

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, April 8, 2008

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

Present: Planning Commissioners Jeff Pederson, Michele Litts, Charles Nolan, Robin Reid, Victoria Reid, Jim Simons and Mary Verbick.

Absent: None

Also Present: Planning Director Tim Benetti, Associate Planner Dusty Finke and Planning Assistant Debra Peterson-Dufresne.

2. Public Comments on Items not on the Agenda

No public comments.

3. Update from City Council Proceedings

Verbick presented the City Council Update; 1) recognizing Police Officer Chris McGill for 10 years of service; 2) The City continues to negotiate a proposed contract with the City of Maple Plain Fire Department; 3) The Council approved the sign ordinance with some changes; 4) Public Works hired a new Maintenance Worker and the Planning Department hired a new Planning Assistant; 5) April 29th @ 7:00 pm Hamel Community building will be having a Low Impact Design Workshop; 6) An Open House is scheduled for 7:00 pm Tuesday April 22, 2008 for the proposed redesign of Highway 55/County Road 116 intersection; 7) The Council awarded Fortin Consulting a contract to design Rainwater Park as a natural, passive park; 8) An annual public hearing was held for a Storm Water Pollution Prevention Program which had no public comment; 9) The Council discussed the proposed Wetland Protection Ordinance and are likely to approve with the recommended changes by the Planning Commission; 10) The Council approved a Conditional Use Permit for Dr. Bhavsar's oversized accessory building with minor changes and 11) A \$35,000 grant was approved from the Clean Water Legacy funds for shoreline restoration on Lake Independence.

4. Planning Department Report

Benetti introduced Debra Peterson-Dufresne the new Planning Assistant. He mentioned a new Land Use Application (Planned Unit Development Amendment) came in from Hennepin County for a Wind Turbine. Verbick questioned the diameter of the blades and Finke responded. Benetti stated the application is geared towards a pilot project and will be located near the future public works facility.

5. Approval of March 11, 2008 Planning Commission Minutes

Motion by Verbick, seconded by R. Reid to approve the March 11th minutes with changes noted by Commissioner Verbick. **Motion carries unanimously** (Absent: None).

**6. Public Hearing - Holy Name of Jesus Catholic Church – 155 County Road 24
(PID# 24-118-23-41-0013) – Variance from sign setback requirements**

Finke presented the application and informed the Commission that it was a public hearing. He noted that Holy Name of Jesus Catholic Church requests a Variance to the sign setback requirements to allow a 5 foot setback rather than the required 10 feet from the right-of-way. He indicated the nearby oak trees would have minimal impact on the site. He then reviewed the general “Variance Standards” with the Commission. He mentioned that he spoke with the Plymouth Street Department and they seemed amendable to adjusting the location of the “Plymouth Sign” to improve the sight lines to the proposed Holy Name signage. He also spoke with a Three Rivers Park District Forester regarding the impact on existing trees, who stated oak trees generally survive if the impact is less than 25% of the drip line. Finke stated that if the tree were removed it would be allowed without replacement under the City’s current ordinance. He summarized that staff recommended denial and described why it does not meet the Criteria for granting a Variance. He then reviewed staffs recommendation if the Planning Commission chose to approve the Variance request.

V. Reid asked who would pay for the relocation of the “Plymouth Sign”. Finke indicated that he had not discussed that issue with Plymouth, but would do so if needed.

Charlie Hayes (representing Holy Name Church) presented the application and explained why they wished to be set back 5 feet rather than the required 10 feet. He said they want to stay within 5 feet from the existing right-of way line as shown in picture 22 of the staff report. He spoke with the County about installing church signage on the opposite side of the road and they were not in support. He also acknowledged that if the Variance were approved the church would be responsible to replace the sign if it were damaged. Simons asked the applicant if they had thought of angling the sign for increased visibility. He also pointed out that one (1) pine tree does block the visibility of the sign. Charlie Hayes stated that the pine tree will be removed whether the Variance is approved or not.

V. Reid asked if the existing monument sign was in the utility easement. Charlie Hayes responded yes. R. Reid questioned the position of the sign, as did Simons. V. Reid also thought that the sign repositioned at an angle with the 10 foot setback would increase visibility.

Public Hearing opened at 7:37p.m.

Lesya Parekh (120 Spur Circle) stated that she opposed the sign setback Variance. She felt that sign visibility isn’t always necessary since drivers can see the church and do not need to actually see the sign to get to the church.

Public Hearing closed at 7:39p.m.

Verbick agreed with Lesya Parekh that the church is easy to find without the sign. She said if a driver is going west and isn’t familiar with the church location or where the parking lots are

located it is easy to drive past the entrance along County Road 24, which is a heavily used road. She also felt safety should be taken into account if going the posted speed limit and trying to stop quickly.

Litts stated that the new sign only has the name of the church and nothing pertaining to the parking location. She has witnessed people missing the entrance and turn around. She is unsure if the sign location were brought closer to the right-of-way if it would make a difference.

Nolan indicated that he agrees that the proposed sign does not meet the criteria for a Variance. He recognizes the safety concern of drivers missing their turn into the church, but also recognizes that the church has two access points. He feels there are other alternatives rather than bringing the sign closer to the right-of-way.

Pederson stated he agreed with Nolan. He understands that the City does have an ordinance in place and if the Commission approves the Variance the applicant would be responsible for damage to the sign. If trees were lost they would need to be replaced with a two (2) year guarantee.

V. Reid is disinclined to support a Variance. She feels the current appearance of signage within this area looks cluttered and by slanting the proposed sign it would provide more visibility.

R. Reid doesn't feel the sign meets the criteria for granting a Variance. She feels the church is a landmark and isn't inclined to grant a variance.

Simons does not see a case that supports such a request. Visibility of the sign is of interest to him and acknowledged staff was open to alternatives.

Motion by Nolan, seconded by Litts to recommend denial of the Variance request because it fails to meet the hardship requirements as described in the staff report.

Motion carries unanimously (Absent: none).

7. Public Hearing - Bill and Diane Nunn – 2825 Willow Drive (PID# 16-118-23-14-0005) – Conditional Use Permit to construct on addition to an existing accessory structure

Finke presented the Conditional Use Permit (CUP) to construct an addition for Bill and Diane Nunn. He indicated that the proposed addition appears to put the property over the allowable hard coverage requirements due to the existing commercial horse facility, but will not be able to verify until a new plan is submitted with percentages of coverage. He further stated the commercial horse facility is no longer a permitted use within the zoning district. The addition will not be for the expansion of the commercial use, rather for personal use. The total size of the property is 11 acres and the maximum allowed hard coverage is 50%. Finke stated the owner feels he should meet the hard coverage requirement since he has a lot of green pastures. Finke went through the CUP requirements with the Commission. Nolan asked Finke if the highest point of the addition meets the height requirements. Finke

responded that the height is measured from the mean roof line and that it does meet the maximum height requirements. Finke noted that if the property meets the hard coverage requirements, condition number #5 could be eliminated. He also noted that the applicant may need to meet the wetland regulations if they are approved prior to the issuance of a building permit for this application.

Nunn indicated that the City uses a formula to meet roof height requirements. Nunn presented an aerial showing their paddocks and pasture areas. Simons asked if any of the existing horse facility areas would be used for storage. Nunn stated “no”.

Nolan questioned the colors and materials of the octagon piece. Nunn presented the current building and explained the existing and proposed appearance of the structure. The steel will be painted white with a stone veneer. He explained their landscape theme is more of a “park like” theme and all the buildings are white.

Simons questioned Nunn where the stone would start and stop and Nunn stated that it would only be on the south side of the building.

Pederson asked how far up the stone would go and Nunn responded by saying they were open to suggestions. Pederson asked about the use of shutters and the applicant noted that the house does not have shutters and it’s nice to be consistent for both buildings.

Verbick asked Finke how he calculated the hardcover area. Finke explained that he did not get impervious surface plans from Nunn. Verbick asked Nunn how he determined that all the run-off stayed on his property. Nunn stated that they channel and have drain tile to funnel water. Nunn stated that they do not have run-off going onto neighboring properties. Verbick questioned if the existing pond was installed for run-off and applicant stated yes.

V. Reid asked Finke if the applicant’s property were sold, how would the City be assured that the personal buildings wouldn’t be converted to a commercial use. Finke stated that the existing CUP lays out the conditions and the areas allowed for commercial and personal use, which is also recorded with the County.

Public Hearing opened at 8:17 p.m.

Public Hearing closed at 8:18 p.m.

Simons said that he would find it helpful to know the exact locations of the stone veneer on the exterior of the addition.

R. Reid loves the look of the farm and location and doesn’t see any reason to not approve the application since it meets the requirements. She doesn’t see that it would be an eye sore to the neighborhood.

V. Reid requested that staff add language to the CUP so that the building could not be used for commercial purposes in the future.

Pederson felt the application looked rather incomplete without a landscape plan or exterior materials identified. He is surprised to see an application that is so incomplete.

Nolan stated that he likes the farm and doesn't mind what the applicant is trying to accomplish; but if the building is expanding, he would like to see landscaping, as well as exterior building materials and the placement of them shown.

Nunn didn't realize the CUP application required landscaping and exterior materials for the application process.

Nolan asked Nunn to consider bringing the application back to the Commission with the final design for both landscaping and exterior materials. Nunn asked the Commission if conditions could be placed instead of going back to the Commission again.

Litts questioned Nunn if he exceeded the hard coverage and if so, there is a way to fix it.

Verbick stated she doesn't have any major red flags with the application. She said if the plans were revised and resubmitted more complete to Planning staff and the design approved by staff, she does not have a problem recommending approval to the City Council.

R. Reid stated that either way, the applicant will need to revise their plans.

Pederson asked Nunn to give the City an extension to June 30th 2008 to complete the application request.

Nolan requested the applicant identify where the stone veneer will be located on the building. He also requested that the applicant have the landscape plan done professionally. He felt that the exterior building design should be completed by a professional prior to it going back to the Planning Commission.

Simons said that we need a resolution on the hard coverage also prior to the applicant coming back to the Commission.

Motion by Verbick, seconded by R. Reid to continue the application to the May 13, 2008 Planning Commission meeting to allow the applicant time to provide additional plans for landscaping, exterior materials and hard coverage.

Motion carries unanimously (Absent: none).

8. Public Hearing - Walter G. Anderson – 4535 Willow Drive (PIDs 04-118-23-13-0004 and 04-118-23-13-0003) – Site Plan Review, amended Conditional Use Permit, and Variance for the construction of a 4,800 sq. ft. addition; Preliminary Plat to combine two lots

Benetti presented the application. He pointed out that the adjusted turnaround is approximately 20-35 feet for a fire truck to maneuver, which is adjacent to the addition. He also stated the

drainage has minimal run-off to the adjacent wetlands and that staff witnessed the existing ditch working effectively.

Greg Michael, the applicant, stated they are making every effort to preserve existing landscaping on-site.

Benetti noted that staff needs clarification from the applicant on the number of loading doors proposed with the addition, since there is a conflict on the plans. He also stated that he needed the Commission to discuss whether the 9 ton gravel area should remain gravel or whether it should be paved. He said that on a previous staff report paving was stated as a requirement for the property.

Benetti reviewed the CUP Criteria at length and stated that if the wetland ordinance is adopted prior to this application, the City can require the applicant to meet those standards. The area would fall under a Managed 2 wetland requiring a 20 foot minimum buffer, and the application could require additional easements. He felt that most of the criteria for a Variance were met and that combining two parcels made things easier for the City and the applicant.

Benetti suggested that a condition be added to the CUP that if the wetland ordinance is adopted the applicant would be required to comply with the standards.

Nolan asked what the significance is of the loading dock. Benetti stated that if it meets the definition of a loading dock, additional landscaping/buffer would be required. Benetti prefers loading areas to be screened. He asked what the Commission and staff knew about the gravel road area. Benetti stated that the applicant would like to use the area for parking.

Verbick asked about parking vehicles outside on the gravel area and inside the building. She wondered if it would reduce the need for outside storage with the addition. Benetti stated that the zoning district prohibits outside storage. He also stated that the City doesn't want this area to be used for vehicle parking, since it is within a fire lane area. Benetti confirmed that fire lane signage exists on the property.

Verbick asked about gravel versus bituminous. Benetti stated that a gravel road can be brought to a 9 ton standard.

Benetti asked the Commission if the subject area should be bituminous or remain gravel.

Greg Michael, the applicant, clarified the number of overhead loading doors that Benetti requested. Michael also clarified the building elevation and that the addition will have two (2) 10' x 12' overhead doors and not three (3). He stated that the general purpose for the addition is to accommodate the one (1) company truck that isn't used daily. The addition will also be used for staging of racking. He also expressed that the owners did not want to pave the gravel area since it is used so infrequently; and this area is the only location on the site they could expand in the future.

Simons asked Michael the size of the company truck to be parked inside. Michael stated that it is a ¾ ton truck. Simons questioned the comments of “other vehicles” that want to park within this area. Michael said the building did not have an employee entrance at the rear and they have no intention of parking in this location. Benetti stated that all loading docks shall be screened if classified as a loading dock area and additional screening would be required. Michael stated that it would not be a loading dock area and Benetti acknowledged.

Public Hearing opened at 9:14 p.m.

Public Hearing closed at 9:14 p.m.

Pederson stated that staffs conditions are good and he would like the Fire Marshal to determine whether the 9 ton gravel road is satisfactory, or if it needed to be paved. He also felt that additional landscaping (trees) be required to fill in the area near the overhead doors and that a 2 year minimum agreement should be in place to replant them if they do not survive. He also requested to strike condition #4 since it was the same as condition #11. Lastly, he requested the motion should note that the applicant be required to meet the requirements of the wetland ordinance if it is passed.

Nolan stated that if the intensity of the fire lane increases, he would like staff to be able to have the authority to require paving. He suggested that language be added as a condition of approval.

Litts stated she had nothing additional.

Verbick agreed with Nolan and Pederson.

Simons also agreed with the other Commissioners.

Nolan suggested that if the area becomes a loading/unloading area, or if vehicle traffic increases, that staff should be allowed to require paving.

R. Reid agrees with the Commissioners.

V. Reid agrees with the Commissioners.

Verbick thanked the applicant for such complete plans.

Benetti recommended not allowing loading or unloading in this area, and if it changes, the applicant would need to go back to the Commission.

Motion by Nolan, seconded by Simons to recommend approval of the Site Plan, Amended CUP, Variance and Preliminary Plat, conditioned on the modifications recommended by the Commission and staff.

Motion carries unanimously (Absent: none).

9. Future Meeting Information

Benetti presented information on the Open House and Special meeting as follows:

- a) Open House for the Trunk Highway 55/CR 116 Intersection Improvement Project, April 22, 2008 at Medina City Hall, 7:00 PM.
- b) Special Meeting/Joint Workshop with City Council, Planning Commission, Park Commission and city staff on “Low Impact Design/Development” (facilitated by consultants from Bonestroo) – April 29, 2008 at Hamel Community Building – 7:00 PM.

10. Adjourn:

Motion by Verbick, seconded by R. Reid to adjourn at 9:36 p.m. (Absent: None).