

**City of Rockville Planning Commission Minutes**  
**April 26, 2005 Time: 7:00 pm**  
**Place: John Clark Elem. School Med. Ctr.**

**Present:** Jerry Bechtold, Dale Borgmann, Don Merten, Toni Honer, Linda Peck, Kathleen Stanger (7:10 pm), Vern Ahles (liason from City Council). Absent: Dan Hansen.

**Staff:** Rena Weber (City Administrator), Judy Neu (Administrative Asst), Scott D. Hedlund (City Engineer, SEH), John Kolb (City Attorney, Rinke Noonan).

**Approval of Agenda/Amendments:** Moved by Don, seconded by Toni, to approve the agenda and amendments. Passed.

**Approval of Minutes 04/12/05:** Moved by Jerry, seconded by Don, to approve the minutes with deletion of “---- (100 feet by 50 feet)---.” from the information recorded under the Open Forum (Tom Porwoll’s request). See page 2 of Minutes. Passed.

**Reading of Minutes:** Toni moved, Don seconded, to waive the reading of the minutes.

**New Business:**

- a) Public Hearing: Request of Clara Hall and Peggy Hall for a variance from Shoreland Requirements to construct a 40’ x 35.5’ single family dwelling in the R-1 – Shoreland District. Clara and Peggy explained the situation for the Commission. The site plan as sketched out in the Commission’s information packet would require at least 3 variances: 1) variance from the side property line setback (must be 10’); 2) variance from the county road centerline setback (should be 100’); 3) variance from the lake setback (must be at least 50’ from ordinary high water mark). The Halls explained that they were able to make adjustments in their proposal to meet the requirements for the side property line setbacks and the lake setback from OHWL. They are now only requesting a variance from the county road centerline setback. At present the structure is 52’ from the road centerline but they requested a variance to have it 50’. Commission members asked if the home could be two levels vs. one and if the garage could be eliminated or made smaller. Each item discussed to try and get the home further away from the road lead to the structure being closer to the lake. As there was no one from the public wishing to testify, Dale moved, Don seconding, that the public hearing be closed at 7:15 pm. Passed. Rena read the list of variance items to which each commission member responded. Toni moved, Dale seconded, approval of the variance request to have the structure be 50’ from the centerline of County Road 8 vs. 100’. Roll call vote: Ayes: Jerry, Toni, Dale and Kathleen; Naves: Linda and Don. Motion passed four to two. Rena reminded the Halls that an elevation certificate was required. Also they should not construct a patio – only patio stones used.
  
- b) Public Hearing: Brentwood Hills – Final Plat (Tract 1 and Tract 2). Rick Packer updated the Commission on the following: 1) a road easement is being negotiated

between the City and one of the property owners (4-5 years away); 2) the water tower will be in the far NE corner along I-94 (Outlot E); 3) the comment received from Rockville's attorney will be followed. The attorney's comment is – "The drainage and utility easement between Lots 6 and 7, Block 1 should be a total of 30 feet in width, instead of the 20 feet shown, because of the depth of the sanitary sewer being proposed to be installed between the lots." Scott D. Hedlund (City Engineer) pointed out that 3 streets south of CR 6 were misnamed and that the designated outlot (southwest lot just north of CR 6) for the lift station was missing. Rick indicated that this was an oversight and would be corrected. At 7:40 pm the public hearing opened and the following comments were made:

1) John Koerber (Lake Road) expressed concerned over only one exit onto CR 6 and safety on the county road as people enter and exit the development. Rick stated that there are actually two exits onto CR 6 and that right hand turn lanes will be provided on the north side of CR 6 for safety purposes.

2) Tony Schmitt referred to the EAW and comments from the DNR as regards the importance of the wooded section on the parcel. Why was this not given more value and respect by the Commission? Rick stated that the various divisions of the DNR do not always agree. Linda commented that in the platting, process wetlands have protection under the Wetland Conservation Act, must be delineated and efforts made to avoid them. Woodland protection, however, is not part of the initial platting process requirement. The woodland in question did come under scrutiny from the DNR when the EAW was put out for review. The most valuable wetland on this property is located within the woodland.

3) Lori Anderson expressed concern over the speed of the cars on CR 6 and safety for people crossing CR 6 to reach the park, etc. Would the county require a 4-way stop? Scott (engineer) responded that it was unlikely the county would do this as CR 6 is a major road but the idea could be revisited in the future. Lori also asked when the developer's agreement was to be finalized, by whom and if the public would have an opportunity to comment? The attorney stated that the developer's agreement is negotiated between the City Council and the developer prior to approval by the City Council of the final plat. There is no public hearing. Don expressed concern over all the items the planning commission had asked to be included in the development and if the planning commission would be able to review the developer's agreement? This concern was echoed by Jerry and Kathleen. The attorney stated that the PUD agreement would be included in the developer's agreement but that it is the City Council that approves the developer's agreement. The planning commission does not do the review.

4) Jeff Hagen followed up on the discussion about requiring left-turn lanes as well as right-turn lanes. Rick Packer is responsible for providing the right-turn lanes off of CR 6 into the development. However, for him to get the easements to provide left-hand turns would be very difficult. Scott reaffirmed that such easements would be difficult to attain and there is a great deal of land that must be required to accomplish the required road width and approach length to make the turn lanes possible.

5) Gwen Ballinger asked if the speed on CR 6 could be lowered to 30 mph as one approached the area of the new development. Scott said that the county does not set speed limits. These decisions are made by the Commissioner of Transportation.

At 8:10 pm Jerry moved, Don seconded, that the public hearing be closed. Passed. Don moved, Toni seconded, recommendation of approval of the final plat **with** the following:  
1) incorporating the comments from the engineer on the street names and the lift station  
2) incorporating the comments from the attorney as regards the drainage and utility easements

3) consider left-hand turn lanes. Motion failed on a 3-3 vote.

Linda moved above motion omitting #3 (left-hand turns). Seconded by Jerry. Motion failed on a 3-3 vote. Discussion followed, with clarification from the attorney, on the responsibilities of the Commission in light of the preliminary plat having already been approved as well as approval of the PUD agreement. It is the Commission's responsibility to make a recommendation to the City Council on the final plat.

Don moved, Toni seconded, that the Commission recommend approval of the final plat with the following: 1) incorporating the comments from the engineer on the street names and the lift station; 2) incorporating the comments from the attorney as regards the drainage and utility easements; 3) consider left-hand turn lanes **and** other safety options. Roll call vote: Ayes: Don, Linda, Toni, Jerry. Nays: Dale and Kathleen. Motion passed on a 4-2 vote.

- c) Granite Company-Building Permit: Mark Gross stated that the Granite Company would like to place a 24' by 70' mobile office unit on granite company property in the downtown section of Rockville across from the Rockville Maintenance Shop. The land is zoned B-1 and the request is a permitted use in B-1. Don moved approval of the building permit request, Kathleen seconded, unanimous approval.
- d) Municipal Development Group (MDG) proposal: MDG's proposal is to update the City of Rockville's Zoning Ordinance so that it matches the intent of our new Comprehensive Plan. Rena read the list of items MDG proposed to address. Commission members voted on each item. The following titled items were approved: 1) B-1: Central business District; 2) B-2 General Business District; 3) Off-Street Parking; 4) Landscaping; 5) Land, Woodland and Wetland Preservation; 6) Signs; 7) Lighting; 8) Site Plan Requirements; 8) Misc. Provisions. Titles not recommended: 1) B-3 Business District; 2) Manufactured Home Parks; 3) Surface (Storm) Water Management; 4) Accessory Buildings.
- e) Discuss SP-1: How long is the application good for? If it isn't used, what happens? All applications for residential development in the SP-1 fall under conditional use permits. Only 4 such applications are accepted each calendar year (maximum density of one per forty (40) acres) on platted lots recorded after April 16, 2003 (see pp. 125 – 127 in Rockville's Zoning Ordinances). Timing of requests and whether or not the applicant actually proceeds with the building were issues discussed. It would be possible for the City set up a time frame that

identifies what months they would consider CUP's under SP-1. At the present time there are 3 requests in motion.

**Old Business:**

- a) Rockville EDA/Pierre Hansen-Administrative Plat: Jerry moved, Toni seconded, to approve the Administrative Plat. Unanimous approval. The wetland delineation for the property is still pending and must be completed before actual development occurs.
- b) Transitional Zoning:
  - 1) Conditions – Who enforces?: The attorney referred us to page 145, Section 27, of our Zoning Ordinances. Subdivision 10 deals with compliance. Questions raised as regards Subdivision 10: a) is the public able to report potential violations? Yes. b) if a potential violation is in progress and reported, how can one stop the violation from continuing in a timely manner? The quickest way would be to report it to the building inspector. c) Is there any requirement to restore damage? The City Council can take appropriate actions which include revocation and termination of the CUP?
  - 2) Conservancy District: There had been questions raised as to the validity of the information on the Conservancy District contained in the Minutes for March 22, 2005. The information in these Minutes as presented was correct. It was recommended that the Planning Commission concentrate on implementing our plan and ordinances as they presently stand vs. trying to rewrite them or evolve them at this time.

**Additions to the Agenda:**

- a) Thomas Schlieman – Continue Public Hearing on Shoreland Variances: Tom informed the Commission of the following: 1) Clarence Bloch was willing to sell Tom some additional land so that the new garage could be 10 feet back from Hubert Lane vs. 3 feet. 2) People along Hubert Lane were against forming a Boundary Commission. Felt they could handle land surveying problems better amongst themselves (Quick Claim) between property owners. 3) He is willing to reduce more of the impervious surface impacts by removing the paved area by the present garages and replacing with paving stones. Dale moved, Toni seconded, to close the public hearing at 10:40 pm. Passed. Rena read through the Finding of Fact Sheet: Supporting/Denying a Variance – each of the 6 items on the list received a vote from each Commission member. All 6 of the criteria must receive a majority of yes votes for the variance request to be approved. Item 5 failed. Item 5 states: “Without a variance, is the owner deprived of a reasonable use of the property as that use relates to the Ordinance.” Linda moved to accept the Finding of Fact and deny the variance requests. Motion seconded by Jerry. Motion passed 4 to 2. Yes votes: Jerry, Linda, Toni, Don. No votes: Dale and Kathleen.
- b) Sign Request Along TH 23: This item was moved to the May 24, 2005 meeting.

**Adjournment:** Don moved, Toni seconded, to adjourn the meeting 10:55 pm. Passed

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

