

City of Rockville Planning Commission Minutes

Date: March 22, 2005 Time: 7:00 pm

Place: John Clark Elem. School Med. Ctr.

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

Staff: Judy Neu, Scott D. Hedlund (SEH – engineer)

Approval of Agenda/Amendments: Moved by Dan, seconded by Toni, to approve the agenda and amendments with the following two additions: 1) Discussion and additional information as regards CR 138 and 99th Avenue in light of Vern Salzl's preliminary plat; 2) Discussion and input on ways to assure that conditions placed on plats/plans are implemented. Passed unanimously.

Approval of Minutes 02-08-05: Moved by Jerry, seconded by Dale, to accept the minutes with the following clarification: On page 2, replace these two sentences (In 2003 the Planning Commission had reviewed and denied the proposal. There is no water and sewer service to the land at present which could pose health and safety concerns.) with the following: **In 2003 the Planning Commission had reviewed and denied the proposal because it was a premature plat: no water and sewer service to the land which could pose health and safety concerns.** Motion Passed. Moved by Dan, seconded by Don, to approve the minutes without a reading. Passed unanimously.

New Business: Public Hearing Rockville EDA/Pierre Hansen-Conditional Use Permit

The public hearing lasted from 7:25 pm to 7:40 pm. There were no citizens present that offered testimony. Moved by Toni, seconded by Don, that the public hearing be continued so that missing information in the preliminary plat and CUP proposal could be provided to City staff and the Planning Commission. Unanimous approval. Commission members listed the following items that are still needed:

- 1) Evidence that a copy of the preliminary plat has also been sent to Stearns County Environmental Services. (See page 15 – Subdivision Ordinances)
- 2) A site map showing the area of the proposed preliminary plat, including land within five hundred (500) feet of its boundary. (p. 16 Subdivision Ordinances)
- 3) A complete topographic map with contour intervals not greater than two (2) feet, water courses, marshes, wetlands, rock outcrops and other significant features, all superimposed on at least one print of preliminary plat. If possible the following shall be extended 100 feet from beyond the tract being proposed for preliminary plat. (p. 17 Subdivision Ordinances)
- 4) A wetland delineation map shall be provided along with any wetland mitigation plan that is applicable. (p. 17 Subdivision Ordinances)
- 5) United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation and date thereof if parts of plat are wet or have been wet. The proposed lowest floor elevation and house type shall be clearly marked. (p. 17 Subdivision Ordinances)
- 6) Landscaping and screening plans. (See item F under Section 27: Conditional Use Permits, p. 139 under Rockville's Zoning Ordinances)

Further discussion by the Commission ensued on developing a check list for preliminary plat and CUP requests that would identify all the information that is needed from the proposer. This check list could help clarify the situation for the proposer and also assist staff as they collect the necessary information. When all the items on the checklist have been provided and checked off by staff, the completed application would now go before the Planning Commission for consideration. Scott Hedlund said that SEH could easily put together such a checklist if that was the wish of the Commission. Toni also had offered to help develop this with City Staff. Jerry recommended that both parties proceed with work on this. First step is to partner with the City Administrator and together decide on how best to accomplish the task.

Old Business: Transitional Zoning:

The topic of some type of transitional zoning has been proposed by citizens living near Pleasant Lake and by the Grand Lake Association. In both instances, the idea of transitional zoning is to implement some way to protect the rural character of Rockville as development occurs, to maintain some open space, and to protect some of the natural resources (lakes and forests for examples) that are part of ones quality of life. At present, many cities, townships, and counties in Minnesota (and even state government) are concerned about the rapid loss of these same amenities. The dilemma facing each level of government is how to address the situation. For example, On April 9th, 2005 at St John's University there is a day-long conference (Shaping the Future of the Avon Hills) involving land-owners and residents of the Avon Hills on ways to preserve the rural character and its amenities while development occurs. Sessions offered have titles that suggest other approaches to the traditional zoning categories: Open Space Developments, Conservation District Overlay Zoning, Envisioning Development Options, and Cluster Developments-Hows and Whys.

What are some possibilities for Rockville? How can we evolve these ideas in our City? In Chapter 12 of our Comprehensive Plan (p. 4, #9) it states: "The Planning Commission and Council may wish to include a new section in the Zoning Ordinance relating to **Land Preservation and Woodland Protection** to help ensure the natural environment is protected (ie. topography, soil types, slopes, tree preservation), the landscape character is maintained and adverse effects of development on the environment are minimized." In Section 3 (p. 4) of our Subdivision Ordinances, number 2, also addresses **Preservation of Natural Features**: "The Planning Commission may establish any existing natural features in order to preserve any trees, groves, water courses, beaches, wetlands, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the community as a whole. **No plat shall be approved that destroys natural features identified by the Planning Commission and City Council for preservation.** The Planning Commission and City Council may require that such natural features be preserved by platting them into separate outlots." At present, however, much of the information in Rockville's Subdivision Ordinances, is not applied to areas that are zoned

SP-1 when only 1 house is to be built on a 40 acre parcel. Reason: the parcel of land is not essentially being subdivided. Since most of the land in Rockville falls under SP-1 zoning, there is the potential for much of the remaining woodlands, forests, other contiguous natural areas to be fragmented and fall through the preservation cracks. At one time Rockville's Zoning Ordinances included a C-1 Conservancy District Zoning. "The Conservancy District "C-1" is an overlay district in **ANY DISTRICT** created for those areas that either contain a valuable natural resource which should be protected or are not suitable for agricultural production or urban development. This includes wetlands, woodlands, steep slopes, Stearns County Biological Survey Areas of rare species inventory and all areas within the one hundred (100) and five hundred (500) year flood plain. In these areas, urban development will be limited both to protect the natural resource as well as the health and safety of the citizens in the community." This zoning category was subsequently removed from our Zoning Ordinances and replaced with expanded language under SP-1. The words "wildlife habitat" replaced all the other items listed in the Conservancy District. Perhaps this decision could be revisited and reworked as an approach to providing a way to implement the concept of transitional zoning.

Two recent developments that came before the Planning Commission and have been approved by the City Council demonstrate in different ways why some evolving of our ordinances may be in order so that viable open spaces & rural character are maintained:

- 1) Gronseth Proposal: 40 some acres of land located in SP-1. The owner has the right to place one home on this parcel. Dilemma: All but about 12 acres are part of a County Biological Survey Site (Lowland Hardwood Forest). These 12 acres are located on the north side of a road that bisects the parcel of land. Where to place the house? Under our present Zoning and Subdivision Ordinances the house could be placed either north or south of the bisecting road. If, however, more status had been provided under our ordinances as regards preserving this special natural resource (identified by the state of Minnesota), then the house would have been located north of the road. The owner could carry out his right to develop the one house and the special natural area would have been left in tact (not fragmented) by the development – a win for the land owner, a win for the community as regards open space and maintaining the rural character/viable natural areas.
- 2) Brentwood Hills: A 129 acre parcel of land north of Pleasant Lake. Proposal originally requested rezoning from Ag-40 to R-1. A zoning change was approved but went to a Planned Unit Development (PUD) as an attempt to reduce the number of single family homes and make lots sizes larger than required under R-1. Two major reasons: to meld more pleasingly with existing development (i.e. larger lots); protect wetlands on the property. However, the most important ecological habitat on this parcel of land is the woodland in the northwest section with its internal wetland. The wetlands are afforded some protection, but what about the woodland? Under our zoning ordinances (PUD District, p. 137), under common open space (B.3) it states: "Common open space must be suitably improved for its intended use, but common space containing natural features worthy of preservation may be left unimproved." In addition on page 138, under Restricted Lands (A & B), one is allowed to preserve productive agricultural land by clustering residential sites on non-productive land but allowing similar preservation possibilities to large tracts of woodlands, etc. in not mentioned. Thus, under our present rules, we do not have a clear way to save natural areas.

As the Planning Commission thinks further about this situation, perhaps we can figure out some way to "tweak" our ordinances so some of our special natural areas will be preserved for future generations while allowing a fair dollar return to those people selling and developing land.

Open Forum: Duane Willenbring asked for more clarification on the requirements in our Subdivision Ordinances that apply to a preliminary plat proposal. He felt that developing a checklist, with the requirements that could be given to landowners interested in developing a piece of land, would be most beneficial. Jerry recommended that Duane talk with City staff about the requirements that must be met for a preliminary plat. Once the items on the checklist were completed by Duane, that he then request to be on the agenda at the next Planning Commission meeting for review of his preliminary plat.

Additions to the Agenda:

- 1) **CR 138 and 99th Avenue:** Jerry went over a brief history of CR 138 which involved interactions between Rockville Township and Stearns County Highway Dept. This history explains some of the difficulties facing both the Planning Commission and Vern Salzl's development proposal discussed at the Commission's March 8, 2005, meeting. CR 138 runs north, parallel to TH 23, from the end of Broadway to where 138 joins CR 122 (this section of 138 is a gravel road). It then continues further into St. Joe Township and over I-94. This section is paved. The county has resurfaced the paved section and would like to upgrade the unpaved section of 138. However, this section is too narrow and too close to the existing dwellings/farms. Thus the county is interested in using 99th Ave. (runs parallel between 138 and TH 23) as the continuation of 138 and keep the present gravel section of 138 as a narrow residential street. Problem: there is only one entry and exit point for 99th Ave., and that is where it joins 122 (122 connects TH 23 to 138 across from CR 6). The uncertainty of the outcomes for these roads, etc. makes it difficult at this time to address adequately any general industrial development on the land between the unpaved 138 and TH 23.
- 2) **Is there any way that Rockville can assure that conditions are being met?:** Many plats, development plans, wetland projects, etc. are approved by various levels of government **with conditions**. How does one know if these conditions are being met? It is a difficulty for everyone as staff time is limited. Some ways compliance is accomplished include: 1) complaints; 2) some cities hire an intern every three years to specifically check on compliance; 3) Stearns County checks compliance under the wetland rules during the winter months. The norm, however, is that one relies on the "good faith" and integrity of the developer/implementer. Under Rockville's Zoning Ordinances, Section 27 (Conditional Use Permits), page 145, there is a subdivision 10 which addresses Compliance. Number 1- Revocation states: "The City Council may revoke a conditional use permit if it determines that the permit's terms and conditions are not being complied with." Problem: **How** does the City Council determine if the permit terms are not being met? Under #2 it states that the building inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation. Questions: Is the public able to give notice of a violation? How to give notice – written, oral? Who in the world has a list of the conditions placed on each and every development? If the timeline outlined in this section of the ordinance is followed, how could a protected grove of trees or a wetland or another natural feature not be totally destroyed prior to action being taken? Under #3- Enforcement: how does payment by the property owner for staff and attorney fees

associated with the enforcement costs bring back the natural resource lost or impacted? Are there any requirements to restore damage?

Jerry recommended that we refer these concerns/issues to the City Attorney for his insights and recommendations:

- 1) Thoughts on how to assure that conditions are being met. The Gronseth Proposal has 12 conditions that have been placed on the development by the City Council.
- 2) Thoughts on reinstating the Conservancy District in our ordinances and/or strengthening protection/preservation of significant natural resource areas. Would something like the City of St. Cloud's Environmentally Sensitive Areas Ordinance be worth looking at?
- 3) Should we consider adding a new section in our Zoning Ordinances for Land Preservation and Woodland Protection and/or Saving Natural Resources?

Adjournment: Moved by Don, seconded by Dale, to adjourn the meeting. Time: 8:50 pm. Passed.

Chairman: _____

Rec. Sec. _____