

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, December 9, 2008

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

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

Absent: Charles Nolan and Victoria Reid

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 updated the Commission that the City Council:

- Approved the final resolution to amend Hennepin County's PUD for a wind turbine of up to three mega watts.
- Tabled the proposed PREC ordinance, since the three council members who were present could not reach consensus on a policy on how the ordinance should be drafted.
- Heard a presentation from Randy Lehr of Three Rivers Park on the phosphorous run-off into Lake Sarah and methods for Medina to reduce its portion of that loading. The Council named seven implementation measures to help reduce Medina's Total Maximum Daily Load (TMDL) into Lake Sarah and directed staff to update the City's Storm Water Management Plan to incorporate these measures.
- Discussed a partial assessment policy to help pay for the rehabilitation and repair of Medina's roads.
- Agreed to a time line for the building of a field house in 2009 in Hamel Legion Park. The money is already in the 2009 Capital Improvement Plan.
- Approved a recreational field-use policy for Hamel Legion Park.
- Recognized Patrol Officer Keith Converse for five years of service to Medina.
- Heard a quarterly update from Long Lake Fire Chief, James Van Eyll.

4. Planning Department Report

Benetti updated the Commission on Land Use Applications, Developments, Projects, and Planning Issues:

- A. ***Hennepin County Public Works – 1600 Prairie Drive:*** Council adopted Ordinance No. 452 at the November 18th regular meeting, whereby approving the PUD Amendment allowing the wind turbine and civil defense tower at the HCPW campus.
- B. ***Commercial District Ordinances:*** Planning staff was prepared to present the commercial zoning ordinance updates to the City Council at the Nov. 18th meeting; however due to the lateness of the meeting and request by Council; planning staff prepared illustrative examples or representations of how various sized commercial, office and/or retail developments would look on a proposed commercial parcel. Staff is in the process of completing these and will be making a follow-up report at the December 16th meeting.
- C. ***Private Recreation Zoning District (PREC):*** The item was originally presented at the September 2, 2008 regular meeting, and was presented again at the December 2nd meeting. Upon discussion with staff and the representatives of the Medina Golf & Country Club, the Council tabled the item again to allow staff to meet with the owners/developers of MGCC to determine what process of the new PREC ordinance works best for their plans, and ultimately the city's goal of maintaining the golf course as open space area.
- D. ***General Commercial and Industrial Ordinances:*** Planning staff presented the new General Commercial and Industrial zoning district regulations to the Planning Commission at the November 12th regular meeting. PC recommended a number of revisions and approval to the Council. The item is tentatively scheduled for review by the Council at the January 2009 regular meetings.
- E. ***Woodridge Church – 1500 County Road 24:*** Applicant submitted a CUP request to add 20,446 sf. of addition to the existing church facilities. Scheduled for review under public hearing at the December 9th PC meeting. The item was postponed and was not heard at the meeting.
- F. ***Michael Anderson (and Wallace Anderson) – 985 & 995 Medina Road:*** Requesting Lot Line Rearrangement and Variances to lot size standards. Scheduled for review under public hearing at the December 9th PC meeting.
- G. ***Wrangler's Restaurant - 32 Hamel Road (former Provenance building):*** Owners are preparing final architecture designs and hope to have an application ready for review at the January 13, 2009 PC meeting.

5. Approval of November 12, 2008 Planning Commission Minutes.

Motion by R. Reid seconded by Verbick to approve the November 12, 2008 minutes with no changes. Motion carried unanimously (Absent: Nolan and V. Reid).

6. Public Hearing – Michael Anderson – 985 & 995 Medina Road (PIDs 14-118-23-44-0002 & 14-118-23-44-0001) – Preliminary Plat and Variances to rearrange lot lines between two existing lots.

Finke reviewed the application and showed the existing and proposed lot lines for both parcels. He reviewed the two acre suitable soil requirement and explained that in 1999 the Council changed the ordinance regulating the Rural Residential zoning district from two to five acres of suitable soils. The five acres was adopted only for parcels created after the date of adoption in 1999. The existing lots would remain conforming with the two acre contiguous suitable soils requirement. The proposed application requires two acres rather than five acres of contiguous suitable soils.

Finke informed the Commission that the proposal did not trigger the wetland ordinance, since no additional lots were being created, just a rearrangement. Setbacks, existing septic systems and their locations were also discussed. The applicant pumped both septic systems this year and had alternate sites designed. The applicant is dedicating right-of-way along Medina Road as part of the application.

Finke informed the Commission that their packet included the criteria for granting variances and would answer any questions. The Commission did not have questions regarding the variance criteria.

Finke stated the Commission had a good deal of discretion in reviewing the two variances. He explained that variances are tied with the preliminary plat and that the plat could not be approved without the variances, except the front yard setback variance. The house is currently nonconforming and if the variance was not approved it would continue to be nonconforming.

Finke further explained that the variance would only be for the area of the house that encroaches into the 50 foot setback. The current or future owners could not add to the 995 Medina Road home in the front yard setback area.

Simons asked if the property was currently nonconforming. Finke explained that it is nonconforming.

R. Reid asked if the house on the larger lot were torn down, could someone rebuild. Finke explained that only two acres of suitable soils are required and that a new home could be constructed.

Finke requested the Commission to add another condition stating “the owner shall execute and file a declaration of covenant acceptable to the City Attorney, which prevents the sale of Outlot A as a stand-alone parcel”. The Commission agreed to add the condition.

Michael Anderson, the applicant informed the Commission that his application was an improvement from its existing condition. R. Reid said that it should help to sell the property if it is put on the market in the future. Anderson also added that it would be best if the Commission

approved of the application since it only improves the setbacks and contiguous suitable soil requirements.

Verbick requested staff to add a 13th condition per staff's recommendation that "the owner shall execute and file a declaration of covenant acceptable to the City Attorney which prevents the sale of Outlot A as a stand-alone parcel". She further stated that she felt very comfortable with the proposal.

R. Reid and Simons agreed with the improvements and approved of the project.

Litts and Pederson agreed with Verbick and had nothing to add.

Public hearing opened @ 7:33 p.m.

The Commission further discussed setbacks in general.

Public Hearing closed at 7:39 p.m.

Motion by Verbick, seconded by R. Reid to recommend approval of both Variances, Preliminary Plat and to add "the owner shall execute and file a declaration of covenant acceptable to the City Attorney which prevents the sale of Outlot A as a stand-alone parcel" as a condition of approval. Motion carried unanimously (Absent: Nolan and V. Reid).

7. **Public Hearing – Woodridge Church – 1500 County Road 24 (PIDs 23-118-23-23-0001 & 23-118-23-23-0005) – Conditional Use Permit Amendment and Interim Use Permit for the construction of a 20,446 square foot addition to the existing church.**

Benetti informed the Commission that the applicant requested to postpone their application. He informed the Commission that staff sent a letter to the applicant requesting an extension to May 22, 2008.

8. **Adjourn:** Motion by Verbick, seconded by Simons to adjourn at 7:44 p.m. Motion carried unanimously (Absent: Nolan and V. Reid).