

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, OCTOBER 13, 2009 – 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, Jerry Bechtold, Dale Borgmann, Jerry Tippelt, and Steve Dietman & Liaison Duane Willenbring. Absent Dan Hansen.

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

Others present: Judy Ikeogu, Donald & Patricia Danzl, Ann Kunz & Councilor Jerry Schmitt.

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

**APPROVAL OF MINUTES 09/08/09 – Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 09/08/09 as presented. Motion carried unanimously.**

**NEW BUSINESS**

**PUBLIC HEARING JUDITH & VINCENT IKEOGU-CONDITIONAL/INTERIM USE PERMIT:**

Zoning Administrator Rena Weber read the notice of public hearing which states that the Rockville Planning Commission will hold a public hearing on **Tuesday, October 13, 2009 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of Judith & Vincent Ikeogu for a Conditional/Interim Use Permit. The address of the property is: 23305 County Road 8, Cold Spring, MN with a legal description of: 10.00 A N363 ft of S 528 ft of NW ½ SE ½ less N 176 ft of E 247 ft of Section 17, 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 27: CONDITIONAL USE PERMITS  
SECTION 28: INTERIM USE PERMITS

The request is to house one to two horses temporarily on 10 acres located in the R-2 District.

Rockville Planning Commission; City Council

Re: Conditional/Interim Use Permit Request  
76.41629.0600: Owner: Vincent & Judith Ikeogu  
Property Address: 23305 County Road 8, Cold Spring, MN 56320  
Legal Description: 10.00 A N363 ft of S 528 ft of NW ½ SE ½ less N 176 ft of E 247 ft of Section 17, T123N, R29W in the City of Rockville, Stearns County, Minnesota.

Interim Use Requested:

1. The request is to house one to two horses temporarily on 10 acres.

Relevant Information:

1. R-2 Single Family District. – Future Land use - Commercial
2. This property at one time housed horses as there is a barn in the rear of the lot.
3. There is no provision under the R-2 regulations for such use unless the Planning Commission and Council were to consider this use to be “substantially similar in nature to the conditional uses listed in the ordinance and not detrimental to the City’s general health and welfare.
4. Interim Use Permits: The purpose and intent of allowing interim uses is:
  1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
  2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.

3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

**Subdivision 2: PROCEDURE**

Interim Use Permits will be processed according to the procedures for Conditional Use Permits.

**Subdivision 3: GENERAL STANDARDS**

An interim use must comply with the following:

1. The use must meet the Conditional Use Permit standards set forth in this Ordinance.
2. The use must conform to all applicable zoning regulations.
3. The date or event that will terminate the use must be identified with certainty.
4. The use must not impose additional, unreasonable costs on the public if it is necessary for the public to take the property in the future.
5. The applicant must agree to any conditions deemed appropriate by the City Council (after recommendation by the Planning Commission) for permitting the use.

**Subdivision 4: ADDITIONAL CONDITIONS**

In permitting an interim use, the City Council may, on its own or based upon the Recommendation of the Planning Commission, impose, in addition to the Standards and requirements expressly specified by this Ordinance, additional Conditions the City Council considers necessary to protect the interests of the Surrounding area.

**Subdivision 5: TERMINATION**

An interim use will terminate and become void upon the occurrence of any of the following events:

1. The date stated in the permit.
2. A violation of any condition under which the City Council issued the permit.
3. A change in the applicable zoning regulations, which no longer allows the use.
4. The operator/owner or the use changes.
5. The permit is not utilized for a period of one (1) year from the date issued.

**Subdivision 6: REVOCATION**

The City Council may revoke the interim use permit if any of the permit's conditions are violated.

**Subdivision 7: CERTIFICATION OF TAXES PAID**

Before the City Council approves an interim use permit application, the City Council may request that the applicant provide certification that there are not delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

Recommendation:

1. Staff does not see where this currently could be allowed.
2. Staff has researched other ordinances (St. Michael and East Bethel) I like the language from St. Michael more in that it is simple, but East Bethel has more language regarding care, running at large, riding and termination. East Bethel also has verbiage for RR – Rural Residential which we don't have.
3. A combination of the two might be better.
4. Council approval would be needed to move ahead on development of such an ordinance and discussion should be held on whether or not the applicant would be charged for this expense. This should be considered a "policy".
5. **If this is the route you would like to go – PC should table action on the request, ask for council approval to look into adopting an ordinance, request an extension of the 60 day rule and go from there.**

Member Dietman questioned under the Interim Use Permit guidelines it looks like the applicant would be following guidelines two (2) and three (3).

Interim Use Permits: The purpose and intent of allowing interim uses is:

2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.
3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

Zoning Administrator Rena Weber reported that under the General Standards (2) The use must conform to all applicable zoning regulations and the applicant is zoned R-2.

**Subdivision 3: GENERAL STANDARDS**

An interim use must comply with the following:

2. The use must conform to all applicable zoning regulations.

Member Tippelt stated that under the Interim Use Permit guidelines (3) it states to allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable. It seems like the ordinance contradict one another.

Interim Use Permits: The purpose and intent of allowing interim uses is:

3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

Donald Danzl 23305 County Road 8 stated that the building that they are going to house the horse is right behind his property and he doesn't see anything wrong with it. The property previously had horse and animals on it.

Judith Ikeogu 23335 County Road 8 stated that there are concerns about what if anyone of those properties was sold as commercial. In order for property to be sold along Highway 23 for commercial use there would have to be an access road. If that would be the case more than likely they would have to locate the access road on her property, they would need to buy them out and that would eliminate any problems with a horse in a commercial area. The land is currently being farmed by a nearby farmer.

Chair Honer explained that currently the property is being used as agricultural. The applicant is allowing crop farming and would like to switch to live stock farming.

Member Bechtold questioned how large of an area is there going to be for the horse to corral.

Judith Ikeogu explained that the fencing area will be less than 4 acres. The fencing will be panels and not barbwire, the manure will be hauled into the open field and that the local farmer will still farm the other acres.

***Motion by Member Bechtold, second by Member Borgmann, to close the public hearing at 6:46 p.m. Motion carried unanimously.***

***Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the Conditional/Interim Use Permit. Motion carried unanimously.***

The Conditions would be:

1. Annual review by the City Administrator.
2. Any purchase agreement on the property-allowing 3 months to find housing for the horse(s).
3. Adequate fencing and grazing area-minimum 2 ½ acres per large animal unit.
4. Interim Use Permit in non-transferable.

***Motion by Member Bechtold, second by Member Borgmann, to recommend approval of the conditions as presented. Motion carried unanimously.***

**AMENDING THE WIND TOWER ORDINANCE:** Zoning Administrator Rena Weber reported that the Building Official was doing a plan review on a wind tower application and had noticed that applicant didn't comply with the Minnesota State Statute. The standard is that it needs to be certified by a Minnesota Engineer. The Building Official recommends the verbiage to add would be registered in the State of Minnesota.

**Subdivision 6: SAFETY DESIGN STANDARDS**

1. Engineering Certification – For all WECS, the manufacture's engineer or another qualified engineer **registered in the State of Minnesota** shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

***Motion by Member Borgmann, second by Member Dietman, to recommend approval of the change to the Wind Energy Conversion System as presented. Motion carried unanimously.***

**PLANNING COMMISSION MEMBER/STAFF REPORT:**

Discussion was held on:

- ◆ Cabins/Resort/Bed and Breakfast.
- ◆ Commercial/Industrial fencing in an area.
- ◆ Cost accrued in amending ordinance/policy on billing back residents or not.

**BUSINESS FOR NEXT MEETING:**

**ADJOURNMENT – Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 7:23 p.m. Motion carried unanimously.**

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**