

**MINUTES OF A PLANNING COMMISSION MEETING HELD,
TUESDAY, AUGUST 12, 2008 – 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, Jerry Tippelt, Vern Ahles, Steve Dietman & Dale Borgmann. Absent Dan Hansen.

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

Others present: Joe, Trisha & Darrin Massmann, Mike Nisler, Doug Ruhland, Chuck Johannes and Dave Gruenes.

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

APPROVAL OF MINUTES 07/08/08 – *Motion by Member Ahles, second by Member Tippelt, to approve the minutes of 07/08/08 as presented. Motion carried unanimously.*

NEW BUSINESS

RESCHEDULE PLANNING COMMISSION MEETINGS: Chair Honer asked for approval to change the 9/09/08 meeting date to 9/02/08 due to elections and 11/11/08 meeting date to 11/12/08 due to City Hall being closed on Veterans Day.

Motion by Member Bechtold, second by Member Borgmann, to approve the change of the 9/09/08 meeting date to 9/02/08 and provide proper postings. Motion carried unanimously.

Motion by Member Tippelt, second by Member Dietman, to approve the change of the 11/11/08 meeting date to 11/12/08 and provide proper postings. Motion carried unanimously.

JOE & TOM MOLITOR-ADMINISTRATIVE PLAT: Zoning Administrator Rena Weber reported the following written/oral report.

STAFF REPORT

RE: ADMINISTRATIVE PLAT

76.41620.800/001 Owners: Thomas & Joseph Molitor Farms Partnership
Property Address: 8554 County Road 47, St. Cloud, MN 56301

REQUEST

Approval to sub-divide 0.03 Acres from Parcel A (Molitor's) to Curt Gohmann for non-building purposes only.

RELEVANT INFORMATION

1. Property is zoned SP-1
2. Property is 0.03 Acres approximately.
3. Curt Gohmann is asking approval to square off the NE of his property for sale to Darrin Massmann. Thomas and Joseph Molitor originally sold the property (5.0 acres) in 1996 to Curt Gohman, however, the survey was incorrect and this conveyance is merely for correction of a lot line. This will not be built upon.
4. Darrin Massmann has paid the required application fee.
5. Thomas and Joseph Molitor have signed the necessary quit claim deed to see this process through.

RECOMMENDATION

1. Approve as presented.

Motion by Member Bechtold, second by Member Ahles, to recommend approval of the Administrative Plat as presented. Motion carried unanimously.

PROPOSED LANGUAGE BANQUET & DANCE HALL AMENDMENT: Chair Honer reported the following written report.

PROPOSED LANGUAGE BANQUET & DANCE HALL AMENDMENT:

Add to Section 16, Subdivision 4, A-40 Conditional Uses, and renumber accordingly:

“Banquet and Dance Hall Establishments, provided:

- A. The capacity is less than 100 persons;
- B. The facility has sufficient improved parking spaces for the facility located at least 200 feet from any neighboring property, no unimproved areas are utilized for parking, and facility is designed to prevent vehicle headlights from shining on neighboring property;
- C. Access to the property is provided by a paved public road, or access is provided by a gravel road, and no residence is located within 200 feet of the gravel road providing access;
- D. The driveway and parking surface are paved, or they are maintained to prevent dust;
- E. The hours of operation are limited to the hours of 12:01pm to 10:00pm;
- F. No service or operation is allowed outside of the enclosed premises, except that outside operation may be allowed until sunset, provided temporary shelter is available and the attendance does not exceed the premises capacity;
- G. No sound from the establishment is discernible at the property boundary;
- H. No light is directed off of the property, no flashing or blinking lights are visible from any property line and no light is emitted greater than ___ candles at the property boundary;
- I. Complies with all existing building, zoning and health code regulations.
- J. The premises is setback at least 200 feet from any neighboring property, and at least 100 feet from the road right-of-way;
- K. The facility maintains the essential rural character of the district; and
- L. No banquet or dance hall establishment is located within one mile of the proposed premises.

Mike Nistler is requesting to review his changes to the ordinance.

- A. The capacity is less than ~~400~~ 200 persons;
- B. The facility has sufficient improved parking spaces for the facility located at least ~~200~~ 20 feet from any neighboring property, no unimproved areas are utilized for parking, and facility is designed to prevent vehicle headlights from shining on neighboring property;
- E. The hours of operation are limited to the hours of ~~12:01 pm to 10:00pm~~ 10:00 am to 12:00 pm;
- F. No service or operation is allowed outside of the enclosed premises, except that outside operation may be allowed until sunset, provided temporary shelter is available and the attendance does not exceed the premises capacity; **using an outside deck for enjoying the outdoors when weather is favorable and have outdoor dining.**
- J. The premises is setback at least ~~200~~ 30 feet from any neighboring property, and at least 100 feet from the road right-of-way;

Member Dietman agrees on changing the capacity to less than 200.

Member Bechtold would prefer if it would be called an event center and change the operation hours from 10:00 am to 1:00 am.

Member Tippelt stated that the capacity should be determined by the building/fire inspector.

Chair Honer stated that the parking space should be based on the capacity in which that is reviewed by the building/fire inspector.

Doug Ruhland attorney for Mike Nislter stated that:

- Parking should be changed to suitable area
- Setbacks are too restrictive
- Hours of operation
- Request a notice be sent to Mr. Nistler when Planning Commission reviews it again

DISCUSSION ON WIND TURBINE (TOWER):

Discussion was held on:

- Categories – under 40kw and over 40kw
- Minnesota passed a law called net metering act
- Environmental
- Energy Standards
- Cost
- Reasonable place for wind turbines - Light industrial & Rural area
- Any health issue
- Does it apply to present/future land use
- Height of the tower

OLD BUSINESS-There was none.

ADJOURNMENT – *Motion by Member Tippelt, second by Member Ahles, to adjourn the meeting at 7:57 p.m. Motion carried unanimously.*

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR