

## **CITY OF MEDINA PLANNING COMMISSION**

### **Meeting Minutes**

**Tuesday, March 11, 2008**

**1. Call to Order:** Chair Jeff Pederson called the meeting to order at 7:02 p.m.

Present: Planning Commissioners Jeff Pederson, Michele Litts, Robin Reid, Victoria Reid (left meeting at 8:35 p.m.), Jim Simons and Mary Verbick.

Absent: Planning Commissioner Charles Nolan.

Also Present: Planning Director Tim Benetti, Associate Planner Dusty Finke, and City Wetland Conservation Act Agent John Smyth.

**2. Public Comments on Items not on the Agenda**

Pederson stated that last year, Metro West Inspections and Highway 55 Rental had donated trees which were planted at Maple Park during Clean-Up day. Loren Kohnen had already offered trees again this year. Pederson stated that if the Planning Commissioners wished to take part in planting trees at Clean-Up Day, Highway 55 Rental would donate an additional tree per Commissioner.

**3. Update from City Council Proceedings**

Weir presented a brief summary of Council activities since the February Commission meeting.

The Council recognized Police Reserve volunteers; discussed regulations for oversized accessory structures, and will address these regulations as part of the Comp Plan implementation work; extended fire service agreement with Maple Plain; accepted plans and specs for the Hamel Road reconstruction project; discussed the long-term financial situation with Ehlers; approved Stauber with PC recommendations, and urged the developer to leave the possibility for additional units to the south; approved of a very ambitious workplan for updating ordinances in order to implement the recently approved Comp Plan; discussed TMDL of phosphorus into Lake Sarah; and set up an LIC Workshop for April 29<sup>th</sup>, as well as an Open House for improvements at the CR116 & Hwy 55 intersection for April 22<sup>nd</sup>.

**4. Planning Department Report**

Benetti noted three applications the City had received, which hopefully can be heard at the April Commission meeting: a site plan review, amended CUP, and lot combination for Walter G. Anderson; a CUP for an addition to an accessory structure at Skyrock Farm; and a sign variance for Holy Name Church. He said the department had also completed interviews for the new Planning Assistant, and that person should be in place in early April.

**5. Approval of February 12, 2008 Planning Commission Minutes**

**Motion by Verbick, seconded by Litts** to approve the February 12 minutes, with two changes noted by Commissioner Verbick. **Motion carries unanimously** (Absent: Nolan).

**6. Ordinance Amendment – Section 815 – Pertaining to regulations related to signage.**

*Public Hearing - TABLED from the February 12, 2008 regular meeting.*

Finke presented a brief staff report. He stated the ordinance approaches three primary topics: 1) dynamic signs; 2) off-premise signs; and 3) additional signage for 4-sided architecture. He said the staff report explained the three topics. He noted that the scope of the amendment was limited because the City would be looking at this ordinance again in a few months as part of updating the zoning code for consistency with the updated Comp Plan.

R. Reid inquired how many existing dynamic signs were within the City.

Finke noted there are two existing signs which the regulations may apply to along Highway 55. There are also electronic gas price signs at some of the gas stations in the City, although these signs are likely not to change more than once every five minutes, even with gas prices rising the way they are.

Simons inquired if it would be easy to decide which existing buildings should be considered four-sided, and which would not be eligible for a bonus.

Finke stated that if an applicant from an existing building requested additional signage for the back of an existing building, staff could examine the planning files and look at architectural design to determine if four-sided architecture was intended. Staff should be able to fetter out the people who are just trying for additional signage.

V. Reid inquired if the major concern on the dynamic signage was safety.

Finke stated that it was a major portion of the concern, because the signs can be terribly distracting to drivers.

Verbick stated the safety concerns are very legitimate, but there is also an issue with visual pollution. The City should have reasonable guidelines for this.

R. Reid said when she passes the signs along I394 and I494, they are extremely distracting. She wished the League would come up with some data on the safety issues.

**Public Hearing opened at 7:26 p.m.**

Jeff Pederson (Highway 55 Rental – 225 Highway 55) stated they have had an approved and permitted message sign for 10 years. Through agreement with the City, they post public messages for the City and other community groups. He said they believe the sign is not the type being described and is not as distracting. They are requesting the sign be considered a grandfathered community sign and be allowed to continue for the benefit of the community and Highway 55 Rental.

Verbick stated the signs at Highway 55 Rental and the Medina Entertainment Center have been in existence and part of the community for a long time. She believes the draft allows the signs to be grandfathered in, which is reasonable.

Finke stated that something which is non-conforming would be allowed to continue, but could not intensify. The signs wouldn't be allowed to change more often, flash more, or be increased in size. However, under the draft, they wouldn't be required to come into compliance with the regulations.

Pederson stated that he would rather it not become a non-conforming sign.

Verbick inquired if there was some reasonable way to allow the sign to be designated as continuing under a previous regulation and not be called non-conforming.

Finke stated that the sign would be non-conforming. The sign would be changing more often than a sign would be allowed to under the updated ordinance. He stated it should be called what it is, but that he would confer with legal staff to see if there was any other way to deal with existing signs.

V. Reid inquired how a sign that was destroyed by a storm would be handled.

Benetti stated that the new sign would have to comply with the updated standards, or they would have to apply for a variance.

Finke said he believed that statute now allows for a replacement of a non-conforming use that is destroyed by a storm as long as a permit is pulled within a certain amount of time. The Commission had a similar discussion with the wetland ordinance, and legal staff stated the non-conformity could be built back to its original state. He stated that he would confirm with the City attorney as to whether this was true.

Bob Raskob (Medina Receptions – 500 Highway 55) stated that their sign had gone up in 1999. They have six businesses in the building and employ 113 employees. He said they have to let the public know what they offer, and the sign does a good job of that. He stated that he is unaware of any complaints on the sign. He believes it changes every 30 seconds. He stated that he wishes for it to be allowed to continue as it is, because the sign is doing a good job as it is.

R. Reid inquired why the bonus only applied to the Urban Commercial district.

Finke stated that it was thought this would be the most likely place for four-sided architecture to occur. However, Commissioners could recommend it in other districts.

**Public Hearing closed at 7:38 p.m.**

**Motion by R. Reid, seconded by V. Reid** to recommend approval of the ordinance as written to allow existing signs to continue as is and also with further research on other ways to handle existing signs. **Motion carries unanimously** (Absent: Nolan).

**7. Ordinance Amendment – Section 828.43 – Pertaining to Regulations Related to Wetlands. Continued Public Hearing**

Finke presented the staff report. He discussed the changes made to the draft since the February Commission meeting and suggested specific topics which the Planning Commission may wish to discuss.

**Public Hearing continued at 7:50 p.m.**

Paul Robinson (Bancor Group, Medina Country Club) stated they believe the Minnehaha Creek watershed rules give enough wetland protection. They appreciate the maximum ratio and the matrixes described by the staff report. He said he is concerned the setback is still too large and he suggests more flexibility on the minimum buffer width. He stated a preserve requires a buffer and setback of 40-50 feet, which doesn't allow a great deal of flexibility and is still more than the largest Minnehaha buffer. He urged adding flexibility to setbacks and sliding the minimums down a bit to allow additional flexibility. He stated that using buffer averaging, the City doesn't lose buffer because the narrower portions are made up for elsewhere.

Abdhis Bhavsar (2105 Chestnut Road) stated he was thinking about proactive ways to protect wetlands. The wetland ordinance is reactive, not proactive. He stated he had two suggestions: 1) Sequestering large portions of property for a set amount of time (using grant money) in order to protect wildlife; and 2) incentivizing people to deal with their runoff, perhaps through tax credits. He stated buffer zones a few feet wide aren't effective for wildlife.

**Public Hearing closed at 7:57 p.m.**

V. Reid inquired if a small addition to a home would trigger the buffer requirements.

Finke stated that most work within 100 feet of a wetland which requires a permit is likely to trigger the 20 feet buffer requirements. The 50 cu. yd./5000 sq. ft. threshold is fairly low and will likely be triggered if there is land alteration/excavation.

Verbick stated she regrets the compromises that have already been made to the draft. The Commission has focused heavily on people's rights and less on the broader context of the environment, water quality and wildlife. We constantly impact the earth's ability to recharge and refresh our limited water supply. She regrets that we haven't had a long-term view to protect not only the public good, but for species habitat, species corridors and other things that are so essential. She stated that hopefully this is a compromise that can move forward without being further reduced or compromised.

Simons stated that he appreciates the comments on how important it is to look at the ordinance from the more macro view. He said there had been quite a bit of compromise, but the real question is how reasonable was the starting point before the compromising began. He stated that he is very favorable of the flexibility that has been built in. He said he is concerned that the minimums still seem higher than they ought to be, and that additional flexibility should

be built into the setbacks. Simons stated the Minnehaha Creek Watershed buffers are well tested, and this current draft exceeds those standards, even without considering the setbacks.

R. Reid stated she appreciates the staff's efforts at integrating additional flexibility. She stated the ordinance has addressed her main concerns and it is ready to move forward.

Litts stated the setback from the buffer is very important, whether it is 15 feet on all sides, or some lower number. She said this is an ordinance the City can be proud of.

Pederson stated the staff did an excellent job listening to public and Commission comments. He said he believes the setback should be reduced to 10 feet, but is not willing to argue about the additional five feet if the Commission is supportive of 15. He stated that he is comfortable with the draft as it stands.

V. Reid stated the draft is great, and that it is amazing that staff can listen to all the varying comments and come back with a draft that approaches most of them. She inquired if a very small setback should exist for all structures, so that people can paint and maintain them on the side facing the buffer.

**Motion by Verbick, seconded by R. Reid** to recommend approval of the ordinance along with the Commission's comments.

Simons inquired if there was a consensus on the Commission to recommend that flexibility be added to the setback requirements of the ordinance.

Verbick suggested that Simons vote 'no' on the recommendation and state that as his reason.

Simons stated that he will vote no in order to show his support for flexibility being allowed for setbacks in addition to the buffers.

**Motion carries** (Opposed: Simons; Absent: Nolan).

**Motion by Simons, seconded by V. Reid** to recommend that the ordinance incorporate setback flexibility, with an absolute minimum, similar to the language used regarding buffer width.

Finke noted that flexibility in setbacks will be much more difficult to formalize and administer. Buffers are described through a legal description and can be shown graphically much easier, while setbacks will be significantly more difficult. He suggested additional buffer flexibility, perhaps by reducing the minimum buffer requirements, rather than trying to define some sort of flexible setbacks.

Simons stated that there could certainly be innovative ways to accomplish it.

**Motion carries** (Opposed: Verbick and R. Reid; Absent: Nolan)

**8. Abdhish and Mary Bhavsar – 2105 Chestnut Road (PID 15-118-23-24-0003) – Conditional Use Permit for construction of a 8,400 sq. ft. accessory structure in the Rural Residential (RR) zoning district.**

Finke delivered a brief staff report. He stated the City Council had discussed accessory structures in the RR district broadly during their March 3 meeting, but had not directed staff to prepare ordinance amendments. He noted the Comp Plan implementation workplan shows RR regulations being completed early in the process, so the Commission will likely be discussing RR regulations, including accessory structure regulations, early in the summer. He stated the applicant had integrated some architectural elements into the design since the February Commission meeting, including windows, cupolas and overhangs. The updated plans also identify an access drive as requested by the fire marshal. Finke noted that the applicant has discussed a possible alternate location for the structure which would be more screened from the east. He stated that staff had not fully reviewed the alternate location and it was not part of the Commission packet.

Pederson stated staff could present the alternate location at the Council level if it seems like it would work well, but the Commission probably shouldn't discuss it, since it hadn't been reviewed yet.

R. Reid stated she would likely not support the alternate location if it would impact a lot of trees.

Abdhish Bhavsar (Applicant, 2105 Chestnut Road) stated they had taken the comments from the Planning Commission and worked with their neighbors in an attempt to make the architecture more pleasing and more like a barn. Additionally, 8-9 ft. Black Hill Spruce trees will be planted to the east. He stated they have offered to lower the height of the building another two feet to show their willingness to work with the Commission and neighbors. Additionally, they could move the structure to the west farther into the woods which would screen it even more. This would require removal of numerous trees, but they could save the largest maples. He said his family had offered to purchase the Turnquist's property adjacent to their property line if the Turnquists ever subdivided their property. The proposed structure is complementary to their home and is made of steel and concrete. The siding is of high quality paint with a 20 year warrantee. The siding and roofing steel is of higher quality than was approved on the Schleeter and Evanson barn last year. He said they had moved to Medina for the City's openness, freedom to do things with their property, freedom to raise animals. He stated they were aware of the ordinances when they chose to move to Medina and they are not trying to do anything that hasn't been done before, or anything that is harmful to Medina.

Simons inquired which location the applicant preferred.

Bhavsar stated the alternative location would require the loss of more trees than they wished. However, if it kept the peace, they would be willing to place it there.

T. Cody Turnquist (2000 Chestnut Road) thanked Bhavsar for spending the time on the new design. There have been improvements, but they are still concerned with the overall height.

He stated they preferred the alternate location because it hid the structure from all portions of their property. He said they were afraid of all of these 'super-structures' being built for purposes outside of the character of Medina.

Jim Lane (2605 Hamel Road) stated his comments didn't pertain to this application, per se, but rather with the City's overall regulations pertaining to accessory structures in the rural area. He stated this is the fourth application for these massive structures and the Commission and Council have basically punted. He urged the Commission to think conceptually about accessory structures. They should bear some relationship to the primary structure on the parcel. A primary use of 5000 sq. ft. shouldn't have an accessory structure twice its size. The Commission shouldn't let four more of these massive structures bite us. He urged the Commission, regardless of what they decide on this application, to recommend that the Council use its authority to remedy this problem proactively.

Verbick stated that being proactive is good. However, you can't always anticipate what the next generation thinks is a 'reasonable use of property.' Going back a generation, it was quite common for a house to be quite modest and the accessory structures to be much larger. These things should be kept in mind as we go forward.

Pederson stated he believes the City should regulate size of accessory structures in the future. The applicant has done a great job trying to break it up. He suggested different materials on the bottom, perhaps concrete. It meets the requirements, and the plantings are nice. He said if staff believes the structure should be moved to the alternate location, and the Council agrees, he wouldn't have a problem with that.

Litts said she agrees that it is a very large. She prefers the secondary site, not only because it is more hidden, but also because it opens up potential pasture area. The structure does look better. It may be nice to differentiate materials, but this may get too expensive and not practical.

R. Reid stated that these things always end up looking larger than you think. The new design looks like a barn and has been improved. The structure will not be visible from the road. She stated the offer to purchase the property is generous. She said she would not oppose this barn, but definitely thinks the accessory structure regulations should be looked at. Maybe it is a square foot multiplier. She doesn't want these all over, but this one won't be seen.

Simons stated the secondary location may have a marginal benefit. He said the Commission will be discussing this issue in a few months, and it will likely be fairly complicated, with all sorts of formulas to consider.

Benetti inquired if the Commission were comfortable with the red color scheme.

Pederson stated the red may make the structure seem larger than a neutral color would.

Verbick inquired if the Commission should get to the level of regulating color schemes. She inquired if the applicant really wished for a red barn on the property.

Bhavsar said most of their house is white with yellow accents. However, in the interior, there are grey and red steel accents. He said the Commission seemed to want a structure that looked more like a barn, and they thought the red may help with that.

Christian Dean (Applicant's architect) stated that the design is based off a traditional barn and was designed to appease neighbor and Commission concerns.

Verbick said she wouldn't regulate the color scheme, although she may think differently if it were orange with purple polka dots.

**Motion by Simons, seconded by Verbick** to recommend approval of the CUP along with conditions of staff report, an added condition requiring the trees as shown, and a recommendation to have the Council review the alternate site. **Motion carries unanimously** (Absent: Nolan and V. Reid).

#### **9. Future Meeting Information**

Benetti stated that the Hwy55/CR116 Open House on April 22 was meant as an invitation for the Commissioners who wished to attend. However, the City Council wanted all Commissioners to attend the Low Impact Design workshop on April 29<sup>th</sup>. He noted that the Commission may also wish to use the opportunity for an additional meeting regarding some of the ordinance updates.

Finke noted the Commission should call a special meeting for the LID workshop, since the Commission will have a quorum. He stated this would allow the Commission to also meet after the LID workshop for additional agenda items if necessary.

**Motion by Verbick, seconded by Litts** to call a Special Planning Commission Meeting on April 29, 2008. **Motion carries unanimously** (Absent: Nolan and V. Reid).

#### **10. Adjourn:**

**Motion by Verbick, seconded by R. Reid** to adjourn at 9:20 p.m. (Absent: Nolan and V. Reid).