

**City of Rockville Planning Commission Minutes**  
**Special Meeting held February 14, 2006**  
**Time: 7:00 p.m. Place: Upstairs City Hall**

The meeting was called to order at 7:07 p.m. by Chairman Jerry Bechtold.

**Roll Call:** Present: Chair Bechtold, Toni Honer, Dale Borgmann, Roger Schmidt, Linda Peck, Dan Hansen. Jerry Tippelt arrived at 7:12 p.m. Also present: Vern Ahles (liaison with the City Council).

**Staff:** Rena Weber (City Administrator), Judy Neu (Administrative Assistant), Scott Hedlund (City Engineer), Jim Mogen (City Attorney) and Cynthia Smith-Strack with MDG, Inc.

**Approval of Agenda/Amendments:** Moved and seconded that the agenda/amendments be approved. **Passed.**

**Approval of Minutes of 02-07-06:** Moved and seconded that these minutes be approved as recorded. **Passed.**

**Old Business:**

- a) **Ordinance-Section 12: Signs:** Counsel Mogen presented the Commission with a rough draft of the proposed sign ordinance that satisfies the constitutional concerns of the Council. In order to satisfy constitutional concerns, the ordinance needs to be “content neutral.” This means the regulations must be based on things such as the zoning district, safety concerns and, in limited circumstances, aesthetics. Furthermore, it must not include vague definitions nor allow significant discretion to the City staff administering the ordinance. With this in mind, counsel was unable to tweak MDG, Inc’s amendments. Instead a new ordinance was designed that incorporates the major points in MDG’s document but is now “painted with a broader brush” so that it is content neutral. This new ordinance is primarily based on a Hopkins ordinance that has recently been upheld by the federal courts. The sign graphics in MDG’s document will be incorporate into the new document. Commission members went over the new sign ordinance page by page with open discussion from members, counsel and Cynthia (MDG). Some of the points raised and clarified by counsel and MDG are listed below:
- a) Permits Required (see Subdivision 6): permits try to guide and prevent problems. They provide a vehicle for government to put its mark on what is appropriate and what is not. The goal is to balance property owners rights with the rights of the bigger community, to help maintain aesthetics/safety concerns and, to avoid clutter.
  - b) It is important to treat all land classifications the same as regards signs.
  - c) It is important to have the following Subdivisions at the beginning of this ordinance for legal accountability: Subdivision 1: Findings;

Subdivision 2: Purpose and Intent; Subdivision 3: Effect; and Subdivision 4: Severability. These have been added.

**Moved and seconded that Counsel and MDG, Inc. refine the sign ordinance incorporating the suggestions made during the discussion. Passed: 5 votes Yes, 1 vote No.** This new sign ordinance will be part of the packet for the Public Hearing on February 22, 2006.

**Ordinance-Section : R-MH Residential, Manufactured Homes:** This is a new section and was recommended for inclusion even though there are no eminent requests for manufactured home sites yet in Rockville. After discussion, Commission members agreed it was important to have guidelines in place should a request be forthcoming. This section will be reviewed by the City Attorney and be part of the packet for the Public Hearing on February 22, 2006.

**Ordinance-Section : Environmental Preservation:** This section was discussed at length as it is also new. In essence it attempts to expand the City's ability to protect, preserve and enhance more of the natural resources within the City i.e. woodlands, prairies, County Biological Survey Sites, etc. in addition to those already under some protection i.e. wetlands and shorelands. The following quote explains this section further. The quote is from MDG, Inc's February 10, 2006 correspondence to the Planning Commission and City Administrator as regards Outstanding Issues Regarding Zoning Ordinance Amendment Review of Feb. 7: "The incentive for the introduction of such standards to the zoning ordinance results from the City's Comprehensive Planning process and public input relating to a stated desire to protect and promote 'rural character', 'small town environment', viewsheds adjacent to major transportation corridors and significant/sensitive natural resource areas. The general standards contained in Subdivision 3 of this Section are **to be met by developers.....** The 'resource management plan' required under Subdivision 5 is to be submitted with either the preliminary plat or the site plan.....**Review of individual requests and application of the ordinance would likely be a function of Stearns County Environmental Services similar to the fashion in which developments impacting wetlands/shorelands are currently processed.**"

**Ordinance-Section 9: General Requirements:** Counsel and MDG agreed to incorporate the points raised at the meeting on accessory building square footage and the language on Subdivisions 10 through 15 and Subdivisions 18 and 19.

**Ordinance-Section 11: Parking and Loading:** Counsel, MDG, and the City Engineer will complete adjusting this Section.

**Ordinance-Section 24 – Subdivision 3:** Concern had been raised by MDG on the legality of restricting to four (4) the number of conditional use permits for single family dwellings in the SP-1 District per calendar year. Counsel agreed that this did raise concerns but did say that because the SP-1 restrictions are part of a more inclusive planning document it **may** give this restriction more legal standing. However, there is no

absolute that this wouldn't be challenged in the future. The general feeling of the Commission was to retain this restriction.

**Issues that remain outstanding from the February 7<sup>th</sup> Planning Commission meeting.** As most members had not received this report compiled by MDG, Inc (Feb. 10, 2006) with enough lead time for discussion, it was **moved and seconded to include Commissioner Peck's comments as part of the record for consideration. Passed.**

**Additional Motions:**

- 1) It was moved to recommend passage by the City Council of the ordinance amendments including the new section on Environmental Preservation. **Motion failed for lack of a second.**
- 2) It was moved and seconded to recommend passage by the City Council of the ordinance amendments without the inclusion of the section on Environmental Preservation. **Motion passed: 5 Yes votes, 1 No vote, 1 Abstention.**
- 3) It was moved and seconded that an opportunity for consideration by citizens of the Environmental Preservation Section of the Ordinance be allowed at the Public Hearing on the Ordinance Amendments scheduled for February 22, 2006. **Passed: 6 Yes votes, 1 No vote.**

**Adjournment:** Moved and seconded to adjourn the meeting. Time: 10:20 p.m. **Passed.**

Chairman\_\_\_\_\_

Rec. Sec.\_\_\_\_\_