

City of Rockville Planning Commission Minutes
July 12, 2005 Time: 7:00 pm
Place: John Clark Elem. School Media Ctr.

The meeting was called to order by Chair Jerry Bechtold. Roll call was taken and the following members were present: Jerry Bechtold, Don Merten, Dan Hansen, Linda Peck, Dale Borgmann, and Toni Honer. Kathleen Stanger was absent Also present: Vern Ahles (City Council liason).

Staff member present: Rena Weber-Administrator/Clerk

Approval of Agenda/Amendments: Moved and seconded that the agenda be approved with three additions for discussion: 1) Administrative Plats; 2) Minor Subdivisions; 3) Actions of Boundary Commission. **Approved.**

Approval of Minutes for June 7, 2005: Moved and seconded to approve the minutes with the following items to be added to the discussion as regards the Voigt Concept Plan:
--1) The Planning Commission has only approved a concept plan for 8 residential parcels along the south side of Pleasant Road.
--2) Before any further approvals are requested that involve a preliminary plat, the Planning Commission wants to see a concept plan for the whole development indicating where the roads in and out of the development will be located.

Approved unanimously with these additions.

New Business:

- a) **Public Hearing: Request by Marion Becker for a Variance from road setback requirements.** The Public hearing began at 7:10 pm. Marion Becker was present. Rena explained that this variance request at 11317 Hubert Lane is to allow the construction of a bathroom (handicap accessible) on the Hubert Lane side of the existing small cabin. The bathroom would be 10 feet by 8.6 feet. There has never been a bathroom for this cabin. This addition requires a variance from the road setback requirements. There is a grinder already in place so that the bathroom can be connected. Two letters of support were presented to the Commission: one from Bruce Bissonnette, the other from Kimberly Kline. There was a brief discussion . The following points were raised by Commission members: 1) the amount of impervious surface created by the addition is not a problem; 2) hopefully there will be no further variances requested for this small lot to handle in the future; 3) It seems wise for overall health and safety issues. As there were no other comments from the public, the public hearing was closed at 7:20 pm. Rena read the six items in the Findings of Fact for supporting/denying a variance. All six items received approval. **Moved and seconded to recommend that the City Council approve this variance request from road setback requirements. Approved unanimously.**
- b) **Municipal Development Group – Discuss Comprehensive Plan/Ordinances;**

Cynthia Smith-Strack was present and walked the Commission members through the 9 (nine) areas that the Commission had identified they wished to have updated in our zoning ordinances. The nine areas are: 1) B-1 Central Business District; 2) B-2 General Business District (presently without City Water); 3) Off-street parking; 4) Landscaping; 5) Land, Woodland and Wetland Protection; 6) Signs; 7) Lighting; 8) Site Plan Requirements; 9) Misc. Provisions: Building Restrictions, Lot Restrictions, Height/yard exemptions, outdoor storage. The City has received \$5000 grant for this update work. However, these 9 items Cynthia has estimated may cost \$5355 to complete. This we can address at a later date. City staff feels they may be able to reduce costs by performing tasks in house. Commission members suggested a process for reviewing and discussing the work being done by MDG. Members felt that it would be most productive if we meet several times and go over the information item by item. Since the Planning commission is only a recommending body, it was felt crucial that City Council members also be present at these special meetings. **The Planning Commission recommended that discussion on the information from MDG as regards updating our zoning ordinances be joint meetings between the Commission and the City Council. The information will be presented item by item starting with B-1 (Central Business District) and B-2 (General Business District). Our first joint meeting is tentatively scheduled for Monday, August 29th at 7:00 pm. Approved unanimously.**

Jerry expressed concern over information on farming/agriculture located in the Comprehensive Plan (Chapter 11, pp. 6-7, Table 11-8). There are major farming operations that are missing and others are non-existent at present. Jerry had done a survey and provided Cynthia with a listing of all the farming/agriculture operations in the City that he had compiled by section.

- c) **Discuss SP-1 Building Permit:** The following points are key as regards single family dwellings being built in the SP-1 District: 1) all single family homes are identified as conditional uses. 2) Only four building permits are allowed per year in the SP-1 District. 3) On page 145 (Section 27 of our Zoning/Subdivision Ordinance) it states: "If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A Use is considered abandoned if the use is replaced by another use or discontinues for more than six (6) months." There is some difficulty in keeping track of the four building requests allowed per year in SP-1 because the requests come in at different times, are approved at different times and the building permits are allotted at different times. If a party does not come in for a building permit within one year then they have defaulted on their conditional use permit and must reapply. **The Planning Commission would like to continue this discussion at our next meeting. We would like to see a record keeping/checklist developed for the Commission and the City Council that**

helps keep track of where the four housing requests per year are in the process.

- d) **Approve Administrative Plat – Bloch to Dennis Backes:** Rena read the Declaration of Restriction included in the Certificate of Compliance: “The conveyance is for agricultural or other purposes which do not increase residential dwelling density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to City of Rockville Zoning Ordinance Section 16, Subd. 7(4). Nothing in this restriction shall prevent rezoning or platting of the property by P.U.D.” This minor subdivision involves 159 acres of land. Clarence Bloch will keep ownership of the farm site. He may remove some of the farm buildings in the future and build a house. **Moved and seconded to approve this Certificate of Compliance for Clarence Bloch. Passed.**
- e) **Approve Administrative Plat – Schlough/Leal LLC:** Rena went over the Certificate of Compliance for this minor subdivision and read the Declaration of Restriction: “The deed shall state that the subdivision is for the purpose of attachment, and the lot, parcel, or tract to be attached, together with the lot, parcel, or tract to which it is being attached, shall, upon attachment, be considered as one lot, parcel or tract. The deed shall be accompanied by a Declaration of Restriction that shall restrict the parcel receiving the attachment and shall also restrict the parcel that is being attached. The Declaration of Restriction shall state that the parcel receiving the attachment, together with the attached parcel, shall not be further subdivided unless platted pursuant to the City Zoning Ordinance.” **Moved and seconded that the Certificate of Compliance for Schlough/Leal LLC be approved. Passed.**

Additions to the Agenda: 1) Jerry wanted to clarify that minor subdivisions are handled through the Administrative Plat process (see Section 11, pages 44-47, Zoning/Subdivision Ordinances). The term Administrative Plat is what appears on public notices. 2) Boundary Commission: Sam DeLoe addressed the Commission and briefly explained the three right-of-way problems the Boundary Commission is working on along Mitchell Lane/Wheelock Shores (for details see the last minutes for the City Council). **It was suggested by the Planning Commission that after recommendations are formulated by the Boundary Commission, a public hearing be held before the Boundary Commission and the Planning Commission.**

Adjournment: It was moved and seconded that the meeting be adjourned at 9:05 pm. Approved.

Chairman _____

Rec. Sec. _____