

MINUTES
MOUNT VERNON PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2017

The Mount Vernon Planning and Zoning Commission met September 13, 2017 at Mount Vernon City Hall Council Chambers with the following members present: Truman Jordan, Trude Elliott, Matthew Nelson, Rich Hileman, Jenna Wischmeyer and Garret Reddish. Absent: Joan Burge. Also in attendance, Zoning Administrator, Matt Siders, Chad Sands from ECICOG, City Administrator Chris Nosbisch, Randy Williams and Nathan Byers of MMS Consultants and developer Bryce Ricklefs.

1. Approval of Agenda and August 9, 2017 minutes. These documents stand approved unless otherwise indicated by Commission members.
2. Open Forum: each citizen limited to 5 minutes per discussion item.
3. Public Hearing on review of the preliminary plat for Stonebrook 6th, 7th, 8th, 9th and 10th Addition. Discussion and possible action. Zoning Administrator Matt Siders said that City staff had met with the developer and engineering firm on two occasions in regards to this plat. There was an original plat back in 2009 by the Stoner family that was proposing these additions, there was a planning conference that was held but there was no preliminary plat process. At this conference the developer presented a concept plan to the City that showed land that was given/donated to the City. This land included 4.3 acres that was intended to be park land. The current proposed preliminary plat shows 17 acres of park land with a detention pond in a different area of the plat than was indicated on the original concept plan in 2009. Siders said it was important to note that on this property there is a “blue line”, which is a federally protected waterway. Randy Williams from MMS Consultants explained that there are 180 acres of drainage basin that flows towards this blue line and this needs to be protected. In order to retain the storm water retention, the original 4.3 acres of park land needed to be reclaimed in this plat and instead have 10 acres incorporated for park land. Developer Bryce Ricklefs said that through this process they have made a nice recreational area that includes a walking trail and tried to make it a nice development that continues on with the Stonebrook subdivision.

Jordan opened the public meeting. Resident John Holland, 525 15th Avenue SW, addressed the commission. He said there were three concerns with this new plat; public usage, personal impact and the waterway. The comprehensive plan states that as new housing developments are planned,

the City should ensure that common green space is included in each neighborhood. His concern is that those people that purchased lots next to the area that was originally planned as park land expected there to be a park there. Representation was repeatedly made that this area was to be a park and this has a huge impact to those individuals that chose to build there. He said the City has said they never made any promises and are just ensuring that the new development meets code and does not cause detriment to the City. What about detriment to the citizens who believed the City when they said they were going to have a park there? Holland said that he made the biggest financial decision of his life based on the fact that he thought there would be a park there. His second issue was the runoff. He does not see in the new plan how they plan on handling all of the water flow that is currently behind his house. City Administrator Chris Nosbisch said if you look at the aerial photograph, the channel does cut through what would be considered the existing park space and it would have to be mitigated regardless, if the park was used as intended. What typically happens is you pipe tile and put a larger intake in, a box culvert or a bee hive. What would be tricky about the existing park as it was is you would have to stay away from the blue line more than was originally planned. When staff met with the developer the original concept plan was basically thrown out the window because the City spent \$25,000 trying to mitigate additional storm water on the other side of Stonebrook first, knowing full well that the concept plan didn't take storm water calculations into consideration. Nosbisch also said that if the "blue line" was not mitigated on property it would need to be done somewhere else to be accounted for. Holland said he had a problem with the description of the "land swap" that the proposed plan is swapping 4 acres for 17 acres, which is really not the case as 12 to 15 acres needs to be set aside for wetland. Basically what is happening is the original 4 acres of parkland is being moved to the NW corner of the development. He has not seen a compelling reason to move the park other than to make more lots for the developer. Nosbisch said the City would still want the 5 acres of flat, usable park space. Inclosing, Holland said this issue is about the loss of trust in the City and City officials to say as they do and do as they say and follow the comprehensive plan and provide the park as has been repeatedly shown for the last eight or nine years.

Matt Meyer, 535 15th Avenue SW, said what John Holland put together is all fact and agrees with what he says. Meyer said he moved back to Mount Vernon from Minnesota about five years ago and understood when he purchased his lot that there would someday be a development behind him but the reason he bought the lot he did was because there was going to be a park there. The reason he knew this was because he trusted the developer and City officials to do what they said they would do. He does not have any

opposition to the development but decisions were made on his part based on information he had at the time that he bought his lot. His expectation of the Planning and Zoning Commission is to not accept this plan, based upon what was already accepted to be there.

Kent Streicher, 625 15th Avenue SW, moved to Mount Vernon in 2007. He was shown information from the Stoner's that there would be a park behind and this was the only reason he purchased his lot. Jordan wanted to clarify that Planning and Zoning, at the time that the 5th addition was approved, would have seen everything that these homeowners have seen but it was his understanding that it was not known exactly where the park would go. Matt Siders said that the land has always been there and from Parks and Recreation's standpoint, they always hoped it would be a park but have never known exactly what would go in there.

Mike Kortemeyer, 329 13th Avenue SW, had a question about retention and asked what "wet bottom retention" was. Randy Williams with MMS Consultants explained that the proposed northerly pond would be a wet bottom sole, with a pool of water there that exists for recreational purposes. It would serve a recreational purpose as well as the additional capacity to detain and release the water at the required times. Kortemeyer felt that this could create a dangerous situation with the children in the subdivision with the body of water and the park in the NW corner. Kortmeyer also said that he understood the problem that the developer had with the blue line going through the development and the struggle to have enough viable lots to sell.

Bill Stevenson, 1309 3rd Street SW, lives at the end of a storm sewer line and has dealt with issues of it being blocked. He has concerns about what will happen with that pipe and the runoff in the area when all of the concrete is put in for the development. He also asked if the sewer plant could handle the additional homes being built. City Administrator Nosbisch said that the sewer plant is currently at 50% capacity and will be able to handle the new developments. Stevenson also asked if a traffic study had been done and said this information needs to be shared with the public. Nosbisch said he does have a document that points all of this out and anyone is welcome to a copy of it.

Judy Modracek, Palisades Road, said she was glad to see the retention ponds in the proposed subdivision and wanted to make sure they were deep enough and would be able to handle the water. She also asked the developer if the people that purchased lots would be able to find their own builder. Bryce Ricklefs said each buyer would be able to choose their own contractor.

Matt Appleton, 635 15th Avenue SW, had a few comments about the green space in general. When you look at the green space in the 4th addition it does not look like much usable space. When you get to the 5th addition the space looks like it doesn't need to be identified. Now they are proposing to move the green space even further away from the existing Stonebrook addition.

Matt Francois, 615 15th Avenue SW, asked when all citizens would have a chance to go before Council with their concerns. Nobsch said there would be two opportunities; one opportunity will be when the plat goes before Council for approval and also if Council decides to convey City property (park land) where a public hearing would be needed. Nobsch encourages everyone to reach out to Council now though.

Jordan closed the public hearing at 7:40 p.m.

Jordan said he was at the pre-planning meeting and what he gained from that is that in terms of the water drainage, what is being proposed is the best way to develop it. Nathan Byers of MMS explained how the blue line was federally protected. Elliott asked how many lots would be lost if they left the park where it was originally intended to be? The total number of lots lost would be around six but the bigger impact would be the traffic flow as you would lose your "through" traffic ability.

Matt Nelson pointed out that this is a Traditional Residential zoned area and in the Mount Vernon Subdivision Regulations, page 38, it specifies that "blocks within subdivision within the Traditional Residential zoning district shall not ordinarily exceed 300 feet in length". The blocks in this proposed subdivision exceed this number considerably and do not meet the street layouts that are required for Traditional Residential. Nelson said this is a requirement that we fail to recognize and he feels that the City made a mistake last month with the Spring Meadow Heights Subdivision by not following that part of our ordinance. He said this requirement was put there because there is a unique character for Mount Vernon that we want to hang on to in the Traditional Residential neighborhoods. He sees this concept being lost in these new subdivisions. Jordan agreed with Nelson but said the street layout in this proposed development follows what is already there. Nobsch explained that you could only look at the block requirement on the east half because of the transportation plan that was adopted for the west side calls for an arterial, which would negate the 300 foot block lengths. Matt Nelson asked if there was a minimum distance for the minor arterial road that streets can abut into. Nobsch said no because it can

change depending on what you are funneling into it. Nelson felt that by having the long distance streets you don't have the community connectivity in a Traditional Residential neighborhood and said there are other alternatives that could be looked at. Nelson went on to say that in the Subdivision Regulations under 166.12 (Design Standards) it talks about the need to respect the urban character and traditional layout of Mount Vernon, linking connections between new developments and existing parts of the City. It also talks about the need to protect the value of surrounding developments and secure the most appropriate characteristics of the development with the long range projections of the comprehensive plan. Nelson also said in following the comprehensive plan the types of homes being built should follow the "front porch" design.

Jenna Wischmeyer said that she lives in the area near the new proposed development and is familiar with the area as it relates to park land and storm water perspectives. She thinks development is good but it needs to be thoughtful and there are a lot of good aspects about this design but she wants to make sure that the decisions she is making are within the parameters of the ordinance and they make sense. She feels that there is information missing from this plat that she would need in order to move forward but her focus is mainly on the park and storm water drainage issues. She went back and looked through the ordinance as it relates to the park aspect and there was language on where the park space should be and where the open space should be. It also states that the subdivider shall not reserve a strip of land unless the commission determines that it is sufficient in size, shape or location to meet the necessary public purpose. She felt that it was important for the Parks and Recreation Board to review the plat and sign off on it in regards to the park space and this was missing from the process. She would also like to see feedback from the City Engineer with assurance that the change in the flow and the added concrete is not going to cause additional flooding onto properties. MMS Consultants explained that some of the information is not available because further testing is needed and they do not want to spend money on the testing until they know for sure that the plat is approved. Siders said that Parks and Recreation had not formally met to discuss the park issue due to the plat not being ready at the last meeting.

Siders then went over the requirements for review/approval of the plat as spelled out in the City ordinance. The commission can either approve or reject this proposed plat within 45 days. It could also be tabled for further consideration.

Hileman said at this point there are a lot of unknowns in regards to what the government will allow with the blue line and whether the City will swap the park land that was in the original concept plan. He said the belief that a park would be in the same area as originally proposed was a completely reasonable expectation. He does not feel that he should be asked to vote on a preliminary plat where there are outstanding issues like these. Hileman would like to see a plat that keeps the park that was in the concept plan where it was and would like to see a plat that compensates the developer for the lots that they lose because the park is kept there.

Resident John Schumacher supported Hileman's views and would also like to see smaller blocks and front porches. He would like to see a proposed set of development plans that address some of the concerns voiced tonight.

Elliott said she did not have much more to add but said as a commission member she would not be able to vote for this preliminary plat tonight for many of the reason that have been talked about. Her memory goes back to the creation of Stonebrook and issues that were brought up at that time. There has also been a revision of the Comprehensive Plan since that time and it does talk about the "traditional" layout of Mount Vernon. She also feels that the park should be left where it was originally intended.

Nosbisch explained that procedurally if the developer/applicant agrees to table the application, the concerns addressed tonight could be re-evaluated and changes could be made. If the applicant chooses not to table the application, the commission would need to vote to either recommend approval of the plat to the City Council or reject the plat.

Commission member Reddish said on a personal note he agrees with everyone who said a park in the original location should be there. He agrees with government accountable for the things that were said but from the commission's perspective, he doesn't feel that is a reason for him to vote no on this and it is a City Council decision. He also agrees with Nelson on the 300 foot blocks. He would agree to tabling it to see if revisions could be made.

Bryce Ricklefs, developer, asked that the commission go ahead and vote on the plat tonight instead of tabling it. Nelson made a motion to not recommend approval of the plat. Nelson's motion seconded by Hileman. Those voting in favor of Nelson's motion: Nelson, Elliott, Reddish, Wischmeyer and Hileman. Voting against the motion: Jordan. Motion passes 5 to 1 to not recommend approval to City Council.

4. Discussion and possible action of proposed Zoning Ordinance changes. The main topic of discussion for the proposed zoning ordinance was signage with discussion about temporary, off-premise and home based business signage. There were a few businesses off of 1st Street that would like to be able to place off-premise/portable signs promoting their business, which is not currently supported in the current ordinance. There was a suggestion from a business owner to form a sub-committee to re-write the sign ordinance that would benefit the City as well as the business owners. Planning and Zoning will hold a special meeting to discuss the zoning ordinance on September 27, 2017 at 6:30 p.m.
5. Zoning Administrator Report. Nothing to report.
6. Old Business.
7. New Business.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,
Marsha Dewell
Deputy Clerk