were sent out.

Recommendations:

1. Steve Merten is the operator of this business. He has indicated that there will be no structures built, no concessions, just private shooting events.
2. Mr. Merten is leasing the property from the Theisen's for shooting pheasants. This will occur mostly on weekends during shooting hours.
3. Staff had recommended that he contact all abutting neighbors for their approval.
4. If the neighbors are fine with this – it could be allowed as a CUP.

Steve Merten would like to apologize to the neighboring properties because he didn't have time to contact them for their approval. Checked with the Department of Natural Resource (DNR) and the County, they have no problem with it. The plan is to mow around the perimeter of the property so people stay in the area where they can hunt. Part of the Department of Natural Resource (DNR) requirement is posting the property. Have been hunting this property for years and is willing to work with the neighboring property owners.

Dan Greenwald @ 8505 County Road 141- Some of the concerns is the number of hunters in that area, releasing of about 1000 birds and the noise of gun shooting. What are his future plans for expanding?

Jody Albers @ 8750 County Road 141 –My concern is I have kids that play out back and animals. What would be the direction of the shooting, the number of people and the traffic? We have 10 acres that we enjoy and I would still like for my kids to be able to play out back.

Steve Torborg @ 7801 227th Street- Owns 120 acres to the east and north of the subject property. The 120 acres is currently open land and is not used for anything. When he bought the piece of property the

intent was someday to build a home there. The 100 acres is small piece of land to have a hunting preserve. Did some research on the internet regarding other hunting preserves, Caribou Gun is 700 acres, Gold Meadows is 800 acres, Bear Creek is 370 acres and the smallest that he could find was Apple River Hunting at 250 acres. On one hand he would like to see the land be utilized if it wasn't going to hinder the values of the rest of us or keep us a wake or a constant nuisance all the time, maybe there is some common ground that we can find. In the future if anyone wants to sell their property, would we end up arguing that the hunting preserve is not affecting the quality of life here?

Randy Lommel @ 8282 County Road 141- "Is the entire shooting part of the preserve?"

Chair Honer explained they would have setback guidelines to follow.

Randy Lommel-Another question "Is there going to be guided hunts?"

Steve Merten stated "Yes".

Steve Merten regarding the game preserves that were mentioned a lot of those preserve release anywhere from 5,000 – 20,000 birds. He is raising 1,000 birds and is not planning on shooting them all. Last year he raised 300 birds. He would like to get a Commercial Game Farm License to be able to shoot more than 300 birds. This shooting preserve will have no structure. The land is leased and it has been pheasant hunted for the past 10-15 years.

Chair Honer questioned if this agreement comes into play are the rest of the hunters going to have to stop hunting there.

Steve Merten stated "no" he already worked out the terms with the hunters and they will be allowed to hunt. It's not going to be a daily hunt and no early morning and late evening hunting. The way you cut the trail and the way you do the shooting, this property has a lot of room. The Department Natural Resource (DNR) only requires a 40 acre parcel to do hunts. There won't be multiple parties' only one group and he can dictate the direction of shooting.

Chair Honer questioned "What is the average size group hunting?"

Steve Merten stated between 4-8 people. A group of 8 is large. This is not a place where you can take in 8-12 hunters at a time.

Chair Honer questioned "How does it work?"

Steve Merten explained that people buy a number of birds and whatever they don't shoot they stay in the surrounding area.

Member Dietman questioned "What is the season?"

Steve Merten explained it's generally a 6 month season but doesn't have enough birds to hunt the full season. The season is normally starts in the fall.

Member Dietman questioned "Would you put a limit on the season like October-December?"

Steve Merten explained he would like to be open from like September thru late December cutting it of at January 1st.

Zoning Administrative Rena Weber stated if this is granted the City would like a copy of the license and the states requirements.

Doug Albers @ 8750 County Road 141-"Is the hunts just on weekends?"

Steve Merten stated "no".

Doug Albers—"The days that the preserve is not open what keeps the people from not going in there and hunting?"

Steve Merten explained he could gate it.

Doug Albers—"What are you going to do for parking?"

Steve Merten explained there is a spot for parking on the east side of the property.

Chair Honer read the staff report recommendations. Discussion was held and added more conditions.

1. Steve Merten is the operator of this business. He has indicated that there will be no structures built, no concessions, just private shooting events.
2. Mr. Merten is leasing the property from the Theisen's for shooting pheasants. This will occur mostly on weekends during shooting hours.
3. Staff had recommended that he contact all abutting neighbors for their approval.
4. If the neighbors are fine with this – it could be allowed as a CUP.
5. Season would run from September 1st – January 1st.
6. A license from the State or the Department of Resource (DNR) would be required to be on file with the City.
7. Property line is designated and posted.
8. Parking area posted.
9. No shooting in the wetland.
10. To follow the Ten Commandments of Fire Arm and Safety Rules.
11. Hours of Operation - 9:00 a.m. – Sunset (follow Department of Resource-DNR guideline)
12. Gate the area.
13. Review the reports at the February 2011 meeting.

Zoning Administrative Rena Weber will check with the City Insurance Agent to see if the shooting preserve should have the City listed on their Certificate of Liability Insurance.

Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 8:15 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Dietmann, to recommend approval with the above conditions. Motion carried unanimously.

DISCUSSION B1 & SP 1 (Ag-40) (Residential property in the district): Will be discussed at the next meeting.

PLANNING COMMISSION MEMBER/STAFF REPORT:

BUSINESS FOR NEXT MEETING:

ADJOURNMENT – Motion by Member Borgmann, second by Member Dietmann, to adjourn the meeting at 8:17p.m. Motion carried unanimously.

**JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST**

**TONI HONER
CHAIR**