

# CITY OF ROCKVILLE

## Planning/Zoning Commission Meeting Tuesday, June 14, 2016 - 6:00 p.m. City Hall - 229 Broadway Street East

### AGENDA

1. **ROLL CALL**
2. **APPROVAL of AGENDA/AMENDMENTS**
3. **APPROVAL OF May 10, 2016 MEETING MINUTES**
4. **PUBLIC HEARING(s)**
  - a) CUP Laudenbach Properties LLC, DBA All Campers
  - b) CUP Timothy Massmann/Kristen Olson of Buell Consulting
  - c) Fence Variance Darwin Voigt DBA MAR-DAR LLC
5. **OTHER BUSINESS**
  - a) Non Conforming Lot Building Permit(s) (Variance?)
  - b) 1.9 Ft Setback
  - c) Legal
6. **ADJOURNMENT**

\*This agenda has been prepared to provide information regarding an upcoming meeting of the Rockville City Planning Commission. This document does not claim to be complete and is subject to change.

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD  
TUESDAY, MAY 10<sup>TH</sup> 2016, 6:00 P.M. – ROCKVILLE CITY HALL**

**ROLL CALL** - The meeting was called to order by Chair Bill Becker. Roll call was taken and the following members were present: Member Dale Borgmann, Member Toni Honer, Member David Meyer, Member Jerry Tippelt, and Liaison Susan Palmer

Staff members present were: City Administrator Martin Bode.  
Others present: Sandra and Ed Schutz, Theresa and Mike Mertes

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

**APPROVAL OF APRIL 12, 2016 MEETING MINUTES** – *Motion by Member Honer, second by Member Tippelt, to approve the 04/12/2016 minutes as presented. Motion carried unanimously.*

**PUBLIC HEARING(s) –**

**PUBLIC HEARING FOR EDWARD J AND SANDRA E SCHUTZ @ 25173 COUNTY ROAD 138 – Rezone from R-1 to R-R**

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, May 10<sup>th</sup>, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Edward J & Sandra E Schutz to rezone the property. The address of the property is: 25173 County Road 138 - Rockville, MN with a Parcel No. 76.41607.0402

The request is rezone from R-1 – to RR, and to amend the Comprehensive Plan & Map to Agricultural Transitional.

**STAFF REPORT**

Re: Re-Zoning Request  
76.41607.0402: Owners: Edward and Sandra Schutz  
Property Address: 25173 County Road 138, Rockville, MN

Re-Zoning Requested:

1. Request to re-zone 24.2 acre parcel more or less from R-1 to RR.

Purpose of Request:

1. To continue to allow for raising of farm animals.

Relevant Information:

1. Property contains 24.2 acres more or less.
2. 8 notices of public hearing were sent out.
3. This property is currently zoned R-1
4. This property prior to annexation was zoned Ag-40
5. Have a feedlot permit for 7 units
6. Future Land Use Map – Low density residential (not agricultural)
7. This area has a 300 foot Shoreland setback

## PLANNING COMMISSION RECOMMENDATION

1. Consider Approval, Must Adhere to County Animal Unit Guidelines.

***Motion by Member Honer, second by Member Borgmann, to close the public hearing at 6:03 pm. Motion carried unanimously.***

Mike and Theresa Mertes spoke in favor of the rezoning for the Schutz's.

***Motion by Member Tippelt, second by Member Honer, to approve of the rezoning as presented from R-1 to R-R. Motion carried unanimously.***

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## **OTHER BUSINESS -**

**a. Certificate of Survey**

Discussion was held on whether to require a Certificate of Survey when permits are issued.

**b) Variances(s)**

Discussion was held about the purpose of variances. A variance is an exception to the rule and not the rule so if the rules need to be changed we need to consider that for the future.

**c) Fences**

The commission discussed the purpose of a fence and whether they are needed for primary use or for accessory use.

**d) Corner Lot Set-Backs**

Commissioners left chambers to conduct a site visit a 400 Mill Street South Lot zoned R-1 wants to build a utility shed on his SE Corner. The question is: Is Mill Street at this location a street or an alley. The consensus of the Commissioners is if the recorded easement is 66 feet the property owner needs to follow street set-back. If the easement is 30-33 feet he can follow alley set-back rules.

***ADJOURNMENT – Motion by Member Honer, second by Member Borgmann, to adjourn the meeting at 7:00 p.m. Motion carried unanimously.***

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**Martin M. Bode**  
**City Administrator**

June 14, 2016

Rockville Planning Commission; City Council

Re: Conditional Use Permit Request

Old no. 76.41627.0202 / new no. 76.42241.0201: Owners: Laudenback Properties LLC  
(All Campers) Property Address: 24010 Firehall Drive, Rockville, MN 56369  
Legal Description: Lot 1, Block 2 of Venison Acres, Section 16, Twp. 123, Range 029

Conditional Use Permit Requested:

Approval for operation of RV Service, Repair and Customization

Relevant Information:

1. This property is located in the B-2 District.
2. Property contains 49.62 acres more or less.
3. 6 notices of public hearing were sent out.

SECTION 22 Subdivision (4): Conditional Uses reads:

3. Electronic products manufacturer. Any light and clean manufacturing, production, processing, wholesale, retail, cleaning, storage, servicing, repair and testing of materials, goods or products providing no noxious or offensive trade or activity may be carried on, nor may anything be done thereon which may be or become an annoyance or a nuisance or constitute a hazardous or dangerous condition or activity to the City of Rockville by reason of unsightliness or excessive emission of odors, dust, fumes, smoke, or noise, vibrations or otherwise.
4. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

Recommendations:

1. Approve

Submitted by:

Martin M. Bode  
Zoning Administrator

CUP Laudenback Properties Campers 06.14.16

**CITY OF ROCKVILLE**  
**APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200**  
**RECORDING FEE: \$46.00 (Per Document)**

**Need separate checks: 1 for Conditional Use permit fee & 1 for recording fee(s)**

Need a Copy of Deed

**PLEASE NOTE: ANY COSTS** (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

**PROPERTY LOCATION/ADDRESS:** 24010 Firchull Dr.

**LEGAL DESCRIPTION:** Lot 1 Block 1 Venison Area **PARCEL #:** \_\_\_\_\_ **ZONING:** B2

**EXPLANATION OF REQUEST:** To build future site for Ath Campers

If replacing an existing structure, what will be done with the old structure? NA

Has a variance request been made previously on this property? NO If yes, when? \_\_\_\_\_

- Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

**PROPERTY OWNER:**

Name (Print): <u>Laudenbach Properties LLC</u> Phone: <u>320-761-9923</u>		
<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>
<small>(Andrew)</small>		
Address: <u>6092 County Road 136 St. Cloud, MN 56301</u>		
Signature (required): <u>Andrew Laudenbach</u>		Date: <u>4/26/16</u>
*Signature of property owner shall serve as acknowledgement and authorization of this request.		

**APPLICANT:**

Name (Print): <u>Laudenbach Properties LLC (Andrew Laudenbach)</u> Phone: <u>320-761-9923</u>	
Address: <u>6092 County Road 136, St. Cloud MN 56301</u>	
Signature (required): <u>Andrew Laudenbach</u>	Date: <u>4/26/16</u>
<small>(I hereby certify that I have read the above information and I agree with the terms)</small>	

101.41000-34102 \$46.00

**OFFICE USE ONLY:**

Permit # <u>16-01CUP</u>	R # _____	Conditional Use Permit Fee Check# <u>2185</u>	Date <u>200</u>	101.41000.34103 \$200.00
R # _____	Reimb. for Invoice	Check# <u>2186</u>	Date <u>4/6</u>	101.41000.34102 \$46.00

**CITY OF ROCKVILLE  
APPLICATION FOR CONDITIONAL USE PERMIT**

Please use this for to explain how your request for a conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.

Although located adjacent to the Fire hall, Landenbach Properties / Aht Campers has plenty of property to keep vehicles from parking on Firehall lane. Current traffic volume of Aht Campers is 1-2 units per day and projected to grow to 2-4 units per day.

2. Compatible with existing and planned adjacent uses.

Currently there are no adjacent properties being used commercially, however, Minnesota Truck Headquarters is planning to build on an adjacent property. With Truck sales next door, future camper sales would compliment their business.

3. No adverse affect on adjacent properties.

Aht Campers will have no adverse affect on adjacent properties. We will maintain a physically appealing property that will draw business to the area.

4. Related to the needs of the City.

Rockville currently does not have an existing RV Service and Repair facility. Furthermore, if/when Aht campers expands into RV sales, there are no sales facilities in the area.

5. Consistent with the Comprehensive Plan.

The comprehensive Plan of the city is for businesses to be located along the highway 23 corridor, with Aht Campers starting a business in this location we are meeting the comprehensive plan and potentially drawing more businesses to the area.

6. Not a traffic Hazard.

Landenbach Properties is located at the intersection of highway 23 and county Road 47. Highway 23 has existing turn lanes in both directions allowing for easy access onto county Road 47 and into Landenbach Properties

7. Adequate parking and loading.

Landenbach Properties owns 10 acres of land, providing Aht Campers with significant space for parking and area off street for vehicles to load and unload, as well as turn around.

8. Not detrimental to health, safety, and welfare.

Aht Campers does not deal in any line of business that has the potential to be detrimental to health, safety or welfare.

9. Flood plan.



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**Staff Use only:**

Zoning Administrator reviewed Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_

Why: \_\_\_\_\_  
\_\_\_\_\_ *X/A* \_\_\_\_\_

2. Determination made & why: \_\_\_\_\_  
\_\_\_\_\_

Complete Application  
 Incomplete Application Why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the information needs to be turned in by. \_\_\_\_\_ in person \_\_\_ by phone \_\_\_ email

Staff *VB* Date *6-7-16*

# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Jeff Hagen, Mayor  
Don Simon, Councilor  
Susan Palmer, Councilor  
Richard Tallman, Councilor  
Duane Willenbring, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance Director  
Nick Waldbillig, Public Works Director  
Gene Van Havermaet Maintenance/Mechanic  
Debbie Weber, Administrative Assistant

*Rockville City is an equal opportunity provider and employer*

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 14, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East, Rockville, MN** to consider the request of Laudenback Properties LLC for a **Conditional Use Permit** for operation of RV Service, Repair and Customization. The address of the property is: 24010 Firehall Drive with a Parcel ID No. 76.41627.0202. **Section 16, Township 123, Range 029**

SECTION 22 Subdivision (4): Conditional Uses reads:

3.. Electronic products manufacturer. Any light and clean manufacturing, production, processing, wholesale, retail, cleaning, storage, servicing, repair and testing of materials, goods or products providing no noxious or offensive trade or activity may be carried on, nor may anything be done thereon which may be or become an annoyance or a nuisance or constitute a hazardous or dangerous condition or activity to the City of Rockville by reason of unsightliness or excessive emission of odors, dust, fumes, smoke, or noise, vibrations or otherwise.

4. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN prior to the hearing, or be present at the public hearing.

Martin M. Bode  
City Administrator/Clerk

Publish 05/31/16  
*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

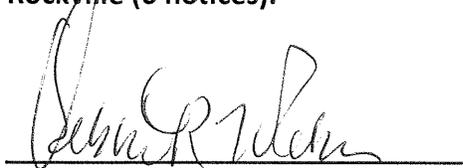
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

Laudenback Camper CUP 06.14.16.PHN.wd.doc

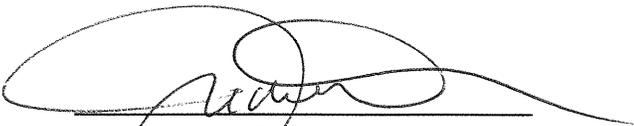
STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

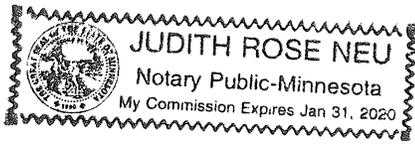
**AFFIDAVIT OF SERVICE**

**Debbie Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **25<sup>th</sup>** day of **May, 2016** he/she served the annexed Notice on see attachment, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice. **Public Hearing: Conditional Use Permit for opation of RV Service, Repair and Customization – Laudenbach Properties LLC, 24010 Firehall Drive, Rockville (6 notices).**

  
\_\_\_\_\_  
Signature

Subscribed and sworn to before me  
this 25<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Notary Public Signature



Notary Public Stamp

ECONOMIC DEV AUTH OF ROCKVILLE  
PO BOX 93  
ROCKVILLE MN 56369



JEROME C & JOAN M HOMMERDING  
10497 COUNTY ROAD 47  
ST CLOUD MN 56301-9740

~~ECONOMIC DEV AUTH OF ROCKVILLE  
PO BOX 93  
ROCKVILLE MN 56369~~

DANIEL J & KATHLEEN I HANSEN  
PO BOX 65  
ROCKVILLE MN 56369

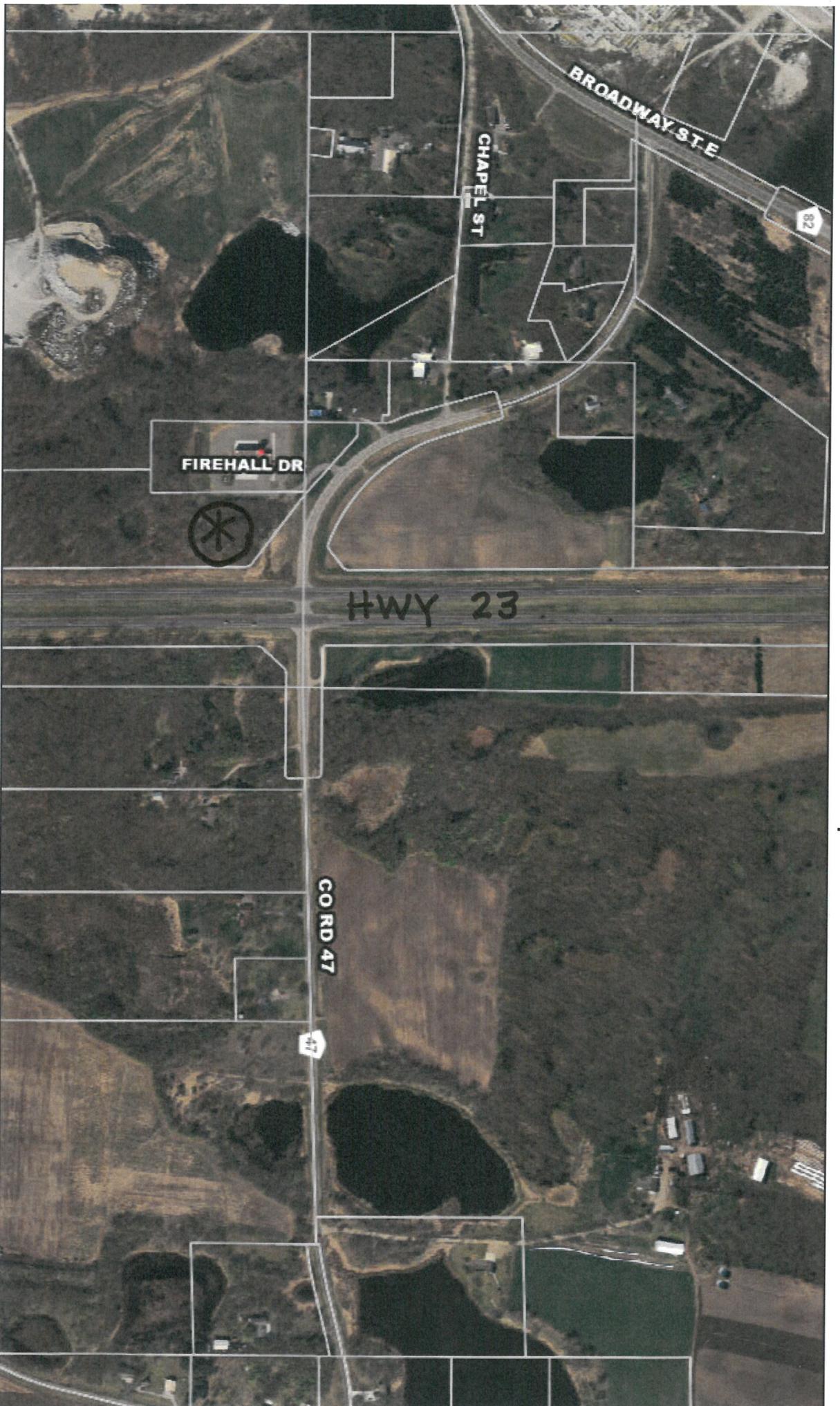
~~DANIEL J & KATHLEEN I HANSEN  
PO BOX 65  
ROCKVILLE MN 56369~~

THOMAS & JOSEPH MOLITOR PRTNSH  
8554 COUNTY ROAD 47  
ST CLOUD MN 56301-9776

JOYCE C HANSEN TRUST  
520 1ST ST NE APT 262  
SARTELL MN 56377-1242

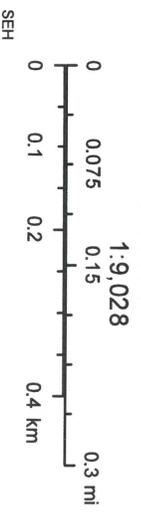
Laudenbach Properties LLC  
6092 County Road 136  
St. Cloud MN 56301

# SmartConnect Map



ay 25, 2016

Parcels



June 14, 2016

Rockville Planning Commission; City Council

Re: Conditional Use Permit Request  
76.41616.0900: Owner: Timothy R. Massmann, Applicant: Kristen Olson, Buell Consulting Inc. on behalf of ECO-Site. Property Address: 9882 County Road 47 with a Legal Description of: 207.87 A. SW4 LESS 10.61 AC & N 58.78 AC OF NW4SE4 & OF LOT 2 LESS HWY ROW OLD # 28.16885. Section 10, Township 123, Range 029

Conditional Use Permit Requested:  
For construction of a new 170 foot monopole wireless communications tower

Relevant Information:

1. This property is located in the Ag-40 District.
2. Property contains 207.87 acres more or less.
3. 18 notices of public hearing were sent out.

SECTION 16 Subdivision 4 (19): Conditional Uses reads:

19. Commercial Wireless Telecommunication Service Towers subject to Section 13 of City Zoning Code.

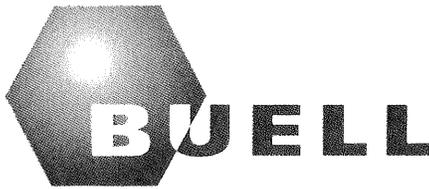
Recommendations:

Approve With The Following Conditions:

1. All conditions of the City Zoning Code, Subdivision Code and other Ordinances are met, specifically those included in Section 13 of the City's Zoning Code.
2. That the proposed driveway be surfaced with Class 2 crushed granite or other similar material to minimize potential erosion issues.
3. That operation of said communications tower does not interfere with the emergency communications of the City's fire and rescue squad or other public safety entity.

Submitted by:  
Martin M. Bode  
Zoning Administrator

CUP ECO.Massmann Tower 06.14.16



**Buell Consulting, Inc.**  
1360 Energy Park Drive, Suite 210  
Saint Paul, Minnesota 55108  
(651) 361-8110  
www.buellconsulting.com

*Site Acquisition  
Permitting  
Established 1991*

May 13, 2016

City of Rockville  
Attn: Martin Bode  
229 Broadway St E  
Rockville, MN 56369

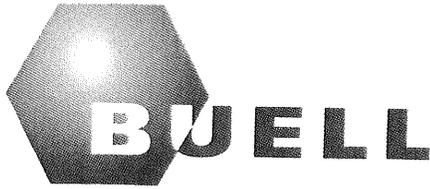
RE: CUP Application for Eco-Site Telecommunications Facility in Rockville, MN (Eco-Site ref: MN-0010)

Dear Mr. Bode,

Please consider the enclosed documents and application for a CUP for the purposes of constructing a new telecommunications facility:

- Completed CUP Application
- Cover Letter with short project description (this document)
- Rockville Ordinance Exhibit detailing the CUP requirements and the existing Tower and Antenna Zoning Ordinance and how the proposed tower complies with the ordinance
- Detailed Zoning Drawings showing setbacks from property lines and ROWs (6 copies)
- Check in the amount of \$200 for Conditional Use Permit application fee
- Check in the amount of \$46 for the Recording Fee
- List of all property owners within 350' of subject property
- Aerial map showing location of site on property
- Aerial map showing no existing towers or structures within one-mile disqualification radius of proposed tower site
- Floodplain map of surrounding area including tower site
- TOWAIR FAA Determination Report

Eco-Site is proposing to construct a new telecommunications facility at the property located at 9882 County Road 47, Rockville, MN 56301. The facility is being built to meet the increasing needs of wireless service by providing enhanced voice and data service to the surrounding area for T-Mobile consumers. Eco-Site is proposing to erect a 170' monopole tower within a 75' x 75' fenced and gated compound which will also contain a concrete pad for T-Mobile's outdoor equipment cabinets. A new 340' access road will be constructed off of an existing field access to reach the site. The facility will be un-manned with only occasional ongoing visits by wireless technicians (1-2 per month), except in the case of installation of equipment upgrades or new carrier equipment additions to site.



**Buell Consulting, Inc.**  
1360 Energy Park Drive, Suite 210  
Saint Paul, Minnesota 55108  
(651) 361-8110  
www.buellconsulting.com

*Site Acquisition  
Permitting  
Established 1991*

Additionally, the tower is not located between a principal structure and a public street, and at a distance of 273' to the nearest property line it has far exceeded the standard setbacks for its underlying zone and the requirement to be 150% the tower height (255') from any residentially-zoned property. The tower will not be illuminated by artificial means and it has been determined that the FAA will not require any special lights or strobe lights on the tower. The tower will also not have any signs other than those required by the FCC.

The increased usage of cell phones for wireless broadband business and personal use and also in place of home phones has increased the demand for coverage and data capacity in residential and rural areas near Rockville.

The proposed tower will be a multi-use facility with additional tower space available for a minimum of three additional carriers after T-Mobile. Eco-Site fully intends to make the tower available for lease to any and all interested carriers that may wish to collocate on the tower.

Eco-Site's interest in the property stems from a lease between the deed holder of the property, Timothy Massmann, and Eco-Site. The lease will commence on the date which Eco-Site begins to install equipment on the premises. Eco-Site's ability to use the premises is contingent upon its obtaining all of the certificates, permits, and other approvals that may be required by any Federal, State or Local authorities.

Eco-Site's proposed tower and T-Mobile's communications equipment and antennas will fully comply with current FAA regulations.

Please let me know if you require any further documentation in order to complete your review of the proposed scope of work. Thank you.

Regards,

Kristian Olson  
Site Development Agent working *on behalf of Eco-Site*  
Buell Consulting, Inc.  
Office: 651-789-9340  
Mobile: 612-701-9242  
kolson@buellconsulting.com

enc.

**CITY OF ROCKVILLE**  
**APPLICATION FOR CONDITIONAL USE PERMIT: FEE \$200**  
**RECORDING FEE: \$46.00 (Per Document)**

**Need separate checks: 1 for Conditional Use permit fee & 1 for recording fee(s)**

**Need a Copy of Deed**

**PLEASE NOTE: ANY COSTS** (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER)

**PROPERTY LOCATION/ADDRESS:** 9882 County Road 47, Rockville, MN 56301

**LEGAL DESCRIPTION:** See attached document      **PARCEL #:** 76.41616.0900      **ZONING:** AG  
**Installation of new 170' monopole tower for wireless**

**EXPLANATION OF REQUEST:** telecommunications facility. See attached docs for more information.

If replacing an existing structure, what will be done with the old structure? Not replacing existing structure

Has a variance request been made previously on this property? No      If yes, when? N/A

- Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.
- Applicant provides an aerial photo (The photo would depict vegetative cover on property and how it links with adjacent property).
- Applicant provides the distance to the nearest existing driveway.

**PROPERTY OWNER:**

Name (Print):	<u>Timothy</u> <small>First Name</small>	<u>R</u> <small>Middle Initial</small>	<u>Massmann</u> <small>Last Name</small>	Phone : <u>320-250-5982</u>
Address: <u>9882 County Road 47, Rockville, MN 56301</u>				
Signature (required): 				Date: <u>5-16-16</u>
*Signature of property owner shall serve as acknowledgement and authorization of this request.				

**APPLICANT:**

Name (Print): <u>Kristian Olson, Buell Consulting Inc, on behalf of Eco-Site</u>	Phone: <u>651-789-9340</u>
Address: <u>1360 Energy Park Dr, Suite 210, St Paul, MN 55108</u>	
Signature (required): 	Date: <u>5/13/2016</u>
(I hereby certify that I have read the above information and I agree with the terms)	

101.41000-34102 \$46.00

**OFFICE USE ONLY:**

Permit # _____	R # _____	Conditional Use Permit Fee Check#: _____	Date _____	101.41000.34103 \$200.00
R # _____	Reimb. for Invoice	Check# _____	Date _____	101.41000.34102 \$46.00

**CITY OF ROCKVILLE  
APPLICATION FOR CONDITIONAL USE PERMIT**

Please use this for to explain how your request for a conditional use permit meets the zoning requirements. **See attached document.**

1. Not a burden on public facilities.
  
2. Compatible with existing and planned adjacent uses.
  
3. No adverse affect on adjacent properties.
  
4. Related to the needs of the City.
  
5. Consistent with the Comprehensive Plan.
  
6. Not a traffic Hazard.
  
7. Adequate parking and loading.
  
8. Not detrimental to health, safety, and welfare.
  
9. Flood plan.



## Rockville Ordinance Exhibit

Please use this for to explain how your request for a conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.

**The proposed tower site will not require any special needs from public facilities.**

2. Compatible with existing and planned adjacent uses.

**The proposed tower site will be self-contained and have no effect on surrounding uses, which in AG-40 is primarily agriculture.**

3. No adverse affect on adjacent properties.

**The tower facility should have no effect on adjacent properties and is located 273' from the nearest public ROW and property line and over 300' from the nearest property.**

4. Related to the needs of the City.

**The tower facility is being built to meet the demand for T-Mobile wireless broadband and voice service in the central part of Rockville and along the highway corridor. As a multi-tenant facility, it will also be available for any other wireless carrier that should wish to collocate and agree to reasonable business terms with Eco-Site.**

5. Consistent with the Comprehensive Plan.

**The tower facility is located in an Ag-40 zone and not located near residentially-zoned property or near any structures as well as it is screened from most views by naturally landscaping.**

6. Not a traffic Hazard.

**The tower facility is an unmanned facility and will only be visited a few times per month for routine maintenance.**

7. Adequate parking and loading.

**The facility is designed with standard parking and loading adjacent to the compound. See site plans for details. As an unmanned facility, parking needs are minimal.**

8. Not detrimental to health, safety, and welfare.

**The tower structure is located 273' from the nearest ROW (over 1.5x the tower height) and well over 550' from the nearest structure of any kind.**

9. Flood plan.

**The site is not located near or within a floodplain. See attached floodplain map.**

### Subdivision 1: PURPOSE

To accommodate the communication needs of residents and business while protecting public health, safety, and general welfare, the City finds that these regulations are necessary to:

1. Facilitate wireless telecommunication services to City residents and businesses;
2. Minimize adverse visual effects of Towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from Tower failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved Towers and buildings to accommodate new wireless telecommunication antennas to reduce the number of Towers needed to serve the community.

### Subdivision 2: CO-LOCATION REQUIREMENTS

All Commercial Wireless Telecommunication Towers erected, constructed, or located within the City must comply with the following requirements:

- (1) The City Council will not approve a new Commercial Wireless Telecommunication Service Tower unless it finds that the telecommunications equipment planned for the proposed Tower cannot be accommodated on an existing or approved Tower or building within a one mile search radius (one half (2) mile search radius for towers one hundred twenty (120) feet or less in height and one quarter (1/4) mile search radius for towers eighty (80) feet or less in height) of the proposed Tower due to one (1) or more of the following reasons:

**The proposed tower is not located within a mile of any previously approved towers or structures capable of supporting wireless antennas at a height that would meet the needs of T-Mobile. See aerial map for 1-mile radius search area.**

- A. The planned equipment would exceed the structural capacity of the existing or approved Tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved Tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the Tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
  - C. Existing or approved Towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
  - D. Other unforeseen reasons that make it not feasible to locate the planned telecommunications equipment upon an existing or approved Tower or building.
  - E. The proposer must establish their case to the City Council by providing clear easy to interpret evidence.
2. Any proposed Commercial Wireless Telecommunication Service Tower which is over one hundred (100) feet in height must be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas, for at least two (2) additional users.

**The proposed tower is designed to accommodate both the applicant's antennas and comparable antennas for three (3) additional users.**

3. Towers must be designed to allow for future rearrangement of Antennas upon the Tower and to accept Antennas mounted at varying heights.

**The proposed tower design allows for both rearrangement of antennas and the mounting of antennas at varying heights.**

### **Subdivision 3: TOWER CONSTRUCTION REQUIREMENTS**

All Towers and Antennas erected, constructed, or located within the City, and all wiring, must comply with the requirements of the City Building Code, State Electrical Code and any other applicable codes or regulations.

**The proposed tower will be in full compliance with the City Building Code, State Electrical Code and any other applicable codes or regulations.**

#### Subdivision 4: TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified Towers and Antennas must meet the following design requirements:

1. **Appearance.** Towers and Antennas must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. **Monopole Design.** Commercial Wireless Telecommunication Service Towers must be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment or better accommodate multiple use of the Tower.

**The tower will be of a monopole design, and constructed of galvanized steel. The somewhat neutral-gray appearance of unpainted steel blends in well with a natural skyline. If the city requires it, the tower can be painted white or blue for blending specifications. The tower can also accommodate additional attachments such as civil defense sirens or lights, as necessary.**

#### Subdivision 5: TOWER SETBACKS

Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, Towers must conform with each of the following minimum setback requirements:

1. **Underlying Zoning District Setbacks.** Unless this Section specifies otherwise, Towers must meet the setbacks of the applicable underlying zoning district.

**The proposed tower has a distance of 273' to the nearest property line and ROW, thus far exceeding all underlying zoning district setbacks.**

2. **Residential Property.** In all non-residential zones, at a minimum, all Towers shall be set back from residentially zoned property and all structures (except structures accessory to Towers) a minimum of one hundred fifty percent (150%) of the Tower's height.

**Given the tower height of 170', the tower must be setback a minimum of 255' from residentially zoned property and all structures. The tower is located 273' from the property line and the nearest structure is over 570' away, far exceeding this setback.**

3. **Public Right-of-Way.** Towers must be set back from existing or planned public rights of way by a minimum distance equal to one half (2) of the Tower's height including all Antennas and attachments. No part of any Tower, Antenna, support structure, lines, cables, equipment, wires or braces must extend across or over any part of a public right-of-way, public street, highway or sidewalk.

**At 273' from the nearest ROW, the proposed tower far exceeds this setback.**

4. **Between Principal Structures and Streets.** Towers may not be located between a principal structure and a public street, with the following exceptions:
  - A. In industrial zoning districts, Towers may be placed within a side yard abutting an internal industrial street.
  - B. On sites with adjacent public streets on all sides, Towers may be placed within a side yard abutting a local street.

**The proposed tower is not located between a principal structure and a street.**

5. **Variance.** A Tower's setback may be reduced or its location in relation to a public street varied, at the City Council's sole discretion, to allow a Tower's integration into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

**We are not seeking a variance at this time.**

#### **Subdivision 6: TOWER HEIGHT**

1. **Height Determination.** A Tower's height must be determined by measuring the vertical distance from the Tower's point of contact with the ground to the Tower's highest point, including all Antennas or other attachments, and if the Tower is mounted upon another structure, the height of that structure plus the vertical distance from the Tower's point of contact with the structure must be added together to determine the Tower's height.
2. **Height Restrictions.** Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, Towers are subject to the following height restrictions:
  - A. In all residential districts, a Tower's maximum height is thirty-five (35) feet.
  - B. In all non-residential districts, a Tower's maximum height shall be one

hundred-fifty (150) feet, except that in the Ag-40 districts a Tower may not exceed a maximum height of one hundred ninety-nine (199) feet.

**The proposed tower is located within the Ag-40 district and the proposed tower's height is 170'.**

**Subdivision 7: TOWER LIGHTING**

Towers may not be illuminated by artificial means and may not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular Tower or otherwise approved by the City Council. When incorporated into the Tower's approved design, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the Tower.

**The tower will not be illuminated by artificial means unless required by the FAA. At this time the FAA will not require any lighting due to the height being under 200' in total height and not adjacent to any airports.**

**Subdivision 8: SIGNS AND ADVERTISING**

The use of any portion of a Tower for signs other than warning or equipment information signs are prohibited.

**No part of the tower shall be used for signage or advertising other than what is required by the FCC for warning or notification.**

**Subdivision 9: ACCESSORY UTILITY BUILDINGS**

All utility buildings and structures accessory to a Tower must be architecturally designed to blend in with the surrounding environment and must meet the minimum setback requirements and all other requirements of the underlying zoning district in which the building is located. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

**The ground mounted equipment shall be located behind a fence and over 200' from the nearest ROW, and screened from view by many nearby trees.**

**Subdivision 10: FENCING**

All Commercial Towers and accessory buildings must be enclosed with an aesthetically acceptable fence between eight (8) and ten (10) feet in height with a locked gate to prevent unauthorized entry.

**The proposed tower compound will be surrounded by a fence, 8-feet in height and secured with a locked gate.**

#### **Subdivision 11: LANDSCAPING AND SCREENING**

As a condition to approving a Commercial Tower, the City Council will establish reasonable requirements relating to landscaping and screening to improve the aesthetic appearance of the Tower's base and accessory buildings. Existing on-site vegetation should be preserved to the maximum extent possible.

**Eco-Site will attempt to preserve the maximum amount of on-site vegetation as possible in order to provide natural screening of the tower base.**

#### **Subdivision 12: MINIMUM SPACING**

Commercial Tower locations must be at least one-fourth (1/4) mile apart. Antennas wholly contained within a building or other structure and not visible to the general public are exempt from this spacing regulation as determined by the City Council.

**There do not appear to be any commercial towers located within one-fourth of a mile from the proposed tower site.**

#### **Subdivision 13: LICENSES**

All proposals to erect any new Tower must be accompanied by all required federal, state or local agency licenses or proof of application for them.

**We can provide proof of licenses or applications as needed upon request.**

#### **Subdivision 14: ABANDONED OR UNUSED TOWERS**

Abandoned or unused Towers or portions of Towers must be removed as follows:

1. All abandoned or unused Towers and associated facilities must be removed within twelve (12) months after the cessation of operations at the site unless the City Council approves a time extension. If a Tower is not removed within twelve (12) months after the cessation of operations at a site, the City may remove the Tower and associated facilities and assess the removal costs against the property.
2. Unused portions of Towers above a manufactured connection must be removed within six (6) months of the time of Antenna relocation. The replacement of portions of a Tower previously removed requires the issuance of a new conditional use permit.

**Eco-Site will comply with the ordinance to remove abandoned or unused towers as well as removal of unused portions.**

#### **Subdivision 15: ANTENNAS MOUNTED ON ROOFS, WALLS AND EXISTING TOWERS**

The City Council may approve the placement of wireless telecommunication Antennas on roofs, walls, and existing Towers if the Antennas meet this Ordinance's requirements and after submittal of: 1) a final site and building plan; and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or Tower's suitability to accept the Antenna and the proposed method of affixing the Antenna to the structure. The report must indicate complete details of all fixtures and couplings and the precise point of attachment.

**Not applicable for this project as there are no existing towers or buildings suitable within one-mile of the proposed location.**

#### **Subdivision 16: INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS**

No new or existing telecommunications service may interfere with public safety telecommunications. All applications for new service must be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers must notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

**T-Mobile, as nationwide licensed carrier of wireless communications, follows strict licensure with the FCC for specific frequencies that are permitted to be broadcasted. T-Mobile operates these frequencies nationwide with no public safety interference due to this strict adherence to the frequencies that the FCC has licensed to T-Mobile.**

#### **Subdivision 17: ADDITIONAL SUBMITTAL REQUIREMENTS**

In addition to the information required elsewhere in this Ordinance, all applications to construct Towers must include the following supplemental information:

1. A report from a qualified and licensed professional engineer which does the following:
  - A. Describes the Tower height and design including a cross section and elevation;
  - B. Documents the height above grade for all potential mounting positions for co-located Antennas and the minimum separation distances between Antennas;

- C. Describes the Tower's capacity, including the number and type of Antennas that it can accommodate;
- D. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
- E. Includes an engineer's stamp and registration number; and
- F. Includes other information necessary to evaluate the request.

**See attached drawings.**

- 2. For all Commercial Wireless Telecommunication Service Towers, a letter of intent committing the Tower owner and his or her successors to allow the shared use of the Tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

**Eco-Site, as a tower company, employs a business model around shared use tower facilities. Eco-Site fully commits itself and successors to allow for shared use if additional users agree to meet reasonable terms and conditions.**

- 3. Before a site or building permit may be issued, the following supplemental information must be submitted:
  - A. Proof that the proposed Tower complies with regulations administered by Federal Aviation Administration; and

**Due to tower height being below 200' and no airports within 5 miles, the tower fully complies with FAA regulations and does not require registration or lighting. See TOWAIR document for further info.**

- B. A report from a qualified and licensed professional engineer which demonstrates the Tower's compliance with the applicable structural and electrical standards.

**Tower will be in full compliance with applicable structural and electrical standards. Once project is submitted for building permit, a structural analysis can be included for review if requested.**

- 4. A site plan showing the boundaries of the property where the Tower is located, adjacent land uses, the Tower's location and any Accessory Buildings within the property, distance of setbacks from property lines for the Tower and all Accessory Buildings, Fence locations and proposed landscaping and screening.

**See attached drawings document.**

# TOWAIR Determination Results

**\*\*\* NOTICE \*\*\***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

## DETERMINATION Results

**Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.**

### Your Specifications

#### **NAD83 Coordinates**

Latitude	45-28-23.2 north
Longitude	094-19-11.7 west

#### **Measurements (Meters)**

Overall Structure Height (AGL)	53
Support Structure Height (AGL)	0
Site Elevation (AMSL)	342.3

#### **Structure Type**

MTOWER - Monopole

#### **Tower Construction Notifications**

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

**CLOSE WINDOW**

Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement.** It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

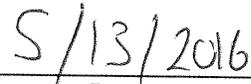
**THE STEPS:**

1. Provide a complete application by the 2<sup>nd</sup> Tuesday of the month to be on the following month's Planning Commission Agenda.
2. **DATE:** \_\_\_\_\_ Planning Commission –May schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **DATE:** \_\_\_\_\_ Council - (Meets 3<sup>rd</sup> Wednesday of month) Makes the final decision—if Council grants the Conditional Use Permit.
4. Applicant:
  - ◆ If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
  - ◆ If Applicant provided the Building Permit Application & 2 full sets of plans with the Conditional Use process. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.  
**DATE:** \_\_\_\_\_ **Applicant should call City Hall.**
5. Building Official-Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.



(Applicant Signature)

(I hereby certify that I have read the above information and I agree with the terms.)



Date

---

**Staff Use only:**

Zoning Administrator reviewed Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_

Why: \_\_\_\_\_

*No*

2. Determination made & why: \_\_\_\_\_

Complete Application

Incomplete Application Why: \_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the information needs to be turned in by. \_\_\_\_\_ in person \_\_\_ by phone \_\_\_ email

Staff *MS* Date *6-7-16*



# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

Jeff Hagen, Mayor  
Don Simon, Councilor  
Susan Palmer, Councilor  
Richard Tallman, Councilor  
Duane Willenbring, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance Director  
Nick Waldbillig, Public Works Director  
Gene Van Havermaet Maintenance/Mechanic  
Debbie Weber, Administrative Assistant

*Rockville City is an equal opportunity provider and employer*

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 14, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East, Rockville, MN** to consider the request of Eco-Site/Timothy R. Massmann for a **Conditional Use Permit** for construction of a wireless communications tower. The address of the property is: 9882 County Road 47 with a legal description of: 207.87 A. SW4 LESS 10.61 AC & N 58.78 AC OF NW4SE4 & OF LOT 2 LESS HWY ROW OLD # 28.16885. **Section 10, Township 123, Range 029**

SECTION 16 Subdivision 4 (19): Conditional Uses reads:

19. Commercial Wireless Telecommunication Service Towers subject to Section 13 of City Zoning Code.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN prior to the hearing, or be present at the public hearing.

Martin M. Bode  
City Administrator/Clerk

Publish 05/31/16  
*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

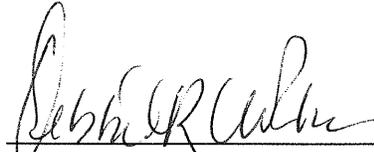
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

Eco-Site/Massmann Communications CUP.PHN.wd.doc

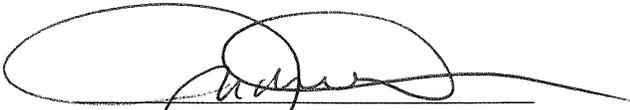
STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF STEARNS    )

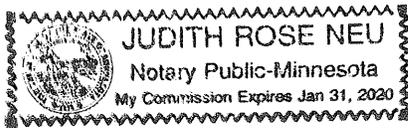
**AFFIDAVIT OF SERVICE**

**Debbie Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **25<sup>th</sup>** day of **May, 2016** he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice. **Public Hearing: Conditional Use Permit – Timothy R. Massmann, 9882 County Road 47, St. Cloud (18 notices).**

  
\_\_\_\_\_  
**Signature**

Subscribed and sworn to before me  
this 25<sup>th</sup> day of MAY, 2016.

  
\_\_\_\_\_  
Notary Public Signature



Notary Public Stamp

ROGER & DARLENE KLEIN TRUST  
24763 LAKE RD  
ST CLOUD MN 56301-9713

BRIAN G & MARY L FELDHEGE  
9845 COUNTY ROAD 47  
ST CLOUD MN 56301-9739

18

TIMOTHY R MASSMANN  
9882 COUNTY ROAD 47  
ST CLOUD MN 56301

MARK H SCHNEIDER  
23749 LAKE RD  
ST CLOUD MN 56301

RICHARD J & CAROL L DIETMAN  
10059 COUNTY ROAD 47  
ST CLOUD MN 56301-9740

KEITH MASSMANN  
9882 COUNTY ROAD 47  
ST CLOUD MN 56301

MICHAEL G ZWILLING  
PO BOX 337  
ROCKVILLE MN 56369-0337

STATE OF MINNESOTA  
395 JOHN IRELAND BLVD  
ST PAUL MN 55155-1899

ROGER & DARLENE KLEIN TRUST  
24763 LAKE RD  
ST CLOUD MN 56301-9713

STATE OF MINNESOTA  
395 JOHN IRELAND BLVD  
ST PAUL MN 55155-1899

JAY M & JENNIFER A SCHNEIDER  
24257 LAKE RD  
ST CLOUD MN 56301

JOHN STOMMES  
25647 LAKE RD  
ST CLOUD MN 56301-9768

HELEN A SUESS  
9206 COUNTY ROAD 47  
ST CLOUD MN 56301-9739

DANIEL J & KATHLEEN I HANSEN  
PO BOX 65  
ROCKVILLE MN 56369

ARNOLD J & MAUREEN HIESERICH  
10213 COUNTY ROAD 47  
ST CLOUD MN 56301-9740

THOMAS & JOSEPH MOLITOR PRTNSH  
8554 COUNTY ROAD 47  
ST CLOUD MN 56301-9776

JEFFREY R & SHERI L HOWE  
10251 COUNTY ROAD 47  
ST CLOUD MN 56301-9740

BRENT A & MICHELLE R LINDSTROM  
24145 LAKE RD  
ST CLOUD MN 56301-9713

TODD & MARY PFANNENSTEIN  
24222 LAKE RD  
ST CLOUD MN 56301

HERBERT C AMBROSE  
9770 COUNTY ROAD 47  
SAINT CLOUD MN 56301

## Legal Description of Property

The Southwest Quarter (SW ¼) and the North 58.78 Acres of the Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼) and of Government Lot Two (2), of Section Ten (10), in Township One Hundred Twenty-three (123), of Range Twenty-nine (29), and described as follows, to wit: All of the SW ¼ of Sec. 10 and also that part of the N ½ of the SE ¼ of Sec. 10, described more fully as follows:

Commencing at the Northwest corner of NW ¼ of SE ¼ of said Sec. 10; thence running East to the Quarter Section corner on the East line of said Sec. 10; thence South on the Section line between Sections 10 and 11, 17 chains and 62 ½ links; thence West to the Quarter line running North and South; thence North 17 chains 62 ½ links to the place of beginning, all being in Twp. 123, Rge. 29, according to the U.S. Government Survey thereof, Stearns County, Minnesota.

LESS AND EXCEPT all that part of the East 450.00 feet of the SE ¼ of the SW ¼ of Sec. 10, Twp. 123, Rge. 29 lying South of the centerline of C.S.A.H. No. 47. Subject to road easements and easements of record.

LESS AND EXCEPT The South 825.00 feet of the East 560.00 feet to the Southeast Quarter of the Southwest Quarter of Section 10, Township 123, Range 29, Stearns County, Minnesota as measured along the South and East lines thereof.

LESS AND EXCEPT all that part of the East 450.00 feet of said Southeast Quarter of the Southwest Quarter lying southerly of the centerline of C.S.A.H. No. 47 as measured along the South line thereof.

LESS AND EXCEPT That part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 123 North, Range 29 West, shown as Parcel 62 on Minnesota Department of Transportation Right of Way Plat Numbered 73-45 as the same is on file and of record in the office of the County Recorder in and for Stearns County, Minnesota; containing 0.121 hectare (0.30 acre), more or less.

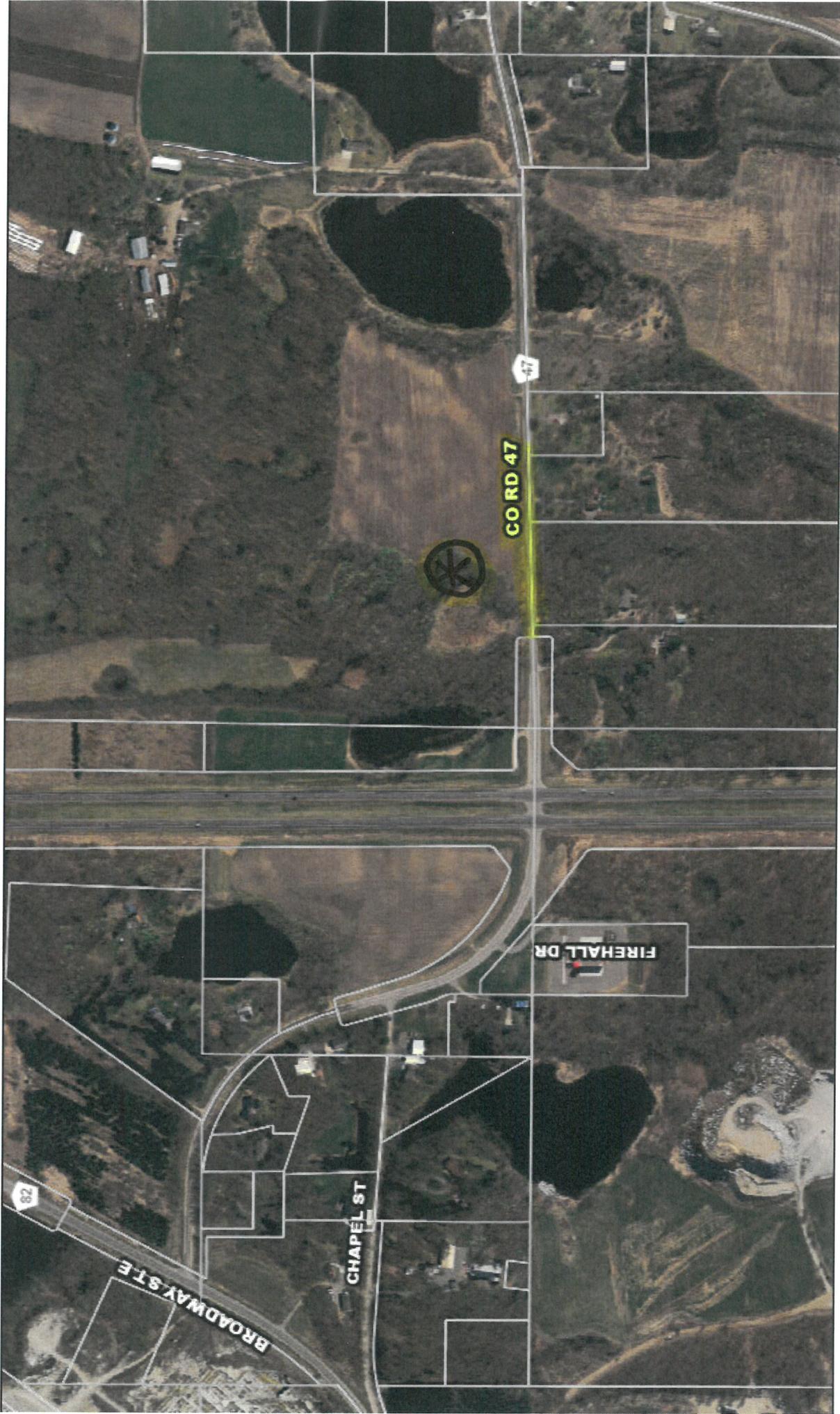
AND BEING a portion of the same property conveyed to Mary Massmann from Jennie F. Brower by Deed dated May 03, 1946 and recorded May 07, 1946 in Instrument No. 252507; AND BEING a portion of the same property conveyed to Daniel G. Massmann and Marjorie Ann Massmann from Joseph Massmann by Personal Representatives Deed dated May 28, 1985 and recorded July 01, 1985 in Instrument No. 0583753.

### Properties within 350' of Subject Property

PIN	Property Address	Owner Name	Owner Street	City/State/Zip
76.41614.0300	(none assigned)	TRIPLE M LAND COMPANY LLC	3721 ROOSEVELT RD	SAINT CLOUD MN 56301
76.41614.0100	10631 BROADWAY ST E	JOHN STOMMES	25647 LAKE RD	ST CLOUD MN 56301-9768
76.41612.0800	(none assigned)	STATE OF MINNESOTA	395 JOHN IRELAND BLVD	ST PAUL MN 55155-1899
76.41616.0800	(none assigned)	STATE OF MINNESOTA	395 JOHN IRELAND BLVD	ST PAUL MN 55155-1899
76.41616.0600	24729 LAKE RD	ROGER & DARLENE KLEIN TRUST	24763 LAKE RD	ST CLOUD MN 56301-9713
76.41618.0100	(none assigned)	ROGER & DARLENE KLEIN TRUST	24763 LAKE RD	ST CLOUD MN 56301-9713
76.41617.0300	24222 LAKE RD	TODD & MARY PFANNENSTEIN	24222 LAKE RD	ST CLOUD MN 56301
76.41720.0200	24257 LAKE RD	JAY M & JENNIFER A SCHNEIDER	24257 LAKE RD	ST CLOUD MN 56301
76.41617.0200	24145 LAKE RD	BRENT A & MICHELLE R LINDSTROM	24145 LAKE RD	ST CLOUD MN 56301-9713
76.41617.0400	9770 COUNTY ROAD 47	HERBERT C AMBROSE	9770 COUNTY ROAD 47	SAINT CLOUD MN 56301
76.41617.0010	9876 COUNTY ROAD 47	DANIEL G & MARJORIE MASSMANN	9882 COUNTY ROAD 47	ST CLOUD MN 56301-9739
76.41954.0000	(none assigned)	BRIAN G & MARY L FELDHEGE	9845 COUNTY ROAD 47	ST CLOUD MN 56301-9739
76.41617.0405	(none assigned)	ED & MELISSA M VALENTINE	23971 LAKE RD	SAINT CLOUD MN 56301
76.41625.0600	23971 LAKE RD	ED & MELISSA M VALENTINE	23971 LAKE RD	SAINT CLOUD MN 56301
76.41626.0100	23749 LAKE RD	MARK H SCHNEIDER	23749 LAKE RD	ST CLOUD MN 56301
76.41626.0500	10059 COUNTY ROAD 47	RICHARD J & CAROL L DIETMAN	10059 COUNTY ROAD 47	ST CLOUD MN 56301-9740
76.41626.0400	10127 COUNTY ROAD 47	MICHAEL G ZWILLING	PO BOX 337	ROCKVILLE MN 56369-0337
76.41626.0300	10213 COUNTY ROAD 47	MAUREEN A HIESERICH	10213 COUNTY ROAD 47	SAINT CLOUD MN 56301
76.41626.0200	10251 COUNTY ROAD 47	JEFFREY R & SHERI L HOWE	10251 COUNTY ROAD 47	ST CLOUD MN 56301-9740
76.41627.0206	(none assigned)	GREGOR A SCHNEIDER	200 11 1/2 AVE S	COLD SPRING MN 56320



# SmartConnect Map



ay 25, 2016

Parcels

1:9,028

0 0.075 0.15 0.2 0.3 mi  
0 0.1 0.2 0.4 km

SEH

Aerial Photo of Part of Property Near Site Location



# Aerial Photo of Entire Property



**Aerial Photo with No Available Towers/Structures within 1-mile Radius**





June 16, 2016

Rockville Planning Commission; City Council

Re: Fence Variance Permit Request  
76.42146.0807: Owners: MAR-DAR LLC (Darwin Voigt)  
Property Address: 875 Prairie Court  
Legal Description: Section 17, Township 123, Range 029  
Lot 7, Block 2, Prairie Business Park

Permit Requested:

Approval to vary from the corner lot limitations of 20 foot setback and to construct a fence 14 feet (front side-Prairie Drive) 12 feet (side yard-Prairie Court) from the intersection of the lot lines.

Relevant Information:

1. This property is located in the I-1 District.
2. Property contains 1.01 acres more or less.
3. Planning Commission at its March 8, 2016 Approved of an IUP for this parcel for storage which by ordinance requires a privacy fence, 100% Opaque.
4. This Application is an "After-The-Fact" Variance Request
5. Ordinance interpretation: I-1
6. 7 Notices of public hearing were sent out

### **Section 10, Subdivision 3: FENCE REGULATIONS**

3. **Corner Lot Limitations**. No Fence, wall, structure, hedge, shrubs, trees or other obstruction, other than chain link fences with openings of one and five-eighths (1 5/8") to two (2") inches not exceeding forty eight (48") inches in height, may be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of the lot lines. An object within this area not exceeding thirty (30") inches in height as measured from the centerline elevation of the street will not be considered as an obstruction to vision. Fences that will obstruct or impede the clear view of an intersection by approaching traffic may not be erected on corner lots. This paragraph does not apply to the B-1" District.

Recommendations:

1. Consider Approval with the following conditions.
  - a.

Submitted by:  
Martin M. Bode  
Zoning Administrator

**CITY OF ROCKVILLE**  
**APPLICATION FOR VARIANCE REQUEST: Fee \$200**  
**RECORDING FEE \$ 46.00 (PER DOCUMENT)**

**Need separate checks: 1 for variance request & 1 for recording fee(s)**

Need a Copy of Deed

**PLEASE NOTE:** ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, STEARNS COUNTY FEES, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONSIBILITY OF THE PETITIONER

PROPERTY LOCATION/ADDRESS: LOT 77 BLOCK 2 PRAIRIE BUSINESS PARK

LEGAL DESCRIPTION: SEC 17 T. 5. 123N R. 7E PARCEL#: 76.42146080 ZONING: I1

EXPLANATION OF REQUEST: FENCE SET BACK

Provide Individual property owner names/addresses within 350 feet or nearest 10 property owners, whichever is greatest.

If replacing an existing structure, what will be done with the old structure? \_\_\_\_\_

Has a variance request been made previously on this property? \_\_\_\_\_ If yes, when? \_\_\_\_\_

**PROPERTY OWNER:**

Name (Print): MAR-DAR LLC Phone: 218-765-3104

Address: 27181 RIDGEWOOD DR. MERRIFIELD, MN 56465

Signature (required): Mar-Dar LLC by [Signature] Date: 4/28/2016

\*Signature of property owner shall serve as acknowledgement and authorization of this request.

**APPLICANT: ~~MAR-DAR LLC~~**

Name (Print): MAR-DAR LLC Phone: 218-765-3104

Address: 27181 RIDGEWOOD DRIVE MERRIFIELD MN 56465

Signature (required): Mar-Dar LLC by [Signature] Date: 4/28/2016

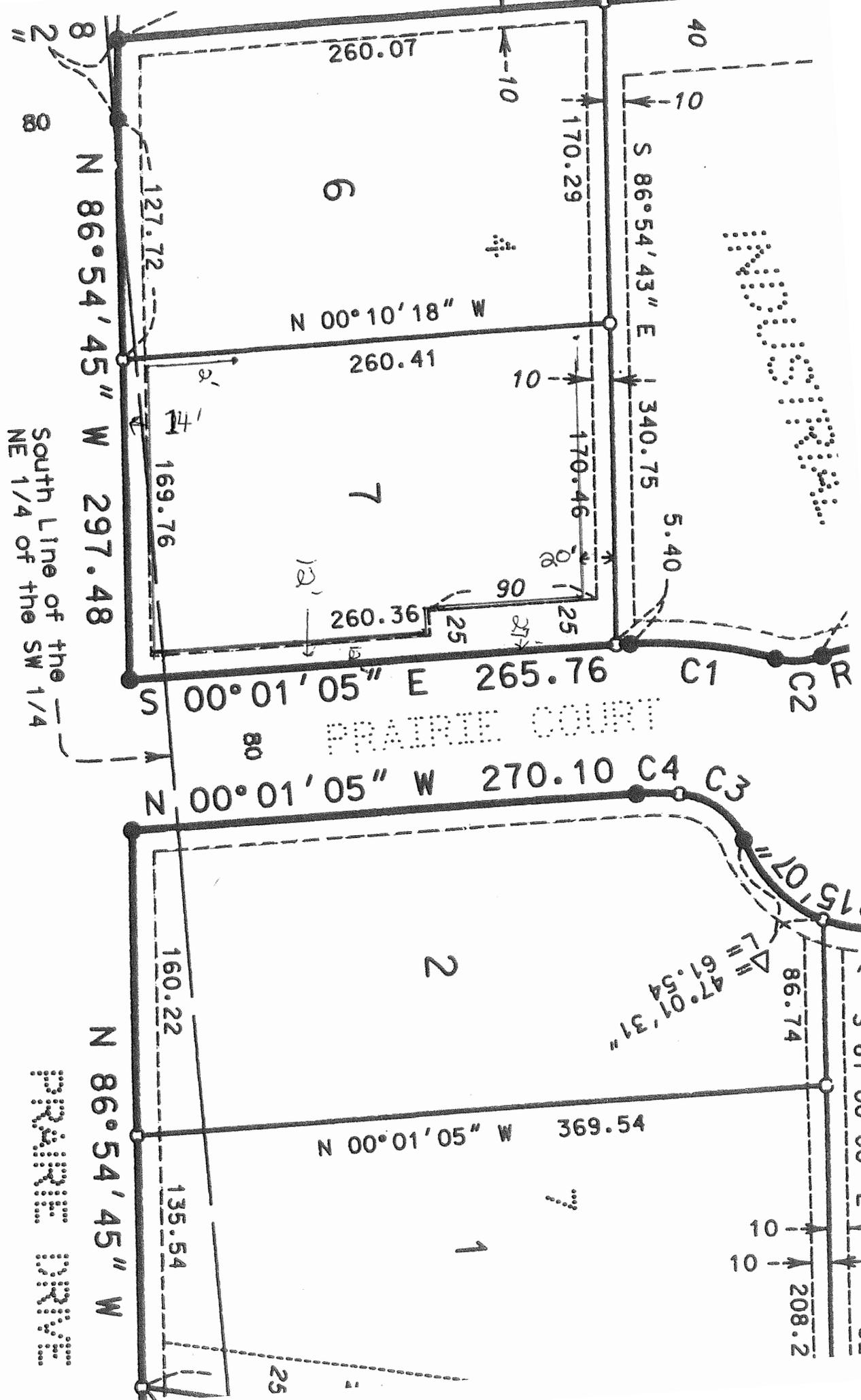
(I hereby certify that I have read the above information and I agree with the terms).

**STAFF USE ONLY:**

Permit# \_\_\_\_\_  
R# \_\_\_\_\_ Variance Application Fee Check # \_\_\_\_\_ Date \_\_\_\_\_ 101.41000.34103 \$200.00  
R# \_\_\_\_\_ Reimb. for Invoice Check# \_\_\_\_\_ Date \_\_\_\_\_ 101.41000-34102 \$46.00



NO. 51 R



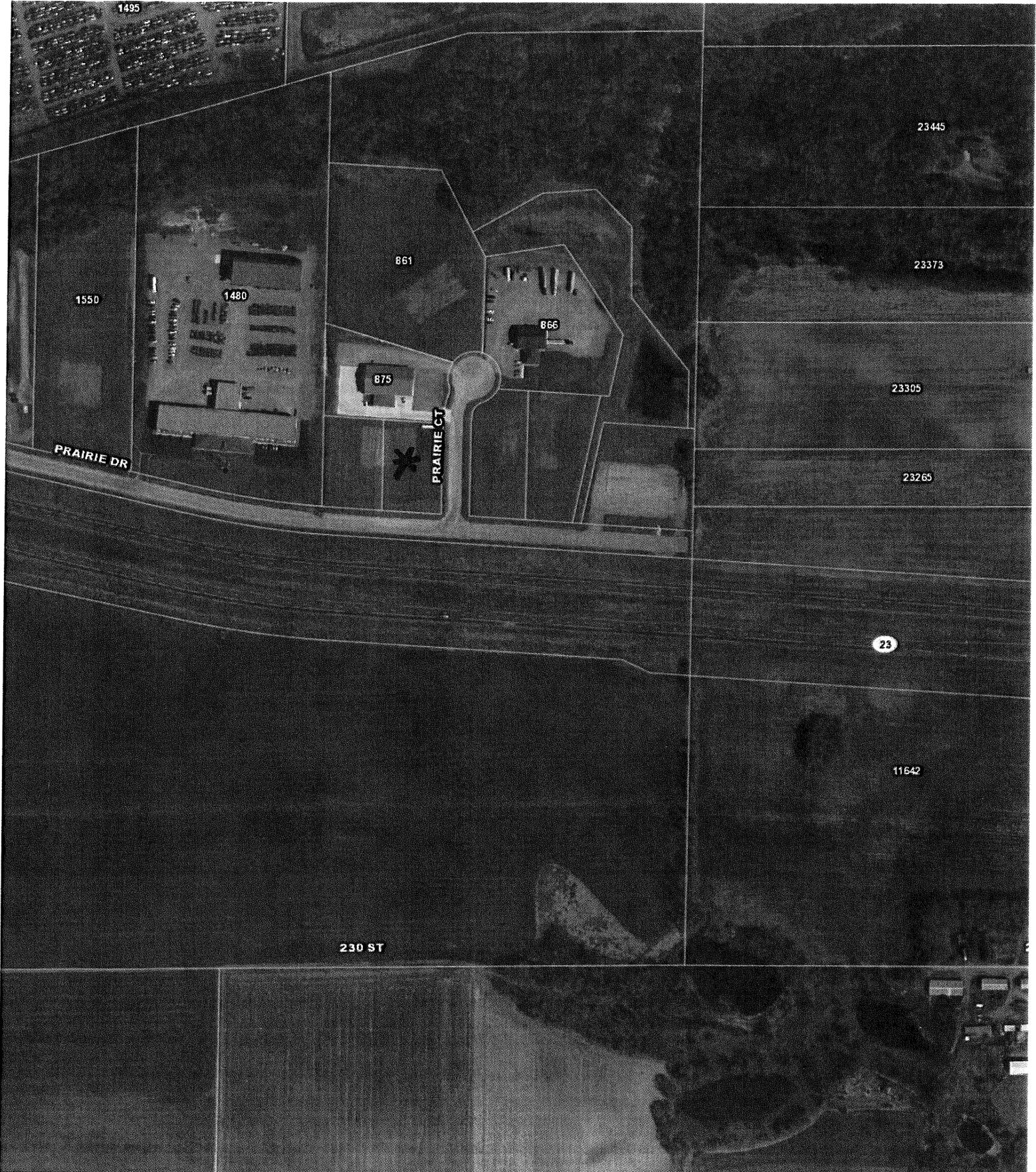
DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAY NO. 73-50

DRAINAGE AND UTILITY  
 EASEMENTS ARE SHOWN AS THUS:

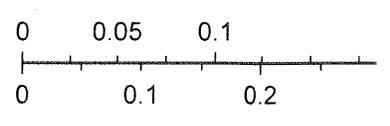
MAR-DAR LLC

3/31/2016

10 FEET IN WIDTH AND



1:6,214



# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Jeff Hagen, Mayor  
Don Simon, Councilor  
Susan Palmer, Councilor  
Richard Tallman, Councilor  
Duane Willenbring, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance Director  
Nick Waldbillig, Public Works Director  
Gene Van Havermaet Maintenance/Mechanic  
Debbie Weber, Administrative Assistant

*Rockville City is an equal opportunity provider and employer*

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, June 14, 2016 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East**, to consider the request of MAR- DAR-LLC for a variance **from the corner lot limitations**. The Parcel No. 76.42146.0807 on the corner of Prairie Drive and Prairie Court- Rockville, MN with a legal description of: Lot 7, Block 2, Prairie Business Park in the City of Rockville, Stearns County, Minnesota.

### **Section 10, Subdivision 3: FENCE REGULATIONS**

- 3. Corner Lot Limitations.** No Fence, wall, structure, hedge, shrubs, trees or other obstruction, other than chain link fences with openings of one and five-eighths (1 5/8") to two (2") inches not exceeding forty eight (48") inches in height, may be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of the lot lines. An object within this area not exceeding thirty (30") inches in height as measured from the centerline elevation of the street will not be considered as an obstruction to vision. Fences that will obstruct or impede the clear view of an intersection by approaching traffic may not be erected on corner lots. This paragraph does not apply to the B-1" District.

The request is to construct a fence 14 feet (front side-Prairie Drive) 12 feet (side yard-Prairie Court) from the intersection of the lot lines.

All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN, prior to the hearing, or be present at the public hearing.

Martin M. Bode  
City Administrator/Clerk

Publish 05/31/16

*Cold Spring Record*

In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

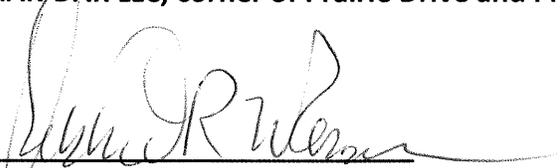
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

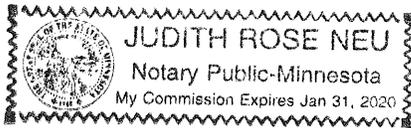
Mar-Dar Variance 2016.wd.doc

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

**AFFIDAVIT OF SERVICE**

**Debbie Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **25<sup>th</sup>** day of **May, 2016** he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice. **Public Hearing: Variance from the corner lot limitations – MAR-DAR LLC, corner of Prairie Drive and Prairie Court, Rockville (7 notices).**

  
\_\_\_\_\_  
Signature



Subscribed and sworn to before me  
this 25<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Notary Public Signature

Notary Public Stamp

GRANITE-TOPS LLC  
1480 PRAIRIE DR  
COLD SPRING MN 56320

DARMAR SA LLC  
27181 RIDGEWOOD DR  
MERRIFIELD MN 56465

J & T PARTNERS LLC  
38 FAIRFIELD LN  
ST CLOUD MN 56303

COBORN INVESTMENTS INC  
1637 4TH AVE N  
SAUK RAPIDS MN 56379

MAR-DAR LLC  
~~27181 RIDGEWOOD DR  
MERRIFIELD MN 56465~~

STATE OF MINNESOTA  
ATT: STEARNS COUNTY TAX  
FORFEITED DEPT  
705 COURTHOUSE SQ RM 148  
SAINT CLOUD MN 56303

MASTERMARK INC  
3822 ZENITH AVE S  
MINNEAPOLIS MN 55410

J & T PARTNERS  
866 PRAIRIE CT  
COLD SPRING MN 56320

~~MASTERMARK INC  
3822 ZENITH AVE S  
MINNEAPOLIS MN 55410~~

7









STOP









