

The special meeting of the Rockford Planning and Zoning Commission was called to order on September 30, 2010 at 7:02 p.m. by Chair Debbie Buoy in the Council Chambers of City Hall 6031 Main Street.

ROLL CALL

Roll call was taken and the following commission members were present: Buoy, Pederson and Waletich. The following members were absent: Hawley and Werman. Also in attendance were Planner Licht, Administrator Carswell and Deputy Clerk Etzel.

PUBLIC HEARING / Revised Preliminary of Parkwood

Planner Licht reviewed the application received from Lennar Corporation and the Wagner family regarding Parkwood Development. Originally approved several years ago for 341 dwelling units with a mix of single family and townhomes were approved for Parkwood with the original preliminary plat application a condition if more once more then 180 homes were built a second public street access to the west of the development to State Highway 55 would be required. For the last several years the developer and City Council have worked on the second access (via at grade, a bridge over the tracks and a tunnel under the tracks), but due to financial constraints the developer would like to revise the preliminary plat for Parkwood. Proposed is to limiting the number of dwellings to 180 dwelling, platted homes would remain untouched, the removal of 20 proposed townhomes north of Linnea Parkway, east of existing homes would remain with no changes, the Wagner property to the west would be limited to 24 homes, zoned R-1 and be required to connect to sewer and water.

The City Council reviewed and approved a concept plan that included 180 lots and did not include the western access. Therefore the next step was to proceed with a preliminary plat application to hold a public hearing with Planning Commission and be brought back to City Council for formal preliminary approval. The draft developers agreement would include a limit of 180 dwellings units, deed restrictions put in place where the townhomes were originally suppose to be constructed along with a drainage and utility easement agreement, Lennar would dedicate out lot E to the City for park land, improvements to trail approved in flood plain, improvements along Linnea Parkway for parking, and cash to make improvements in the park. The Park and Recreation Commission discussed the Parkwood park and has made recommendations, an update was provided to staff and Planning Commission for review.

Transportation fees for signal at State Highway 55 and Autumn Oaks have been collected, but with the reduction of dwellings the city would have a short fall. The developer would be required to pay back the city to keep the project whole.

Should the Wagner land not be developed in the near future the industrial park to the west would still have drainage and utility easements as noted on the preliminary plat. Wagner's could consider a 2nd access, but if it was not feasible in 2005 it most likely will not be in the future. Easements would be for utility purposes, rather than streets.

Originally Linnea Parkway was originally intended to be constructed as a through street to the Wagner Property to the west. The new plans show Linnea Parkway as a dead end with a cul-de-sac.

The City Engineer Bonestroo has reviewed the revised preliminary plat with regards to the townhomes with minor concerns.

City staff recommends approval with the conditions noted in the reports and listed in the resolution.

Chair Buoy opened the hearing at 7:10 p.m.

Ed Tully of 7000 Jenks Drive: does not want a sliding hill, wants to see the park graded with grass growing and would like to know what type of equipment will be put in the park.

Jerry Hommes of 5042 Greenwood Avenue: expressed concerns about the flood water and wondered if the east portion of the park would be under water. Mr. Hommes also asked if the park land is owned by Lennar or the City.

Staff explained the park land would be built up above the flood elevation and noted that the park land shall be deeded to the City as part of the Developers Agreement.

Jessica Milkes of 5046 Greenwood Avenue: had questions regarding the sliding hill proposed location and heard that the neighborhood does not wish to pursue a sledding hill as part of the park.

Planner Licht noted the Park and Recreation did review the sliding hill at their last meeting and the neighborhood consensus was to not recommend a sliding hill.

Kim Lucarelli of 7005 Jenks Drive: stated she is opposed to a sliding hill in Parkwood, and noted she would like to serve on a neighborhood committee to assist the park commission design the park. Mrs. Lucarelli also would like to see walking trails connected to Autumn Oaks for the runners in the area.

Mike Pedersen of 7006 Jenks Drive: is against a sliding hill in a neighborhood park. Mr. Pedersen asked where the next phase of development will take place. Mr. Pedersen noted that currently there is only one access to Parkwood and suggested a temporary street be connected for construction traffic. Mr. Pedersen also requested a time line of when the park grading and development will take place.

Calvin Glasscock of 5015 Ross Lane gave an update on the townhome owners association and their agreement with Lennar.

Denise Hukriede of 8896 Autumn Oaks Drive (sent email): has concern about the second access not being installed.

Joe Jablonski of Lennar addressed questions raised by residents. The park land is low, but will be graded to be above the flood plain elevations.

The next phase of development would be to take advantage of the current infrastructure-grading and storm sewers. The connector street will be constructed at the last phase.

Mr. Jablonski also told the Planning Commission and the residents that the Park and Recreation Commission decided not to go ahead with a sliding hill based on the resident's comments and concerns.

The deeding of the park land is part of the Developers Agreement and will be taken care of in the near future. Lennar hopes to begin the park grading in the next couple weeks.

Building of homes could begin in the spring or summer of 2011, it depends on how fast the lots sell that Lennar is developing in Hurstwoods.

Lennar has an agreement with the existing Townhome Association. Part of the fulfillment is to provide a landscape plan for what was originally proposed to be townhomes. Planner Licht state this is a requirement to be submitted for review.

Planning Commission questioned the townhomes listed as being built; they do not appear to be correct. Planner Licht will verify the lots that were actually built. Twenty townhomes are built and there will be no more.

Commissioner Pedersen asked if a signal would be installed at State Highway 55 and Autumn Oaks Drive since more homes will be built. Planner Licht state more traffic from the north turning left would be needed. Money is still being collected for a traffic light in the future.

A Trail is proposed near Lot 2 Block 15 being extended into the park for the neighbors, but this is a decision for Park and Recreation Commission.

A question was raised regarding the emergency access. Planner Licht noted the access is currently gravel and would be required to be paved.

Mr. Jablonski stated they are still evaluating the type of home and price range to be built in Parkwood.

Commissioner Petersen suggested extending Greenwood Avenue extended out to Linnea Parkway as a temporarily road during construction to avoid traffic going through the developed portion of Parkwood. Planner Licht state this could be an option the city could look at and consider with the next phase of development.

Chair Buoy closed the hearing at 7:49 p.m.

Planning Commission noted the main concern from the residents was that they wanted the park land graded and no sliding hill. The sliding hill was review by the Park and Recreation Commission and they did not recommend that change. The park commission's recommendation was presented to City Council on September 28, 2010. Also, Park and Recreation Commission will be making recommendations for what will be located in the park.

The Wagner property will be limited to 24 buildable lots with low density to meet the R-1 Zone or they could cluster and keep open space. There is flexibility to whoever develops the Wagner property.

Commission clarified, the Parkwood property would be limited to 180 dwellings and would not require the developer to have a second westerly access.

MOTION was made by Buoy, seconded by Pederson to recommend approval of the Parkwood Preliminary Replat contingent upon the following the conditions:

1. The total number of dwelling units allowed shall not exceed 180 as follows:
 - a. 104 additional single family lots may be final platted within the Lennar property based on the submitted preliminary plat with Lots 4 and 5, Block 10 combined to create on lot subject to the following lot requirements:

Lot Area	Lot Width	Lot Depth	Setbacks		
			Front	Side	Rear
10,800 sf	80 ft	120 ft	20 ft	10 ft	35 ft

- b. 24 lots subject to R-1 District standards may be preliminary and final platted within the Wagner property.

2. Lennar shall convey to the City of Rockford deed restrictions and drainage and utility easements over those townhouse unit lots rendered unbuildable by the preliminary plat.
3. Lennar shall submit a landscape plan for the townhouse area north of Linnea Parkway illustrating existing and proposed plantings prior to City Council consideration of the application.
4. Lennar shall immediately convey the park parcel to the City of Rockford and make improvements or pay a cash fee in lieu of land equal to the cost of the trails the developer was obligated to construct subject to review by the Parks and Recreation Commission and approval of the City Council.
5. Lennar and Wagner shall pay an adjusted transportation fee for construction of the future signal at Autumn Oaks Drive and TH 55 based on the reduced number of dwelling units within Parkwood and including supplemental payment for those lot already final platted.
6. Lennar and Wagner shall execute an amendment to the development agreement as drafted by the City Attorney and approved by the City Council.
7. All grading, drainage, and utility issues are subject to review and approval by the City Engineer.

MOTION CARRIED-VOTING IN FAVOR- BUOY, PEDERSON AND WALETICH

The City Council will review this application at their regular meeting on October 12, 2010 at 7:00 p.m. at City Hall, 6031 Main Street, Rockford, MN. Staff was hopeful the grading of the park land would begin shortly.

Chair Buoy called for a short intermission at 8:00 p.m. and the meeting resumed at 8:05 p.m.

Approve Minutes/May 27, 2010

Motion was made by Waletich, seconded by Buoy to approve the May 27, 2010 minutes.

MOTION CARRIED-VOTING IN FAVOR- BUOY, PEDERSON AND WALETICH

Variance

The Minnesota Supreme Court recently issued a decision that changed the longstanding interpretation of the statutory standard for granting zoning variances. The Supreme Court stated that “unless and until the Legislature takes action to provide a more flexible variance standard for municipalities, were are constrained by the language of the statue to hold that a municipality does not have the authority to grant a variance unless the applicant can show that her property cannot be put to a reasonable use without the variance”.

Planner Licht updated the Commission on changes to allow a variance and suggested language change to the ordinance. The suggested change(s) will be presented at the next meeting.

Review Ordinance #1001.04 Non-Conforming Uses

Staff and Planning Commission reviewed ordinance #1001.04 prior to attending the meeting. The Commission discussed the ordinance with Planner Licht who suggested changes changing the ordinance. The changes will be presented to at the next meeting.

Conditional Use Permit Review (April – October)

Staff sent letters and did on site inspection of the April – October Conditional Use Permits. Six of the CUP holders had changes and those with violations will be send letters:

CUP #00-67	6010 Lone Oak Road	Need clarification of handicap & 15 off-street parking
CUP #02-37	5910 Main Street	Boat stored outside – not allowed
CUP #07-22	6000 Lone Oak Road	Outside storage & Unlicensed vehicle
CUP #04-49	5821 Tower Street	NO LONGER VALID – removed sign
CUP #08-28	5801 Maple Street	NO LONGER VALID – no longer has three dogs
CUP #08-37	8361 Highway 55	Need clarification of handicap & customer parking

Building Permit Review

The Planning and Zoning Commission reviewed building permits: June – December 2009 and January – August 2010.

Clerk’s Report

The Clerk’s Report included: Statement of Values need to be signed and updates of fees & escrows will be presented to City Council sometime this fall and then Planning Commission.

Adjournment

MOTION to adjourn was made by Waletich, seconded by Pederson.

MOTION CARRIED-VOTING IN FAVOR- BUOY, PEDERSON AND WALETICH

Chair Buoy adjourned the meeting at 8:24 p.m.

*Respectfully submitted by,
Audra Etzel*