

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, DECEMBER 12, 2006 – 7:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Jerry Bechtold. Roll call was taken and the following members were found to be present: Chair Bechtold, Commission members: Dan Hansen, Toni Honer, Susan Palmer, Roger Schmidt, Dale Borgmann, Jerry Tippelt & Vern Ahles liaison.

Staff members present were: Administrative Assistant Judy Neu.

Others present were: Jason Hall (Nextel).

APPROVAL OF AGENDA: Jerry Bechtold asked approval to add discussion on the November 28, 2006 working session to the agenda this evening.

Motion by Member Roger Schmidt, second by Member Dan Hansen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES 11/14/06 & 11/28/06 –

Motion by Member Susan Palmer, second by Member Toni Honer, to dispense with the reading of the minutes of 11/14/ 06 & 11/28/06 and approve as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING – Nextel Tower –

Judy Neu read the notice of public hearing which is being held to consider the request of Nextel Communications/Daniel Hansen etal for a **Conditional Use Permit** for construction of a wireless communications tower. The address of the property is: 23351 Rausch Lake Road with a legal description of:

PARENT PROPERTY DESCRIPTION:

Part of the Northeast Quarter of Section 16., Township 123 N., Range 29 W., Stearns County, Minnesota.

PROPOSED LEASE TRACT DESCRIPTION:

The Part of the Northeast Quarter of Section 16, Township 123 N., Range 29 W., Stearns County, Minnesota described as follows:

Commencing at the northwest corner of said Northeast Quarter, said point being marked by a Stearns County cast iron monument; thence North 89 degrees 37 minutes 40 seconds East, bearings based on the Stearns County Coordinate Grid, along the north line of said Northeast Quarter a distance of 347.96 feet; thence South 05 degrees 56 minutes 25 seconds East a distance of 270.70 feet to the point of beginning of the lease tract to be described; thence North 84 degrees 03 minutes 35 seconds East a distance of 100.00 feet; thence South 05 degrees 56 minutes 25 seconds East a distance of 100.00 feet; thence South 84 degrees 03 minutes 35 seconds West a distance of 100.00 feet; thence North 05 degrees 56 minutes 25 seconds West a distance of 100.00 feet to the point of beginning.

Said Lease Tract contains 10,000 square feet.

PROPOSED ACCESS & UTILITY EASEMENT DESCRIPTION:

A 12.00 foot easement for access purposes and an 8.00 foot easement for utility purposes over, under and across the Northeast Quarter of Section 16, Township 123 North, Range 29 West of the Fourth Principal Meridian. Said access easement being 12.00 feet to the right, and said utility easement being 8.00 feet to the left of the following described line:

Commencing at the northwest corner of said Northeast Quarter, said point being marked by Stearns County cast iron monument; thence North 89 degrees 37 minutes 40 seconds East, bearings based on the Stearns County Coordinate Grid, along the north line of said Northeast Quarter a distance of 347.96 feet; thence South 05 degrees 56 minutes 25 seconds East a distance of 347.76 feet to the point of beginning of the line to be described; thence South 75 degrees 57 minutes 48 seconds West a distance of 221.96 feet to the northeasterly line of Pine Street and said line there terminating.

The side lines of said easements shall be prolonged or shortened to terminate on the northeasterly line of Pine Street.

Said access easement contains 2,690 square feet more or less. Said utility easement contains 1,764 square feet more or less.

SECTION 16 Subdivision 4 (19): Conditional Uses reads:

19. Commercial Wireless Telecommunication Service Towers subject to Section 13 of City Zoning Code.

Jason Hall explained that Nextel and Sprint merged and that everything that was in the works was shut down for the company to review and that the tower was on hold for 10 to 12 months. He called City Hall regarding the permit they explained that the permit elapsed and that Nextel would have to apply again. Jason explained that the application did not change, they are still asking for a 199 foot tower, with no lighting, no wires, and the same site plan.

Jerry Bechtold explained that the driveway should be crushed granite.

Jerry Bechtold stated that the attorney typed up the finding of fact. Jerry asked Jason Hall to read them.

1. Applicants seek to operate a commercial wireless telecommunication service tower, subject to Section 13 of City Zoning Code.
2. The requested use is a conditional use in the Ag-40 zoning district in which the property is located, and is reasonably related to the existing land uses. The use is compatible with existing and planned uses on surrounding properties, and will not negatively affect these adjacent properties. The use is consistent with the Comprehensive Plan.
3. In evaluating the Application for this Conditional Use Permit, the City has relied on all information submitted pursuant to its 2005 Application and its current Application, including, but not limited to, the plat of survey, the comments from Nextel representative, Jason Hall, submitted on December 6, 2006, the site plan, title sheet, and other schematic information submitted pursuant to the current Application, and all related documentation.
4. There is no notable burden on public facilities, no increased traffic hazard, and sufficient parking and loading provided.
5. With the conditions imposed below, the use will not be a detriment to the health, safety and welfare of the City.

DECISION

IT IS ORDERED that the Conditional Use Permit **BE GRANTED** as upon the following conditions:

1. All conditions of the City Zoning Code, Subdivision Code and other Ordinances are met, specifically those included in Section 13 of the City's Zoning Code.
2. That the proposed driveway be surfaced with Class 2 crushed granite or other similar material to minimize potential erosion issues.
3. That operation of said communications tower does not interfere with the emergency communications of the City's fire and rescue squad or other public safety entity.
- ~~4. That permit is granted subject to the Interim Use Permit granted to the same property owner for excavation and mining on the property.~~
5. That this Conditional Use Permit is recorded in the Office of the Stearns County, and a copy of the recorded document is provided to the City.

Jerry Bechtold stated the # 4 in the **Decision** should be removed from the finding of facts. It does not pertain to this property.

Jason Hall explained (# 3 in the **Decision**) that Nextel is licensed by the FFC, and any interference with emergency communications system. Staff should contact Nextel so that Nextel can make any necessary changes.

Motion by Member Toni Honer, second by Member Susan Palmer, to close the public hearing at 7:09 p.m. Motion carried unanimously.

Motion by Member Susan Palmer, second by Member Dale Borgmann, to recommend approval for the conditional use permit subject Nextel following the information on the finding of facts. Motion carried unanimously.

Discussion was made about the November 28, 2006 working session. Members would like that the Planning Commission and the City Council meet quarterly.

ADJOURNMENT – Motion by Member Jerry Bechtold, second by Member Roger Schmidt, to adjourn the meeting at 8:16 p.m. Motion carried unanimously.

JUDY NEU
ADMINISTRATIVE ASST

JERRY BECHTOLD
CHAIR