

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, July 10, 2007

1. Call to Order: Chair Verbick called the meeting to order at 7:00 p.m.

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

Absent: Planning Commissioners Sharon Johnson and Charles Nolan

Also Present: City Council Member Elizabeth Weir; City Planning Consultants Jennifer Haskamp and Andrew Gitzlaff; Assistant to Planning Dusty Finke.

2. Public Comments:

None

3. Update from City Council Proceedings:

Councilmember Weir delivered a report of Council actions since the last Planning Commission meeting. These actions included: reviewing yearly audit, rejecting an amendment to the dog ordinance, going out for RFP for refuge haulers, signing a letter of support for Environmental Funds for Lake Independence, discussing a park dedication policy, establishing an easement along Fortin property for a water line, accepting the facilities master plan report, setting regulations which could allow for watering restrictions, updating the solicitors ordinance, changing some City Park names, and authorizing a program for septic tank pumping and inspections.

4. City Planner's Report

Verbick and Haskamp introduced Andy Gitzlaff, who will be the new Planning Consultant from Landform.

Haskamp stated that she will continue working on the Comp Plan. The next Advisory Panel meeting will be held on July 23, 2007.

Gitzlaff stated that he had been working with Haskamp on most of the land use applications, and is very excited to continue working with the City of Medina and to take a more active role.

5. Approval of the May 8, 2007 Planning Commission Minutes

Motion by Reid, seconded by Bryant to approve the May 8, 2007 minutes with noted changes.

Motion passes unanimously (Absent: Johnson, Nolan)

6. Mike Leuer – Preliminary Plat for the subdivision of 47 acres into 7 lots in the Rural Residential (RR) zoning district – Located north of Navajo Road (West) (PID 14-118-23-11-0001). Public Hearing

Gitzlaff delivered the staff report. He noted that the property is zoned and guided for Rural Residential. Currently, most of the property is planted with row crops. The proposed lots range in size from 5.02 acres to 9 acres. Gitzlaff noted that the FEMA floodplain map shows a larger area within Zone A than the preliminary plat shows. The applicant claims that the culverts and topography in the area do not support such a large floodplain. Staff has directed the applicant to apply for a FEMA map amendment. Gitzlaff stated that the storm water pond is proposed as part of Lot 1. Gitzlaff stated that the lots meet the lot standards of the RR district in terms of size, suitable soils, width, and depth. The parcels are accessed through two new cul-de-sacs. Gitzlaff concluded that staff recommends approval of the preliminary plat with the conditions outlined in the staff report.

Mark Gronberg (Gronberg and Associates, project engineer and surveyor) stated that when FEMA develops floodplain boundaries they sometimes do a lot of research and develop specific elevations. However, in this case, it is located within Zone A, which is very approximate. The applicant has applied for a FEMA map amendment and will notify staff as soon as they hear back.

Dickerson inquired if soil borings have been completed, because some of the lots were very close to 5 acres.

Gronberg stated that this is not necessary unless they are contesting the soils.

Dickerson inquired about the possibility of additional right-of-way to the north.

Gronberg stated that the applicant would prefer a cul-de-sac, but was not opposed to granting additional easement if needed in the future.

Weir stated that she would not support continuing the road to the north if wetlands would need to be filled.

Dickerson stated that there were wetlands to the north of this property.

Gitzlaff stated that the Hennepin County wetlands data shows a strip of land that is upland leading north towards Carriage Drive. Obviously a wetland delineation and more research would need to be completed before actually proposing a street. However, staff still recommends acquiring the right-of-way all of the way to the northern property line so that it may be an option in the future.

Dickerson inquired into the values of the homes.

Mike Steadman (Edina Realty) stated that according to their research, the values would be similar to those in the Tuckborough neighborhood, in the \$1.5 million - \$2.5 million range.

Public Hearing opened at 7:40 p.m.

Elizabeth Wall (1122 Navajo) stated that she owns a hobby farm adjacent to the property. The development is out of character with the rest of the neighborhood because of the cul-de-sacs. She is curious if septic systems will impact the water in the area. She stated that she is worried about increased flooding due to this development. Screening of her horse farm should be the responsibility of the applicant since they are new.

Dickerson inquired about the flooding over her driveway.

Wall stated that one spring it had flooded over her driveway.

Richard Douglas (750 Bridal Path) stated that his property abuts lots 3, 4, and 5. He was concerned with the septic sites on lot 4. There is a 12 foot drop just past the sites. Water currently runs from this area onto his lot. He inquired if there was concern about this location.

Claudia Kelly (3132 Tamarack Drive) stated that she was also concerned about the water run-off towards her property, and also additional traffic onto Tamarack.

Gronberg stated that in terms of drainage, the current vacant field actually has more runoff than will yards with grass. Also, storm ponds will take much of the driveway and road runoff. In terms of septic sites, they have to follow the code and will certainly do so. They could look at the proposed areas and make sure that they do not interfere with drainage ways.

Verbick stated that it is common for people to be concerned with traffic, but in this case, seven additional lots wouldn't seem to have a major impact.

Bryant inquired if they believed there would be horses on any of these lots.

Steadman stated that it is likely anyone with horses may seek additional acreage.

Public Hearing closed at 7:50 p.m.

Motion by Pederson, seconded by Reid, to recommend approval of the preliminary plat with the nine conditions in the staff report. **Motion carries unanimously** (Absent: Johnson, Nolan).

7. Ordinance Amendment – Sections 825.07, 826.21 and 826.98 – Pertaining to Animal-Assisted Therapy facilities in the Rural Residential (RR) zoning district. Public Hearing

Finke presented a brief staff report. He stated that the applicant wished to operate an Animal-Assisted Therapy facility at a property in Medina. Currently, the zoning ordinance would not allow for such a use in the Rural Residential district. The applicant applied for a text amendment to the ordinance to add the use. Finke described the use, which may include student groups and individual/group sessions. Finke stated that staff believes it is clear that this is a commercial activity, but a commercial activity that requires a rural setting. He stated that the Commission should discuss whether the use is consistent with the RR district and should be allowed. If the Commission believes it is consistent, he suggested they review the proposed criteria in the ordinance and make specific recommendations.

Verbick inquired about the amount of discretion the City would have if they were to approve the ordinance and then deal with a CUP.

Finke stated that the discretion would be limited to whether it meets the regulations and criteria within the ordinance.

Verbick inquired how specific the regulations within the ordinance should and could be.

Finke stated that some regulations get very specific, especially in more of the commercial districts. He noted that the AAT ordinance was drafted to allow some flexibility to the Council.

Verbick inquired about the maximum number of animals allowed.

Finke noted that the ordinance allows the Council to set limits to protect the health, safety, and welfare. The City does not have city-wide animal per acre regulations, so relies on best practices when reviewing CUPs.

Verbick stated that they would have the chance to discuss the specific site when they come in for an application, so should discuss the ordinance from a city-wide perspective this evening.

Reid inquired if there was an organization that licenses animal-assisted therapy.

Tanya Welsh (MnLINC) stated that there are no national or state licensing bodies. However, there are reputable organizations of professionals such as the Delta Society and NARHA. These groups can certify people and their animals, but they don't license.

Reid inquired with Weir what the Council had discussed.

Weir stated that the Council seemed interested in the use, but were a little ambivalent.

Reid stated that she believes it should be required that they be licensed or certified.

Welsh stated that Animal-Assisted Therapy does not have its own licensure, but that she is a licensed Social Worker in Minnesota and follows the ethics and professional standards of social workers.

Bryant inquired what types of clients would be seen.

Welsh stated that it runs the gambit from a sexual assault survivors group, to a group of corporate woman looking for personal growth.

Bryant inquired about security, especially if there are people who had been victimized previously.

Welsh stated that there was always someone present at the facility and that they had never experience any issues.

Bryant inquired into the largest group on-site at a time.

Welsh stated that the most people they have are for professional trainings, which could be up to 25 social workers, psychologists, psychiatrists, and teachers.

Bryant stated that he was a supporter of an animal-based program in Eden Prairie that catered to juveniles who had been convicted. He stated that he would not be in favor of that type of use in Medina.

Reid inquired if it would be possible to add a condition to disallow criminal justice facilities.

Finke stated he would discuss the issue with legal staff.

Dickerson expressed concern about a non-profit running an AAT facility and being exempt from property taxes.

Finke stated the use itself wouldn't render a property tax-exempt, but would allow the owner of the property to claim tax exempt status.

Dickerson asked if there wasn't a way to allow this applicant to run their facility without passing an ordinance that would allow it everywhere.

Weir said that legal staff had stated it could not be allowed under current ordinances.

Dickerson inquired about MnLINC's facility in Minnetrista.

Welsh stated that they operate on a commercial boarding facility with many other boarders. They have 2-4 horses, 10 chickens and two dogs at a time at that facility.

Bryant inquired about limitations on the number of dogs.

Finke noted that dogs were restricted to two per property, but there were no limits on horses or chickens.

Pederson urged Commissioners to stay on course, discussing the ordinance instead of the specific property which might come for an application in the future. Pederson asked about septic requirements, bathroom facilities, police/security issues, noise from animals and limiting the amount of traffic.

Reid stated that the ordinance at present allows the Council to set regulations on these issues through the CUP process.

Dickerson inquired about the zoning and regulations for commercial horse facilities.

Finke stated that commercial horse facilities are currently only allowed in the RR-2 zoning district. Staff does not recommend "spot-zoning" for a particular parcel, but rather deciding if Animal-Assisted Therapy, as a use, is something the City would support across an entire zoning district.

Public Hearing opened at 8:38 p.m.

Liz Turnquist (2000 Chestnut Road) stated that they would be the property MnLINC would locate onto. They have 80 acres of property and are very secluded. She noted there are only about four driveways on Chestnut. She stated that she had spoken with her neighbors and all but one said they did not see issues with it.

Dale Considine (2265 Chestnut Road) stated that she was supportive of the program and was not concerned about it bothering the neighbors.

Public Hearing closed at 8:44 p.m.

Dickerson asked if it would be possible to allow them to operate without changing the ordinance, maybe through a home occupation.

Finke stated the use was clearly commercial in nature. It could not be considered a home occupation for a number of reasons. The property is not the home of the employees, there are more employees than would be allowed for home occupations, on-site customer/clientele greatly exceeds what would be allowed. Finke stated that if the City were to consider this a home occupation, they would have to allow basically every commercial use as a home occupation.

Motion by Dickerson to change the minimum acres in clause (i) to 80 acres. Motion fails for lack of second.

Commissioners discussed other criteria to add. **The general consensus was to: add a restriction against residential and overnight facilities; add language limiting the**

animals to domestic animals; add language regarding licensure or certification; and to direct staff to research the chance of adding a restriction from criminal justice use.

Motion by Dickerson, seconded by Bryant to change the minimum acres in clause (i) to 40 acres. **Motion fails 2-3** (Opposed: Reid, Verbick, Pederson. Absent: Nolan, Johnson).

Motion by Reid, seconded by Verbick to recommend approval of the ordinance with the changes recommended by the Commission. **Motion carries 3-2** (Opposed: Dickerson, Bryant. Absent: Nolan, Johnson).

Dickerson stated that he likes what MnLINC does and this location, but he opposed the ordinance because he was fearful that this opens up a can of worms. He expressed concern from a tax perspective, and also about larger facilities coming in the future. Dickerson stated that there should be a creative way to operate at that location without this ordinance.

Bryant stated that he also is supportive of what they are trying to do, but is opposed to the ordinance because it opens up future undesirable situations that currently do not exist.

Comments for the Good of the Order

Commissioners discussed how best to respond when contacted by residents directly, especially about matters such as the Comprehensive Plan or some hypothetical future application; subjects which are not even yet on the Planning Commission docket.

Commissioners discussed the Comp Plan progress, and gave suggestions about the Open House and Public Hearing.

Reid reminded Commissioners about the Ice Cream Social at the Mayor's house. Everyone should RSVP with Linda by Friday.

8. Adjourn

Motion by Dickerson, seconded by Bryant to adjourn at 9:25 p.m. **Motion carries unanimously** (Absent: Johnson, Nolan)