

**City of Medina Planning Commission
Meeting Minutes – July 11, 2006**

PRESENT: Marilyn Fortin, Sharon Johnson, Steve Jacobson, Tom Crosby, Jeff Pederson and Doug Dickerson.

ABSENT: Mary Verbick

ALSO PRESENT: City Planner Rose Lorsung, Planning Consultant Sarah Schield and Office Assistant Dusty Finke.

1. **Call to Order:** Chair Crosby called meeting to order at 7:03

2. **Public Comments:** None

3. **Update from City Council proceedings**

City Council Representative Weir stated that there were insufficient votes on the Council to pass Tree Preservation ordinance. The Council directed staff to make significant changes that weakened the ordinance. Weir stated that she was disappointed, that it seemed like an ordinance by people who don't want a tree ordinance.

Weir stated that the Council approved Willow Hill Preserve as recommended by the Planning Commission. The Council directed Fire Marshal to negotiate the road width down to 20 feet and directed staff to draft an ordinance

Weir stated that the Council passed a procedure regarding controls and signatures on the transfer of funds for investment and also discussed and tabled the sign ordinance.

Additionally, the Council had a lengthy discussion regarding the community survey.

Weir stated that after a long discussion on the TIF district in Uptown Hamel, Council directed staff to plan for an entire rebuild of Hamel Road in the area.

Weir stated that Council accepted the resignation of Planning/Zoning and Public Works Assistant Janet Olson.

Commissioner Johnson inquired about the annexation request by Maple Plain.

Weir responded that Medina had earlier refused an annexation request, but Maple Plain went ahead and contacted the property owners directly. The City objected to this action and informed Maple Plain that there was no interest in the annexation.

Commissioner Pederson inquired about fixing non-conforming signs under the ordinance.

Lorsung responded that only a destroyed sign would have to be built under the new rules of a changed ordinance, although if the owner came in for a land use application, they probably would need to bring all of the signs into conformance.

Crosby suggested that the owner may be able to come in for a variance for the one destroyed sign.

4. City Planner's Report

Lorsung stated that the Loram application will come before the Planning Commission next month, and that the following applications may or may not be ready for the Commission: Site Plan for one of the Ryan Outlots; Site Plan for Wells Fargo at Clydesdale Marketplace; Site Plan for Quality Resource Group off of Meander Court and CR116; Variance for Martin on Lakeshore Ave.; Preliminary Plat for Gary Kirt (at the Alpine Farm site); and a Concept Plan for the Gorman Farm piece.

Lorsung stated that two applications have been submitted that will not be before the Planning Commission in August: Preliminary Plat for Lane and a Conditional Use Permit for a Cemetery along Highway 55 at Peter Lake.

Lorsung stated that sixteen applications are currently being reviewed, the most she has every seen. She warned Commissioners that meetings may be running long.

Commissioners discussed the possibility of an additional meeting if August gets too long.

5. Approval of June 13, 2006 Planning Commission minutes

Moved by Fortin, Second by Johnson to approve the minutes as amended. Motion passed unanimously.

6. Discussion on procedure for providing the public an approximate time for public hearings on Planning Commission agendas.

Crosby stated that for the sake of people coming on Public Hearings, he was curious if the Planning Commission wanted to begin setting an earliest time for beginning each Public Hearing.

Lorsung stated that the staff isn't often able to guess how long a public hearing may take. She suggested that another option would be to limit the time frame of public hearings, perhaps by speaker, or perhaps by the subject.

Crosby stated that he did not like the idea of limiting a speaker's right to express their opinions.

Jacobson inquired who would benefit. He stated that he believed that if a resident were concerned with a subject, they should be able to set aside the whole night. He added that having a start time could be awkward, and if there were any tabled subjects, people would have to sit around until the next thing was supposed to start.

General consensus was to not implement such a procedure at this time.

7. Loram Maintenance of Way: Site Plan, CUP, Variance for construction of building addition

Lorsung stated that staff recommended tabling this application at this time to allow Loram to complete the plans.

Moved by Pederson, seconded by Dickerson to table the Loram public hearing until the August 8th Planning Commission meeting. **Motion passes unanimously.**

8. High Pointe Ridge: Subdivision to create three lots

Lorsung delivered the staff report, discussing the history of the project along with the RR subdivision moratorium. Lorsung discussed site details (52 acres, rural residential, 5 acre suitable soil minimum). Lorsung stated that this plat would create 3 lots, all of meet the suitable soil requirements. She stated that Lots 1 and 2 will share a driveway at the flag position. Lorsung stated that all 3 lots meet new lot width requirements.

Lorsung stated that at the previous Planning Commission, there was discussion regarding horse structures. Lot 3 could easily support a structure, and lots 1 and 2 could perhaps fit relatively small animal structures.

Lorsung stated that staff is recommending approval of the preliminary plat with recommendations in the report.

Opened up Public Hearing at 7:33 p.m.

Crosby inquired about Park Dedication fee collection at the time of building permits. Lorsung replied that building permits usually trigger collection of Park fees.

Fortin asked a question regarding the lots going out to the middle of the lake. Mark Gronberg (Gronberg and Associates) stated that this is an unmeandered lake, they property goes to the middle (although the state has some access rights).

Pederson inquired about the steep grades in lot 2 and septic sites locations. Lorsung responded that the Shoreland overlay district requires 150' setback in addition to 75' back from wetland. Staff is recommending the sites be as far back as possible as a best practice.

Gronberg stated that the septic designer will be requested to seek sights closer to the homes (and away from the wetlands and lakeshore).

Pederson inquired about the shared driveway for lots 1 and 2.

Lorsung stated that the shared driveway is located across from the Baker Park access, as requested by Hennepin County.

Dickerson inquired if the conservation easement allowed for the horse trail.

Lorsung replied that the trail most likely is not within the easement, but if it were it would be within the jurisdiction of the watershed.

Gronberg stated that although the trail is on the preliminary plat, it would not be included within the final plat.

Moved by Pederson, seconded by Fortin that the Planning Commission recommend approval of the High Point Ridge Preliminary Plat with the 12 staff conditions.

Dickerson inquired whether the trail could be added as a condition.

Crosby replied that it would most likely be a taking.

Lorsung added that the trail is not located within any City trail plan.

Tim Druk (2905 Parkview) stated that they plan to keep the trail open.

Public hearing closed at 7:44 p.m.

Motion passes unanimously.

9. Classen : Variance from Rural Residential setback to construct a garage addition

Sarah Schield, City Planning Consultant reviewed the details of the application. The address is 400 Navajo Road W. The application was received shortly after moratorium was lifted and front, rear and side setbacks changed to 50 feet.

Schild stated that the site plan shows the proposed garage 22 feet from the side lot line.

Schild stated that staff reviewed the variance under the ordinance requirements, which put the burden on the applicant to prove a hardship. Schild briefly reviewed the staff's conclusion on each of the criteria

Schild concluded that staff recommends denial of the variance. Hardship criteria for variances have not been met, and staff recommends the applicant approach the homeowner's association.

Public Hearing opened at 7:55 p.m.

Deb Classen – 400 Navajo Road W. – Stated that the homeowners covenant has forced other residents of the neighborhood to attach structures to their homes.

Crosby stated that there seem to be alternatives. The covenant does not force enclosure of lawn equipment. Crosby stated that he would generally support the staff recommendation.

Linda Netjes – 500 Navajo Road – There is substantial space between our home and the applicant's, and we would have no problem with them putting their garage 27' from the line. In previous years, there had been structures built and been forced to take down.

Michael Fine – 550 Navajo Road – Agreed that there is plenty of room along the lot lines. Discussed problems and difficulties with the association. Stated that he was there to support the variance application and voice his annoyance with the homeowner's association. Perhaps this is a legal issue that must be taken up with the association. There are a number of people who are frustrated with the association.

Crosby stated that his view was that it seems to be a private matter, and that this does not rise to the level of hardship necessary to grant a variance. He stated that the Planning Commission must uphold the sanctity of the ordinance for everyone else. He stated that as a land planning perspective, it seems clear that this should be denied because of a lack of hardship. If the Council approves this because of the timing, then that is their discussion.

Dickerson stated that there seems to be a hardship based on the timing. He stated that he would be willing to grant a variance.

Fortin stated that she agreed with Crosby that the City Council should see it as a matter of fairness.

Moved by Crosby, seconded by Pederson that the Planning Commission recommend denial of the variance because of a lack of hardship, leaving it open for the Council to approach the issue from a fairness matter. **Motion Passes (Dickerson opposed).**

Johnson stated that it didn't seem like a hardship that they submitted after the moratorium.

Public Hearing closes 8:15 p.m.

Lorsung stated that a lot line rearrangement would be subject to the 5 acre minimum. They are grandfathered in, unless they come in for a land use application.

Crosby stated that a variance from the 5 acre soils would be an easier variance because it would be less likely to grant special privileges, etc.

10. Concept Plan Ordinance Amendment to include resident notification mailing within 350 feet

Lorsung stated that the City Council requested that staff draft an ordinance mandating a 350 foot mailed notice. The City Council felt very strongly that the neighboring properties should be notified. Lorsung stated that although there is no provision for a public hearing on a Concept Plan, neighbors would be notified.

Lorsung stated that staff recommends approval of the ordinance as presented.

Public Hearing opened at 8:22 p.m. Public Hearing closed at 8:22 p.m.

Lorsung added that City Administrator Adams had sought feedback on mandating a neighborhood meeting before the Concept Plan went to Planning Commission.

Johnson inquired if it would be up to the developer to set up a meeting. Lorsung stated that this was correct.

Crosby stated that this seems like something that the City should not legislate. There is too much disagreement about what makes a meeting, and there is a good chance it could reduce to nothing more than a shouting match.

Lorsung suggested that another idea would be to make the Planning Commission meeting a public hearing.

Jacobson stated that with the large lot sizes in Medina, 350 feet does not seem to do it. It seems like it should be the neighboring properties and the one past it.

Crosby stated that it is difficult to do by parcel, and that the County is set up to do it by feet.

Crosby asked what staff would see as appropriate. Lorsung stated that for controversial projects as would come up under concept plan reviews, 1000 feet seems appropriate.

Fortin moved/Pederson seconded to recommend approval of the Concept Plan Ordinance with the addition of a 1000 feet notice and Planning Commission Public Hearing. **Motion passed unanimously.**

11. Rural Residential Zoning District Conditional Use Amendment regarding cemeteries

Lorsung stated that City staff conducted substantial research, but did not find many examples of ordinances to review new cemeteries. The recommendation before the Commission is staff's best attempt to form what is necessary to review an application.

Lorsung reviewed each addition proposed to the code section.

Public Hearing Opened at 8:36

Richard Gay (Orono) – Stated that he was part of a group that submitted a cemetery proposal. They met as a team and came to the conclusion that the Planning Department did a good job with their homework. There were questions regarding the “master plan” requirement. The group suggested somehow wording this clause differently. The site plan requirement is basically covered in state statute.

Crosby inquired about for-profit cemeteries, as all of cemeteries he knew were non-profits or owned by churches. Crosby stated that cemeteries do need services. If there was a non-profit, the city would probably require payment in-lieu, some payment ahead of time to pay for services. He was curious how taxes work on cemetery plots.

Crosby inquired what was to stop the cemetery from selling all of the plots and then setting up a non-profit to duck off the tax roles and to avoid paying for services.

Gay responded that within the charter there is a set up for a charity fund. Additionally, state statute requires 20% of plot sales to be set aside in a care and maintenance fund.

Dickerson inquired who holds the care and maintenance trust.

Gay replied that it could be a bank, some professional management company. It must be someone recognized by the state.

Crosby suggested when a cemetery application is reviewed there should be a briefing on the state statute and also a discussion about the financial (tax) implications.

Lorsung stated that a cemetery is a "forever" land use. This master plan should be seen as more general, with more specific surveys following up in the future, as required by law.

Dickerson asked Lorsung to check out the cemeteries in Plymouth and how they've come back upon the City. He asked for information regarding the cost and so forth.

Staff would also suggest a wider notification because cemeteries are controversial projects.

Crosby suggested the 1000' as with the concept plan.

Fortin inquired about existing cemeteries with room for future growth.

Lorsung stated that if it is under an existing Conditional Use Permit, it would not be impacted by the ordinance change. However, if it were to be new or amended it would fall under the new guidelines.

Pederson expressed concern about the taxability issue. He also asked if there should be more discussion regarding the road width and standards and road plowing requirements.

Pederson stated that the 50' setback does not seem to be enough. He stated that he believed it should be almost double that, especially with changing roads.

Lorsung stated that MnDOT will be reviewing future application and would trump the city on setback from Hwy 55. Staff felt 50 feet was sufficient in general terms.

Crosby stated that he agrees with Pederson. It would not make a lot of sense if someone were able to construct a 20 foot tall monument only 50 feet from the lot line. Perhaps the gravestones flush with the ground would be fine.

Jacobson inquired about soil types, wetlands, etc. and use as gravesites.

Lorsung stated that the ordinance leaves it permissible for the City Engineer to require a full geotechnical analysis would need to be conducted.

Crosby stated that he believes buildings (out of clause v.) should be more than 50 feet. He also suggested language be added to give discretion on regulating monuments within 100 feet of property lines. Otherwise, there seems to be plenty of discretion.

Johnson suggested perhaps language regarding the height of screening compared to height of buildings/monuments.

Crosby stated that when the church went through on Willow Drive, it seemed like the City was not ready for it. The Planning Commission may want to spend some more time on this issue, to look at issues of height, setbacks, etc.

Dickerson concurred that there are a number of things that should be looked at closer.

Gay stated that they conceived of their cemetery as more of a memorial park, to keep things open and natural. Trails would be implemented, with a lot of green space.

Pederson stated that screening would be a concern. It almost would have to be pine trees, or it wouldn't work in the winter.

Moved by Fortin, seconded by Dickerson to table until the August Planning Commission meeting, to allow for further research. **Motion passes unanimously.**

12. Subdivision Regulations Ordinance Amendment to reference updated Hennepin County Soils and suitable soils list for subdivisions

Lorsung explained the purpose of the ordinance. Within the current ordinances, the 1974 Soils map is expressly required. The Department of Agricultural has significantly updated soils information, and now municipalities are mandated to begin using the new information. To do so, the City legal staff recommends replacing the specific dates with language suggesting the newest soils data should be used.

Lorsung showed examples of how the county took numerous different classifications of soils and combined them into fewer new classifications. The soils that were combined under a single classification shared almost identical characteristics.

Lorsung stated that the old data was said to be 95% accurate and this new data is supposed to be 99%. She noted that there would be no real changes when figuring suitable soils for subdivision or septic system purposes.

Johnson inquired about the Land Use data that this new classification gives rise to. Lorsung described the system that allows a person to click on a parcel, bring up the soil, and then also bring up a list of soils needed for a certain use.

Jacobson inquired whether the combination of numerous soil types into another, if there was a chance that there may be some loss of information that may impact land use. Lorsung replied that there is actually more information available because of the description and characteristic expansions that came with the update.

Dickerson inquired if the slopes stayed the same as the old soils data. Lorsung replied that they did.

Crosby suggested that the best way to ensure that the Planning Commission only approves mechanical classification changes and not substantive changes in the suitable soils was to make it explicit in the minutes.

Public hearing opened at 9:35 p.m. Public Hearing closed at 9:35 p.m.

Fortin moved, Jacobson seconded to recommend approval of the Suitable Soils update ordinance to City Council, subject to meeting minutes expressing that the Planning Commission approves only of mechanical classification updates and no substantive change in suitable soils. **Motion passes unanimously.**

13. Adjourn: Jacobson moved, Fortin seconded to adjourn at 9:40 p.m. **Motion passes unanimously.**