

## **CITY OF MEDINA PLANNING COMMISSION**

### Meeting Minutes

Tuesday, June 9, 2009

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

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

Absent: Beth Nielsen and Charles Nolan left meeting @ 8:15 p.m.

Also Present: 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:**

Finke read an update from Council Member Weir that the City Council:

- heard an annual report from Long Lake Fire Chief Van Eyll;
- heard that the Medina spring nature walk, led by Park Commissioner and naturalist Madeleine Linck was well attended;
- held a public hearing and approved resolutions for the 2009 mill and overlay road project for Sycamore Trail, with 50 percent of costs assessed to benefiting properties;
- tabled the open public hearing for Pioneer Trail mill and overlay;
- discussed a possible Uptown Hamel Monument sign at Highway 55 and Sioux Drive, with Council expressing concerns about its visibility from Highway 55;
- learned that it would cost a minimum of \$10,000 to move even one of the large electrical utility boxes at the corner of Sioux Drive and Hamel Road; so as an alternative, perennial native grasses have been planted to help screen them;
- directed staff to find the cost of screening garbage containers at City Hall;
- received a clean financial report from auditors Abdo, Eick and Meyers;
- directed staff to make further changes to the Rural Public/Semi-Public Zoning District in order to control intensity of land use in a district in which the purpose requires low intensity land use; and
- set dates to begin planning for the 2010 budget.

**4. Planning Department Report:**

Finke updated the Commission on future projects and ordinances.

**5. Approval of May 12, 2009 Planning Commission Minutes:**

**Motion by R. Reid, seconded by Verbick** to approve the May 12, 2009 minutes as written. Motion carried unanimously. (Absent: Nielsen)

**6. Wranglers Restaurant – David Willis (PIDs 12-118-23-41-0012, 12-118-23-41-0013 & 12-118-23-41-00014) – Amended Site Plan Review to construct an addition to the rear of the existing building and construct a parking lot for a proposed restaurant/bar.**

Finke presented application to the Commission. He explained the plat was not on the agenda for review, but rather the amended site plan. He reviewed what triggers a Site Plan Review and explained the application was for a 990 square foot addition and an expansion of the parking lot since the original Site Plan Review. He further reviewed exterior materials and stated he met with the City's Building Official and he supports hardi-board siding over wood.

Finke explained the mechanical equipment regulation and that the applicant is requesting to install the mechanical equipment on the roof. He asked the Commission to determine whether rooftop equipment should be allowed rather than on the ground as required by code.

Finke explained the location of the trash enclosure had changed since the previous site plan review, which staff feels is an improvement for on-site circulation. Access to Bar/Restaurant would continue to be available through the front and rear of the building (north and south elevations).

Finke raised concern with the west side of the new parking lot. The parking lot dead ends and would be very difficult for a vehicle to pull out of their space.

Finke explained the lighting requirements and that the trash enclosure area would have hardi-board exterior to match the principal building.

He explained staff recommended a rain garden within the parking lot which would be a condition of approval.

Simons explained that at the previous site review a condition was placed on the application to only allow a 20 foot maximum width. Finke explained City Engineering staff was in support of the access drive width of 20 feet.

R. Reid raised concern with the long uninterrupted horizontal hardi-board siding. She would like to see variation and does not want to design the appearance, but thinks there could be more thought put into the two sides of the building. Exterior material samples were provided by Peterson-Dufresne. Finke explained that brick, stucco, stone, and glass were allowed in a UH zoning district. The Commission suggested decorative concrete be added as an acceptable exterior material in a future text amendment.

Simons asked what the setback requirement was for the trash enclosure. Finke explained the district does not have setback requirements for the enclosure.

R. Reid asked what the thought process was for not allowing rooftop mechanical equipment. Finke was unsure of the reason for the code, but thought that taller buildings may be able to look down on other buildings and see the rooftop equipment.

Jim Willis, applicant, said he was available to answer questions. V. Reid asked what was behind the decision to add more parking. Willis said it would be more marketable. V. Reid asked Willis if additional stalls were needed since the addition was proposed. Willis said the addition requires four additional spaces be added. He said they will always own the parking lot and only sell the space for the building. R. Reid asked if he was using an architect. Willis said they have an architect and would use a different firm to design the final building design to meet all codes and conditions.

Willis explained the rooftop equipment would be easier to install if it were on the roof and would be screened from view.

R. Reid said she would like to see the same stone texture that is on the front of the building to be installed on the walls of the addition. Nolan said it wouldn't be difficult to add stone to the existing building and it is attractive and not overly expensive. Willis stated he does not have an issue with adding the stone. Nolan suggested a slight stager of the wall can really change the architectural appearance of the building. Willis explained the existing building and said he had no problem with making architectural improvements.

Nolan asked why the trash enclosure was moved. Willis explained that it was purely due to the issue of odor. Nolan asked if it was possible to convert two parking stalls on the west end of the parking lot for a drive aisle and replace them by the trash enclosure. Nolan felt it may take a little more asphalt, but would have better circulation overall.

Finke suggested one-way and slant parking on the west side of the parking lot. He also noted the future potential for lining up the internal drive aisle with the lot to the west. If this would occur, it would provide a nice circulation pattern.

Simons asked the applicant how he felt about the LID improvements within the parking lot. Willis said he would have to run it by his engineers, but was not a problem with him. Verbick likes the idea that it establishes a trend for the area to implement LID practices. Finke explained the LID requirements were not placed as a condition of approval and if the Commission wanted the applicant to do additional research to present to the City Council, they could make the recommendation. Nolan asked for LID to be placed as a condition and it would be a Council option to eliminate.

Finke explained he can work with the LID language if the Commission wanted to add it as a condition.

Simons suggested improving the architectural elements of the addition and west side of building, which could be a condition for the Council to discuss.

R. Reid said light fixtures were discussed at the previous meeting and wondered if the applicant had done additional research since that time. Willis explained he did not pick out a light fixture yet, but that more unique fixtures are a lot more money than standard fixtures. The Commission clarified the type of fixture they envisioned, and Willis was supportive of the “old town” look.

R. Reid asked if the code had specific design standards for lighting. Finke explained the City does not have design standards for fixtures. Willis explained he can dress up a round pole with a different “old fashioned” style fixture.

V. Reid said for an urban feel she leans towards allowing rooftop equipment. R. Reid felt rooftop equipment goes with the territory in an urban setting.

Nolan’s main concern was if the rooftop equipment would be visible, and would look at it as an architectural element that is difficult to visualize. Willis reviewed the location of the rooftop equipment.

Simons, V. Reid, R. Reid, Verbick, and Litts were satisfied with mechanical equipment on the roof.

R. Reid asked what the signage would look like. Willis said the metal on the front of the building would be covered with a red canopy.

Litts asked about the lighting ordinance and if a compromise could be made. The light pole is proposed to be 20 feet tall. Finke explained the light would be required to meet reflective glare requirements (footcandles), but felt changing the fixtures would change the footcandles at the property lines.

Verbick feels that light pollution has been an on-going issue and they should be turned off when not being used.

Nolan summarized:

- The parking lot should be modified to create an improved circular flow
- The applicant shall consider some sort of drainage flow through LID
- Allow hardi-board and require brick to be added to exterior of building to match what currently exists on west elevation
- The applicant shall consider spandrel glass on the west and north elevations
- The applicant shall install a light fixture that has an “old downtown” appearance
- The Commission was in support of mechanical equipment on the rooftop, and that it should be adequately screened
- Staff shall expand condition 5 to add details regarding face brick
- The Commission supported the proposed landscaping and green space

**Motion by V. Reid, Seconded by R. Reid to approve the Site Plan Review with recommendations and conditions specified. (Absent: Nielsen)**

**7. Public Hearing - Ordinance Amendment to Chapter 8, Section 826 of the City Code – Related to regulations on maximum animal unit density per grazable acre in the Agricultural Preservation and Rural Residential zoning districts.**

Finke provided review of the proposed ordinance amendment to the Commission.

Verbick stated the purpose is to not have too many animals in too small of a space. She does not feel the wooded area should be counted as grazable acres and language should be created to better clarify without being too restrictive for people who have large lots of land.

Verbick said she doesn't have a problem with allowing Type 1 wetlands for grazable acres. She asked if the City would want to gather historical information over time. Finke said that no one would compile the information unless a property owner was proposing a project. Finke explained staff has various data bases for information that may not be exact and over time the nonconformity issue would wash away.

Finke explains Type 1 wetland may deter people from removing trees. Type 1 wetland grazing lessens the restrictions and increases the allowable acreage for more animal units.

Simons reviewed the "alternatives" with the Commission. Finke explained by adding Type 1 wetlands staff would not be able to determine the type specifically. The owner/inquirer would be required to complete wetland delineation.

V. Reid asked staff if many animal owners were out of compliance. Finke stated that from the phone calls received, they were fairly out of compliance.

R. Reid asked why a nonconformity carries over with the sale. Finke explained the legalities for nonconforming uses.

Simons asked how staff regulates the buffer area around Type 1 wetlands. R. Reid asked what was put in the wetland ordinance about grazing. Finke said there was no language put in the wetland ordinance; therefore, there is nothing to stop animals from grazing in the wetlands.

Finke asked about Type 2 wetland buffer areas and allowing grazing. Simons pointed out the question is really how to calculate grazable acres.

Allowing Type 1 essentially relaxes the code yet is more difficult to calculate.

Finke said the City Engineer explained that Type 1 wetlands will be much less likely to be damaged by trampling or grazing than other types of wetlands if this occurs during a dry time of the year.

R. Reid felt the wetland ordinance should be modified prior to making a decision. She said why count areas as grazable acres and not allow them to graze within it. Finke and Simons felt that it doesn't make sense.

V. Reid questioned how many people would be out of compliance. She felt the City may need to add an educational component and has concern with a regulation that is really not clearly in compliance.

Litts felt animal owners want to take good care of their animals and if they have a small parcel they would reasonably choose what would be appropriate. She further felt the City would have issues with revising the wetland ordinance.

R. Reid asked if the City has rules for manure management. Finke explained the City does not and that manure management was one of the issues. Finke explained during the Open House it was pointed out that if manure management is the issue, then regulating the manure should be done rather than animal units.

Conclusion of Commission was to utilize performance standards to regulate manure and over-grazing. Finke said he can either go away from animal units, or keep animal units and add performance standards.

Finke asked the Commission for clarification of performance standards and what level they are looking for within the standards. He said they could be broad or specific.

Summarized:

- Adding purpose statement is ok
- V. Reid would rather increase animal units and not count Type 1 wetlands or its buffer area to calculate the number of permissible animal units.

Simons asks what is it the Commission is really being asked by the Council. Finke said that a lot of properties are already grazing in Type 1 wetlands and so it allows it to continue. He didn't think the objective was to increase the number of animal units by adding Type 1 wetlands.

Simons said he was fine with including Type 1 wetlands.

Finke asked for overall direction of the Commission; and if specific items did not have consensus, the Commission could vote.

Simons asked for the definition of over-grazing. Verbick feels the Commission is being asked to digest something very difficult in a short amount of time. R. Reid asked if the purpose is to make it be easier for staff. Finke did not feel it was the Council's reason to make the change. Finke explained staff took the ordinance to the Council for discussion and to get clarification of how to interpret grazable acres, as well as whether wooded areas should be included or excluded in grazable acres. Finke said the Council was adamant that wooded areas should not be included in grazable acres.

Finke asked what type of information the Commission is looking for from staff.

Public Hearing opened at 9:43 p.m.

The Commission was alright with Type 1 wetland, but concerned with the implications.

Public Hearing closed at 9:54 p.m.

R. Reid made a motion to add the "Purpose Statement," which expands the ability to implement a CUP.

Motion by Simons, seconded by Verbick to allow Type 1 wetlands as grazable acres. R. Reid, Simons, and Verbick in favor. Opposed: Litts and V. Reid, based on concerns with how it fits within the wetlands ordinance. All concerned with implications to the wetland. The Commission agreed as a whole to have further discussion on performance standards. The Commission recommended the ordinance be taken to Council prior to the Planning Commission hearing it again. R. Reid said they would need a lot of information prior to discussing. (Absent: Nielsen and Nolan)

**8. Adjourn: Motion by V. Reid, seconded by Verbick to adjourn** at 10:00 p.m. Motion carried unanimously (absent: Nielsen and Nolan).