

City of Rockville Planning Commission Minutes
April 25, 2006 Time: 7:00 pm
Place: John Clark Elem. School Media Ctr.

The meeting was called to order at 7:00 p.m. by Chair Jerry Bechtold.

Roll Call: Present: Chair Bechtold, Toni Honer, Dan Hansen, Linda Peck, Roger Schmidt, Dale Borgmann, Jerry Tippelt (7:18 pm). Also present: Vern Ahles (liason with the City Council).

Staff: Judy Neu (Administrative Assistant), Scott Hedlund (City Engineer), Jim Mogen (City Attorney).

Approval of Agenda/Amendments: Moved, seconded and passed that the agenda/amendments be approved as presented.

Approval of Minutes of 04-11-06: Moved, seconded and passed to approve these minutes as recorded.

New Business:

- a) **Public Hearing: Schneider-Final Plat:** Jennifer Schneider was present to answer any questions. The hearing was officially opened at 7:02 p.m. A brief summary of the project was provided by Chair Bechtold. As there were no citizens present to testify, the hearing was closed at 7:08. A brief discussion followed. Jennifer said that she had received the recommendations from Stearns County as regards the wetland type/boundary decision made on 03-23-06. There were two recommendations that Jennifer felt she would try to respect: 1) a 50 foot – no mow buffer be maintained around the wetland with 2) allowance for a 10-foot corridor for access to the wetland. **Moved and seconded that the Planning Commission recommends approval of the final plat by the City Council. Passed unanimously.**
- b) **Public Hearing: Samuels Seasons (formerly called Pleasant Acres – Tom Van Lith):** Mr. Van Lith was present to answer questions. The public hearing was opened at 7:30 p.m. Tom Van Lith reviewed the process that he has been going through for the past 3 years. What has complicated the situation was Stearns County's requirement that access in and out of the development be off of Lena Lane **NOT** County Road 6. This caused more impact to the wetlands on site. The following citizens testified:
- 1) Scott Stenseth (9112 Alvin Court): This parcel of land has no City water services. An EAW was done on an earlier proposal (petition request) and the City denied this development. If this is a new proposal, is another EAW required? Scott is against this proposal due to increased housing density, lack of City water service, and concern over allowing individual wells. Attorney Mogen commented that a new EAW was not necessary.

- 2) Mike VanderWeyst (25704 Lena Lane): Mike spoke against approval, echoing the same concerns expressed by Scott: water issues, too much density in relationship to the surrounding area. Mike read Rockville's Subdivision Ordinance that requires City water in R-1.
- 3) Tammy Biery (25410 Burg St.): She is already experiencing surface run-off water problems on her property located 1-2 acre lots away from this proposed development. There are ruts across her lawn. This additional development would greatly increase the amount of impervious surface and has the potential to exacerbate an already bad situation. Tammy is against approval.
- 4) Brian Klocker (25901 Burg St.): This project should only be approved if City water is made available. He is against constructing another water tower by the development. The new water tower constructed near I 94 (Brentwood Hills development) should be used. He also expressed concern over the density of housing for the area.
- 5) Don and Cynthia Wagner (9055 Co.Rd. 6): They are adjacent land owners and have concerns over surface run-off water from the hill.
- 6) Julie Klocker (25901 Burg St.): There are two major water issues that have yet to be adequately addressed: A) available water for the new homes: would it be from the City or from individual wells on site? B) The soils on this parcel of land (clay over glacial till) have a very slow percolation rate which means excess water runs-off more easily than sinking in to replenish the ground water. Also, there is little pumping ability to adequately supply well (ground) water to each of the new homes. This development proposal is too dense for the surrounding "rural character."
- 7) Jim Holmquist (25909 Burg St.): He expressed concern over increased surface water run-off from the hill to his property from this development.
- 8) Beverly Engelmeyer (25417 Lena Lane): All around this site, there are homes on 2 acre lots. We should keep the rural character and require larger lots in this development even though it is zoned R-1.

The public hearing was officially closed at 7:48 pm by Chair Bechtold. The following issues were discussed:

--Scott Hedlund (City Engineer): Water issues are a major concern, and they have yet to be resolved. "Without municipal water service, and based on the information gathered in the EAW process, this preliminary plat appears premature at this time for lack of an adequate water supply." It would be premature to allow variances to this policy of requiring City water. The EAW did adequately address the drainage issues. Surface water run-off is a concern with every development that is proposed. The new water tower could supply water to this development; however, the cost for putting in connections to this distant property would be prohibitive. As the other developments are completed nearer to the tower, the extension costs would be diminished. The lot sizes proposed for Samuel Seasons are in keeping with Rockville's R-1 Zoning.

--Tom Van Lith: Traut wells has visited the site and there is water available for the proposed development.

--Jim Mogen (City Attorney): Source of water is the major issue. He would recommend that the lot lines in the development be extended to include the holding ponds vs. the holding ponds being outlets under the City's jurisdiction. This would place the burden for stewardship on the home owner, not the City or a Home-owners Association. The lot sizes being proposed are allowed under our R-1 Zoning; however, the Commission and Council could require larger lots.

--Comments from Planning Commission members: a) would like to see larger lots; b) too high a density i.e. out of rural character for this region; c) water issue needs to be carefully addressed prior to any further decisions being made; d) maybe allow a PUD approach on this parcel.

Moved and seconded that the Planning Commission recommends that the City Council deny this preliminary plat until the following points are addressed: 1) providing municipal water service; 2) submit another plan with larger lot sizes so as to decrease the density; 3) make further efforts at maintaining the rural character of the area. Passed: 5 Yes votes; 1 No vote; 1 Abstention.

- c) **Joseph Miller (SP-1): Discuss what he would like to do with his property:** Jim Miller addressed the Commission. For 15 years Jim has owned 10.5 acres of land in Spring Valley (Section 7, Rockville). He would like to build a studio (wood carving and stone sculpting) on the property and possibly a home in the future. At present he lives in Richmond and rents studio space. Jim sketched his plan and some of the features of the land on the board. The property has several perched wetland areas and some steep slopes. Comments from Commission members and attorney: a) for a home occupation business in SP-1 one must first have the residence; b) one could get permission to build the studio but not be able to officially use it until the residence is in place; c) there are perched wetlands and slopes that will have to be accounted for, and this land is adjacent (on the east side) to one of the County Biological Survey sites (rich fen-sedge subtype and oak forest); d) road ingress and egress. Commission recommended that Mr. Miller meet with the City Administrator and get more information about SP-1, County Biological Survey Sites and consult a topographic map.
- d) **Discuss Transitional Zoning:** It was moved and seconded to table this item until our next meeting pending further information being made available. Toni will compile the information she has and provide it to commission members hopefully one week prior to our next scheduled meeting.
- e) **Discuss Variance Checklist:** Brief discussion of two checklists used when variance decisions are being made. One list we are presently using, the other is one suggested by Government Training Services in "The Basics." Each has pros and cons. Of greatest concern is interpreting **undue hardship**. Attorney Mogen was asked to look at each approach and come up with a recommendation on how to meld the two. Attorney Mogen did say that when one grants a variance, it is important to write up the findings and rationale for allowing the variance. This is an important part of the record – the whys and wherefores – to help guide future

variance requests. Jim also recommended that Commission and Council members receive some training on variances, etc. The Initiative Foundation (Little Falls) is offering a class “Beyond Basics” which would address this. However, the time this is offered make it impossible for most people to attend. Jim will come back to the Commission with suggestion in 4 weeks time.

- f) **Discuss the Final Copy - Environmental Ordinance:** On April 17, 2006, Judy Neu, Rena Weber, and Cynthia Smith-Strack (MDG,Inc) met with Don Adams (Stearns County Environmental Services) to go over the latest draft of this ordinance. This meeting resulting in some changes which were incorporated in the draft (04-18-06) the Commission received in the packet for tonight’s meeting. Judy read through the document highlighting the changes. Jerry Tippelt raised a concern about further protection for groundwater when developments take place. Too often during construction the soil structure (percolation rate, etc) is altered because the black dirt top soil is underlaine with gravel. This increases the rate at which surface water reaches the ground water. This can lead to groundwater pollution and causes homeowners, especially, to use more water than necessary for their lawns. Jerry recommended the use of a clay layer to alleviate the situation. Both the City engineer and attorney will try to address this concern elsewhere in our ordinances. Perhaps the appropriate place to cover this is under sections dealing with landscaping. **Moved and seconded that the Planning Commission recommends approval of the Environmental Conservation Ordinance No. 2006-30A (04-18-06) by the City Council. Passed Unanimously.** A public hearing on the ordinance is scheduled for May 17, 2006.

Additions to the Agenda:

1a) Peggy Hall – asking for an extension on her variance to build a home. **Moved, seconded and passed that a six-month extension be granted.**

1b) Pleasant Estates Plat 2 – Jim Voight requested that this item be tabled as he was unable to meet with his legal advisor. The City engineer referred Commission members to comments he submitted on this Plat (date: 12-23-05). These comments need to addressed when this item comes before us. **Moved, seconded and unanimously passed to table this item until a future meeting.**

Items recommended for discussion at future Commission meetings: 1) Minor subdivisions that are handled administratively (tentative date: May 23, 2006); 2) go over fencing requirements for businesses; 3) presentation on the hows , whys and significance of lands designated as County Biological Survey Sites by the MNDNR.

Adjournment: Moved and seconded to adjourn the meeting. Time: 9:28 pm. **Passed.**

Next Planning Commission meeting: Tuesday, May 9, 2006.

Chairman _____ Rec. Sec. _____