

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, January 9, 2007

1. Call to Order: Acting Chair Verbick called the meeting to order at 7:01 p.m.

Present: Planning Commissioners Mary Verbick, Jeff Pederson, Mark Bryant, Doug Dickerson, Sharon Johnson, Charles Nolan, and Robin Reid.

Absent: None

Also Present: City Administrator Chad Adams; City Planner Rose Lorsung; City Planning Consultant Jennifer Haskamp; Assistant to Planning Dusty Finke.

2. Public Comments: None

3. Introduction of Planning Commission members

Planning Commissioners introduced themselves to each other and also to members of the gallery.

4. Election of Chair and Vice Chair

Dickerson nominated Mary Verbick for Chair and Jeff Pederson for Vice Chair.

Motion by Dickerson, seconded by Reid to approve Mary Verbick as Chair and Jeff Pederson as Vice Chair of the Planning Commission for 2007. **Motion passes unanimously.**

5. Update from City Council proceedings

Council Member Weir presented an update from City Council. She welcomed Mark Bryant and Charles Nolan to the Commission. Weir stated that the Council wants to improve Planning Commission representation at Council meetings and that Finke will coordinate representation. Weir also noted that the Council is seeking a Planning Commissioner to represent the City at the Elm Creek Watershed.

6. City Planner's Report

Lorsung stated that the February agenda will most likely be fairly light. A site plan, plat, CUP, and variance request will be heard for the Ferrelgas site. Additionally, a CUP amendment may be presented for the Three Rivers Park District.

Lorsung suggested any suggestions from Commissioners because the agenda will so light.

Reid agreed to give a report on the OSTF.

Dickerson agreed to give a report on the Comprehensive Plan Committee.

Lorsung suggested the Commission have a discussion regarding net density and an overview of Medina's system statement.

Johnson suggested an overview on the relationship between the City and the Met Council.

Verbick inquired if there was money in the budget for PC members to go to Met Council trainings.

Adams replied that there was money budgeted and it would be good for any members who had not yet been through a Comp Plan.

7. Approval of the December 13, 2006 Planning Commission Minutes

Motion by Pederson, seconded by Johnson to approve the minutes with the grammatical correction suggested by Dickerson. **Motion passes unanimously.**

8. Functions and Values Assessment of Wetland Management Classifications discussion. *Public Hearing*

Public Hearing opened at 7:20 p.m.

Lorsung introduced Andie Moffitt from WSB and Associates. She also described some background on the process for assessing the City's wetlands and also the city's attempts in 2006 to establish a wetland ordinance.

Moffitt provided an overview on what occurs during a functional assessment of wetlands, how the functions of a wetland are classified, how most municipalities categorize wetlands (Preserve, manage I, manage II, manage III), and how policies can be implemented in relation to the wetlands.

Moffitt described wetlands buffers. She explained their benefits and also a number of considerations a city needs to make if they were to establish buffers. Moffitt stated that the memo provided included some example buffer regulations in neighboring communities as well as area watershed districts.

Moffitt described water level bounce (technical calculation of how wetland levels are changed by development) and sequencing flexibility (applicant demonstrating how they minimized wetland impacts) as regulation tools.

Moffitt described how the City could increase its wetland mitigation ratio for high quality wetlands over the 2:1 required by the WCA. She stated that the City would be held to this mitigation as well (if they were putting in a road, for instance). Ratios could (although Moffitt stated that she does not support this) be decreased for lower quality wetlands. The City is held to the 2:1 ratio, so if they allow a 1:1 in low quality, they have to show proof of higher ratios in other places.

Moffitt stated that Minnehaha Creek is updating their Watershed Management Plan. Although the Plan may be complete by the end of January, rule-making will most likely not be completed until the early part of 2008.

Lorsung stated that the City has to be at least as restrictive as Minnehaha Creek because they are, by far, the most restrictive watershed district within the City limits.

Johnson inquired why, if the goal is to conserve wetlands, 2:1 mitigation is required. She stated that if the goal is truly conservation, 1:1 makes more sense.

Moffitt stated that this is to improve on historical damage to wetlands.

Weir inquired what makes a wetland a high function wetland.

Moffitt replied that they look for native vegetation that is diverse, acts as a wildlife habitat, and is not impacted by stormwater. Other wetlands are very high function for storm water treatment. Some wetlands are high function for flood control.

Lorsung stated that the city is approximately 33% wetlands or water, and is adjacent to two impaired waterbodies. For these reasons, protecting wetlands are very important.

Lorsung inquired about economic reasons for wetland protection.

Moffitt replied that the PCA has requirements for storm water treatment. Wetlands can do some of this treatment at a much reduced cost.

Lorsung added that the City survey showed that people moved to Medina for the Open Spaces and natural resources and that they can increase property values.

Verbick stated that it is much cheaper to protect wetlands rather than mitigating and “fixing” wetlands.

Dickerson inquired about WSB’s timing, if they are going to be able to complete the functions assessment by the deadline.

Moffitt stated there was some time in the fall to get some assessment completed. It seems likely that they should be able to follow the timeline, to be completed by the end of June 2007.

Public Hearing closed at 8:04 p.m.

9. Bancor Group – Comprehensive Plan Amendment – Medina Country Club. Previously Postponed Public Hearing

Pederson excused himself from the discussion as an adjoining property owner

Lorsung delivered a brief staff report. Currently, the property is guided for public, 0 density.

This would need to be changed through a comp plan amendment. Lorsung stated that the north and west perimeter of the Golf Course is being requested for residential guiding. The proposed development would be 49 units, for a density of 3.11 units/net acre. The applicant did submit trip generation counts from the development. Lorsung stated that the timing is a key concern, because the staff cannot complete a detailed analysis of the request without

information from the broader Comprehensive Plan. Lorsung noted that in the past decade, the City has only gone through one Comp Plan Amendment. The City is already one year into the process of updating its Comp Plan, and is set to complete the update by the end of the year. Lorsung stated that approving this amendment would be planning in a vacuum, while the Comp Plan should really be completed at a regional and city-wide level.

Lorsung stated that the staff recommends denial of the Comprehensive Plan Amendment. There is not a large enough benefit to justify the City going against its guide plan, especially at this critical time in the process of updating the Comprehensive Plan.

David Newman (President, Bancor Group) stated that Bancor has a long history working with the City in Wild Meadows. Newman stated that he believed both the Planning Commission and City Council seemed to have approved of the project and land use during the Concept Plan, with reservations about the timing. Because of this fact, the applicant will concentrate on the issue of timing. Newman described the historical issue of ownership with the Medina Country Club and Bruce Hendry's options to buy portions of the course for \$1. The Club has a lease on the property on which the clubhouse and 18-hole course is located. Newman stated that the homes are mostly two-unit buildings, with one single-family home in the \$675,000 price range. Newman stated that they disagree with staff on a number of issues. The site is a hole in a donut of development. It is fairly clear that the area around the golf course will be developed in the future. Newman stated that they do not believe that it requires significant infrastructure because sewer/water access exists just off of the site. The sewer capacity seems to be there already. He stated that the proposed development would lead to a traffic increase of about 3% and that the problems along CR116 seem to be a problem with a wider area, not this development. The applicant stated that they would pay for widening the intersections to allow for left and right turn lanes in both directions. The traffic problem is already there, and they want to help solve it. He stated that the 3.11 units/net acre does exceed the Met Council's minimum requirements. The applicant is willing to pay a consulting planner so it will not impact the city's Comp Plan update. He suggested that the reasons for approval are: ensures Country Club remains a golf course; fulfills the city's commitment to Cherry Hill residents; site is a hole in a donut of development; provide sewer and water to north side of Shawnee Woods at no cost; traffic concerns around Foxberry are improved.

Public Hearing opened at 8:37 p.m.

Don Cherrey (President, Medina Golf and Country Club) stated that he is here to support the application. The golf club has had a long road to get to this point. The club does not currently own the par-3 golf course, which is an integral piece of being a family-oriented club. The club can purchase the par-3 if the development goes forward. In terms of timing, it has taken 10 years to get to this point already. Mr. Hendry currently could buy the par-3 for \$1 and develop it within ordinance at any time. Medina Country Club is strongly in favor.

Jill Volton (630 Shawnee Woods) read a letter from Eric Volton, speaking in opposition. They chose to move to Medina because of rural feel and open space. 20 homes are proposed

where currently only 5 exist. He stated that it is contradictory to surrounding single family homes. Townhomes are proposed because it stands to increase profits for Bancor and the Golf Club. He stated that if he would have known that there was a chance this proposal would move forward at this time, they would not have purchased the property. Jill Volton added concerns about children safety in the area.

Steve Theesfeld (600 Shawnee Woods) stated that area residents were not sent notice for this postponed meeting. He stated that a precedent could easily be set if this were to move forward. A private business made a deal a decade ago, and seeks to generate funds to bail themselves out by changing the city's overall Comprehensive Plan. He stated that this does not meet the high burden for approving a change to the Comp Plan. He stated that he purchased about 6 years ago, and did due diligence in researching the plans for the area. There will be a breach in the city's promises to the property owners along Shawnee Woods who weren't allowed sewer when their septics failed. He stated that an arborist told him that the area Old Growth Basswood forests have shallow root systems and any change in the water amounts can have a devastating effect, as can any construction traffic. Perhaps townhomes make sense on the east and west edges, but definitely not along Shawnee Woods. The applicant has stated that one of the reasons for approval is that they would provide sewer and water to the residents to the north. The people in the area have mostly updated their septics already, with the assumption that development would not occur for a number of years. He stated that the city made promises is to the people on Shawnee Woods, not Cherry Hill.

Jeff Pederson (710 Shawnee Woods) stated that he has lived near Foxberry for 20 years and purchased property along the golf course (4412 CR 116) to some day put in a home. He stated that he disagreed with previous speakers. Development of the par-3 would have a much larger impact on traffic. He stated that he is aware of the difficult financial situation of the club. He stated that this Concept Plan amendment is different than previously rejected concepts because it is surrounded by development. The Comprehensive Plan update will almost certainly include this property. He stated that infrastructure already exists, and it will allow the city to loop sewer and water. The project makes sense for the City, even if it doesn't make sense for the residents along Shawnee Woods. This alternative is much preferable to development of the par-3, which would most likely develop soon afterwards if this project does not move forward. Bancor is a quality developer. He stated that timing is of the essence. He also stated that he would like to go on record requesting that 4412 CR116 be zoned the same as the perimeter property is zoned.

Reid stated that it is a nice looking project and the location makes sense. She was curious if this project couldn't be reviewed at the time when the draft Comp Plan update is completed. It is too early to approve it right now.

Bryant stated 60% of the property owners are present even though the notice did not go out. With due respect to the Shawnee Woods residents, the development of the par-3 portion of the course is the lesser of two evils. Even if the timing is inconvenient, timing is often of the essence. He would vote to approve of the Comp Plan amendment.

Lorsung explained that the notice was sent, as required, in December, but the application was postponed at the last moment. The city's practice has been to rely on people to keep track of items if they were postponed and to not re-notice.

Verbick stated that she wished that a statement be added to the notice that there is a chance the public hearing could be postponed, and if so, to keep track and that it most likely would occur at the next meeting.

Lorsung stated that residential density on the par-3 course has already been approved by the Met Council. If this is reduced, it will have to be made up for in other places, so this perimeter development won't increase the density.

Bryant stated that it seems like it "could be developed." It doesn't have to be, if it is made up for somewhere else. He stated that the golf course develops a culture.

Nolan inquired if the owner of the property were to come in next month, what density could they build without a Comp Plan amendment.

Lorsung replied that the par-3 is zoned MR and guided UR, which means it is likely to be between 3-5 units/net acre.

Nolan inquired what the square footage of the homes would be.

Newman replied that the footprints are approximately 2,000 sq. ft. per level along with a garage.

Nolan inquired why it isn't being presented as a swap for the par-3.

Newman replied that in order for the bank to get financing, the bank wants to have developable land as collateral.

Dickerson inquired about the watertable issue.

Newman replied that they had wanted to place single family homes along the north. They conducted soil borings and found the water table was extremely high. Because of this, the slab-on-grade townhomes are really the only marketable option.

Dickerson inquired what the soonest this could get through the Comp Plan process.

Lorsung replied that it is likely a year and a half to get in the ground.

Newman stated that if the Met Council conducted a minor amendment, it could be done in 4-5 months.

Adams replied that the Bridgewater amendment took approximately two years to get through the Met Council.

Dickerson stated that at the Planning Commission level, the economics shouldn't play a role.

The golf course could sell the par-3 and develop it just as easy as Hendry. He stated that he likes the concept, likes the use, but is concerned about CR116.

Adams stated that looking at this application within a vacuum misses a tremendous opportunity to plan from a regional perspective. Within the Comp Plan, the City can consider what Maple Grove and Corcoran are going to do. Maybe a four lane highway is needed here. If the city approves of this, it misses the opportunity to consider that. While sewer capacity may not be a concern, water infrastructure is of major concern.

Cherrey stated that the golf course has no intent on developing the par-3. If they sold the par-3, they would lose a member based. The club is not a business, it is a non-profit.

Johnson stated that the Planning Commission should think of the City as a whole. The PC should not consider an individual neighborhood, or a particular business. She stated that it is presumptuous to assume you know how the Comp Plan will occur. She felt the City was pushed into a corner with the reguiding of the par-3 and that she was opposed then. Certain people put pressure on the City that the club would go under. The exact same thing is happening now. Everyone is making assumptions. Even if the course were to go under, it would still be zoned as public/semi-public. There is no reason to be pushed into a decision. If a less-than-fortuitous decision was made previously with the reguiding of the par-3, and the club supported it, how can it be assumed that this would automatically solve the problem? She urged Commissioners to look at it from a city-wide perspective, not narrowly.

Nolan stated that it is obviously a difficult decision. Lundgren is good, and it is a good use of the property. However, it is a circumventing of the process. He stated that the par-3 is left with the opportunity to develop. To plan in the long term based on this business decision does not make sense. The property owners in the area did their due diligence when purchasing, and it is unfair to circumvent the process. He stated that he liked the development, and if it was a different time, he would most likely support it.

Bryant stated that he was not looking at it as if they were under the pressure of the gun. Just because a decision was made about the par-3 in the past, doesn't mean it's a good decision now. The City is basically locked into allowing Hendry to develop the par-3 if he wanted to move forward. The impact of the perimeter has a lesser impact on the wider community than the development of the par-3.

Nolan inquired into the density issue.

Lorsung stated that during the last Comp Plan process, the Met Council required 3 units/net acre. Now they are requiring 3-5 units. It is not possible at this time to know where the city sits because of the change in how Met Council figures net density. It was originally estimated at about 2 units/net acre, but may be different. There has not been enough planning to answer a lot of these questions. Medina is used to low-density development, and could be forced into a position where it would be necessary to see much higher density.

Verbick stated that from a planning perspective, this seems like a poor choice. The city should be careful about making amendments unless there is dire need to do so.

Public Hearing closed at 9:51 p.m.

Motion by Reid, seconded by Dickerson to recommend denial of the Comprehensive Plan Amendment at this time. **Motion passes** (Opposed: Bryant; Abstention: Pederson)

10. RJ Ryan Company, Peter Hasselquist – Conditional Use Permit for an accessory structure over 3000 sq. ft. – 2705 Willow Drive. Previously Postponed Public Hearing

Finke delivered the staff report. He stated that the applicant is requesting a Conditional Use Permit to construct an accessory structure with a footprint of 8,040 square feet. Ordinances allow for accessory structures in excess of 3,000 aggregate square feet within rural residential only with a CUP. Finke noted that many properties in the area had existing CUPs for accessory structures. Finke noted the materials do match the home on the property and that the applicant is proposing additional plantings. He stated that staff is recommending coniferous trees in addition to deciduous in order to ensure year-round screening. Finke stated that the height of the barn exceeds that of the home, which violates section 825.19 of the ordinances. He stated that the applicant is claiming that the structure is a farm building, which is exempted from the height regulation. Staff is of the opinion that the building does not meet the definition of farming or agriculture, and if the City were to say that it is a farm building, could set a dangerous precedent. Finke noted that the City is requesting a right-of-way easement along Willow Drive. He stated that the city engineer recommends serving the barn off of the existing access onto Willow Drive, but the applicant is eligible for a second curb cut if they enter into a driveway agreement. He concluded the staff recommends denial of the CUP as long as the height of the barn violates city ordinances.

Public Hearing opened at 10:17 p.m.

Brian Trombley (RJ Ryan) stated that the structure is attractive and obviously looks like a barn. While there is some discussion over if it is a farm building or a barn, he stated that the floor plan of the first floor includes horse stalls, a chicken coop, a gardening room, and storage space for equipment. He stated that while the owner may not receive his primary income from farming, there are large portions of the property that are used for agriculture. Trombley stated that the property owner has stated they were open to planting a mix of coniferous trees as requested by staff and also they were willing to discuss the right-of-way easement with staff. He stated that the second issue is necessary to get a tractor and trailer to the barn area. He stated that the first floor is designed for the farm. The second floor is 12 feet in height and is designed for recreation. He stated that the height issue is made worse by the fact that the home is a Cape Cod design with large eaves which penalizes its height. He stated that they believe over 50% of the property could be used for agriculture, so it should be seen as “principally” for farming.

Dickerson inquired about the trench drains and the holding tanks. He also inquired about where hay would be located and how it would be brought to the horses.

Trombley replied that there is a lot of cold storage where hay could be stored.

Dickerson stated he would vote to deny the CUP because it is unsafe. He stated that he is concerned with the people on the second floor. He stated that he believed the ordinance should take into effect the height of firetruck ladders. He stated the City should consider safety in approving a CUP. He stated the property is not for agriculture; just because it is built like a barn doesn't mean it is used as a barn. He stated that it should be reviewed very carefully by the fire marshal.

Finke described one option the Commission could take; to approve of the use (an 8,040 square foot accessory structure) conditioned on the proposed structure meeting all height regulations. Additionally, he noted that the Commission could table the application until the February meeting.

Lorsung stated that as currently proposed, the only way the application could move forward would be if the applicant would request a variance.

Verbick stated that from her experience, a variance of this type would seem very difficult to meet the six criteria. Verbick stated that she did not believe the City could decide arbitrarily that this structure is a farm building. The City needs to decide how it is going to deal with these large buildings that are not for agriculture, because it seems there are more and more being proposed. Verbick stated that the safety issue is a major concern as well, because the city doesn't only have to protect the owners, but also its firefighters.

Bryant stated that he has horses and a hobby farm, and it seems that what is occurring at this property is really the same thing, a hobby farm. The second level is a play room, having nothing to do with farming. It is not going to pass as a farm. The roofline seems like it could be massaged down to get closer to the height regulation. He stated that the size of the structure is going to be very imposing on Willow Drive, being only about 170 feet from the road.

Johnson stated that because of the septic issue and the safety issue, she should feel remiss in sending this forward.

Nolan stated that the footprint size hit him harder than even the height issue. The building is really 16,000 square feet over the two floors.

Reid stated that she had a hard time imagining a recreation room over 2 ½ times the size of her house. The structure is going to be huge and will send a message across the City to every hobby farm that "you too can have a huge barn."

Nolan stated that the width of the structure seems to be driving its height up as well.

Pederson stated that he would deny the CUP because of the height issue and because no septic information was submitted.

Bryant stated that identifying where the hay will be stored is important.

Finke suggested that the Commission consider tabling the application until February so that the applicant would not have to start from scratch on the process.

Motion by Nolan, seconded by Bryant to table the application until the February Planning Commission meeting. **Motion passes unanimously.**

11. Michael & Kalli Ahlstrom – Variances from side- and front-yard setbacks and impervious surface maximums – 4565 Pine Street (PID 18-118-23-24-0168). Public Hearing

Public Hearing opened at 10:52 p.m.

Haskamp delivered the staff report. She stated that 3 variances are requested on the relatively small lot. A fair amount of variances have been granted within the Independence Beach area. Haskamp noted that the DNR does not support unless storm water is treated on-site.

Dickerson inquired if the oak tree on the west side will be removed.
The applicant replied that it would be.

Dickerson inquired if the applicant couldn't just plant a few trees to absorb the extra water.

Dickerson stated that he believed it would be worthwhile to consider actual runoff in volume rather than percentages of hardcover.

Haskamp stated that it would need to be shown that the trees could satisfactorily treat the stormwater. She noted that the stormwater issue was already covered under a condition.

Public Hearing closed at 10:54 p.m.

Motion by Reid, seconded by Nolan to recommend approval of the variances with the conditions described in the staff report (with change to require 1-foot contours). **Motion passes unanimously.**

12. Schedule representation for 2007 City Council meetings

Finke requested that Commissioners sign up for dates to attend City Council meetings.

13. Adjourn – The Commission adjourned without objection at 10:58 p.m.