

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JANUARY 10, 2012 – 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 and Jerry Tippelt. Susan Palmer arrived 6:37 p.m., Liaison Jeff Howe arrived @ 6:52 p.m.

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

Councilor Member Don Simon.

Others present: Greg Mueller, Mike Nistler, Mark Loxtercamp, Brendon & Kathy Vanderhagen, Paul Schmitz, Brenda & Todd Johnson, Jerome Karls & Roger Bechtold.

APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Borgmann, second by Member Bechtold, to approve the agenda. Motion passed on a 3 to 0 vote.

APPROVAL OF MINUTES 10/11/11 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 10/11/11 as presented. Motion passed on a 3 to 0 vote.

ISSUE OATH OF OFFICE: Zoning Administrator Rena Weber issued the Oath of Office to Jerry Tippelt.

ELECTION: - (Appointment of Officers)-

Motion by Member Borgmann, second by Member Tippelt, to appoint Member Honer as Chair.

AYES: Borgmann, Tippelt, Bechtold.

ABSTAIN: Honer

Motion passed on a 3 to 0 vote.

Motion by Member Tippelt, second by Member Honer, to appoint Member Borgmann as Acting Chair.

AYES: Tippelt, Bechtold, Honer.

ABSTAIN: Borgmann

Motion passed on a 3 to 0 vote.

Member Palmer arrived at 6:37 p.m.

NEW BUSINESS

PUBLIC HEARING @ APPROXIMATELY 6:30 P.M. BRENDA JOHNSON @ 12907 GLEN COVE ROAD – CONDITIONAL USE PERMIT

–Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, January 10, 2012 at approximately 6:30 p.m. at Rockville City Hall** to consider the request of Todd & Brenda K. Johnson for a **Conditional Use Permit** for Home Extended Business. The address of the property is: 12907 Glen Cove Road, Cold Spring, MN 56320 with a legal description of:

Lot 1, Block 2 – Springwood Estates

SECTION 16 Subdivision 4: Conditional Uses reads:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance.

- 16. Home Extended Business

The request is to use property to construct kitchen facilities for business purposes

STAFF REPORT:

The request is to use ½ of tuck under garage to bake bars, cookies, & popcorn for wholesale purchasing.

Relevant Information:

1. This property is located in the Ag-40 District, but one that has been platted.
2. Property contains 10.00 acres more or less.
3. 11 notices of public hearing were sent out.

Recommendations:

1. Mrs. Johnson has been in the business of making popcorn, bars retail and she would like to conduct the business from her residence.
2. To do that she would like to use the tuck under garage in her home.
3. Planning Commission Chair and Member Borgmann did a site visit to the property on 12/2/11. – Chair Honer explained that Mrs. Johnson wanted to start wholesale purchasing before Christmas so we issued a 60 days approval. Mrs. Johnson understood it was only for 60 days to get her through until the public hearing.
4. There will be no more traffic in the neighborhood as the sales are wholesale.
5. If the neighbors are fine with this – it could be allowed as a CUP.

Brendon Vanderhagen 17544 Red Cedar Road Cold Spring- explained that he owns property (south) adjacent to the Johnson's property. We came to get more information regarding what the intentions are.

Brenda Johnson 12907 Glen Cove Road – stated she owned a Carmel shop in St Cloud, it was sold in 2003 and they closed their doors in 2004. She has been asked from several people if she would open it up again. She doesn't want to open the business end of it but would do the wholesale end of it. Crafts Direct is allowing her to put her baked goods in the coffee shop. She is looking at getting involved with school fundraisers. There won't be any cars coming and going.

Brendon Vanderhagen questioned if this "business is successful", what does this encompass in terms of expanding the facilities on site? Is it contained to a certain amount of square feet within the existing structure? What is the process if the business grows?

Zoning Administrator Rena Weber explained that if the business does grow and needs to expand to another building we would need to go through the same process again.

Chair Honer explained that Mrs. Johnson's garage needed to be brought up to code and she needed approval from the Department of Agricultural.

Mark Loxtercamp 23006 Grovewood Lane Cold Spring - questioned is there going to be any advertising that will be visible as you are driving into the neighborhood.

Brenda Johnson explained "no" it's wholesale, my main business address will be Crafts Direct and on the labels she just wants to put Rockville, MN. Supplies will be brought to Crafts Direct and loaded into her car and brought home. Anything that is coming and leaving from her property will be only by her.

Motion by Member Borgmann, second by Member Palmer to close the public hearing @ 6:46 p.m. Motion carried unanimously.

Motion by Member Bechtold, second by Member Borgmann, approved the Conditional Use Permit as present but can not extend beyond the existing tuck under garage. Motion carried unanimously.

PUBLIC HEARING @ APPROXIMATELY 6:40 P.M. GREG MUELLER/CENTRAL SPECIALTIES @ 25770 133RD AVENUE – CONDITIONAL/INTERIM USE PERMIT – Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, January 10, 2012 at approximately 6:40 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of Gregory Mueller/ Central Specialties for a Conditional/Interim Use Permit. The address of the property is: 25770 133rd Avenue,

Cold Spring, MN with a legal description of: 150.34 A W2 NW 4 & W2SW 4 of Section 6, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

AN CONDITIONAL/INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:

SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 13. MINING/EXTRACTIVE USES

SECTION 27: CONDITIONAL USE PERMITS

SECTION 28: INTERIM USE PERMITS

The request is to operate a temporary mining/extraction/crushing use.

STAFF REPORT:

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 18.00 acres more or less.
3. 10 notices of public hearing were sent out.

Considerations:

1. This will be the third time the request is being asked. Members need to refer to minutes of previous Planning Commission and City Council meetings:
PC – 7/28/09
Sp. CC – 7/29/09
PC – 5/10/11
CC – 5/18/11
2. Administrator has checked with Stearns County as to the “grandfather” clause concerning the pit itself. This is what Heidi Winskowski said: *“Yes this pit was registered with the County. If this pit was still County jurisdiction, they would be able to continue mining without needing an IUP. Since the property is now in the City of Rockville, the County registration becomes null and void and it is up to the City if the pit needs an IUP and how long the IUP is for.”*
3. Hours of Operation – 7:00 A.M. TO 9:00 P.M. is called for in the ordinance.
4. Interim Use Permits – are granted for a specific period of time. The city has options to withdraw approval. These usually are for a one year period.
5. The neighbor to the north of the pit is concerned with the operation and that it should be closed and put back into farming. *On 5/10/11 Mike Nistler explained he had a conversation with Mr. Mueller recently to back the pit up in front of his house and he can deal with the noise, dust, pollution and everything else. I wouldn't have a problem with the pit there. We been dealing with the pit from 1995 to present and we had enough. Greg Mueller explained they are moving to the North it is like a windshield wiper. They started by Mike's property, they bought by County Road 2 and now they are by the township road. Actually like how a windshield wiper goes they are halfway around that circle. Mike Nistler stated they are about a quarter of a mile away from Mr. Mueller place right now. I say lets sell the material, level it off, move it back by Mr. Mueller's house and then do the windshield wiper and work your way back to County Road 2. Sue Vieregge explained that there is cost involved in moving the stock pile.*
6. Rinke – Noonan Office Memorandum dated 7/7/09 suggested the PC and CC evaluate compliance with the ten performance standards for extractive uses found in Section 9 Subdivision 20 D of the zoning code. There are 5 action items listed.

NECESSARY PLANNING COMMISSION AND CITY COUNCIL ACTION:

1. Evaluate the applicant's compliance with the ten performance standards for extractive uses found in Section 9 Subdivision 20. D of the zoning code. Hours of operation, traffic management (turn lanes and proper signage), and crushing operations should be closely examined.

- D. **Performance Standards.** The following performance standards shall apply to all mining operations approved after the effective date of this Ordinance.
1. **General provisions.** All equipment used for mining operations shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property. Additionally, the excavation shall be properly fenced.
 2. **Water Resources.** The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the mining operation.
 3. **Safety Fencing.** Safety fencing may be required around all or portions of the mining operation at the discretion of the Planning Commission.
 4. **Mining Access Roads.** The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the Public Works Director.
 5. **Screening Barrier.** To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier (vegetative or non-vegetative) may be required between the mining site and adjacent properties or public roads as provided for in this Ordinance.
2. If the performance standards have been satisfactorily addressed, evaluate the permit application using the criteria found in Section 27 Subdivision 3 of the zoning code. The last criteria relating to floodplain, shoreland, and feedlots do not appear to apply.
 3. Additional conditions, consistent with Section 27 Subdivision 4 of the zoning code, should be considered and required of the applicant if necessary to protect the interests of the public.
 4. Extractive issues and temporary asphalt plant operations are interim uses and interim use permit must have a limited duration. A termination date should be determined, consistent with Section 28 Subdivision 5 of the zoning code.
 5. The Planning Commission must make a recommendation to the City Council to approve or deny the request. The recommendation should include suggested additional conditions if necessary. The City Council must approve or deny the request, and include additional conditions if necessary. The City Council decision must be embodied in a written resolution.

Recommendations from staff:

Mr. Nistler has no problem if the pit is moved closer to the Mueller house. It is my understanding that because of the power line being located here the Mueller's will be selling their house so move the pit here and reclaim the area next to County Road 2. Consider a time frame that allows for the completion of the mining extractive process for more than one year.

Mike Nistler 25417 County Road 2 explained that Mr. Mueller stated that he was going to close the pit and put it back into farmland, he had no problem with that, they were happy that the Mueller's were going to go back to what it was originally at. Then last year the city gave the Mueller's a permit to keep it open and it said in black and white it is going to be closed and put back into farmland. If they move it back toward the Mueller's house then we don't have to have it. Mr. Nistler doesn't have a problem with what is there allow them to sell it but don't bring anymore stuff in. He doesn't want them to have to level everything off and lose their gravel.

Zoning Administrator Rena Weber read written notices into the record from Roger & Annella Bechtold: As an adjacent property owner to the Greg Mueller property, we are not opposed to the continuation of their mining operation located at 25770 133rd Ave, Cold Spring MN.

Don Simon 600 Othmar Lane – explained that he is quite familiar with the pit and part of the land has been put back into field. If it could be stated that the mining is done properly, moves back and returns to farmland then it would be good to keep in use because aggregate is very valuable product so if there is anyway of keeping the pit open because aggregate is getting harder to find.

Jerome Karls 12113 260th Street - doesn't see anything wrong with the pit. The pit is one of the nicest gravel pits around and is not bothered by it.

Greg Mueller 25770 133rd Avenue – what was stated was to restore the land back into agricultural in time.

Member Tippelt questioned was Mr. Nislter given the direct phone number to Central Specialties if he has any complaints.

Mike Nislter stated “yes” he has the phone number.

Member Tippelt questioned the posting of no discharging of fire arms and no use of ATV after working (7:00 a.m. – 10:00 p.m.) hours.

Greg Mueller stated there are “No Trespassing” signs posted on the property.

Council Member Howe questioned “How much extraction was done in 2011?” How many tons?

Greg Mueller explained zero in 2011.

Don Simon comment if the gravel pit would need to move back then if 133rd Road would need to be repaired the City Rockville & Wakefield would have to share the cost to repair the road.

Motion by Member Palmer, second by Member Tippelt, to close the public hearing @ 7:13 p.m. Motion carried unanimously.

Motion by Member Palmer, second by Member Tippelt, to approve the Conditional Use/Interim Use permit with changing the work hours to 7:00 a.m. – 9:00 p.m. and a one hour warm up at 6:00 a.m., to extended the Interim Use Permit for 2 years, to allow them to continue with the same operation (same direction that they are going) and that staff gets clarification on their reclamation plan regarding top soil. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT-

Zoning Administrator Rena Weber gave update on Tom Maselter, Cold Spring Granite & Dan Hansen.

Chair Honer gave an update on Ruth Brown's property there is still stuff that needs to be done but the Brown's have made progress toward cleaning their property up. The camper that is near the lake still needs to be removed yet and Mrs. Brown is planning on planting grass where the road was down to the camper.

ADJOURNMENT – Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 7:55 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR