

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, SEPTEMBER 11, 2012 – 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 Bechtold, Susan Palmer, Jerry Tippelt & Liaison Jeff Howe.

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

Others present: Cindy & Scott Heddens, Becky Schlorf Von Holdt & Steven Lex.

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

APPROVAL OF MINUTES 08/07/12 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 08/07/12 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING APPROXIMATELY 6:35 P.M. VERNON SALZL @ 25940 99TH AVE – INTERIM USE PERMIT –Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday September 11, 2012 at approximately 6:35 p.m. at Rockville City Hall – 229 Broadway Street East** to consider approval of an interim use permit for Vernon P. Salzl – 25940 99th Avenue with a legal description of:

(TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter

(S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwesterly right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

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

SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING

SECTION 28: INTERIM USE PERMITS

The request is to store power line poles on property temporarily.

Zoning Administrator Rena Weber reported that we should request to get a letter of credit for the amount of \$5000.00.

Motion by Member Borgmann, second by Member Tippelt, to close the public hearing @ 6.34 p.m. Motion carried unanimously.

Motion by Member Tippelt, second by Member Borgmann, to approve a one year Interim Use Permit and that they provide the City with a letter of credit for the amount of \$5000.00. Motion carried unanimously.

PUBLIC HEARING APPROXIMATELY 6:45 P.M. CINDY HEDDENS @ 24537 COUNTY ROAD 138 – REZONE PROPERTY –Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, 6:45 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Cindy J Heddens to rezone property. The address of the property is: 24537 County Road 138 with a legal description of: 32.40 Acres of Section 9, Township 123, Range 29, All of S2 NE4 lying NW of Highway 23 and SE of RR and SW of 66' Road running NW'ly and SE in the City of Rockville - Stearns County, Minnesota.

The request is to rezone 32.4 acres from R-1 Single Family Dwelling to Agricultural.

Motion by Member Palmer, second by Member Bechtold, to close the public hearing @ 6:39 p.m. Motion carried unanimously.

Motion by Member Tippelt, second by Member Palmer, to approve the request to Rezone the property from a R-1 zone to a Ag-40 zone. Motion carried unanimously.

DISCUSSION ON FEEDLOTS-STEARNs COUNTY ENVIRONMENTAL BECKY SCHLORF VON HOLDT: Zoning Administrator Rena Weber reported we invited Becky Schlorf Von Holdt (Stearns County Environmental –Feedlot) to speak to the issues that we had regarding Robert Edelbrock property. There are number of lots in that area that were subdivided or platted into 10 acre parcels and the neighbor to Mr. Edelbrock has an active feedlot in which Mr. Edelbrock was told that the neighbor could have up to 75 animal units on the 10 acre parcel.

Becky Schlorf Von Holdt reported that the property owner maintains a registration of a feedlot for 75 beef cows in which that is 1 animal per head is 75 animal units. The last time Stearns County was out at the property was on June 28, 2007 and there were 10 animal units on site that day. The property owner is allowed to go up to 75 animal units providing that they maintain 10 animal units or more in any 5 year period so the 700 feet setback would apply.

Liaison Jeff Howe questioned “Can a feedlot oppose restriction on other people’s property?”

Becky Schlorf Von Holdt stated “yes”

Becky Schlorf Von Holdt explained that a feedlot is all about increasing in animal units and Stearns County Ordinance does not limit animal units on a parcel that is agricultural and has at least 10 acres.

Chair Honer questioned “Could they have 100 animal units on the 10 acres?”

Becky Schlorf Von Holdt stated they could have 700 animal units providing that they have a facility for it. There is nothing prohibiting the size just as long as they are able to define tillable acres or transfer the ownership of the manure to another facility.

Member Palmer questioned “Do you have to have so many acres per animal units?”

Becky Schlorf Von Holdt explained that you have to have a plan on how you are going to handle the manure so that could mean:

- a) Acres that the live stock producer owns themselves
- b) Acres that live stock secured a rental agreement for
- c) They can sell manure in which then there is transfer record that needs to be tracked.

Liaison Jeff Howe questioned so the feed lot ordinance only monitors the handling of the manure it doesn’t care about the number of animal units on per acre.

Becky Schlorf Von Holdt explained there are different thresholds when you increase in animal units and different levels of public input. Stearns County feedlot permitting responsibilities are toward pollution potential and land use conflict issues.

8949 COUNY ROAD 6 (CONCEPT PLAN-SPLIT OFF 3 ACRES R-1 ZONE):

Discussion was held on:

- Water & Sewer
- Wetland
- Lot sizes
- Don't want multiple driveways, driveway access on County Road 6
- Cost effective
- Concept plan on the whole parcel
- Private or public road

The Planning Commission Members request that property owner bring back a concept plan regarding the whole parcel and to apply for a Qualified Minor Subdivision on the 3 acre parcel that property owner would like to split off.

C-CHANTHAKHAMMY APPROVAL TO BUILD A 59'9X104'9 COLD STORAGE BUILDING

Zoning Administrator Rena Weber reported the City Council would like for the Planning Commission to review the change to the site plan, building a bigger building then what was originally approved and the landscaping.

- Build a larger Cold Storage Building then what was previously presented.
- To locate the Cold Storage Building in a different location then what was approved.
- Landscaping (Was approved to put tree-4' minimum arborvitaes or similar along east, west & south side of lot)

Motion by Member Borgmann, second by Member Tippelt, to approve the amendments to the site plan as presented. Motion carried unanimously.

Motion by Member Palmer, second by Member Borgmann, to amend the landscaping plan by just adding a few shrubs and granite pieces but would need to clean up (cut down the weeds) current landscaping. Motion Carried unanimously.

R-1 ZONE: LEAVE EXISTING ACCESSORY STRUCTURE WITHOUT A PRINCIPAL

STRUCTURE: Zoning Administrator Rena Weber reported the property owner currently lost his home due to house fire and he is not going to rebuild but would like to keep the existing accessory structure on property. The ordinance states that you need a principal structure to have an accessory structure or you apply for an Interim Use. My understanding from the property owner is that he would like to sell the lot.

SECTION 9: GENERAL REQUIREMENTS

Subdivision 2: ACCESSORY BUILDINGS

- A. **Principal Structure Required.** Except where allowed as an interim use, an accessory building may not be constructed or otherwise located on a parcel of property until after the associated principal structure has been completed. An accessory structure may not remain, and must be removed, if the principal structure is removed, destroyed, or otherwise eliminated. If no structure on a lot is employed as a permitted, conditional or interim use, the structure is no longer a principal structure and no structure on the parcel may be employed for any

accessory use.

- B. **Accessory Structure as an Interim Use.** In all zoning districts, the use of a building for a use permitted as an accessory use is allowed as an interim use, notwithstanding the absence of a principal structure, subject to the procedures, and performance and general development standards, set forth in this Ordinance. In addition, the City Council shall impose the following conditions in granting any interim use under this subdivision:
1. An interim use permit under this subdivision shall expire within one year. At the expiration of the permit, the property owner may apply for a second interim use permit for up to one year. No additional interim use permits shall be issued for the same use or structure, under this subdivision.
 2. An appropriate principal structure is planned for the site. A plan requires approval of any site plan necessary under the Zoning Code and proof that a valid building permit has been applied for the principal structure. The building permit must be maintained and renewed for the full term of the interim use permit.
 3. Upon expiration of the interim use permit, if a structure is not converted into a principal structure, or is not a permitted accessory use to an existing principal structure, the use must be discontinued and any structure or improvement that does not have a permitted use must be removed or demolished, immediately.

Motion by Member Palmer, second by Member Borgmann, the property owner would need to apply for an Interim Use permit. Motion carried unanimously.

AG-40 ZONE: BUILD AN ACCESSORY STRUCTURE (PERSONAL USE NOT FARM USE) WITHOUT A PRINCIPAL STRUCTURE: Zoning Administrator Rena Weber reported there is a 1 acre lot that is on the corner of County Road 47 and Lake Road that the property owner would like to sell to someone that wants to just build an accessory structure (personal use not farm use) with no plans to build a principal structure on lot. Once again the ordinance states that you need a principal structure to have an accessory structure.

Motion by Member Tippelt, second by Member Borgmann, to deny the request as presented. Motion carried unanimously.

DISCUSSION ON AMENDING THE RURAL RESIDENTIAL ORDINANCE:

- Splitting property from 1 parcel to 2 parcels (Allowing splits to be done under a Qualified Minor Subdivision vs. platting it with Lots & Blocks)
- 3 or more lots would need to do the platting with Lots & Blocks

Motion by Member Palmer, second by Member Borgmann, to recommend amending the Rural Residential ordinance as presented. Motion carried unanimously.

PLANNING COMMISSION MEMBER/STAFF REPORT –

Add to next agenda the wind tower ordinance

ADJOURNMENT – *Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 8:25 p.m. Motion carried unanimously.*

JUDY NEU
ADMINISTRATIVE ASST

TONI HONER
CHAIR