

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, August 14, 2007

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

Present: Planning Commissioners Jeff Pederson, Doug Dickerson, Charles Nolan and Robin Reid.

Absent: Planning Commissioners Mark Bryant, Sharon Johnson and Mary Verbick

Also Present: City Council Member Elizabeth Weir; City Planning Consultant 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: recognizing resident Keagan Johnson using a fire extinguisher to prevent a large fire; hearing a legislative update from Sen. Olson, discussing a Green Policy; discussing the TIF District and ordering a feasibility report on improvements to Hamel Road; adopting an ordinance to allow for lawn watering restrictions; adopting the animal-assisted therapy ordinance; and naming Tim Benetti as the new Planning Director.

4. City Planner's Report

Gitzlaff stated there are applications pending that may not be ready by the September Commission meeting. One is a PUD amendment for the Hennepin County Public Works, and also a Site Plan Review for a 7-unit townhome development at 705 Hamel Road. Additionally, staff will likely bring the Tree Preservation Ordinance back next month, as well as an amendment to correct a clerical reference error within the RR1 zoning district.

Gitzlaff delivered an update of Comp Plan Advisory Panel meetings to come, including a joint meeting with the Planning Commission on September 25.

5. Approval of the July 10, 2007 Planning Commission Minutes

Motion by Dickerson, seconded by Reid to approve the July 10, 2007 minutes as presented.

Motion passes unanimously (Absent: Bryant, Johnson, Verbick)

6. Elizabeth Turnquist – Conditional Use Permit for the operation of an Animal-Assisted Therapy facility in the Rural Residential (RR) zoning district – 2000 Chestnut Road (PID 15-118-23-13-0001). *Public Hearing*

Finke delivered the staff report. He stated that the City Council passed an ordinance adding Animal-Assisted Therapy (AAT) as a conditional use in the Rural Residential (RR) district at its August 8th meeting. He displayed an aerial of the property, a 40-acre parcel with another 40 acres owned by the Turnquists directly to the north. Finke stated there were five existing accessory structures on the property, just over 14,000 sq. ft. aggregate size. He noted there are large areas of wetlands on both parcels, and that none of the existing fenced paddock space extends into the wetlands. He described how MnLINC proposed to operate, and possible future expansions. He stated that staff recommends approval of the CUP, because the proposal would meet the criteria of a CUP and be consistent with the ordinance, if the 21 conditions in the staff report were addressed.

Tanya Welsh (representing MnLINC as the co-applicant), suggested a few clarifications in the staff report regarding MnLINC's operations. She stated the applicants requested the maximum persons on the property be increased to 15, and that small buses be allowed. She stated they were working with the Building Official to see what temporary things could be done regarding bathrooms and fire code. She also asked for a change to the condition regarding dogs. Sometimes a small group of clients will each bring their dog for a session, possibly 6-8 dogs at a time, but they would not live at the site.

Public Hearing opened at 7:45 p.m.

Public Hearing closed at 7:46 p.m.

Dickerson inquired about the building official comments.

Finke replied that the two major concerns are accessibility regarding restrooms, parking, and sidewalks; as well as fire code. The City adopted the optional Chapter 1306 of the building code, which requires fire sprinkling in a lot of situations. In this case, the type of occupancy is changing, which triggers the need to sprinkle.

Commissioners inquired about the ability to grant a waiver to 1306.

Finke stated that the City has the option to adopt or not adopt 1306. Once it is adopted, it holds for all projects.

Welsh stated there was a possible exception within 1306 itself, regarding availability of water, that she was discussing with the fire marshal.

Reid stated that she had no problem changing the maximum number of people to 15 at a time as requested.

The general consensus of the Commission was to recommend a maximum of 15 people be allowed on-site for the AAT facility, except for larger events once per month.

Reid suggested the condition regarding dogs be changed to “housed” instead of “allowed.”

Dickerson wondered if the City Council should look at the two dogs per property limitation, since there are a lot of residents that have more than 2 dogs.

Finke stated the dog ordinance is scheduled in the work plan to be discussed by the Council in the 4th quarter of 2007. However, it wasn’t entirely relevant to this CUP.

Nolan stated he had two concerns. He wanted the septic system to be designed to the capacity as allowed by the CUP. He also wished for a condition regarding hours of operation and the trips to the site per day. While this operation may not be very intensive, a future operation may create more of an issue. Nolan suggested limiting hours to 8 a.m. to 9 p.m. He also suggested a limit of 5 days per week, so that if they have a workshop on the weekends, they don’t see clients two other days that week.

Welsh stated that this would be difficult and would limit crisis appointments that sometimes occur on a weekend.

Reid stated that she agreed with Nolan that some limitation needed to be set, but that 5 days per week may limit their operations and be difficult to enforce.

Nolan stated that it wouldn’t be an issue until there was a complaint. Then, if there was some limitation, the City could say “wait a minute, you’ve far exceeded what you said you were going to do.”

Dickerson stated that he would support 8 a.m. – 9 p.m., seven days a week.

Nolan said he is trying to regulate trips per day. It really has nothing to do with what day it is.

Finke stated he would speak with the applicant and try to craft something that wouldn’t hurt the operation, but would give future protection against more intensive traffic.

Dickerson inquired about the limit on the “large animals.” He suggested a limit of 15 for animals over 100 pounds.

Dickerson inquired about the limitation on buses.

Nolan suggested using a vehicle weight limitation, such as 10,000 Gross Vehicle Weight.

Pederson inquired if there was anything else regarding hours of operation, limiting larger animals, and security.

Molly DePrekel (representing MnLINC) stated that she had been involved with the YMCA in New Hope. She experienced what she called “dump and run” programs where people just drop off seven kids and leave. MnLINC does not run like that. Any students that visit come with their social workers, counselors, teachers and/or paraprofessionals. She added that for

the staff's own safety, they do not tend to take individual clients unless there is another staff person present. Additionally, the animals need to be protected. If there are any concerns about a student, they don't come back. If an individual client is a concern, she would see them in the more secure office in St. Louis Park.

Nolan stated that there should be some note about supervision.

Finke replied that the requirement was already within the ordinance.

Welsh stated that another suggestion would be to add a speed limit sign.

Finke summarized the recommendations of the Commission. These included: changing maximum people from 12 to 15; tightening the septic system language; adding hours of operation; studying a trips per day regulation; the number of animals per acre language; limiting vehicle weight to 10,000 GVW; and clarifying the dog limitation language.

Motion by Nolan, seconded by Reid to recommend approval of the Conditional Use Permit, subject to the 21 conditions in the staff report; and with the modifications suggested by the Commission. **Motion carries unanimously** (Absent: Bryant, Johnson, Verbick).

7. Ordinance Amendment – Section 828.41– Pertaining to Tree Preservation and Replacement. Public Hearing

Finke stated that the City had worked on a Tree Preservation Ordinance in the spring and through the summer of 2006. There were many revisions and much discussion at a half dozen meetings before an ordinance was adopted. The City Council noted updating the Tree Preservation Ordinance in its goal-setting workshop at the beginning of the year as a 3rd quarter project. Staff thought the best strategy for this update would be to have a broad policy discussion with both the Planning Commission and City Council, and take feedback and direction in order to craft an ordinance.

Finke described the existing ordinance, and stated that much of the framework, or “bones,” of the ordinance remained constant through the many revisions, and were a good structure on which to build an ordinance. He stated that the ordinance, in effect, applies only to residential districts, because the commercial districts each have their own regulations. The ordinance exempts tree clearing for a number of purposes, such as the home, the driveway, septic sites, and 50-feet of yard space around the home. Additionally, the ordinance allows an acre of clearing in addition to these exemptions. Finke noted that staff has not required a single tree preservation plan in the past year because of these exemptions.

Finke stated that staff suggests four major topics of discussion, along with any other issues suggested by Commissioners. The suggested topics were: 1) distinctions between commercial and residential, rural and MUSA; 2) what, if any, removal should be totally exempted from the ordinance; 3) how much removal should be allowed and how should it be measured; and 4) what replacement should be required.

Weir stated that the ordinance, as it is written now, is toothless. It is based on post-development situations and exempts an entire acre of clearing, even after you place a house, driveway, septic, etc.

Nolan stated that allowing an acre on every lot didn't seem to make much sense. He suggested that this allowance be deleted. **The general consensus was to recommend removal of the acre allowance.**

Commissioners discussed how much allowance should be allowed. They discussed how allowing the same removal does not account for different size lots.

Nolan stated that 30% seemed extremely high. He suggested that a graduated, "sliding scale," percentage system seemed to make the most sense. 20% of the trees on a ½ acre lot is very different than 20% of the trees on a 100 acre lot. Perhaps that is reason enough to have different regulations for different residential districts.

Finke inquired if lot size wasn't as much of the issue as actually zoning district.

Nolan replied that it seemed to be the case.

Weir said she remembered that one of the drafts from last year included a similar chart. **The general consensus was to recommend a graduated percentage, based on lot size, for allowed removal.**

Finke noted the existing ordinance also includes a waiver section. This section allows the property owner or developer to implement some best management practices (BMPs) in exchange for additional clearing in situations where it is difficult to meet the regulations.

Reid stated that this allows an out for a very wooded lot in that they could apply for a waiver from the Council if they followed some BMPs. She stated that she thought the City should require more than 2 BMPs for a waiver. Reid stated that she believed it was reasonable, because the property owner can get quite a lot of leeway if they follow the BMPs.

Nolan asked about adding screening and buffering as one of the BMPs.

Weir stated this may lead to fragmented lines of trees, instead of preserving large stands.

Finke noted that two "buffers" backing up to each other could perhaps create a corridor.

Finke inquired about the total exemption for tree removals for a home, driveway and septic. He stated that allowing this exemption creates no deterrent for a person with a lot with some wooded area, and some non-wooded area, from placing the house and driveway right in the middle of the woods and removing the most trees they can. If this were not exempted, but the ordinance still allows for a reasonable amount of removals, the owner may be more likely to place the home on the edge of the woods and wind the driveway around the trees.

Reid noted that the ordinance would allow for a certain amount of clearing as a percentage, and it also could allow a waiver if there was no way to meet regulations. With these two items, it would make sense to remove the exemption.

The general consensus was to recommend removing the exemptions for driveway, house, yard, septic, private and public streets. Instead these would be regulated under the percentage of allowed removals.

Commissioners and staff discussed how regulations for a large subdivision may be different than a small project, such as a building permit for a barn. There was discussion about how to avoid “double-dipping” for a new house permit that wishes to remove some trees when within a subdivision which had already cleared a lot of trees.

Finke inquired about the Commission’s opinion on the replacement requirements. He stated that 1:1 caliper inch replacement is common in other ordinances, and many do have higher rates for specific, high quality areas. The current ordinance is 1:1, unless it is within an Old Growth Forest area, in which case the required replacement is 2:1.

The general consensus was to recommend maintaining the 2:1 Old Growth replacement and 1:1 “all other” requirements.

Dickerson inquired about the size requirements. He stated that in his experience, 1 inch trees actually grew more successfully and faster than 2 inch trees.

Commissioners discussed what size of tree should be required, but did not reach consensus. Commissioners also discussed the 2-year guarantee requirement for the replacement trees and the possibility of requiring burlap wrapped trees.

Public Hearing opened at 10:15 p.m.

Motion by Nolan, seconded by Dickerson to continue the public hearing for the tree preservation ordinance at a future Planning Commission meeting. **Motion carries unanimously** (Absent: Bryant, Johnson, Verbick).

8. Call Special Meeting – Joint Meeting of the Planning Commission and the Comprehensive Plan Advisory Panel – September 25, 2007 at 7:00 p.m.

Motion by Reid, seconded by Nolan to call a special meeting, to be jointly held with the Comprehensive Plan Advisory Panel on September 25, 2007, at 7:00 p.m. **Motion carries unanimously** (Absent: Bryant, Johnson, Verbick).

9. City Council Attendance Schedule

Finke distributed a sign-up sheet for Commissioners to attend City Council meetings and deliver reports through the end of the year.

10. Adjourn

Motion by Dickerson, seconded by Nolan to adjourn at 10:24 p.m. **Motion carries unanimously** (Absent: Bryant, Johnson, Verbick)