

CITY OF MEDINA PLANNING COMMISSION

DRAFT Meeting Minutes

Tuesday, July 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, Simons, Victoria Reid and Robin Reid.

Absent: Mary Verbick and Charles Nolan

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**

Elizabeth Weir gave update:

- Council reviewed Maple Grove Comprehensive Plan
- Approved CUP for Bill and Diane Nunn adding conditions
- Approved ordinance for storm water discharge
- Approved height variance and CUP for Hogan on Hamel Road
- Updated ordinance on burning
- Appointed committee to run contest for new Medina logo

4. **Planning Department Report**

Benetti updated the Commission on new applications that are coming up in the future months.

5. **Approval of June 10, 2008 Planning Commission Minutes**

Motion by Simons, seconded by R. Reid to approve the June 10th, 2008 minutes with changes as noted. Motion carried unanimously (Absent: Nolan and Verbick).

6. **Item to be Tabled - Hennepin County Public Works Facility -1600 Prairie Drive (PID 10-118-23-12-0003 and 10-118-23-11-0004) – Planned Unit Development Amendment General Plan for the construction of a Wind Turbine with a height of 80 meters (or 262 feet) to the top of the tower and a 369 foot in height wing span.**

Motion by V. Reid, seconded by Simons to table the application to the August 12th 2008 PC meeting.

7. **Public Hearing - Luetmer and Druk – Preliminary Plat to rearrange lot lines between two parcels in the Rural Residential (RR) zoning district – Located on Parkview Drive and west of School Lake (PID #16-118-23-23-0006 & #16-118-23-23-0007).**

Finke presented the application. He stated that the two lots meet the standards of the RR zoning district and the 5 acre contiguous suitable soils requirement. He further reviewed the minimum requirements for a preliminary plat and informed the Commission that the applicant met all the minimums for setbacks, lot size, width, and frontage requirements at the lake.

R. Reid asked if there would be a negative impact on the lake. Finke stated the lot change does not have an impact on the lake. Finke was more concerned with all the restrictions placed by the property owner on the one lot.

V. Reid asked if staff had a sense of maximum square footage that's actually buildable on the parcel. Finke stated its approximately one half of an acre.

Simons asked if a public hearing notice was sent to neighboring properties within 1000 feet and Finke replied that they were mailed out.

Mark Gronberg, the applicant's Engineer explained that the watershed easement area is restricted to only allow grading and does not allow a structure.

Public Hearing opened at 7:26 p.m.

Closed Public Hearing at 7:26 p.m.

Litts stated she did not have an issue with the application.

R. Reid also stated she did not have an issue with the application.

Pederson said he didn't see any issues with staff's recommendations.

V. Reid did not have any issues.

Simons felt it met all the conditions and that it was well thought out.

Pederson had spoken with some of the neighbors and they were all fine with the application and he felt the application met all requirements and was fine with it.

Motion by R. Reid, seconded by Litts to approve the preliminary plat between two parcels in the RR zoning district, subject to staffs recommended conditions.

Motion carried unanimously (Absent: Verbick and Nolan).

8. **Public Hearing - Ordinance Amendment - Chapter 8, Section 826 of the City's Zoning Ordinance - Pertaining to regulations related to RR, Rural Residential District.**

Benetti presented the application and explained that the City held an open house for residents within this district. Resident comments were attached for the Commissioners to review. He further presented information on specific properties that were identified to be revised. He explained the intent of the RR district and the language that changed from the current ordinance. Signage and the use of stands for the sale of agricultural products, provided said products are primarily raised on the premises, were specifically discussed.

R. Reid asked why the City would add cemeteries to the RR district as a CUP. Benetti explained that the City Attorney felt we should allow them within this district. She felt that cemeteries shouldn't be allowed since we previously discussed the issue. Benetti stated that staff looked at taking out cemeteries, but it was recommended to stay by the City attorney.

Weir explained that the City has to allow the use within one of the zoning districts, and since we currently have a cemetery within the RR area we should continue to allow them within this district since we have to allow them somewhere.

R. Reid clarified with Weir that the current ordinance limits cemeteries to 10 acres and are more likely to be for profit if it was over 10 acres in size.

Benetti reviewed with the Commission the permitted accessory uses proposed to be added within the district, such as land spreading yard waste and maple tree tapping.

Benetti explained the current and proposed regulations requiring five acres of suitable soils within this district. He informed the Commission that discussion had taken place regarding increasing the minimum lot size to 10 acres and not have a suitable soils requirement. He explained that since the City has a lot of wetland areas, typically our average lot ends up averaging 10 acres in most cases. He felt that having a suitable soils minimum worked well and discussed this requirement with the City Attorney. The City Attorney felt it would be good to keep the suitable soils requirement, rather than having a 10 acre minimum lot size and disregard suitable soils.

Benetti then reviewed the hard surface coverage requirements for the district. Finke pointed out that option one under the hard surface definition requiring a maximum 6% slope is difficult to enforce.

Benetti reviewed accessory structures that house animals. He explained that the current and proposed ordinance requires a 150 foot setback. He further explained animal unit density.

V. Reid questioned the use of home base businesses; if it was listed within the zoning district. Benetti stated home occupations or home based businesses are still considered a permitted use (accessory).

R. Reid asked why Skyrock was a CUP rather than an RR2 district. Benetti clarified that it existed prior to the RR2 district.

Public hearing opened 8:09 p.m.

Chriss Renier, resident @ 3392 Hamel Road, asked why paddocks are considered hard surface. Benetti explained that the paddocks are compacted by the horses and since water typically runs off of the area rather than soaks into the ground, it was considered a hard surfaced area.

Chriss Renier asked the Commission to recognize “grazable” acres since horses are rotated onto pastures, fed hay and grain, and the pastures are typically managed rather than depending on the actual grazable area. She further questioned if the City has issues with the number of horses. If the City does not have an issue with the actual number of horses, she asked if there really is a need for a regulation related to the number of horses/animals. She feels that some degree of regulation is needed. She also asked if a land owner didn’t meet the proposed ordinance, would they be grandfathered in and not have to reduce the number of animals.

Weir stated that the real problem relates to water quality. She felt that the issue of animal units and water quality interrelate and that the City needs more strict manure management practices. She stated that the City would grandfather existing horses.

Chriss Renier stated she needed to know what the objective is and appreciated the clarification.

The Commission reviewed the staff report page by page with questions.

Weir asked about the livestock and poultry, specifically poultry, since she regularly purchases eggs from neighbors in the area and wanted to make sure this would be allowable under the proposed ordinance. Benetti clarified that selling of eggs or raising chickens is allowed under an agricultural use.

Selling of agricultural goods, eggs and vegetables were discussed by the Commission and the consensus was that it was acceptable to have a stand to sell such products, provided said products are primarily raised on the premises.

R. Reid asked for clarification on windmills and solar equipment within this district. Benetti explained that a windmill is a conditional use within the district. Solar equipment was relocated to the permitted accessory uses.

Pederson asked about public and semi public uses. He asked if it included or excluded City Hall, Public Works building and golf courses. Benetti explained that the City Hall and Public Works would be a permitted use and a golf course a conditional use.

The Commission asked staff to further research the proposed 10 percent maximum hard coverage for lots.

The requirement of a 150 foot setback for accessory structures that house animals was discussed. Benetti stated that the 150 foot setback was mentioned by attendees at the open house and they requested that the setback be discussed by the Commission. Pederson and Simons felt that it was fine.

R. Reid asked if the City defined grazable acres. Benetti read the definition to the Commission.

Chriss Renier raised a concern with the proposed definition of grazable acres in that she didn't feel it was clear as presented since not all horses are surviving on the grass. She said that if water quality and manure management are the greater concern then maybe that's what the ordinance should focus on rather than the animals. She said if managed properly, it's a possibility that twice as many animals could be allowed.

Pederson stated that the City has the right to review manure management if they received a complaint.

Benetti explained how the chart works relating to animal units.

Simons asked about lots greater than 10 acres and how the ordinance impacted them. Benetti explained that the ordinance proposes that a land owner could have one animal unit per grazable acre.

Simons asked if the ordinance were implemented, would this help with the water quality levels. Weir explained that the City is under a mandate by the Metropolitan Council to improve water quality in our lakes. The City is under a federal and state mandate to do something about our water quality.

Pederson asked if farmers are under the same or different mandate. Weir explained that farmers are not under any mandate or regulation related to wetlands. Weir mentioned that the City is applying for a grant to assist farmers to test/measure phosphate levels in their soils.

Simons asked why we burden the first animal in the calculation. The Commission recommended to start with one acre equals one animal unit. It was also discussed that it could be used for properties over 10 acres.

Jim Renier, resident, asked who enforces the animal units. Benetti explained that it is complaint driven.

Litts asked if we knew how many properties would be impacted by adopting an ordinance that controls the number of animals per property (units). She informed the Commission that the City has a lot of show horses that typically do not graze on pastures and are housed on higher density locations.

V. Reid asked if Chriss Renier would be out of compliance under the proposed ordinance. Chriss Renier stated that they have the second highest piece of property in Hennepin County.

She said she has 37-38 acres and 10 horses. Her property also has a CUP controlling the number of horses on her property.

Benetti asked the Commission if they felt utilizing the requirement of animal units was necessary. Pederson asked if this is what the City Council wanted. Benetti said that it is up to the Commission to determine what is best.

Weir explained to the Commission that counting animal units is one way to address the water quality issue within the City. She informed the Commission that the City would respond on complaints only. She felt that horse population will continue to reduce over time as it has been doing.

Pederson asked Weir and staff if utilizing animal units is the right track to measure and Weir confirmed by stating yes. Simons asked Weir about the manure management plan. She said another approach could be that if one wants to go over the animal units, the property would be required to go through a much more restrictive manure management program.

Chris Renier pointed out that the function of the Commission should be to make recommendations to the Council with what they think makes sense and not what the Commission thinks the Council is looking for from them. She further raised the point that animal units may not be the way to resolve the problem.

V. Reid is concerned more with manure management and felt properties should be able to exceed the proposed table if they have a good manure management program. R. Reid said that the Commission would not have to decide what the manure management would be for each property, but rather the applicant would have to provide the Commission with a recommendation since technology changes.

Litts asked if we prohibit grazing in a wetland. Benetti explained that we don't allow it under our wetland ordinance. He said that under the proposed ordinance, if we allow one animal unit per acre it wouldn't exclude wetlands or heavily wooded areas so grazable acres is a measurement utilized in calculating the number of animals allowed on a property.

Benetti suggested that staff improve the proposed grazable acres definition to simplify it.

Pederson asked if wetlands were fenced off would it be easier to determine grazable acres. He further questioned how we determine wetland areas. Benetti explained that wetland delineations are required under land use applications.

Consensus of Commission was that animals are currently grazing in wetlands.

Weir agreed that if a complaint is made, or if staff sees a violation, the City would follow through with the complaint.

R. Reid asked if most hobby farms in the City would have to be a CUP. Finke said they would not be and that a CUP is triggered by commercial uses and accessory structure size.

Simons requested a simple grazable acre definition and that we reference the wetland ordinance.

He thought it would be best to not have a distinction for properties under or over 10 acres. He suggested that if a property owner wanted to exceed the number of units allowed they would need to go through the CUP process.

The Commission discussed “accessory structures for buildings used to house animals” and concluded that a 150 foot setback was appropriate.

Public Hearing closed at 9:52 p.m.

Motion by Litts, seconded by Simons to approve the changes as discussed.

Motion carries unanimously (Absent: Verbick and Nolan).

9. **Public Hearing - Ordinance Amendment – Chapter 8, Section 825 of the City’s Zoning Ordinance - Pertaining to regulations related to Accessory Structures.**

Benetti presented the application and more specifically explained that the proposed accessory structure height does not allow the structure to exceed 30 feet (mean roof line), nor shall any roof line exceed 35 feet in overall height (top of roof).

R. Reid said that the recommended height conditions applied to all structures except farm buildings used for agricultural purposes. Benetti stated that he would add language to the height restrictions allowing agricultural buildings to be an exception.

Weir asked if the City can still have accessory structures with sport courts or tennis courts on the second story. Benetti explained that the Commission originally wanted staff to establish something simple. R. Reid felt that it’s not what is inside of large buildings, but to decide a maximum height.

The Commission discussed barns recently reviewed. Pederson felt comfortable with the proposed ordinance. Litts and R. Reid felt the ordinance needed to define farm building. Benetti agreed to add the definition.

Benetti explained that a detached garage used primarily for storage of products from the principal building would not be allowed to exceed the height of the house. V. Reid raised concern of a ranch style home (one level) wouldn’t allow a two story garage with an office above. She doesn’t have an issue with the detached structure being larger than the house. Simons asked Benetti what is the intent of the ordinance. Benetti said the intent of the ordinance is to restrict the height. Pederson raised concern that motor homes wouldn’t be able to fit in a detached garage with the proposed height restrictions the way it is written.

Benetti reviewed exterior building material requirements. Simons agreed that getting away from galvanized steel was good, though he wasn't sure about requiring the exterior building materials to match the house if the accessory structure is detached.

Benetti reviewed the accessory structure square footage/acreage chart. He informed the Commission that staff increased the allowable square footage. R. Reid asked that we add footprint instead of square footage for those buildings that have more than one level.

Pederson stated he'd rather see one structure per lot than two. He also discussed with the Commission matching the street side of the structure with the house. Simons stated that with larger parcels more than one side of an accessory structure could be visible.

The Commission discussed amongst themselves what was acceptable for the maximum size of a building for lots less than 3 acres in size and also for lots over 3 acres.

The Commission felt satisfied with the proposed chart under Subsection 4.

Benetti reviewed accessory structure standards for properties over 5 acres. The Commission recommended the 10,000 square foot standard be reduced.

Benetti explained to the Commission that he discussed the exterior design requirements with the City Attorney and the attorney felt the language should include words such as "compatible" and designed with the "rural character of Medina". The Commission concluded that the added language was good, since it provides flexibility of the Commission and Council on future applications.

Benetti reviewed the proposed CUP requirements for accessory structures over 10,000 square feet and the design standards that would be required. He stated that he included requirements similar to those placed on Hogan and Nunn.

The Commission discussed the provisions of the ordinance as it pertained to exterior elements, textures, and colors for structures over 10,000 square feet.

R. Reid asked the question of materials fading. Finke clarified the requirement that it pertains to the quality and warranty of the products.

Benetti discussed best management practices and that they apply to applications for buildings exceeding 5000 square feet.

The Commission discussed accessory structures 120 square feet or less in size to not count towards the maximum square footage requirements for a lot. Accessory structures such as play houses, sheds, or gazebos would fall within this category.

Opened public hearing at 11:01 p.m.

Closed public hearing at 11:01 p.m.

Motion by R. Reid, seconded by V. Reid to approve the accessory structure standards with changes as discussed.

Motion carries unanimously (Absent: Verbick and Nolan).

9. Open Discussion Items

- Open Discussion Items: Schedule Special Meeting July 17, 2008 for Wind Turbine Tour.

Benetti explained the special meeting and asked which Commission members could attend.

Motion by R. Reid, seconded by Simons

Motion by R. Reid, seconded by Simons to adjourn at 11:10 p.m. Motion carries unanimously. (Absent: Verbick and Nolan).