

## **CITY OF MEDINA PLANNING COMMISSION**

### Meeting Minutes

Tuesday, April 14, 2009

1. **Call to Order**: Commissioner Robin Reid called the meeting to order at 7:00 p.m.

Present: Planning Commissioners, Robin Reid, Michele Litts, Victoria Reid, Beth Nielsen, Jim Simons and Mary Verbick.

Absent: Charles Nolan

Also Present: City Administrator Chad Adams, 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**:

Weir updated the Commission that the City Council:

- Approved the four commercial ordinances;
- Approved a civil defense siren installation agreement with Hennepin County for a siren to be placed on the Hennepin County Public Works site;
- Approved a feasibility report for 2009 mill and overlay road projects for a section of Pioneer Trail, and the neighborhoods of Cherry Hills, Elm Creek Drive and Sycamore Trail, with costs to be partially assessed to benefiting properties;
- Approved a Data Practices procedure that makes correspondence concerning Medina City matters to be available upon request. This procedure includes staff, Council, Planning and Park Commissions;
- Reviewed a commercial business survey that will serve as a basis for our summer intern to research ways Medina can help to incentivize businesses to locate in Medina;
- Administrator Chad Adams, Mayor Crosby, Liz Weir and Jeanne Day, Finance Director promoted to our representatives an extension of the five year-rule governing RIF Districts to July 2014, in order to allow the City to build more infrastructure in Uptown Hamel and to have it count as “in-district” expenses. Our bill will be included in the Omnibus Bill, but whether it survives multiple amendments to TIF requests is another matter;
- Authorized staff to look at purchasing land for a future water tower;
- Directed staff to look how to remedy the unfortunate placement of electrical boxes at the junction of Sioux Drive and Hamel Road in Uptown Hamel, which impede sight lines at the junction and detract from the general appeal of the streetscape;

- Recognized Public Works Superintendent Steve Scherer for 15 years of service;
- Made adjustments to the Comprehensive Plan, as required by Met Council. Our biggest issue is the restrictions the Met Council has placed on Conservation Developments in the Long-term Sewered Service Area, basically the MCWD, in the southern third of the City. The Met Council objective works directly against Medina's goal to preserve ecologically sensitive areas and the City's rural heart;
- Agreed to a limited master landscaping plan for Hamel Legion Park;
- Reminded the Commission that Clean-up Day is April 25<sup>th</sup> at City Hall from 8:00 a.m. to 2:00 p.m. All volunteers are welcome and it is a fun community day.
- Endorsed Commissioner Simons concept of including total capacity to regulate the intensity of use of institutions within RR districts.

#### **4. Planning Department Report:**

Finke updated the Commission on upcoming projects and ordinances such:

- Wranglers Restaurant in Uptown Hamel
- Comprehensive Plan Ordinance Update
- Annual Park Tour Invitation
- Bird Watching Tour

#### **5. Approval of March 10, 2009 Planning Commission Minutes:**

**Motion by Litts, seconded by Verbick** to approve the March 10, 2009 minutes with recommended changes. Motion carried unanimously.

#### **6. Presentation: Low Impact Design – Julie Westerlund, Minnehaha Creek Watershed District.**

#### **7. Public Hearing: Holy Name Cemetery – (PIDs 24-118-23-14-0011 & 24-118-23-14-0006) – Lot Combination, Conditional Use Permit, Site Plan, Interim Use Permit, and Easement Vacation to expand existing cemetery and construct a wooded pathway for cremation burials.**

Peterson-Dufresne presented the application to the Commission. The Church purchased the property to the east of the existing cemetery and proposes to combine the lots in order to expand onto this property. The applicant proposed 344 additional in-ground burial sites and 100 above-ground niches that will be placed along a proposed woodchip path in the wooded area on the lot. The wooded pathway would have above-ground stones and benches for cremation remains. Peterson-Dufresne stated that the Interim Use Permit arises in order to allow the single-family home to continue to be used on the same lot as the cemetery. She also stated that the home and in-ground burial location meet setback requirements of the ordinance. The woodchip path encroaches within the setback to the north, so staff has recommended as a condition of approval

that no above-ground cremation niches be allowed in the setback area. Peterson-Dufresne stated that the septic tanks were inspected last fall and not found to be weather tight. A condition of approval has also been placed for correction or replacement of the septic tanks. She stated that five trees would potentially be impacted by the in-ground burials due to the dripline of the trees.

Dan Garry, Parish Administrator, stated that the church purchased the single family home property 15 years ago from the Armstrong's. They have 50 existing in-ground sites remaining with approximately 20 burials per year. He said that they would like a decision on their application so that they know whether they can use the property for the cemetery. He explained the Phase II plan and how it will provide additional options for grieving family members in the future. He stated they are relatively flexible and wishes to please the area residents.

Public Hearing is opened at 8:22 p.m.

V. Reid asked Garry if the condition to limit the use of the single family home for a maximum of 15-years is a concern. Garry stated that 15 years is a fairly long time and he is not certain the church will utilize the home over the entire time.

Weir stated she was concerned with the 74 black hills spruce trees since the tree ordinance encourages the use of multiple species of trees to ward off any diseases that could eliminate a large mass of trees in one area. Peterson-Dufresne stated that adding more than one tree type could be a condition of approval.

V. Reid asked if notification was sent to surrounding neighbors. Peterson-Dufresne stated that mailings were sent out providing notice.

Verbick raised concern with the potential increased internal roadway width for Phase II since it's a low impact project. She liked the recommendation staff placed on the project, which requires the roadway to be re-evaluated. She would like to not immediately increase the width of the roads. Peterson-Dufresne explained the Fire Marshal's concern for access that wouldn't necessarily be fire related. She would also like the evaluation to be done mindfully and not go overboard, so not to compromise some of our commitments to water quality.

Nielson asked why staff is recommending the road widening wait until Phase II. She asked if it was because of the limited amount of use. Peterson-Dufresne concurred. Nielson also inquired as to why vehicles are parked along the cemetery road on Sundays, which appears to be for church service or overflow. Brian O'Brien, the cemetery volunteer, stated that parking in the cemetery usually only occurs on Christmas and Easter. Nielson further stated she sees parking there on most Sundays and O'Brien explained that the people parking there are attending the church service and the cemetery to visit their loved ones.

V. Reid asked if the wetland delineation was for one of the lots or for both lots. Peterson-Dufresne clarified the wetland delineation was for both lots. She further explained that the delineation couldn't start until after May 1, 2009.

Public Hearing closed at 8:29 p.m.

Simons said he supports the condition requiring replacement of trees if more than 15 percent of significant trees do not survive the construction of Phase I. He further stated the proposal was well prepared, complete, and supported moving forward with a motion of approval.

Peterson-Dufresne suggested adding a condition requiring diversification of trees rather than all of the 74 trees being black hills spruce. The Commission supported the added condition.

**Motion by Simons, Seconded by Verbick to recommend approval** of the CUP, IUP, and Site Plan review with two additional conditions noted by the Commission (absent Nolan).

**8. Public Hearing: Ordinance Amendment – Chapter 8, Sections 825 and 826 of the City’s Code – Regulations related to the Public/Semi-Public zoning district and other regulations related to institutional land uses such as municipal buildings and religious institutions.**

Finke presented the ordinance amendment explaining how the City got where it is currently with the growth of City Hall and Churches within the RR zoning districts. He explained the moratorium to the Commission in how it allows the City time to research what direction it should go with institutional uses. It helps create a new district for institutional uses in the rural area; also removes the uses in the RR districts. Other changes to be made during the ordinance update would include allowing institutional uses in sewer residential areas.

Finke further explained that the City has to look at both the 2000-2020 and 2020-2030 Comprehensive Plan objectives. He explained what uses would be permitted, conditional, accessory and prohibited within the new RPS District. He pointed out with direction of PC and CC that schools would be prohibited in the district since the Commission and Council felt that a sewer area would be more appropriate.

Finke explained the recommended and existing lot standards for City Hall, Woodridge Church and First Apostolic Church. A comparison of Lake Elmo was also provided for comparison.

Finke explained building design regulations related to size (maximum building size of 50,000 square feet total floor area and 35,000 square feet maximum building footprint), height, exterior building materials, and multi-sided architecture was explained as directed by the Commission last month.

Finke explained landscaping and screening, highlighting the use of LID practices, tree planting and tree preservation. He recommended the Commission discuss the tree planting recommendation.

Finke recommended outdoor lighting to have zero foot-candles 25 feet from the property line, which would require the applicant to take active steps in reducing light impacts. Mechanical equipment and trash enclosures were also noted with City Hall not being in compliance.

Finke reviewed standards for religious institutions:

- Access to arterial roadways would be required
- Sanctuary seating capacity would be limited to 500 persons
- Existing facilities would conform without an ability to substantially expand
- A maximum of 500 persons on site to be allowed at one time, with the exception of four larger events allowed per year

He further explained similar regulations for City Hall as adopted for religious institutions such as occupancy.

The Commission also discussed daycare/early childhood education as an accessory use and how they relate to the principal use. The Commission concluded that daycares/early childhood education would have size restrictions.

Verbick asked if there was a place in the City we could use LID practices. Finke said it could be placed within the purpose statement so if opportunities arise it would be in the ordinance.

Simons stated the proposed changes seem to avoid nonconformity. He asked if staff had examples of instances where nonconformities were avoided purposefully. Finke said the lot size standards and parking setbacks were examples. He further explained building materials would bring many buildings out of compliance. Simons asked staff concerning occupancy load information. Finke explained the largest church has 930 max people.

Public Hearing opened @ 9:14 p.m.

Carol Busch, 2175 Hollybush Road, has been a resident for 17 years and has been attending Woodridge Church for about 10 years. She explained that experiences at the church have enriched their lives. The addition that the church proposes fills an empty area at the rear of the building and should not have an impact to surrounding properties. She feels the church is an asset to the City.

R. Reid explained to the public that the item is not to talk about a specific church.

Steve Hoffer, staff member @ Woodridge Church, resides in City of Plymouth and has issues that were raised at the last Planning Commission meeting. He considers himself a resident even though he doesn't live in Medina. He explained that he met with neighbors near Woodridge Church to try and resolve concerns related to traffic, existing entrance (the entrance location was not their choice), hard-surface run-off, and quality of water, exterior lighting. He feels the Commission has done an excellent job, with the exception that the number of persons proposed to be allowed to exceed 500 people. He said Woodridge Church exceeds the 500 people maximum. He explained they are in the City of Medina and want to be respectful of the community. They do not have plans or designs that create them to be a mega church.

R. Reid asked if the ordinance allowed them to expand to twice the size of the sanctuary as it is today, would it work for Woodridge Church. Hoffer said possibly, but it would depend on what would be allowed with the other square footage.

Nielsen asked if a church has larger events would they need additional parking. Hopper said they have been fine with existing parking. Simons commented on the threshold related to size of churches. He further explained that some sort of stipulation is necessary. Hoffer explained that the City should base it on the building and fire codes that are already in place.

Peter Slocum, 1752 Co. Rd 24, asked if nonconforming vacant lots could be developed in the RPS district for institutional uses and if they needed to have five acres of suitable soils. He has issues with lighting; and wonders if the number of lights the church is using could be reduced if the church doesn't need all of them in use. He also likes the screening code. Finally, he does not like the 50,000 square foot allowance and prefers 40,000 square feet, since a lot of the churches could double in size; and he doesn't feel it's appropriate in the rural residential district.

Ann Kuntz of Station 19 Architects, project manager, said church planning is their focus and they work all over the country. She said churches almost without exception have multiple uses going on at the same time, which make it rather arbitrary to use a multiplier. She said the IBC regulation is already being handled. She feels the City is taking on an area that is already being handled through the building code and placing it into zoning ordinance. She feels most regulations recommended can be met by most churches, with the exception of number of occupants. She recently finished a church with 2500 occupants and it was a 50,000 square foot building. She said she is all for sustainability. Lastly, the number of persons is the sticking point in the ordinance.

Martha VandeVen, 1765 Medina Road, said she has a concern with intensity of institutional uses. She would like the use to conform to the surroundings. She counted traffic on the Sunday prior to Easter and counted 415 vehicles with two services. Her concern is if the facility was expanded it would be more people going to the site, which would result in traffic problems. Woodridge's web-site has thirty-four adult discussion groups that meet off-site. If those groups came to the church after it expanded, it would mean more traffic. She used an example of Wooddale Church in Eden Prairie, which has a large number of services. She still has a concern with septic and run-off and encouraged the Commission and staff to look at it further.

Alan Wondra, 2045 Tamarack Drive, said he lives in a home approximately 2000 square feet in size. He gave an example of his home size in relationship to a 50,000 square foot building and felt it is way too intense for a rural area, especially if it's on private sewer. He likes the idea of having wastewater calculations to measure the intensity of use. The number of seats in the sanctuary isn't the best way to come up with the maximum size or capacity.

Bruce Quam, an attendee at Woodridge Church who lives in Minnetrista, said they can adjust lighting and the sanctuary is not being proposed to expand. He said the septic system would be expanded and water run-off has improved with the holding ponds captured. He added that

the church is also in compliance with parking. Simons asked about the agricultural field comparison, and Quam explained they have a pond.

Cal Peterson, representative of First Apostolic Church, built in 2003, said they have a very low level of activity with bible classes on Wednesday night and two services on Sunday. His main concern is the sanctuary size. They do not have classrooms and all activities are done in the sanctuary. He feels the church would be impacted by the maximum 500 sanctuary seats. He is also asking for relief on the exterior building materials, since the church has vinyl siding.

Simons asked for specific roadway standards for religious institutions. Finke explained roadway classifications.

Verbick asked for staff's response to citizen comments and concerns. Finke explained the rationale for the 50,000 square foot building maximum and the sanctuary size. He further explained the City has a number of structures in the RR lots that are in the 20,000 square foot range.

R. Reid asked about church steeples and how they are measured. Finke explained that the City does allow exceptions and further explained how to measure building height.

Simons recommends to not guide institutional uses along minor arterial roadways. He prefers arterial roadways. Finke summarized opinion. R. Reid concurred with Simons opinion.

R. Reid asked if something could be done with the time lights should be turned off. Finke explained that turning lights off at 10:00 pm would mean the current City hall lights would be out of compliance tonight, but could be looked at as a condition of approval.

Simons asked about screening and blocking the view of single family homes. Finke said that he could add language referencing topography. Simons discussed intensity of use regulation options. V. Reid raised concern that the proposal brings Woodridge Church out of compliance. Simons asked if traffic control could be regulated with an application. Finke provided an example at one of the City's golf courses.

Verbick felt the multiplier option is contradictory and the building/fire code has a built in regulation. Parking was also discussed. R. Reid asked if anyone had an issue with 500 sanctuary seating. Finke stated that First Apostolic Church had a concern and he would contact them.

The Commission appeared to be in consensus that square footage is better to regulate than the number of people (occupancy).

Simons pointed out that he is alright with something smaller than 50,000 square feet. This is an activity that we're guiding out. Allowing a church to expand is a concern to him.

Nielsen felt that the regulation should start with the footprint size. The Commission discussed intensity. Simons felt the Commission should look at maximum square footage. Finke explained there are other ways to break up massing. He said it's the floor area.

V. Reid asked if Medina has buildings of 50,000 square feet of floor area. Finke explained the intensity of use is very different from an institutional use.

Ann Kuntz of Station 19 Architects, project manager, stated if the City regulated the total number of people at one time, Woodridge Church would exceed the proposed regulation, which would mean they could not add onto the building based on number of people. Finke clarified that the church would have to make other shifts in services and times to provide all the activities they may want to offer so that they wouldn't exceed the maximum occupancy. He explained there are a number of properties with more than 50,000 square feet of floor area in the RR district.

The Commission concluded that they agree on the following:

- Arterial roadways are appropriate
- Floor area should be a maximum of 45,000 square feet
- Sanctuary seating to be a maximum of 500 seats

Simons said he prefers, if using a ratio, it be 2-2.5 or 45,000 square feet if it's floor area. He prefers something lesser if possible.

Adams raised concern that the Commission was comfortable with allowing the existing churches to expand.

Public Hearing closed at 11:03 p.m.

**Motion by Verbick, seconded by V. Reid to approve the Ordinance** with recommended changes to arterial roadways, reducing the footprint to 45,000 square feet, utilizing a multiplier closer to 2.5, adding LID language, and researching renting of church buildings. Motion carried unanimously (absent Nolan).

**9. Public Hearing: Zoning Map Amendment – Rezone the following parcels to Rural Public/Semi-Public:**

- a. PID#22-118-23-24-0004 – 2052 County Road 24 (Medina City Hall)
- b. PID#23-118-23-23-0001 – 1500 County Road 24 (Woodridge Church)
- c. PID#27-118-23-23-0008 – 2300 Cox Trail (First Apostolic Lutheran Church)

Finke presented the application.

Public hearing opened at 11:05 p.m.

No public comment

Public hearing closed at 11:07 p.m.

**Motion by V. Reid, seconded by Verbick to approve the rezoning and map amendment.**

Motion carried unanimously (absent Nolan).

**9. Adjourn: Motion by Verbick, seconded by Simons to adjourn** at 11:09 p.m. Motion carried unanimously (absent Nolan).