



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, June 2, 2021 – 6:30 p.m.**

Pursuant to Minn. Stat. 13.D.021, Planning Commission members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.

1. Call to Order

Chair Kimble called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Kimble, City Planner Thomas Paschke called the Roll.

Members Present: Chair Kimble; Vice Chair Michelle Pribyl, and Commissioners Michelle Kruzal, Tammy McGehee, Karen Schaffhausen, Erik Bjorum and Emily Leutgeb.

Members Absent: None

Staff Present: City Planner Thomas Paschke, Senior Planner Bryan Lloyd, Community Development Director Janice Gundlach and Department Assistant Staci Johnson.

3. Approve Agenda

MOTION

Member Pribyl moved, seconded by Member Kruzal, to approve the agenda as presented.

Ayes: 7

Nays: 0

Motion carried.

4. Review of Minutes

a. May 5, 2021 Planning Commission Regular Meeting

MOTION

Member McGehee moved, seconded by Member Leutgeb, to approve the May 5, 2021 meeting minutes.

Ayes: 7

Nays: 0

Motion carried.

b. May 13, 2021 Planning Commission Special Meeting

MOTION

Member McGehee moved, seconded by Member Kruzel, to approve the May 13, 2021 meeting minutes.

Ayes: 7

Nays: 0

Motion carried.

5. Communications and Recognitions:

- a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Chair Kimble asked if staff has had any updated regarding meeting in person or hybrid meetings.

Ms. Gundlach believed the City Council is talking about in person meetings in July and maybe even their second meeting in June. She thought a lot of it depended on if the Governor is going to extend the emergency and she thought there was some discussion about extending it an additional thirty days. She thought the Planning Commission should prepare to return in person as early as the July meeting.

6. Public Hearing

- a. Consideration of a Request for a Conditional Use to Allow an Outdoor Pet Exercise Area in Conjunction with a Dog Daycare at 2216 County Road D (Tower Glen) (PF21-005)**

Chair Kimble opened the public hearing for PF21-005 at approximately 6:40 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on June 21, 2021.

City Planner Paschke summarized the request as detailed in the staff report dated June 2, 2021.

Chair Kimble asked if there were any tenants of the development of the retail center that had any comments or questions.

Mr. Paschke indicated he was not aware of any. Staff has not received any letters, phone calls or emails.

Public Comment

No one came forward to speak for or against this request.

Chair Kimble closed the public hearing at 6:49 p.m.

Commission Deliberation

None.

MOTION

Member Pribyl moved, seconded by Member McGehee, to recommend to the City Council approval of a Conditional Use to allow an Outdoor Pet Exercise Area in Conjunction with a Dog Daycare at 2216 County Road D (Tower Glen), based on comments, findings, and the condition provided as part of the RPCA dated June 2, 2021 (PF21-005).

Ayes: 7

Nays: 0

Motion carried.

b. Consider a Request for a Conditional Use to Allow a Drive-Through for a Proposed Panda Express at 2030 Twin Lakes Parkway (PF21-004)

Chair Kimble opened the public hearing for PF21-004 at approximately 6:50 p.m. and reported on the purpose and process of a public hearing.

City Planner Paschke summarized the request as detailed in the staff report dated June 2, 2021.

Mr. Eric Abeln, Heights Venture Architects, addressed the Commission regarding the proposed drive-through for Panda Express.

Chair Kimble thanked Mr. Abeln for the renderings and thought it looked like a really nice Panda Express. She asked if the Commission had any questions for the applicant.

Member Leutgeb asked for clarification on the circulation plan. It looked like the only designated pedestrian crossings are only accessible by stair.

Mr. Abeln indicated the path coming from Twin Lakes Parkway and also from the Walmart, which connects to the right-of-way are ADA accessible sidewalks and will have railings, if needed on the sides and these are not by stairs. The level area to the parking lot and the crossings of the drive-through are regular and accessible.

Member Pribyl indicated if there was any consideration for having outdoor seating in the lawn area between the building and the trash area.

Mr. Abeln explained there was talk about putting a patio out front but felt that the proximity to the road and the elevation might not work to be a really enjoyable experience. If this were a level site to the road with the urban fabric where there could be a sidewalk cafe that might be a different story but given that it is elevated, it may not get as much use. Typically the seating areas are not put in the back by the trash areas and no visual connection to the dining area.

Public Comment

No one came forward to speak for or against this request.

Chair Kimble closed the public hearing at 7:17 p.m.

Commission Deliberation

None.

MOTION

Member Pribyl moved, seconded by Member Schaffhausen, to recommend to the City Council approval of a Conditional Use to allow a drive-through for a proposed Panda Express at 2030 Twin Lakes Parkway, based on the submitted site and development plans, subject to the condition in the RPCA dated June 2, 2021 (PF21-004).

Ayes: 7

Nays: 0

Motion carried.

c. Request for Preliminary Approval of a Major Plat to Subdivide the Development Site into 11 Lots for Single-Family, Detached Homes at 2395 County Road B and 2224 Eustis Street (PF21-003)

Chair Kimble opened the public hearing for PF21-003 at approximately 7:19 p.m. and reported on the purpose and process of a public hearing.

Senior Planner Lloyd summarized the request as detailed in the staff report dated June 2, 2021.

Member Schaffhausen noted even though there is an area of wetland it appears to be the owners' property, she wondered if that was correct.

Mr. Lloyd explained that was correct, up to a point. There are provisions intended to protect wetlands. Even though the wetland is a part of the private property, there are restrictions on what is allowed, in terms of use or development of that property. There are provisions in the shoreland and wetland section of the Zoning Code as well.

The wetland does not occupy that much of the existing parcel or any of the proposed lots so the lot sizes in the staff report are really just the lot sizes and are not affected at all by the presence of that wetland.

Member Schaffhausen indicated the long road that is considered the driveway, that was shown in the original proposal, was supposed to be worked on to negate that so people would not have a driveway right behind them. She asked if they were looking at the potential of actually having to have a road in some way, shape or form behind the residents, which is counter to what she thought was already discussed in the City Council meeting.

Mr. Lloyd explained this is a matter of semantics to some extent. It is worth pointing out that the existing residential driveway is, at least, partially in the same location. There is nothing about the City Council's Ordinance from last fall that was meant to prohibit a residential driveway from being in a location that the current one is or even one that is proposed. Because there is nothing in the Zoning Code or in the recently adopted Ordinance about where streets can be located as well as there being nothing in the Subdivision Code that identifies for them when is something a street and when is it not, that is why over the winter, primarily, staff from various departments formulated a definition for themselves. Staff's policy on this is that a shared driveway is an acceptable thing if it is not more than one fifty feet in length and does not serve more than three lots for single family detached homes.

Member Leutgeb wondered regarding realignment of Eustis and County Road B, if that is already in City plans or was that only wrapped up in that proposal.

Mr. Lloyd did not believe that would have been a project taken on by the City in a Capital Improvement Plan or something like that. Because the roadway does not need to be aligned in that fashion, the City can consider the proposal that this applicant has made to realign them in a way that conforms in all ways to any public street. That provides some additional area for the applicant to develop into these lots and frankly the park land and facilitates a development here.

Member McGehee asked what triggers the Planning Staff in bringing items to the Commission and then what triggers the sixty and one hundred and twenty day periods.

Mr. Lloyd explained the submittal of a complete application for something like this plat proposal is a thing that initiates the statutory timeline of one hundred twenty days to review, an action timeline in the case of a subdivision like this. It is the thing that obligates staff to be working toward a resolution to that application approval or denial of it in the end. He noted this applicant has been working with the City Staff for some time now, not only on the previous application in 2020 but also on refinements and iterations of this one. Staff has provided quite a bit of feedback along the way. If staff had more discretion about when or what to bring forward to the Planning Commission, staff may well have had the leverage or authority to require some of

these changes that staff is suggesting before coming to a public hearing, but staff is obligated to respond to the application that is submitted.

Member McGehee asked why impervious coverage is not a part of the plat review.

Mr. Lloyd explained the plat itself is only about the property boundaries, easements and rights-of-way. Certainly the impervious coverage, the intended development pattern is all important information for the review of this. The building pads are not platted and are not on the legal document that was filed with Ramsey County to establish property boundaries. This is unlike a planned unit development where it is an all-encompassing development review and setback, and impervious surfaces could be regulated. This is a plat that is being designed to conform to the existing zoning standards.

Member McGehee asked at what point and is there such as thing as a site review anymore in this process.

Mr. Lloyd explained that has been happening with the Engineering and Public Works Departments, reviewing the storm water management plans, the street design. It is also happening with the Community Development staff when it comes to the setbacks and impervious coverage.

Member McGehee indicated the Planning Commission is getting things before permits are signed off on, before the tree preservation specialists reports come, etc., and sometimes these are not even complete when a proposal moves forward to the City Council. She wondered at what point is it that the City is working on this, when in fact the City does not have much of this information. She asked if staff had any further information about the wetland, which seems to have been subject to reduction and filling and so on.

Mr. Lloyd indicated it is outside of his expertise to know much about wetlands, but he was under the impression from his colleagues in the Public Works and Engineering Department that the wetlands boundary represented on this plan, he believed, is identical to the wetland boundary that has been accepted an approved by the Watershed District. Any proposed filling or adjustments to the wetland boundaries would be done in accordance with the legal procedures that relate to those. In spite of what the historical circumstances of this wetland might be, the wetlands today is delineated on these plans and is what is regulated by the wetland protection regulations.

Mr. Lloyd explained the Planning Commission and City Council do not have a role in formally reviewing the engineering plans, the development plans of each parcel. The role of the Planning Commission and City Council with a preliminary plat application is to review the boundaries to ensure that the project is continuing along lines that are consistent with code requirements, but it is up to staff to ensure that the tree preservation details are correct and tree preservation plans are being properly implemented to ensure that storm water management plans and erosion control and

everything else is properly done and executed. It is not that a formal review is not being done, it is just that it is not the role of the Planning Commission and City Council to do that formal review.

Member McGehee explained the Planning Commission had a fairly clear idea that they did not think it was appropriate, along with staff, to have an extensive shared driveway and staff has come up with some solution in the absence of a more clear definition by the City Council. However, it seems that staff has spent a tremendous amount of time with this particular developer and it does not seem to her that many of the suggestions and problems that were identified initially have really been taken into account by this developer. It seems that staff has worked really hard, and the developer seems to persist in wanting to put more on this land than it really can hold. If the developer were to put the road down further so that there was back yard to back yard there, there would not be this problem, but the developer also would not be able to squeeze as many lots in there. She wondered at what point does staff indicate tabling this or have the developer start over and deny this because so far she did not see any indication that this developer has taken into account the several things' staff identified such as the road, the cul-de-sac, road length, irregular lot sizes that poke into the existing wetlands. She asked for some background on this.

Mr. Lloyd explained in fairness to the applicant, he is clearly designing a shared driveway, accessing the eastern side of the site and there is nothing codified that says what is a street and what is a driveway. This applicant knows what staff's recommendation is and what staff's policy is on this. Staff kept the applicant apprised of the process of arriving at those metrics, but this is a staff effort to understand what the difference is between a street and a driveway and that has not yet been tested by the Planning Commission or City Council. Similarly, there is the provision about similar regular lot shapes that are appropriate and suitable for residential development that is amorphous provision in the Subdivision Code that does not have a lot of tests. Staff can say that this does not meet the spirit of those requirements, but it is not for staff to approve or deny anything. Staff is obligated to facilitate the review and resolution of a land use application, such as been submitted, and staff cannot tell the applicant to change these things, or it will not move forward. This is the proposal that this applicant is bringing forward and this is the one the City has to respond to and in the process probably arrive at some institutional certainty about what is the limit of a shared driveway, what are acceptably irregular lot shapes, and the provision also acknowledges that if you are not starting with a clean, regularly shaped parcel of land, it is very difficult to get regular, simple, lot shapes out of it.

Member Pribyl asked if the Commission tables this and the applicant addresses staff's concerns and it comes back with another laundry list of items that need to be addressed, how would the Commission move this forward. She wondered what the process is.

Mr. Lloyd explained the process and indicated if the Commission sees that progress has been made towards something that looks like it could be approved, perhaps at that

time a recommendation to approve it with some conditions could be appropriate or it could be tabled again identify new issues the Commission would like to see changed or if the proposal comes back and does not look any more promising, it can be denied. He noted the Commission does not need to table this, it could be moved forward to the City Council for either approval or denial as well.

Mr. Todd Ganz, Integrity Land, addressed the Commission on recommended changes.

Public Comment

Mr. Cal Ross, 2118 St. Croix Street, indicated he has listened with absolute fascination over the gymnastics that have been done verbally requesting a rezoning, which the neighbors were told by the developer back than that this was the most efficient way and if he had to come back and had to go with single family the development would have more than that and he guessed the developer did not lie. What he is seeing is some of the most incredible language he has ever seen. Words like problematic, requires more detail, conceptually acceptable, a lot of discretion. He indicated he still does not know what happened with requesting the rezoning that now it is not applicable and now the developer is going to go with eleven lots with future detached property and then future lots even after that. When this was started, it went to the Parks Commission, Planning Commission and to the City Council and he thought he could speak for everyone in his neighborhood that not a single person is in favor of this project. The City Code was sited for starters, under the Title 10, which talked about developing in a neighborhood and what to anticipate from it. Title 10 states they are supposed to protect the public health, safety, peace, comfort and convenience, prosperity, and general welfare. It also states they are supposed to protect and enhance the character, stability, and vitality of the residential neighborhoods, as well as the commercial. They are also supposed to promote orderly development and redevelopment and assist implementation of the Comprehensive Plan. The Comprehensive Plan talks about how the City looks to develop and protect all of the property and natural resources the City has. What he has seen in here so far is the verbal gymnastics that is being spoken. There are not longer roads but driveways, private drives. All of the residents on St. Croix still have a road on the back of their lots. No matter what it is called, it is still a road. What he just gleaned, information he did not have, is when the developer stated they are going to leave four feet for a water drain on the east side of that driveway, which means all of that surface and everything else is going to drain toward existing lots. There is no drainage plan in place for that. He stated as he goes down the list of the things that were talked about, first and foremost, this is a delineated wetland. He cannot figure out why no one in the Planning Department has required that an environmental impact study be done. He wondered how the wetland is going to be affected. He noted that is the only wetland on this end of Roseville. This is not something that was put in for water storage, this wetland has been there for a long time. He explained another thing he would like to address is the diminishing of property values and the safety. He urged the Commission to vote this project down.

Mr. Tom Dunwell, 2253 St. Croix Street, stated looking at the big picture, he did not see the developer mentioning anything about satisfying the neighbors who have to live with this aftermath, and this is a disaster of a plan. He wondered about the private driveway on the east side of the lot which is serving four or five houses and how is it being maintained. He wondered if it is paved and has curb and gutter. The same thing goes for the wetland. The primary goal is to preserve the wetland and major trees on that property. He did not see how the property can be graded for houses and not knock them all down. The developer talks about preserving trees along the east side of the private road which are not worth savings. There are a lot of huge, beautiful trees on the property, and they are not going to be saved. He indicated tree preservation is important to them and should be important to everyone. He also wondered if this would have a homeowner's association and is it a requirement. He asked if the property along Eustis the owners of the wetland. He also asked who will maintain all of the wetland and how will they prevent all of the runoff from the yards going into the wetlands. He stated there are too many houses with screwing property lines. He recommended the Commission deny this plan and be done with it. This property can be developed with three to five lots, maximum.

Ms. Nancy Nelson, 2151 Fulham Street, explained she is a block away from this property. She was looking at one of the pictures staff put up showing a rendering where some of the houses will be and her map from the open house shows a fifty-foot encroachment in which some of the homes look like they will be encroaching on that. She assumed there has to be some sort of border from the setback to the actual building for wetlands. She assumed there is a border between the wetlands and where a building can be actually built. This is an association of all the houses and most associations hire companies to spray their lawns with chemicals and cut the grass and she did not see any plans for the runoff not going into the wetlands and killing what wildlife there is there. She wondered if the City has to change Eustis Street to be straight rather than the little curve it has right now, how much money will it cost the City to straighten out that road so there is a perpendicular corner between Eustis and County Road B and there are still semi-trucks coming down County Road B and she did not know if they could turn around in that area. She thought in order to settle this and other issues the Planning Commission needs to go to the City Council and have them do a definition of what is a driveway, a road, and a private road so that there is a clear definition that the City Staff can go by to make the recommendations or denials of different things. She thought there needed to be a definition to start with. There are a lot of things unknown with this development and the first step is to get some definitions made and go from there.

Mr. Tim Lundin, 2151 Fairways Lane, stated he has a corner lot, so he sees all of the traffic that comes down. He thought Ms. Nelson covered a lot of his concerns and everyone is concerned about preserving this area as a natural area. This is a unique pocket of wildlife with deer and turkey and coyotes and a lot of other mammals. One of his biggest concerns is with multiple semi-trucks coming down the road or cars that are lost and not being able to turn around. He wondered how a turn around could be removed and he thought there needed to be some clarification in the plan after the turn around is taken out.

Chair Kimble noted in the staff report there is a homeowners association requirement for this development.

Mr. Lloyd explained there is not anything in City Code that spells out what a street is, what is a driveway, where is the transition from one to the other which is why staff has created sort of a policy on that with a finite length and a number of lots being served. It is for the Planning Commission and City Council to make some recommendations and decisions that might be in line with staff's policy or might be different in some way, more restrictive or less restrictive, that is something that still needs to play out whether that is something that goes through a Code amendment process to define that or simply done in practice just by the decisions that are made. With respect to the streets, the developer would be doing the reconstruction, removing the existing street segments, grading things appropriately, installing new street segments according to the City's specifications for these public streets. He indicated he did not know the answer or the resolution to the question of where people will turn around. He knew that was one of the considerations in this whole project and one the Public Works and Engineering staff is more intune with than he was. With respect to the wetland setback, some of the shapes on the site plan, parts of those polygons that represent home development are actual building footprints and some of them are patio areas. Both of those kinds of improvements have different setback requirements. Structures themselves, do need to be fifty feet from the delineated boundary of the wetland. Paved surfaces, like patio, can be as close as thirty feet from the delineated boundary of the wetland. There are some parts of those represented building areas, represented improvement areas that are not actually structures but surfaces like patios that can be within fifty feet of that wetland boundary.

Mr. Ganz reviewed how the association will be managed. He noted they have designed are little catch ponds that are on the west side of lots two, three, four, five and six that has been shown to the Rice Creek Watershed District. These will catch the flow coming off of the lots and will be part of the maintenance done by the association. He indicated there is no ground water in the area, all of the water that is in the wetland is coming from the street and from the ground when it rains.

Chair Kimble asked if this project is at the scale to require and Environmental Impact Statement (EIS).

Mr. Lloyd explained that was correct, an EIS is not simply careful analysis of what impacts might be to natural features like a wetland. Careful attention is being paid by multiple jurisdictions and levels of Government to those impacts. The EIS is a very particular review that is reserved for the most intensive projects and this project would be far below the thresholds for anything like that.

Mr. Tom Collins, Design Engineer for the project, indicated regarding the private driveway length, if in fact the Council is going to put a maximum length on a private driveway, he would request that it be considered to be lengthened from the 150 feet.

The minimum front yard width of a lot is 85 feet. Two times 85 feet is 170 feet so there is not way three lots would be allowed to use a shared driveway. The Code requires a turn-around on a cul-de-sac whenever the length of a street is 200 feet so he would request, if in fact, there is going to be a maximum length that it be revised to 200 feet versus 150 feet, which would allow at least for the three driveways that the staff has reported to be allowed for a shared driveway.

Mr. Paul Nockleby asked for an explanation how a 1937 photograph of this area comports with the State. This is a stormwater, not a natural watershed.

Mr. Lloyd explained if he understood Mr. Ganz comments correctly, his statement is that there is not any ground water creating any wetland at other times of year than when rainwater might flow from the surrounding land to this low area of elevation. He indicated he did not know anything about the climate of weather in 1937, prior to those photographs but it seems entirely likely under that scenario that there may have been a lot of snow that winter, depending on what time of year the photographs were taken, and or rain in the weeks or months leading up to the time that the photographs were taken that could well have led to the accumulation of the wetland that is visible there.

Mr. Nockleby indicated 1936 and 1937 were some of the driest years ever in American history, resulting in the Grapes of Wrath story that John Steinbeck wrote. This was a very dry year without any rain to speak of in the Midwest, just a dustbowl. If there is a photograph from July 1, 1937 that shows wetland, that is very likely not stormwater. He indicated he was going to dispute the assertions by nonprofessionals and anyone who has not studied the climate science from that period who will assert that this is not a natural groundwater area. Mr. Ganz is trying to build homes that will impact everyone in the area, and he is telling the Commission that it is something it is not. He asked the Commission to deny this.

Chair Kimble closed the public hearing at 9:00 p.m.

Commission Deliberation

Member McGehee indicated given the hour she would like to make a motion because she reviewed all of the materials and options before the meeting and listened rather carefully and she thought she would agree with some of the initial questions raised by Member Pribyl and also she was unimpressed with the ease at which the developer believes that he can make the corrections and adjustments and as an environmentalist and someone that knows a great deal about tree and tree preservation, she was unimpressed with his address on that particular topic and she also felt very strongly about the fact that he never addressed the question raised by another individual about runoff of fertilizers and pesticides from lawns into the wetland. She thought that City Staff has spent a tremendous amount of time and she thought the outstanding issues, including turnarounds including parks with now streets through them to accommodate emergency vehicles are just too many things to keep kicking the can down the road. She would move to deny based on the list provided by staff of outstanding things and

add to that the issue of the turnaround, the road through the park, the protection of the trees, runoff of pesticides into the wetland, the odd shaped lots, etc.

MOTION

Member McGehee moved, seconded by Leutgeb, to deny the preliminary plat based on the following findings:

- **The list of Staff-recommended conditions related to needed plat revisions is too vast, such that full compliance cannot be envisioned.**
- **Testimony by the developer, and his representative, suggests he is unwilling to resolve outstanding compliance issues related to the private driveway and emergency access.**
- **The proposal would cause the removal of too many trees.**
- **The realignment of County Road B and Eustis, and elimination of the existing turnaround, has the potential to create unnecessary traffic in nearby neighborhoods.**
- **Development discussions of the subject property have been ongoing for nearly 20 months with no clear resolution to-date.**
- **The stormwater plans appear insufficient to mitigate the negative impacts of runoff containing household herbicides, pesticides, and fertilizers into the nearby wetland.**

Mr. Lloyd noted there is not a road proposed through the park parcel. The existing driveway runs in that location but there is no proposal to continue a driveway or any kind of road through the park parcel.

Member McGehee explained she referred to Mr. Ganz' remark for emergency vehicles and that he would put some special materials in there so the vehicles could drive through there.

Mr. Ganz explained the fertilizer and runoff goes into a catch pond; it does not go directly into the storm pond that is there.

Member McGehee indicated the water that runs through rocks is not going to filter out pesticides and fertilizers and the way Mr. Ganz described the catch basin, it is not an infiltration basin, it is a silt basin and those are two very different things.

Mr. Ganz explained it is a silt basin with a silt fabric inside the rock and then currently what is there right now is sending all of the garbage off the street directly out into the wetland. The way he is designing it changes how the water is going to go into that wetland. He noted he has been asked to make this better, so the wetland survives, looks better and lasts another hundred years. He indicated that is the way the watershed has asked him to do this, and he was not trying to do it in a bad way.

Member McGehee agreed to disagree with Mr. Ganz because the silt basin is not going to do that. She understood how the road runoff works in the City of Roseville and she also understood the distance of that wetland from the road and the infiltration possibilities on the way there and she thought there were ways to improve it, but she

thought the plan by Mr. Ganz has added fertilizer and pesticides in an area where it does not exist now and does have easy access to that wetland. Whether there is a silt screen or not, it is not going to change whether those pesticides and chemicals get into the wetland.

Mr. Ganz indicated he did sixteen soil borings out there and two of them were up against the wetland and they went down fifteen feet and there is no water in the ground out there and because of the soil that is there they cannot do an infiltration there right now. The only way they can do an infiltration in that area, because of the soil that is there is if you dig down ten feet, fill it with rocks and put sand on top of it with grass on top of that so water can flow through the grass, down through the rocks and down through the ground. The soil that is there is not an infiltration, it is a point zero two type of infiltration soil.

Chair Kimble appreciated Mr. Ganz' comments but would like to go just to discussion by the Planning Commission going forward.

Member Pribyl indicated one of her biggest concerns is if this is tabled it will end up in a slightly different place in another month and partly based on some of the big concerns, including the biggest one for her is defining this road versus shared driveway that seems to be a pretty wide difference of opinion on what that is and she was not sure how the current staff position, definition would be enforced or enforceable going through the Planning Commission and City Council moving forward.

Mr. Lloyd indicated there are a couple of avenues for an answer, one is if the Commission recommends approval of the subdivision proposal, such as this, with a condition and then the City Council takes action on that. Ultimately the City Council is the arbitrator in the end. He noted personally he did not feel like there is difficulty in enforcing any standard.

Member Kruzal thought there seemed to be multiple issues with this plat, one being the driveway road, the wetlands seem to be very controversial and wondered if there was a way to get an in depth, independent study done on what would happen and what is going on with that and she also thought the Commission needed to listen to the neighbors.

Chair Kimble indicated whether the wetland is created naturally or stormwater, it is governed the same by the City and the Watershed. She explained she was not negating the concerns about the wetland but there are definitions and controls and not staff just deciding on its own whether it is.

Member Bjorum indicated regarding the motion, he knew there has been some history with this area and a little bit of back and forth and that this is the second time around. He was willing to say there is a benefit of the doubt and willing to push the recommendations that staff has put forth and beholden the developer to the required setbacks, lot requests, this street length. He thought the wetland was a big deal and

what is being proposed now is pretty over developed for an area this large with the geographical issues it has. He thought with regulating some of these areas and adjusting the street to meet the requirements that the City has set forth, he thought there was the ability to achieve some developments here without destroying the neighboring properties. He was sure if he were willing to fully deny this right off the bat and would like to give some of the benefit of the doubt to the developer who seems to have some thought put into how this wetland is handled and has done some research. He would agree with Commission McGehee that pesticides and things like that is going to be caught all together in a silt basin, but he appreciated that there is some research put into that by the developer. He was willing to give the benefit of the doubt and push back for the developer to fix this stuff and come back. He noted the 150-foot road for him is not a driveway and frustrates him when he sees that on there. If the developer is willing to go back and review the requirements the City has set forth and the City establishes the driveway standard going forward and the developer can meet that then he would be willing to review this again.

Chair Kimble indicated she would support the motion of denial. The fact that this is not an enormous piece of land and the fact that discussions have gone on for twenty months without a resolution is concerning to her. There are plenty of issues that staff has identified that she thought are issues that could have been resolved before now and are not. She did think there is a way to deal with runoff, there are all kinds of mechanisms and controls and is not the first time there has been development next to a wetland and there are ways to deal with that. The other thing of transparency that she would like to say is there are always two sides to this. As a neighbor, she could understand the concerns and if she lived there it would be really hard but on the flip side, somebody owns this land, it is zoned and is developable and they have a right to develop it. At some point, she thought there is going to come before everyone a proposal that makes sense that might not be three single family homes. She did not think this particular preliminary plat is one that she can support.

Ayes: 7

Nays: 0

Motion carried.

7. Adjourn

MOTION

Member Kruzel, seconded by Member Schaffhausen, to adjourn the meeting at 9:29 p.m.

Ayes: 7

Nays: 0

Motion carried.