

City of Rockville Planning Commission Minutes

Date: February 8, 2005 Time: 7:00 pm Place: John Clark Elem. School Media Ctr

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

City Staff: Judy Neu, John Kolb, Pete Carlson

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

Approval of Minutes for 01-25-05: It was moved and seconded to approve the minutes with the following clarifications: 1) add Vern Ahles , liason from the City Council, to the list of those present; 2) Linda Peck was the person who mentioned the Thousand Friends of Minnesota as an organization that could provide information on conservation designs; 3) confirmed by members of the commission that Fred Bengtson from the MNDNR did say from the podium that, ..”the decisions may be painful and many people may not like them but there are not many soldiers in our society working to defend these areas.” 4) confirmed by members of the Commission that during the discussion on the Conservancy District, it was mentioned that changes had weakened the protection for the three County Biological Survey sites when specific reference to them was removed to be replaced with wildlife habitat, a more general term. 5) No one present could recall who had seconded the motion to close the public hearing on the Scott Gronseth Conditional Use Permit SP-1. Judy Neu said staff would listen to the tape of the meeting and insert the appropriate name. Unanimous approval of these annotated minutes.

Public Hearing: Dennis and Mary Lou Tauber Conditional Use Permit-SP1

Dennis and Mary Lou presented their request to build a new home on the 35.28 acre parcel in Section 31. This was their intention when they bought the property and they plan on retiring here. The tillable land is used to raise corn and soybeans. As there was no one from the public who wished to be heard, the public hearing was closed at 7:12 pm. Motion to close public hearing made by Dale, seconded by Don, unanimous approval. Planning Commission members discussed the following concerns: 1) only 35.28 acres when SP-1 requires 40 acres: John Kolb said that this property was a pre-existing lot of record and does not, therefore, have to meet the 40 acre requirement. 2) concern over dust being generated when farm equipment traveling along the gravel driveway to the fields, etc. The Taubers indicated that this was not a concern. 3) Are there any plans for the extension of 205th Street further east to connect with CR 8? Pete Carlson indicated nothing was planned in the near future. He did state that the City of Rockville should be thinking about completing a comprehensive road plan in the near future. 4) clarification on the width of the driveway and stewardship of the wetlands; 5) clarification that soil borings would be completed as soon as weather permits. Concern was expressed that these are crucial around the house site in order to protect the new home.

After going over the Tauber's Application Sheet, the City of Rockville's Conditional Use Permit Form and the Check List for Commission Use Only, Jerry moved, with Don seconding, that the Conditional Use Permit be approved with the following additions recommended by Anne Nelson (Stearns County Environmental Services): a) best management practices (BMPs) be utilized during excavation and home construction as the proposed building site is close to a natural drainage area. b) revegetation of excavated areas be done as soon as possible after soil disturbance. c) if soil borings show that redoximorphic features are less than 84 inches below the ground, then the bottom floor of a new home should be at least one foot above the elevation of said features. d) Taubers implement BMPs for homeowners. e) width of driveway not be increased without further investigation due to the large wetland area to its south. There was unanimous approval of the motion with these conditions.

Public Hearing: Brentwood Hills Preliminary Plat

Rick Packer (Arcon Development, Inc) gave an update on the plat. He had received no additional comments from City Staff. He is actively working with the highway/city engineer on roadway concerns. No negative comments have been received as regards the EAW. They are addressing the NPDES questions raised by Don Adams (Stearns County Environmental Services) – See Attachment A to these minutes. Copies of this Attachment A are available at Rockville's City Office. They plan on being stricter than requirements under Stearns County that basements be constructed one foot above redoximorphic features. Arcon will maintain > one foot up to three feet. The wetland mitigation plan is underway with Stearns County. The major impact to wetlands on the site are for road construction (wetlands E and F) for road construction and wetland G for a house lot. Noise issues are being addressed in cooperation with Stearns County. The homes located near I-94 to the east may need more noise abatement possibilities: thicker window glass, air conditioning, etc.

The following concerns and questions were raised by members of the public during the public hearing period: a) are trails and sidewalks incorporated in the plat? Yes. b) road issues: legal status of 83rd? This has been a problem for a period of time and 264th will be converted to a cul-de-sac if not resolved to allow its continuation to 83rd. c) was the Planning Commission to act on approving the plat this evening? At present a 30 day period is running on the EAW for the plat. The City Council needs to hold a public hearing on the EAW. d) confusion on number of lots in development – the number is 186 with lots adjacent to the roadways larger than required under R1 so as to meld better with the existing adjacent lot sizes. The City Council has already approved this number of lots for this development. e) all the issues posed to ARCON from the City Administrator in a letter dated August 24, 2003 have been adequately addressed. f) will 79th Ave. heading north be straightened? Yes, to allow future access for land owner. This landowner may develop his acreage in the future but this is not the responsibility of ARCON. g) the situation as regards 82nd Ave. and its annexation into the City of Rockville is of major concern and still unresolved. The first two phases of Brentwood Hills plat would involve lots north of CR 6. At this time the upgrading of 82nd will be addressed. Jerry mentioned that all of this was covered in the development agreement. Rick Packer said that Arcon would help pay to offset the costs for 82nd

(would pay half the cost for his frontage.) h) potential impacts on school district re increased enrollment as a result of the development. Rick Packer indicated that school districts contact him about his developments. Brentwood Hills is in school district 742 not district 750 (Rocori).

Don moved, with Toni seconding, to close the public hearing at 8:35 pm. The Planning Commission recommended approval of the preliminary plat for the Brentwood Hills Development (Dale abstained) subject to the following:

- Clarification/verification of annexation of development property from St. Joseph Township – to include clarification of status of 82nd Ave. as City Street vs. Town Road
- Final approvals from Stearns County for wetland replacement, mitigation or exemption
- Preparation and approval by MNDOT of a plan for noise impacts for dwelling structures adjacent to or in the noise impact zone of I94
- Approval or confirmation from Stearns County regarding traffic impacts on CR6
- Resolution of technical issues identified by developer's and City's engineers
- Resolution of property ownership gap between development property and 83rd Avenue
- Approvals of other permitting authorities, ie. Watershed District and/or drainage authority for CD17 which would prevent approval of preliminary plat
- Final resolution of and decision on environmental review (EAW negative declaration or EIS process)

New Business:

- a) Bill Molitor: Administrative Plat for Prairie Industrial Park. The situation on the property does not lend itself to an administrative plat. Bill was requested to submit a replat for the lots in question. John Kolb also stated that the Planning Commission should not act if any part of the property is under litigation with the City. This concern was raised by Don. Recommendation that Bill come back with a replat for the lots and that the litigation question be resolved before the Planning Commission can proceed in good faith.
- b) Leif Spore- Preliminary Plat: This involves 20 acres of land off CR 47. When originally propose this land was under the jurisdiction of Rockville Township, the land was rezoned R-1, a concept plan was approved by both the Township and Stearns Co. for 9 residential lots (average lot size 1.3 acres). All requirements under the County and the Township were met. John Kolb said it was legal for the Planning Commission to recommend that this plat be grandfathered in now as a PUD under Ag-40. Leif Spore needs to proceed under our a new process: PUD in Ag-40. It was recommended that he get the appropriate forms from City Office for a PUD consideration and resubmit his preliminary plat proposal for approval.

Old Business:

- a) Transitional Zoning: The Planning Commission has been asked to look at some sort of transitional zoning especially in instances where R-1 zoning abuts already existing developed area where the lot size per home is much greater than 10,200 square feet. Information was received on transitional zoning approaches from the City of Becker, City of Hugo and Sherburne County. Sherburne Co. has a section in its zoning ordinances entitled Urban Expansion District that to some degree addresses the idea of transitional zoning. However, they caution that this is a tool more suited for county level government and would view it as cautionary for city level government. Cold Spring does not have transitional zoning. They do have R-1, R-2, and R-3 zoning. It was concluded that our zoning ordinances allow us the flexibility to negotiate with the developer a “transitional zone” concept. This can be done through a PUD and worked out as we negotiate the development agreement.

- b) Scott Gronseth – Conditional Use Permit – SP-1: The City Council denied the Planning Commission’s recommendation of January 25, 2005. They instructed the Commission to consider conditions on the proposal south of Sauk River Road. John Kolb clarified that we should respect the list of conditions from the City Council but we have the right to propose additional conditions. John proceeded to go through his Memorandum dated February 8th, 2005 and presented to the Planning Commission at the beginning of the meeting. See Attachment B for this Memorandum – copies are available from Rockville City Office. It was moved by Don, seconded by Dan, that members of the Commission look over John Kolb’s Memorandum and individually work on whatever conditions they felt were appropriate. These would be distributed for others on the Commission to consider. We would continue working on conditions at our next scheduled meeting and try to reach a consensus to forward on to the City council.

Additions to the Agenda:

Dave Curtis – Request to Subdivide: Dave Curtis was present and was exploring subdividing his property with the idea of selling each of the two parcels. The land in question total 38 acres and is on the south side of Rausch Lake. It is in the SP-1 District. Jerry informed him that under SP-1 this was not an option – that we did not allow spot zoning.

Adjournment: Dan moved, Dale seconded, that we adjourn the meeting. Time: 10:30 pm

Jerry informed everyone that he would not be at the next Planning Commission Mtg.

Chairman _____ Rec. Sec. _____