

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, FEBRUARY 11, 2014 – 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: Member Rick Tallman, Member Dale Borgmann, Member Jerry Tippelt, and Susan Palmer – Liaison.

Absent were: Member Vince Schaefer

Staff members present were: Zoning Administrator Rena Weber & Administrative Assistant Mandy Lais.

Others present: James & Mary McDonald, C. Chanthakhammy, Marshall Weems, Duane Willenbring & Don Simon.

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

APPROVAL OF MINUTES 11/12/13 & 12/10/13 –*Motion by Member Borgmann, second by Member Tippelt, to approve the 11/12/13 & 12/10/13 minutes. Motion carried unanimously.*

ELECTION OF CHAIR AND ACTING CHAIR FOR PLANNING COMMISSION

ELECTION: - (Appointment of Officers)-

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

AYES: Members Borgmann, Tippelt, Tallman.

ABSTAIN: Member Honer

Motion passed on a 3 to 0 vote.

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

AYES: Tippelt, Tallman, Honer.

ABSTAIN: Borgmann

Motion passed on a 3 to 0 vote.

Welcomed Susan Palmer as the Planning Commission Liaison.

PUBLIC HEARING @ 6:30 PM FOR JAMES & MARY KUTZMAN/MCDONALD 25393 PLEASANT ROAD FOR A VARIANCE REQUEST:

STAFF REPORT 2/11/14

Re: Variance Request(s)

76.42141.0002: Owners: Mary L. Kutzman/McDonald & James C. McDonald

Property Address: 25393 Pleasant Road – St. Cloud, MN 56301

Variance(s) Requested:

1. This is an “after the fact” variance request to exceed impervious surface by approximately 2455 square feet.

Construction Requests:

1. Construct single family dwelling, patio and concrete driveway.

Relevant Information:

1. This property is located within the 1000’ Shoreland Overlay District.
2. Property contains 36,871 square feet more or less.
3. 14 notices of public hearing were sent out.
4. The building permit was issued on 7/26/13 with the caveat that “the driveway to be pavers reducing the impervious by 2099 SF and the owner will do mitigation i.e. rain gardens, buffer or rain barrel”

5. The installation of pavers was discussed with James McDonald to which he agreed prior to the zoning administrator signing the permit.
6. On 10/16/2013 Zoning Administrator sent the following message to the Building Official Gary Utsch: "Gary - Mary McDonald called this morning to make a change to their driveway stating they would do rain gardens instead of placing pavers on the driveway. They have forgotten to add a deck and sidewalk to the site plan that I approved originally. They are over the 15% impervious surface so I approved the original permit based on the fact Mr. McDonald said they would spend the money on the pavers. Now we have an even bigger issue. The deck and sidewalk - not sure what they are planning.
I informed Mary that I need an updated site plan with everything they want to do. Then and only then can we determine a plan of action. No more changes after that. I feel that this change warranted a stop work order; however, she felt they would back off on the cement if that were the case. We left this at she needs to get me a new site plan for a variance from impervious surface – after the fact.

Please make sure no cement gets poured for a driveway until this has been cleared by the PC & CC."

7. The request now is to install a concrete driveway, add a patio and sidewalk exceeding the 20% impervious surface.
8. 1175 SF has been shown on the drawing for possible rain gardens.
9. The plan does not show a walkway to the lake – is there one?

RECOMMENDATION:

1. Maintain existing drainage patterns over, under, and across their property.
2. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
3. Review impervious surface plan to address the issues.

Liaison Palmer asked "Who created the plan and how is the square footage figured?"

Mr. McDonald stated that their landscaper that does rain gardens created the plan.

Zoning Administrator Rena Weber stated our engineer came up with a formula for us to use to calculate square footage of figuring out how big the rain gardens need to be or how many rain barrels are needed. What they are proposing will more than cover what was asked for with the excess impervious.

Member Tippelt asked about how this is recorded on abstracts.

Zoning Administrator Rena Weber stated it gets recorded on the deed.

Member Borgmann asked "If there are any plans for a deck?"

Mr. McDonald stated that there would be no deck, what is on the plan is a patio.

Liaison Palmer asked "Who inspects the rain gardens to see if they are in compliance?"

Member Honer responded that the City Public Works Department.

Member Tallman asked there was any response to the letter?

Zoning Administrator Rena Weber stated that no one responded.

***Motion by Member Borgmann, second by Member Tippelt, to close the public hearing at 6:39pm.
Motion carried unanimously.***

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 4 yes

2. 4 yes why: Mitigation through the rain gardens-plan presented-5 rain gardens.
3. 4 yes why: Personal residence
4. 2 yes 2 no why: Decision to go with concrete instead of the pavers.
5. 4 yes

Motion by Member Borgmann, second by Member Tallman to approve the variance as it is presented with the mitigation plan as presented. Motion carried unanimously.

**PUBLIC HEARING @ 6:30 PM FOR ROBERT COBORN & C CHANTHAKHAMMY @ 1380 PRAIRIE DRIVE FOR AMENDING CONDITIONAL USE PERMIT:
STAFF REPORT 2/11/14**

Re: Conditional Use Permit Amendment Requested
76.42146.0806: Owners: Robert Coborn/C. Chanthakhammy
Property Address: 1380 Prairie Drive
Legal Description: Section 17, Township 123, Range 029
Lot 6, Block 2, Prairie Business Park

Conditional Use Permit Requested:

1. Conditional use permit amendment is requested to operate a crushing system as part of the auto recycling business.
2. The request is also to expand the fence to within 10 feet of the front property line thereby losing parking spaces for the sale of vehicles.

Relevant Information:

1. This property is located in the I-1 District.
2. Property contains 1.012 acres more or less.
3. 5 notices of public hearing were sent out.
4. I-2 General Industrial CUP (4) says "The use is entirely enclosed, in a roofed structure with concrete floor, storage of junk and salvage including automobile salvage, scrap metal, paper, rags, household appliances, or recyclables"
5. Mr. Chanthakhammy would like to keep things enclosed, however, he needs more room therefore the request to move the fence out. C. has not been making it a habit of setting cars out front to be sold.
6. The request to crush vehicles was discussed back in 2010 as a possible use. The PC was asked recently if they had issues with this and no one did.
7. A letter of support from Darwin Voigt (abutting property owner) was received on 2/9/14.
8. AJ's (business to the north of C.) has been crushing for years and no complaints were ever received.
9. C. Chanthakhammy has planted trees per the council request.
10. This business has been operating without any complaints.

Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. No additional driveways will be allowed.
3. Proper temporary and permanent erosion control measurers (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
4. Approve with these conditions.

Mr. Marshall Weems – 603 20th St. N. Sartell, business partner of Mr. Bob Coborn. He is speaking on behalf of Mr. Coborn and himself. He stated that he and Mr. Coborn are very impressed with Mr. C and his abilities and talents as a smart businessman. Mr. C has great ideas. He is trying to make his business more profitable. He needs more room so they are asking to move his fence, which is an attractive fence. He took a problem and created it into a solution. There are other neighbors operating a crusher and there hasn't been a problem. They would like to see Mr. C have that opportunity as well.

Mr. Duane Willenbring – 25123 – County Road 139, St. Cloud – stated, “I stand before you to speak in favor of Mr. C’s endeavor. I took the liberty, as well a council member who is standing behind me, who also did a lot of research, so thank you Mr. Simon for doing a lot of research. It’s a great movement there is a crusher that is proposed to be bought. It was talked about early on with Mr. C. several years ago and got the CUP, so everything is in sync. We would love to have the tax payer, that he has been, squeaky clean, so I cannot be prouder of having an individual like that and so next week, unless you have major encumbrances that you are proposing tonight, I will stand before you today to let you know that next week, the council member sitting where Dale is sitting, none other than Duane Willenbring, will be speaking and will be voting for this movement of the crusher. I will be able to stand here and share that.”

Mr. Don Simon – 600 Othmar Lane- Stated he was on the council when Mr. C wanted to start his business. “I was one of the first council members to tour it. He has an excellent building in the back and he drains everything, and recycles antifreeze and oil so it can be recycled and resold. People who are concerned with the oil spills, everything is taken care of inside the building. The only thing sitting outside is the frame of the cars. The noise made from the crusher is so little and it’s helpful to the environment to get rid of the scrap metal. He is making some money. And by moving the fence out you still cannot see the operation from the road. We have to keep business in town, and make this economical and eco-friendly as possible. But his support right now is we have to give him what he can to keep his business here. It’s a very clean business and organized and he does need the space. Right now I am in full support of letting him moving the fence and to get the crusher.”

Liaison Palmer questioned why it came right to council, and then Council having it go back to Planning Commission?

Chair Honer stated the request had changed from just the crusher to including moving a fence.

Zoning Administrator Rena Weber clarified that in 2010 the crushing was discussed, so she brought it directly to the council, to see if there would be a problem. Then since Mr. C had requested to move the fence, that would require an amendment and a public hearing. The crushing wouldn’t have needed a hearing.

Member Tippelt asked if the crusher is permanent or if it is movable?

Mr. C stated he is planning to keep it in the yard, however he can move it if he wants. It is portable. The engine is a V8 and is very quiet. It runs on gas, not diesel. It is quieter than most trucks. It drives a hydraulic pump, which moves the hydraulic fluids, and that is what crushes the car.

Zoning Administrator Rena Weber asked Mr. C to explain what noise it makes. It doesn’t make very much noise does it?

Mr. C stated if you haven’t heard AJ’s, you won’t hear this one. It’s a clean way to go. It is a way to recycle these cars. Before he could only haul 2-3 car at a time, now crushed he will be able to haul 9-10 cars and each car is 12 inches.

Member Tippelt raised a question on the glass?

Mr. C stated most of it is within the car when it is crushed, or in the crusher. If any glass is outside of the crusher, it is swept up. As far as the fluids, he dismantles it inside the building, he has a clean burn unit. He catches the oil, and then he burns it. Not letting the oil go into the ground or go to waste. He encourages his customers to recycle oil. And we reuse anti-freeze also. All businesses in the area utilize each other.

Mr. Duane Willenbring – 25123 County Road 139 – stated that he strongly urges the Planning Commission to see the validity of the expansion in Mr. C’s operation. It’s a squeaky clean operation.

Motion by Member Tallman, second by Member Tippelt, to close the public hearing at 7:01 pm. Motion carried unanimously.

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit B)

- 1. 4 yes
- 2. 4 yes
- 3. 4 yes
- 4. 4 yes
- 5. 4 yes

Motion by Member Borgmann, second by Member Tallman, to approve as presented. Motion carried unanimously.

HANSEN/SYVERSON ADMINISTRATIVE PLAT:

STAFF REPORT 2/11/14

RE: ADMINISTRATIVE PLAT

RE: Parcel I.D. No. 76.41608.0100 Sections 5, Township 123, Range 029
 76.41608.0200 Sections 5, Township 123, Range 029
 76.41609.0200 Sections 6, Township 123, Range 029

Owners: Daniel Hansen
 Kathleen & Howard Syverson

Property Address: Halfman Road, Cold Spring, MN 56320

REQUEST

Daniel Hansen and the Syverson's would like to realign the property lines and create two parcels instead of three. When recorded both parcels will be 40 acres plus so this can be built upon

RELEVANT INFORMATION

- 1. Property is zoned A-40.
- 2. Property is 195.03 acres approximately.
- 3. This split does not require a public hearing since they are re-aligning property lines and not creating more than two lots.
- 4. Zoning Administrator would like your concurrence with the underlined statement regarding the ability to be built upon.

RECOMMENDATION

- 1. Approve pending review and discussion.

Chair Honer stated they are reducing the number of homesteads.

Zoning Administrator Rena Weber stated that it would not be affecting anything being tilled right now, just the wooded lot, which is where he would like to build.

Liaison Palmer asked about the lot that is not included in the realignment, is that a buildable lot?

Zoning Administrator Rena Weber stated that it is already standing alone lot and it is buildable.

Motion by Member Borgmann, second by Member Tippelt, to approve the administrative plat as presented. Motion carried unanimously.

MERTES/SCHUTZ ADMINISTRATIVE PLAT:

STAFF REPORT 2/11/14

RE: ADMINISTRATIVE PLAT

RE: Parcel I.D. No. 76.41606.0010 Sections 3, Township 123, Range 029

Owners: Bob & Theresa Mertes

Property Address: 25077 County Road 138, St. Cloud, MN 56301

REQUEST

Bob & Theresa Mertes want to straighten out a property line issue with their neighbors Edward & Sandra Schutz. The property somehow showed up on the Mertes tax statement and they would like to correct that since they have been paying taxes on the piece for years.

RELEVANT INFORMATION

1. Property is zoned A-40.
2. Property being transferred is less than 40 acres.
3. This split does not require a public hearing since they are re-aligning property lines and not creating more than two lots.

RECOMMENDATION

1. Approve pending review and discussion.

Motion by Member Tallman, second by Member Borgmann, to approve the administrative plat as presented. Motion carried unanimously.

Additional topics included:

Mr. Duane Willenbring received a couple calls regarding Mr. C, asked if the crusher needed a public hearing, so the council sent it back to the Planning Commission. Also, there is a public hearing on the watershed district- LIDAR system, BOWSER. How it compares to our shoreland ordinances. Should we allow BOWSER to tell the Sauk River Watershed District that they should implement the new rule.

Rockville’s ordinances are more stringent than the state minimum standards and adequate rules and clear guidelines are in place. It is easy to understand and implement, and keeping site visits within our city.

Zoning Administrator Rena Weber stated with regard to Mr. C, it was because he wanted to change the location of the fence.

Liaison Susan Palmer stated that we need to be consistent, we have a process and requirements, and it is not out of line to ask people to go through the process, we expect it of everyone.

Updates:

Zoning Administrator Rena Weber conveyed a question from Gary Utsch, Rockville’s Building Official regarding wood burners. This issue can be discussed at a later Planning Commission Meeting. Concern is if it is in a residential area.

Brentwood Houses – Other options are being discussed as to what to do with the two houses.

RV issue – Many letters have been sent, and now they are using the city’s right of way as their road, which is not ok.

SJ Louis - fence and concern about the equipment on the property.

Drowns property - the old castaways is in disrepair.

Recommended that a site visit (bus trip) be done for the above issues.

ADJOURNMENT – Motion by Member Tallman, second by Member Borgmann to adjourn the meeting at 7:41 PM. Motion carried unanimously.

MANDY LAIS
ADMINISTRATIVE ASSISTANT

TONI HONER
CHAIR