

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, OCTOBER 9, 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 & Administrative Assistant Mandy Lais.

Others present: John & Randy Stommes, Neil Symanietz & Don Simon.

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

**APPROVAL OF MINUTES 09/11/12 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 09/11/12 as presented. Motion carried unanimously.**

**NEW BUSINESS**

**PUBLIC HEARING APPROXIMATELY 6:31 P.M. – JOHN STOMMES REZONING CERTAIN PROPERTY.** Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday October 9, 2012 at approximately 6:32 p.m. at Rockville City Hall – 229 Broadway Street East** to consider approval of a rezoning request of John H. Stommes – 10631 Broadway Street East with a legal description of: 31.6 Acres lying E'ly of Highway #23 less Highway and Less 11.59 Acres less Highway 23 ROW.

The request is to rezone said property from Ag-40 to Industrial I-2

**STAFF REPORT:**

RE: SITE PLAN APPROVAL

76.41627.0202 Owners: John H. Stommes

Property Address: 10631 Broadway Street East, St. Cloud, MN 56301

REQUEST:

Approval to rezone 31.6 acres in A-40 District to I-2 Industrial

**RELEVANT INFORMATION**

1. Property is zoned A-40
2. Property is 31.6 acres approximately.
3. The owner is proposing to construct two building to store and maintain gavel crushing equipment. There will be no gravel crushing, clear cutting of trees on this parcel.
4. One letter of concern (e-mail from Emilee Hoff (Symanietz) is recorded.
5. 20 Notices of Public Hearing were sent out.

**RECOMMENDATION**

1. Access to this tract will be from an existing ingress road to be widened and culvert installed.
2. This will only be used for inside storage and maintenance of equipment.
3. There will be no clear cutting of trees.

Approve with these conditions.

Zoning Administrator Rena Weber explained that John Stommes wants to put up 2 buildings (60'x100' shop, 50'x80' shed) to store and repair equipment. Will any equipment be outside?

John Stommes stated "yes" but not much in the summer.

Zoning Administrator Rena Weber asked if anyone had issues with outside storage.

Member Bechtold stated "yes".

Member Palmer inquired as to the kind of equipment and how much was to be stored outside.

Member Honer asked if there was going to be any work done other than maintenance.

John Stommes explained that there wouldn't be any crushing work done on site, but they may store some conveyors, trailers and trucks outside, but most would be parked in a storage shed once the shed is built.

Member Honer questioned "What would be outside?"

John Stommes stated a couple front end loaders, trailer and dozer.

Member Honer asked if he could comment on the number of pieces of equipment would be outside.

Randy Stommes stated maybe about 10 - 15 pieces of equipment.

Zoning Administrator Rena Weber read the written/oral report into the record:

I'm sending this email in hopes that you can pass these concerns onto the planning committee or whom ever is in charge of the decisions regarding zoning in Rockville. Please email me back at this address when you receive my email so I know that my concerns will be addressed at the Town Meeting next Tuesday.

Hello, my name is Emilee Symanietz and my husband Neil and I recently purchased the home at 10613 Co Road 47 which directly overlooks the parcel to be discussed for re-zoning. We have some concerns with this change.

The biggest concern that we have is that the overall landscape or atmosphere of the neighborhood will be changed by this zoning update. We really enjoy the view of nature & trees and would be **very** disappointed if any significant portion of these "woods" were to be disturbed. (i.e. we have a **MAJOR** concern with clear-cutting or removal of the trees & want to preserve the natural look of the area) This portion of trees also provides a great sound AND visual barrier between our neighborhood and Hwy 23. We would be very disheartened if this buffer were to change in any way.

Our second major concern is regarding what other changes this may bring to our residential neighborhood. We want to keep our residential area free of additional traffic and loud machinery or equipment as well as keep the aesthetic appeal high. We are concerned that this industrial change may bring ugly or obviously placed buildings or structures that do not maintain the overall look and feel of our neighborhood. Basically, we want to keep our residential area free of an eye-sore as well as insure that it doesn't become a hub for business.

As long as any structures built maintained the overall look and appeal of our neighborhood, and did not pose the problem of having loud equipment or becoming a place for increased traffic, we would approve such a change. That is of course pending that the natural aspect of the parcel is maintained as much as possible and most of the trees remain intact.

Thank you for allowing us to address our concerns with this change.

Don Simon – 600 Othmar Lane –was wondering if John Stommes looked for any other property in town more suitable to his business.

John Stommes replied that he saw this property and it was available. He felt it was a good spot for his business because it had a big buffer zone between the property lines and that there were trees all around. There is at least 150 feet of trees between where the property and where the open area is.

Don Simon asked "If the trees on the property would stay?"

John Stommes replied that all the trees will stay there. After meeting with the surveyor, they won't need to take hardly any trees down, just the brush. They will put a big buffer along the road and highway.

Don Simon asked "If most equipment will come off of Highway 23?"

John Stommes replied "yes" and he would not use County Road 47 because it is too steep.

Don Simon asked "If there is going to be a problem with it being wet?"

John Stommes stated he doesn't think it will be a problem.

***Motion by Member Bechtold, second by Member Palmer to close the public hearing @ 6:41 p.m. Motion carried unanimously.***

Member Tippelt inquired as to how many acres the buildings with the yard area will cover.

John Stommes stated about 5 acres.

Member Tippelt asked if he would consider rezoning the 5 acres to I-2 and the rest residential.

John Stommes stated he would be in favor of rezoning just 5 acres.

Member Tippelt commented that there would be more control over what was done on the property if John Stommes was to sell at some point, and only 5 acres was zoned industrial and the rest rural residential.

Member Palmer asked "What would the structure be made of?"

John Stommes stated it would be made of post wood frame with steel, and the main shop all steel. Both buildings would be the same color.

Member Palmer asked about utilities.

Zoning Administrator Rena Weber stated there are no utilities available that's why it would be zoned I-2 not I-1.

Chair Honer asked "If the rezoning portion could be done under administrative platting?"

Zoning Administrator Rena Weber stated that it would have to be split off.

Chair Honer has a concern with spot zoning.

Zoning Administrator Rena Weber stated there is no issue about spot zoning because it is zoned Industrial across the street.

Zoning Administrator Rena Weber stated if they were to go forward with this that John Stommes would have to do an administrative plat.

***Motion by Member Tippelt, second by Member Borgmann, to approve the request to Rezone approximately 5 acres to I-2, follow the I-2 section of the ordinance, and to rezone the remaining acres to Rural Residential.***

***AYES: Borgmann, Tippelt, Honer, Palmer.***

***NAYS: Bechtold***

***Motion passed on a 4 to 1 vote.***

***Motion by Member Tippelt, second by Member Borgmann, to amend the motion to approve the request to Rezone approximately 5 acres to a I-2, and to leave the other 26 acres as Ag-40. Motion carried unanimously.***

**REVIEW THE WIND TOWER ORDINANCE –**

Discussion was held on the below ordinance:

**SECTION 13A WIND ENERGY CONVERSION SYSTEMS:**

- Is Rockville's Wind Tower Ordinance consistent to what others are doing and should we update.
- It's not permitted unless 5 acres or more and requires a CUP
- Allowing towers in residential.

Zoning Administrator Rena Weber reported without having Stearns County Ordinance in front of us, it will be difficult for us to compare. Let's get a copy of the Stearns County Wind Tower Ordinances and look at the differences and compare side by side for the next meeting.

**SCRABECK/LENZEN CAMPERS ON SITE:**

Zoning Administrator Rena Weber stated that we still have the RV problem. The campers are not moved.

Member Tippelt commented that the towing company needs to remove the campers.

Chair Honer ask when was the last time we communicated with them?

Zoning Administrator Rena Weber replied that on 9/15/12 sent a letter. He promised it would be out by August 15<sup>th</sup>, and it is still there. It looks like there is more stuff and from her understanding they have more boats by the access and docks.

Member Tippelt stated our ordinance says we cannot have secondary residence to the lake.

Member Borgman stated that their comments were "that there are other campers by the lake". Are they grandfathered in or something?

Chair Honer responded that we are only concerned with the situation presented here and that action has already been taken on this.

Member Borgman stated we should be treating everyone equally.

Member Tippelt stated we respond and seek action when there are complaints made and there have been complaints.

Chair Honer asked if they have responded back to Zoning Administrator Rena Weber?

Zoning Administrator Rena Weber stated that they have not responded.

Chair Honer proposed bringing this to City Council to see what they recommend doing in this matter.

Chair Honer stated that they are already out of compliance for over a month. We have every right to go forward with this.

Zoning Administrator Rena Weber stated that she would like the council to authorize her to work with the City Attorney on this.

Everyone agreed to support Zoning Administrator Rena Weber regarding bringing the concern to City Council.

Member Palmer asked what is the recourse action in something like this like enforcement?

Zoning Administrator Rena Weber stated that these are non buildable lots.

Chair Honer stated that we allowed them to have a camper on for 2 months.

Member Borgman stated that there is not supposed to have anything on these lots.

Zoning Administrator Rena Weber stated they pay only \$15 in taxes for these lots.

**PLANNING COMMISSION MEMBER/STAFF REPORT –**

***ADJOURNMENT – Motion by Member Borgmann, second by Chair Honer, to adjourn the meeting at 7:21 p.m. Motion carried unanimously.***

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**MANDY LAIS  
ADMINISTRATIVE ASST**

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**TONI HONER  
CHAIR**