

CITY OF MEDINA PLANNING COMMISSION
DRAFT Meeting Minutes
Tuesday, June 10, 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, and Jim Simons. V. Reid arrived at 8:37 p.m.

Absent: Mary Verbick

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

R. Reid gave update:

- The Council heard a presentation from Kim Ann, intern discussing the idea of a Farmers Market
- The Council discussed the intersection of County Road 116 and State Hwy 55
- The Council awarded general obligation bonds
- The Council approved Walter G. Anderson's land use application
- The Council approved a solid waste management program
- The Council discussed Plymouths comprehensive plan
- The Council recognized Police Officer David Hall for his years of service
- The Council reviewed and approved a lot line rearrangement for Kirk/Lane
- The Council heard an application for Three Rivers Park District and revised the condition of approval to extend the allowable years to construct the eight remaining camper cabins. The Council extended it from 5 years as recommended by the Planning Commission to 10 years.

4. Planning Department Report

Benetti updated the Commission on three new applications submitted, describing each land use type.

5. Approval of May 13, 2008 Planning Commission Minutes

Motion by R. Reid, seconded by Litts to approve the May 13th 2008 minutes with changes as noted. Motion carried unanimously (Absent: Verbick and V. Reid).

6. Greenwood Stables LLC – Sara G. Hogan – 1982 Hamel Road (PID #10-118-23-42-0001) - Conditional Use Permit and Variance to the building height requirements to replace existing barn with a new 18,740 square foot private horse barn/indoor riding arena (Continued Item – Closed Public Hearing).

Finke presented the application explaining that the structure was relocated to meet setback requirements since the May meeting and no longer needs a Variance to the side yard setback requirement. He explained the need for a CUP since the structure exceeds 3,000 square feet and that a Variance is required since the structure exceeds the height requirements. Since the previous meeting the Fire Marshal had provided comments requiring a 7 ton fire lane leading to the barn, 20 feet in width. He further explained the structure size and materials, and reviewed the CUP and Variance Standards noting the applicant reduced the pitch of the roof to be closer in height to the existing house. Staff recommends approval of the application.

Pederson raised concern with the new roof pitch and snow load implications. Aaron Fritzke, a representative of Ram Buildings responded to the concern. R. Hogan stated that they reduced the pitch to meet the minimum height requirements based on the requests of the Commission at the May meeting. He further stated that if he had a choice he'd prefer to go back to a 4/12 pitch for snow load issues and aesthetic appearance.

Simons asked about the 16" reduction in building height and if the applicant still needed a Variance. Finke responded that a Variance would still be needed and the applicant attempted to minimize the Variance by changing the roof design but continues to exceed the height of the principal structure. The snow load concern would be reviewed when the applicant applies for a building permit. He stated the applicant has made an effort to minimize the Variance and supports approving of the application. If the Commission had concern with the aesthetics and function of the roof design the Commission could choose to approve the height Variance as originally submitted.

Pederson stated that the City's ordinance restricting the height of buildings needed work and that the future ordinance shouldn't be based on the height of the primary structure. R. Reid agreed with Pederson and didn't think the applicant should be penalized for having a smaller residence.

Nolan asked if the older structure would be removed. R. Hogan described the location of the new structure and explained it would be approximately 175 feet from the principal structure and that the old barn location would be returned to paddocks. He stated he'd prefer the fire lane be relocated to reduce the hard coverage and improve the functionality of the fire lane. He requested to be able to meet with staff and be allowed some flexibility in its location so that it not only works for the Fire Marshal but them also. He said he understands the need for a fire lane and does not have an issue with installing one on-site.

Nolan commended the applicant for the complete plans and that returning the old barn site to paddocks was a good idea. He agreed that staff should work with the applicant on the location of the fire lane.

Pederson felt the applicant did a wonderful job but had two concerns: 1) The 13th condition needed language to add a fire lane, allowing flexibility with location; and 2) An additional condition should be added to require fencing around the existing mound, primary and alternate sites. He felt the barn location was too close to the mound system and that the mound areas should be fenced off. R. Hogan responded by saying that he has fencing curbs that he plans to use since he had the same concern. Pederson further expressed his concern for the need to fence around the primary and secondary alternate sites.

V. Reid said she again was not concerned with the height variance as expressed at the previous Commission meeting in May.

Litts agreed with the rest of the Commission and felt that the barn was beautiful. She also supported the height Variance.

Simons agreed with the Commission.

Motion by Nolan, seconded by Litts to approve the CUP and height Variance for the construction of a barn subject to: 1) Installing a fence around the existing mound system and septic site locations; 2) Requiring a fire lane with flexibility on location; 3) Allowing a 4/12 pitch type roof; and 4) Requiring the existing barn to be removed prior to a final building inspection of the new barn.

Motion carries unanimously (Absent: Verbick and V. Reid).

7. Public Hearing - 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.

Benetti presented the application to the Commission describing the wind turbine height and noise decibel comparisons. He also described setbacks, sight visibility and code compliance. He noted that the City code only allows wind turbines in agriculture districts through a CUP or PUD.

Pederson questioned if a light would be on the wind turbine. Applicant, Roy Earl, Hennepin County Engineer stated that the hub would be lit and not the blades. He pointed out the hub is at the center point of where the blades are affixed and would not rotate with the blades.

R. Reid asked if steps would be taken to minimize noise. Earl explained that turbine manufacturers are always looking to make improvements and the newest models are always the most up-to-date. The County will be purchasing a new turbine from the manufacturer with the most up-to-date technology as possible. Tony Hainault of Hennepin County reviewed the noise data with the Commission. Greg Carr, Hennepin County explained the rotation of the

blades on the wind turbine and the type of noise it generates, which rotates at a very slow speed and has more of a delayed whoosh sound than a constant sound.

Pederson asked why the applicant wasn't reducing the height of the wind turbine and adding an additional turbine. Earl explained that the wind is very good in the area proposed and their intention is to have one wind turbine (more efficient) at a greater height rather than multiple wind turbines with lesser height. Pederson further asked what the payback was to recover costs. Earl explained that it'll cash flow after 10 years and the longevity of the turbine is approximately 20 years, which includes insurance costs to guarantee cash flow. The years that the turbine has cash flow the county will allocate for replacement of the turbine.

Simons asked how much power the County needed. Earl explained that it consumes 2 ½ million kilowatts per year. Simons expressed that he wanted the County to be able to have the turbine support Hennepin County's need for power without having to purchase additional.

Simons read an opposition letter submitted by Thomas Borman on behalf of Dellcraft Farms to the Commission. The letter stated their opposition to the proposed land use application and how it would be more of an industrial type use adjacent to a hobby farm/residential type use, which would devalue their property. Borman requested the City to consider changing the use of their property and allow sewer and water sooner if the proposed land use application is approved.

Simons asked if a wind turbine was an allowed use under the current zoning district. Benetti explained that the site is currently covered under a PUD which allows the Commission to allow a wind turbine. Simons asked if the application met all code compliance requirements and Benetti explained that building codes would be reviewed when the applicant applies for a building permit.

Nolan asked for clarification of the two locations proposed (options). Benetti explained why two options were submitted and why. He stated the applicant prefers option #1 which is fine with staff.

Nolan discussed the surrounding homes in the area and the distance of the tower from neighboring properties. Hainault stated that when the data submitted refers to wind turbine setbacks it pertains to other wind turbines and their wind rights and not the setbacks of adjacent homes. Simons explained the inconsistency with the noise data provided for the application.

Nolan asked the applicant what happens to the wind turbine after 20 years, will it be taken down. Hainault stated that the cost of decommissioning the turbine is factored into the overall cost and yes it would be removed.

Litts stated she researched complaint articles pertaining to wind turbines in Wisconsin and Illinois. One concern of the US Fish and Wild Life is that wind turbines can impact birds. Hainault stated that the National Audubon Society supports wind turbines but that they do ask that wind turbines not be installed in natural fly ways. Hainault also explained that the manufacturers have made design improvements so that birds wouldn't perch on the blades.

Litts mentioned that most complaints weren't noise related but more of the complaints pertained to the vibration, flickering, and shadows made from them and the impact on neighboring residential windows. Hainault said he couldn't comment on Litts concern but would be happy to have the commission tour the one at St. Olaf in Northfield, MN. He recommended markers be placed around the perimeter of the turbine in Northfield so that those that take the fieldtrip could get an idea of distance as it relates to sound, shadows and vibration. He also volunteered to assist in arranging the tour.

Litts said that the articles also talked about residents within a quarter mile having issues with television reception, motion and shadows. She felt that since this would be along highway 55 it may be something of concern. She also indicated that her research suggested wind turbines should be at least one mile from homes and schools due to the motion and shadow distraction.

R. Reid asked if St. Olaf mentioned receiving any complaints. Hainault said he was not aware of them receiving complaints. He further stated that it is Hennepin County's intent to follow all requirements of the City through this process.

R. Reid asked what restrictions the City could attach to the application. Benetti reviewed the conditions identified in the staff report and further discussed the area around the tower that would have potential for future residential homes.

Simons asked the applicant if they would be selling power and if so could they build one in a different location. Greg Carr, Hennepin County stated that since Hennepin County is a leader in technology they think this is a good way to continue their efforts of being a leader. He said that they completed a study of the general area and that the proposed site is one of the better locations for a wind turbine. Hainault also stated that Western Hennepin County has good wind resources and the proposed location is a very good site.

Public Hearing opened at 8:36 p.m.

Kirt, representing Dellcraft Farms spoke to the Commission. He is concerned with the constant moving shadow the turbine creates, the eyesore it would be and the negative impact it would have on residential properties near it. He's also not sure if anyone would build near it. He went to Elk River to visit the wind turbine there and parked their car 200 feet from it and noticed the whoosh sound that it creates. He felt it was disturbing and that it was more of a commercial or industrial type use in nature and shouldn't be near residential homes. His wife also felt that the sound was very disturbing and that if anyone had to be near it, it would drive them crazy.

Close Public Hearing at 8:43 p.m.

Pederson felt the Commission should discuss the issues of noise and unsightliness. He asked the Commission if they were comfortable with the proposed size, location, and lighting.

Nolan felt Pederson's comments were all good. He felt the data was not real clear and was conflicting. He's torn whether this is the right location, yet supports alternative energies.

Once he heard that the County would be selling energy he wasn't sure it was the best location since it is more commercial in nature and would be next to a residential area. He's not saying no, but isn't convinced that it wouldn't be a problem.

R. Reid raised concerns pertaining to noise and vibration. She indicated that once a person starts to hear the noise or feels the vibration it would be difficult to block out. She doesn't think our notification process/distance is acceptable. She felt we need to expand the notification mailings to a broader area since the impact of the turbine would be beyond those adjacent. She is also concerned that it will be producing more electricity than what they really need.

Litts has a tough time with the application. She spoke with two neighbors that were not on the notification list and one neighbor was fine with the turbine and the other didn't want to live near it. The research she found says that most communities recommend a one mile radius from residential areas. She didn't think we knew enough about the wind turbines to recommend approval yet does agree that green energy is a good thing.

Simons asked about the notification distance. Benetti stated the notification mailing went 350 feet. Simons stated that he would like to hear from more residents. He felt it was a showcase project but isn't convinced that this is a good location. The inconsistent data submitted and impact of future development is a concern.

Pederson asked the Commission if they'd want to go on a field trip to Northfield because he is leaning towards tabling the application. Benetti said it's a good idea to go on a field trip, invite the city council, and expand the area of notification.

R. Reid felt the mailing notification should be City wide.

V. Reid stated she was concerned with the wind turbine size and that it is more of a commercial type use yet realizes that no one wants it in their back yard. She doesn't want to destroy property values but realizes that the noise pollution on highway 55 already exists. She feels a little more supportive than the other Commissioners since wind energy is a direction we need to be going. She does not think it is a terrible location. If she had to pick a location in Medina she felt that this is a good location since the area already has a lot of other noise with the traffic and railroad tracks.

Pederson asked how close is option 2 to the railroad tracks. Benetti said approximately 350 feet.

Carr stated he would like to set up markers at the Northfield wind turbine location. The markers would be placed in locations that would identify the setback distance of various items such as residential lot lines, nearby homes, and fall zone. He is in support to table the application and provide labels for the city wide mailing notification. He will get clarification on questions asked and prefers to have the Commission see the wind turbine up close.

Benetti explained to the Commission that the mailing would be \$1,000.00 if it was City wide. He informed the Commission that he would have to clarify who pays for a mailing of this type. A consensus was made by the Commission to have a city wide mailing. Benetti explained that

the mayor had called asking questions relating to the economic feasibility of such a project and that research was going to be done.

Hainault said that the turbine manufacturer researches what size a future purchaser could afford. Simons made a motion to table the application requesting additional information and that a field trip be arranged to look at a wind turbine similar in height in Northfield.

Motion by Simons, seconded by Nolan to table the application, require a City wide mailing and set-up a field trip to Northfield.

8. Continued Public Hearing - Ordinance Amendment to Chapter 8, Section 834 of the City's Zoning Ordinance – Pertaining to regulations related to Uptown Hamel District.

Finke presented the application and explained that an open house was held to get opinions from the public. He explained that staff researched financial institutions as requested at the previous meeting and found that commercial property is more difficult for loan purposes if the use is residential. He informed the Commission that the proposed ordinance allows legal non-conforming uses to be rebuilt if damaged and that they will have a process to go through if alterations or additions are requested in the future (IUP). A few of the residents at the open house were concerned with mandating commercial and residential of their property since their lots are quite small.

R. Reid asked if a memory care facility could count towards affordable housing. Benetti said that it would not count. R. Reid asked about assisted living and Benetti indicated that assistant living may qualify.

Finke presented the changes in the ordinance since the previous meeting. Reviewed how uses are classified.

Pederson asked if we allowed a fourth level to a building if this could be used for affordable. He explained that he attended the affordable housing presentation by Kim Ann and felt that the Hamel area is an area he'd want to look at for this type of housing. Benetti added that he could review with the Commission the incentive based options to draw in affordable units. Pederson asked the Commission if anyone had questions.

V. Reid asked the Commission if they liked the idea of four stories. Nolan commented that affordable housing wasn't what people may realize since the number is really higher. Benetti stated that the majority of the pictures displayed at the open house were four stories and that staff focused mainly on pedestrian friendly design. He said that affordable housing is typically high density developments and that the goal for the Commission was to decide whether they supported the Uptown Hamel area for affordable housing.

Finke commented that staff met with the Fire Marshal and that four stories could be allowed in some circumstances though sprinkler systems may be necessary. He pointed out that Argent Parc has 34 units per acre in three stories and asked for feedback from the Commission.

Simon's comments on not mandating and how it could impact developments.

Finke stated that the district is mixed use which allows control of future development. Simons asked how we police the issue if we don't mandate.

V. Reid concerned that if we push affordable housing real hard that we may not get what we really want. She felt we may want to make it a vibrant and livable space. Simons asked how many houses currently exist within this area. Finke stated that it has 35 residential homes. R. Reid asked if it was possible to allow four stories on some applications and not others. V. Reid responded by saying that when a building goes beyond three stories it doesn't have a small downtown feel and that this area is quite small.

Nolan suggested staff look at Wayzata's design guidelines. Finke responded that we'd already incorporated quite a few standards from them and that they primarily mandate brick.

Public Hearing re-opened at 9:55 p.m.

Pederson asked for direction from staff on what items needed comment for the ordinance.

Finke asked the Commission their opinion on density. Nolan stated that he doesn't have an issue with density or four stories. He would like to look closer at the design standards. Simon's stated he was fine with four stories as long as we integrated the Wayzata standards.

R. Reid said she was alright with a couple four story buildings but would not like to see all of them that height.

V. Reid said she doesn't like four story buildings for this area and feels Wayzata is a larger area and their maximum height is three stories.

Finke asked which Commissioners were fine with mandating residential and Nolan, V. Reid, and Simons liked the idea.

Finke asked the Commissioners their opinion of the concern raised by residents at the open house regarding residential mandating.

V. Reid said that maybe this is a really big thing we're doing to these owners. Finke stated that their use was supported by the ordinance to allow their residential homes to continue.

Pederson felt that most people that attended were more interested in selling and moving on. Finke confirmed that most of the people commented on the future uses.

Pederson asked about the laundry list of uses. Finke said that he looked at all the uses and incorporated as inclusive as possible.

R. Reid feels the book store, coffee shop, small retail, and convenience store would make sense to add plus smaller retail.

Nolan recommends we add "the same or similar to" language for uses.

R. Reid asked if all development would be required to go to the Planning Commission and Council. Finke responded that a site plan review would require the applicant to go to both Planning Commission and City Council.

V. Reid asked about memory care. Benetti stated that the applicant would have to apply for a text amendment to allow the use. He further indicated that now is the time to incorporate such a use if the Commission felt it belonged within this district.

Finke informed the Commission that staff could include additional design standards if the Commission felt it necessary.

Nolan asked what standards within the proposed ordinance are similar to Wayzata's design standards. Finke said that the current and proposed design standards are very similar to Wayzata. Requirements such as exterior break-up of walls, building materials, setbacks, and higher levels are similar.

Benetti discussed affordable housing and possible incentives.

Nolan, V. Reid and Simons expressed their support for affordable housing incentives.

Benetti asked if the Commission wanted to implement other incentives such as reduced building permit fees. He voiced concern that the Metropolitan Council may ask for specific numbers and that we needed to plan.

Nolan said that he was alright with reduced building permit fees.

Benetti also added that the City can allow tax reductions.

R. Reid felt that it is a good idea to offer incentives and that in the future when we no longer need to provide incentives it can be eliminated as an option.

Public Hearing closed at 10:26 p.m.

Motion by R. Reid, seconded by Litts to recommend approval with suggested changes.

Motion carries unanimously (Absent: Verbick).

9. Construction Site Storm Water Run-off Control Ordinance – Request for Recommendation from Planning Commission – (No Public Hearing)

Jesse Carlson of Bonestroo presented the item explaining the topics of storm water run-off and erosion control. He indicated the PCA had requested the City look at revising its current ordinance.

Nolan asked Carlson to provide the Commission with the areas of the ordinance that needed changes so that it would be in compliance with current standards. Carlson replied with the following:

- The current ordinance does not have an inspection requirement.
- It doesn't require tracking of rainfall events.
- Erosion and sediment control should not be a choice of one or the other, it should be both.
- The current ordinance does not regulate sites under one acre.

Simons asked why one acre or less. Finke said we want the ability to review erosion control measures ahead of time which is during the building permit process. This therefore requires the builder to install silt fence or erosion control measures prior to the start of a project. Also, if silt fence falls down or becomes in disrepair the City can require that it be fixed, which we currently can not require on lots of one acre or less.

Motion by Nolan, seconded by R. Reid to recommend approval with recommended changes to scale back on subd. 7. and subd. 9. of the ordinance for lots with activity under one acre.

10. Open Discussion Items

a) Rural Residential Zoning District Standards and Accessory Structure Standards.

Benetti explained that staff gave a presentation to the Council regarding accessory structure building height. The Commissioners discussed the topic broadly.

Nolan stated that height and architectural standards are important to him. He favors that applicants bring in building material samples.

Benetti informed the Commission that any property over three acres that wants to exceed the square footage requirements must go through the CUP process.

Benetti asked the Commission if the height should be tied to the principal structure. The consensus of the Commission was to have staff research the topic. They did not feel that it was necessary to tie the height of the accessory building to the height of the principal structure.

Pederson recommended the Fire Marshal have the ability to review and assist in determining the maximum height.

Benetti requested feedback on accessory structure size.

Nolan stated that the City allows 50% hardcover which is a lot. The Commission agreed that 50% is a lot of hard coverage.

Simons stated that having a maximum hardcover is a logical way to regulate, which is flexible yet firm.

R. Reid left at 10:46 p.m.

Simons felt that a formalized landscaping plan should be requested under all CUP's. Nolan felt that applicants could afford to submit the documentation the Commission needed to complete an adequate review. He also felt that massing, runoff, materials, color, and landscaping are important elements to review during the process.

Simons inquired about the five acre contiguous suitable soils requirement and how it came about. Benetti explained that the 10 acre minimum is a standard by Met Council.

b) Affordable Housing Policy:

Pederson asked Benetti if the Commission needed to discuss this topic. Benetti explained that he had gotten enough information from the Uptown Hamel ordinance discussion to move forward with writing the ordinance.

Motion by Nolan, seconded by Simons to adjourn at 11:04 p.m. Motion carries unanimously.
(Absent: Verbick).