

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, AUGUST 9, 2011 – 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, Dale Borgmann, Jerry Tippelt, Susan Palmer & Liaison Jeff Howe. Jerry Bechtold arrived @ 6:32 p.m.

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

Council Member Jerry Schmitt.

Others present: Mark Schneider, Paul Walz & Tom Maserter.

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

**APPROVAL OF MINUTES 07/12/11 – Motion by Member Palmer, second by Member Borgmann, to approve the minutes of 07/12/11 as presented. Motion carried unanimously.**

Member Bechtold arrived @ 6:32 p.m.

**NEW BUSINESS**

**MARK SCHNEIDER @ 23749 LAKE ROAD CONDITIONAL USE PERMIT** – Zoning Administrator Rena Weber read the notice of public hearing which states that Rockville Planning Commission will hold a public hearing on **Tuesday, August 9, 2011 at approximately 6:30 p.m. at Rockville City Hall** to consider the request of Mark H. Schneider for a **Conditional Use Permit** for Home Extended Business. The address of the property is: 23749 Lake Road, St. Cloud, MN 56301 with a legal description of: The East One-half of the Northwest Quarter (E ½ NW ¼) of Section Fifteen (15). ALSO, all that part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section Fifteen (15) bounded by a line described as follows, to-wit: commencing at the northeast corner of said SW ¼ of NW ¼ of said Section 15, thence running West 16 rods, thence southerly in a straight line 30 rods to a point four (4) rods west of the quarter quarter section line, thence East four (4) rods, thence North on said quarter quarter section line to the place of beginning, all being in Township One Hundred Twenty-three (123) North of Range Twenty-nine (29) west in Stearns County, Minnesota, subject to all easements and restrictions of record.

Less: Lot One (1), Block One (1), Little Oak Valley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

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:**

Re: Conditional Use Permit Request  
76.41626.0100: Owners: Mark H. Schneider  
Property Address: 23749 Lake Road, St. Cloud, MN 56301

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

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 75.67 acres more or less.
3. 13 notices of public hearing were sent out.

Recommendations:

1. Mr. Schneider has been in the business of making barbecue sauce out of his kitchen and he would like to expand the business.
2. To do that he would like remove a pole shed, move a 12' x 16' shed and add on a 10' x 12' kitchen.
3. The Planning Commission did a site visit to the property on 6/28/11.
4. If the neighbors are fine with this – it could be allowed as a CUP.

***Motion by Member Tippelt, second by Member Bechtold, to close the public hearing at 6:34 p.m. Motion carried unanimously.***

***Motion by Member Palmer, second by Member Bechtold, approved the Conditional Use Permit for a Home Extended Business as presented. Motion carried unanimously.***

**LANGLAIS/WALZ @ 22969 88<sup>th</sup> AVE FEEDLOT** – Zoning Administrator Rena Weber spoke to Paul Walz last week after Stearns County Environmental did a site visit regarding their feedlot. The City received an email from Becky Von Holdt stating that their office was out to inspect the feedlot at 22969 88<sup>th</sup> Ave. on July 28<sup>th</sup> for which they received a complaint of a manure stockpile near a wetland. The only violation as far as our County jurisdiction is concerned in this case was the manure compost/stockpile not meeting the 300-ft flowage distance to a wetland. There were other concerns related to Rockville's ordinance of which the land occupier, Paul Walz, was made aware. These other issues included:

1. Manure compost/stockpile does not meet the required setback to a residential dwelling (100 feet).
2. The same manure compost/stockpile does not meet the required setback to a residential dwelling (700 feet).
3. The same manure compost/stockpile does not meet the required setback to a Public Waters Inventory Wetland (500 feet).
4. The animal units have increased from 21.5 AU to 53.3 AU and, by Rockville ordinance, would require a permit for such an expansion. (The State does not require a permit for this expansion. The County, as required by the State feedlot program, re-registered the feedlot for this higher number.)

***Motion by Member Tippelt, second by Member Borgmann, to approve the recommendation of Stearns County as presented. Motion carried unanimously.***

#### **TOM MASELTER'S UPDATE –**

Tom Maselter @ 226 Cedar Street – would like to put in a residence at his shop and a bathroom.

Zoning Administrator Rena Weber reported some of the history on the property.

- ◆ Previous owner was John & Sue Gross (sister & brother-in-law) who owned the house and the detached garage (north side of alley). A property split was done.
- ◆ Tom purchased the garage to do wood working.
- ◆ What was previously on the lot were a garage and 2 sheds. The shed that was on the east side of the property Tom went and enclosed that area between the shed and the garage with out a permit.
- ◆ Tom built a cold storage area (attached it to the north end of the garage)- permit used

On 6/1/11 Ron Wasmund (Building official), Rena Weber & Judy Neu met with Tom Maselter at City Hall to go over the expansion of garage (between the garage & shed) with out permit and what needs to be done to add a bathroom.

What was discussed at the meeting?

- ◆ Ron concerned that this does not have frost footing, must meet building codes.
- ◆ Does not have approval to occupy the building.
- ◆ Cold storage in back of building
- ◆ Fire wall-required so that if there is a fire on one side it prevents fire from going to the other.
- ◆ Residential - has to meet energy code
- ◆ Snow load
- ◆ Needs a architect drawing
- ◆ Council should approve the Land Use first

## Concerns:

- ◆ Expanded Non-Conforming use
- ◆ CUP- changing garage to commercial/residential
- ◆ Impervious surface
- ◆ Variance from setback

Tom Maselter explained that the City of Rockville gave John Gross approval to run a cabinet shop in the garage in 2001. (Verify minutes)

Planning Commission wishes to do a site visit after all business has been discussed.

**PLANNING COMMISSION MEMBER/STAFF REPORT –**

FYI –2011 Variance Legislation- Zoning Administrator Rena Weber reported this was in reference to the *Krummenacher v. City of Minnetonka* and the law change back to restore city variance authority but in there was questions to ask when doing the finding of facts.

## Finding of facts:

1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
2. Is the variance *consistent with* the *comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, in granted, alter the *essential character* of the locality?

***Motion by Member Borgmann, second by Member Bechtold, to adopt the finding of facts. Motion carried unanimously.***

Meeting was recessed @ 7:15 p.m. to do the site visit at 226 Cedar Street.

## Discussion was held on:

- ◆ Expansion of garage (enclosed area) no permit.
- ◆ Set back on east side of property
- ◆ Fire wall/snow load/run off from roof

***Motion by Member Palmer, second by Member Tippelt, to have the Variance/Conditional Use permit application here at City Hall in one week. Motion carried unanimously.***

***ADJOURNMENT – Motion by Member Tippelt, second by Member Palmer, to adjourn the meeting at 7:35 p.m. Motion carried unanimously.***

---

JUDY NEU  
BILLING CLERK/ADMINISTRATIVE ASST

---

TONI HONER  
CHAIR