

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Wednesday, September 13, 2006

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

Present: Commissioners Crosby, Verbick, Johnson, Pederson, Dickerson.

Absent: Commissioners Fortin and Jacobson.

Also Present: City Planner Rose Lorsung, City Planning Consultant Sarah Schield, City Assistant to Planning & Public Works Dusty Finke.

2. **Public Comments:** None

3. **Update from City Council proceedings:**

Rose Lorsung delivered a brief report from City Council proceedings.

4. **Discussion of Comp Plan Neighborhood Meetings October-November**

Lorsung stated that the City Council directed Planning and Park commissions to coordinate more informal neighborhood meetings. Staff would be in a support role, and the Commissions would be running the meetings.

Crosby inquired into the reasons for calling special meetings rather than just meetings.

Lorsung stated that for Open Meeting Law reasons, special meetings needed to be called in case there was quorum.

Crosby suggested Commissioners emailing Lorsung with their availability.

Crosby suggested staff lay out outlines (perhaps with topics, timetables, etc.) on how the meetings should be

Lorsung asked if the Commission would like to set up a Work Session to prepare for the meetings.

Crosby stated that this should not be necessary. General consensus of the Commission concurred.

5. **Discussion of possible second planning commission meeting, October 2, 2006 (would need to post publication legal by September 14, 2006).**

Lorsung stated that a 60-day extension was submitted by the City and this meeting would no longer be necessary.

6. **City Planner's Report**

Lorsung stated that at this point that Bancor's Concept Plan on residential property along the Country Club is the only for sure item that will be on the agenda in October. The cemetery along Highway 55 may also be ready.

7. Approval of August 8, 2006 Planning Commission minutes

Crosby suggested the Cavanaugh insert be added, minus the language regarding not appreciating the lack of discussion on ghost platting on his property.

Motion by Verbick, seconded by Pederson to approve the August 2006 Planning Commission minutes with the insert by Mr. Cavanaugh as discussed. **Motion passes unanimously** (Fortin and Jacobson absent).

8. Loram Maintenance of Way: Site Plan, CUP, Variance for Outside Storage and Building Height

Lorsung delivered the staff report and stated that the applicant has been very gracious in extending deadlines to allow for a very thorough review. Lorsung reminded the Commission that this discussion will include a public hearing.

Lorsung stated that the site is fairly large (33 acres), and does include 5 wetlands. The plans include some filling of wetlands, which are proposed to be mitigated at a 2:1 ratio.

Lorsung noted the area for outside storage (50,000 sq. ft.) would be moved to the southern portion of the property, behind a large number of trees specifically included for screening. She noted that the Business Park district allows for 20% of the building footprint is allowable in outside storage. The applicant is requesting a variance which amounts to 42% of the footprint to be allowed in outside storage.

Lorsung noted that the applicant is also requesting a variance for the building height of 2.5 feet above the allowed height of 35 feet. She showed the area of the building that will exceed the maximum height, an architectural element that will not be used for office space or storage.

Lorsung reviewed the discretion the City has in these applications. In the case of a CUP and Site Plan, the City has a low level of discretion, and should approve the project if it meets ordinance. As far as variances are concerned, there is a fair amount of discretion.

Lorsung suggested that if the Commission would recommend approval of the variances, that they include Findings of Fact. She also noted that the Site Plan would be contingent upon the approval of the variances.

Public Hearing opened at 7:34 p.m.

William Roozenboom (CRESA partners) introduced Tim Heisel from Loram, who would be filling in for Mr. Cherry who was out of town on business.

Crosby asked Roozenboom to help the Commission with the issue of hardship.

Roozenboom stated that Loram is a very unique business. Some of the items built are 750 feet long, and inside storage of such items are not be either environmental or economically feasible.

Tim Heisel (Loram) stated that he has worked at Loram since 1979. He offered an example to illustrate the outside storage matter. If a person were to take apart a car, all of the components would take up 20 times as much space as the finished car. He asked Commissioners to imagine this with a 750 foot long piece of equipment.

Heisel stated that Loram has worked very hard to reduce the outside storage needs to the point that they are proposed. Heisel added that if a railroad has a breakdown, they have a very short time to build a replacement part, or else they may be fined. He stated that Lorsung had touched on most of the points well, so he did not want to repeat too much.

Paul Holmes (Pope Architects) also discussed the hardship issue. The main hardship that is faced is the unique nature of the business that Loram is involved with. Loram can't conduct their business without the outside storage. He noted that the proposed storage is 1/8 of what is currently being stored outdoors. Holmes stated that the building sets a new architectural standard. He hopes it will set a new standard along Highway 55. The height variance is requested so that the main entrance stands out, almost like a beacon. These areas are 10x20 feet. The areas of the building taller than the maximum make up 2% of the building total footprint.

Bruce Workman (2212 Chippewa) stated that he has been working with Loram for two years as they planned this update. The main goal was to get the outside storage down. The expenditure will be approximately \$15 million, and this is a great addition to the tax base in an industrial area. He hopes the City can find a way to make it work, and work for Loram.

Dickerson inquired into the why a letter from the applicant stated that the building would be 42 feet.

Lorsung explained the way in which the City measures building height actually measures from the average from peak to eave. This gives the height of 37.5 feet.

Dickerson inquired if 35 feet was a reasonable height within the Code for today's buildings.

Lorsung stated that this was a policy decision, and if there were large areas of industrial, it may be appropriate, but it needs to be a policy discussion.

Kohnen stated that most of the firetrucks that serve the City can only reach up to 30 feet. Hamel and Loretto do not have a ladder truck that reach any higher.

Dickerson stated that Hennepin County Public Works is 43 feet tall. He inquired if they had a variance.

Lorsung stated that she did not believe they did.

Dickerson stated that he knows Loram has been in the City for a long time, and he hopes they can work it out. Yet at the same time, the City is growing and there are the issues of the "grippers" to deal with. If the outdoor storage is well screened, it is almost like an "out of site, out of mind" situation. He verified that with all of the outside storage, if it would meet impervious surface calculations. He inquired if the areas that are shown as green would stay open space, or if the outside storage would overflow onto it.

Lorsung stated that the green space must be seeded or sodded and that the City would obtain a financial guarantee to make sure.

Dickerson inquired if the applicant was planning to add trees as suggested by staff. Holmes stated that they would agree with the conditions presented in the staff report.

Johnson inquired how many shifts were employed at Loram. Heisel replied that there were two shifts.

Johnson stated that she stepped back from the entire minutia and looked at it from the big picture. The height issue seemed to be a matter of safety, but since it was empty space, this seems to meet the safety intent of the ordinance.

Johnson stated that as long as the additional screening would be added, she would be comfortable with the outside storage. The intent of the ordinance is to block the storage from sight.

Crosby stated that he was in favor of the variances and had prepared some possible hardship findings of facts. For the outside storage variance:

- 1) Loram has been continuously operated in the same line of business in Medina for 25 years.
- 2) The business of railroad car construction and repair has special needs and to continue in this line of work without additional outside storage would constitute hardship.
- 3) The proposed outside storage is a very substantial improvement over the existing outside storage conditions.
- 4) The area of the city in which this is located has other properties with substantial outside storage, albeit screened storage.
- 5) The proposed site plan meets hardcover requirements.
- 6) The site plan will include substantial additional screening.

Crosby added some qualifiers that should be considered.

- Both the City and the applicant have to agree that if there would be a variance, the City must enforce it, and the applicant must agree to abide by it.
- City staff must work to make sure the screening trees are planted as suggested.

Crosby suggested findings of fact for the height variance.

- 1) The project is part of a substantial total building renovation.
- 2) The area exceeding the maximum height is 2% of the entire building footprint.
- 3) The area is not utilized for human occupation or storage.
- 4) There is no human use of the facility above the second floor.
- 5) With this variance, the property would not be unique in the area as there are other buildings of comparable height.

Crosby stated that the city needs assurances that there would be no stairs leading to be a place where they would not be able to be rescued in case of a fire.

Holmes stated that the only stair in the area would be a locked access to the roof.

Verbick stated that she would have no issues with the height variance if there were enough requirements to prevent a precedent from being set. She stated that while she was impressed with the cleaning up Loram had completed, she would like to see continued

diligence in removing scrap, preventing any unnecessary outside storage, and keeping storage only in the area designed for it. Verbick stated that the hardship is created by the nature of the business because of the large machinery they deal in.

Crosby stated that he concurred with the Mayor, that if a business is going to put a lot of money into a building, it should be something that they and the City are proud of.

Pederson commended Loram on the beautiful facility and on employing so many people in Medina. With the screening and the reducing of outside storage, it seems the applicant is making an effort to improve the issue. The nature of the business and similarity in neighboring properties seem to justify the variance.

Kohnen stated that the building would meet the Fire Code and state Building Code easily.

Gerald Dykhoff (562 Hamel) – Commended the Planning Commission for their common sense. He also wanted to remind the city that Loram has been a tremendous neighbor for Medina. They gave funding for a mile of trail in Hamel Legion Park.

Crosby inquired how many people Loram employs in Medina.

Heisel replied that there are 240 employees working in Medina and 30 in Plymouth that could be moved to Medina after the renovation.

Crosby stated that he sensed a consensus from the Commission. He inquired if staff had taken in enough information to create the findings of facts and conditions.

Lorsung stated that she believed that there was enough information to pass the motions.

Crosby wanted it noted in the minutes that with the granting of the variance that the “Planning Commission and the applicant agree that they mean what they say” and that Loram will keep storage under 50,000 sq. ft. and that the City will regulate it.

Lorsung stated that in the CUP conditions, the outside storage number should be changed from 20,000 sq. ft. to 50,000 sq. ft. to represent the variance.

Public Hearing closes at 8:16 p.m.

Motion by Verbick, seconded by Dickerson to recommend approval of the Conditional Use Permit amendment. **Motion passes unanimously** (Fortin absent).

Motion by Verbick, seconded by Pederson that the Site Plan, with variances, be forward to the City Council for approval along with the staff presented conditions. **Motion passes unanimously** (Fortin absent).

9. Clydesdale Marketplace 2nd Addition (Wells Fargo, North of Highway 55, west of C.S.A.H 101): Preliminary Plat, Site Plan and PUD amendment

Chair Crosby stated that he would pass the Gavel to Vice Chair Verbick because his law firm represents Wells Fargo. Even though he does not currently advise Wells Fargo, because

they are an applicant, he thinks it would be easier to step aside. He stated that Vice Chair Verbick should run the meeting, and while he may participate, he will not vote.

Sarah Schield delivered the staff report. She stated that this application would have normally come forward as a Site Plan. However, since some items are different than the original PUD, it is treated as a PUD Amendment. Schield noted that additionally, the application includes a Preliminary Plat. The purpose behind the plat is to redesign the site to allow more area for the bank site.

Schild summarized the PUD Amendment. The original PUD had been approved for a 5000 sq. ft. bank and they now request a 5134 sq. ft. bank. Also, the proposal includes an additional drive thru lane above the 4 agreed to in the original PUD. The PUD Amendment is contingent on the plat approval and also acts as a Site Plan.

Schild discussed the conditions applied to the approval.

Schild stated that she had spoken with one landowner and invited them to the Public Hearing, but that she does not see them in the audience.

Public Hearing Opened: 8:43 pm

Bob Seger – Chief Architect, Wells Fargo – stated that Wells Fargo is extremely excited to open a bank in Medina and become part of the community. The building materials on the building will mirror both the Target and the inline retail. He stated that while having only 4 lanes would not be a deal breaker, Wells Fargo feels that they could easily justify 5 lanes as far as business is concerned. We would love to work with the city to make sure that the fire lane can be achieved.

Crosby inquired if the applicant were not to receive approval for 5 lanes, would they continue forward with a site plan with 4 lanes.

Seger stated that they would.

Dickerson asked how many tellers would be used to staff the outside lanes.

Seger replied that common practice is 1 teller per 1.5 lanes. Additionally there would be 6 internal tellers.

Pederson inquired about the plans of screening for the Cherry Hill neighborhood.

Seger replied that most of that larger screening will be provided by Ryan Companies as part of the larger project.

Peter McEnery (Ryan Companies) stated that he had met with neighbors in the Cherry Hill area and plan to continue working with the residents in Cherry Hill to help with the screening. There are double levels of landscape screening to prevent headlights, site lighting.

Pederson inquired if staff felt that the screening in the area where the berm is lower would be adequate.

Schild stated the screening and landscaping were looked at very closely and should be satisfactory.

Public Hearing Closed: 8:57 pm

Dickerson stated that there seems like there would not be enough hardship to justify the PUD amendment, especially with the fire lane safety issue. Dickerson stated that he supports the plat, but would not support the PUD amendment.

Johnson concurred with Dickerson.

Verbick stated that using Fire Lane space as a drive thru lane is not acceptable. While she would not be opposed to an additional lane, the issue is really one of safety.

Pederson concurred with what other Commissioners had stated.

Motion by Johnson, seconded by Dickerson that the Commission approve the Preliminary Plat. **Motion passes** (Abstain: Crosby. Absent: Fortin and Jacobson)

Motion by Johnson, seconded by Pederson that the Commission recommend that the City Council deny the PUD Amendment. **Motion passes** (Abstain: Crosby. Absent: Fortin and Jacobson).

10. Clydesdale Marketplace 3rd Addition (Multi-Tenant Retail, North of Highway 55, west of C.S.A.H 101): Preliminary Plat, Site Plan and PUD amendment

Schild delivered the staff report on this application. The Preliminary plat moves .05 of an acre from the Restaurant site to the retail site. The PUD amendment requests a drive-through. During the original PUD approvals, drive-thrus were only approved for the bank. Staff concludes that the drive through lane really breaks up the pedestrian-friendly nature of the overall development. Staff concluded that the layout of the site does not support the overall concept of the PUD. The main entrances should face the Clydesdale side to add to the walkable, urban setting.

Schild stated that staff recommends approval of the preliminary plat, but denial of the PUD amendment for the drive-thru and suggested a redesign of the site.

Crosby inquired if through the original discussion over the PUD if there was discussion on the facing of the building.

Schild stated that the approved PUD was for the front of the building to be on Clydesdale, with access to the trails and sidewalks. This would create a pedestrian-friendly design.

Public Hearing opened at 9:21 p.m.

Bruce Workman (2212 Chippewa) stated that this is a major change from the original approvals. It is curious if the other tenants in the development would even want 2 minute coffee traffic to cause traffic back ups. The City must be sensitive to the traffic issue.

Peter McEnery (Ryan Companies) – Ryan Companies always envisioned the front of the inline building to face Highway 55, where the parking is available. We are willing to look at the north side of the building to make it seem like a “false front.” McHenry added that a decorative fence would be added along the north side to act a bit as a screen, a bit to help control foot traffic, but more to link with the inline retail. Additionally, brickwork is being used to help improve the look of the utility area of the building. The drive through is proposed here because it is farther from residential areas, and because the traffic is most logical here. All along, Ryan Companies had planned for a drive through similar to this in its transportation plans.

Verbick stated that there was a lot of discussion about drive-thrus during the original PUD, and that the City seems to have made the decision then.

Johnson stated that the false front is not very convenient and can be confusing for foot traffic.

Lorsung stated that during the original approvals, multi-tenant retail was never even considered.

Verbick stated that the building orientation, location, and drive-thrus do not support the pedestrian-friendly environment that was previously intended.

Motion by Verbick, seconded by Dickerson that the Commission recommends approval of the Preliminary Plat. **Motion passes unanimously** (Fortin and Jacobson absent).

Dickerson stated that it seems like the drive through should not be allowed because of the fact that the same thing had been denied at a neighboring parcel, and also because these coffee chains seem to be able to make plenty of money without a drive thru.

Johnson stated that she would fear opening up the door for fast food to move in.

Motion by Johnson, seconded by Verbick to table the PUD Amendment until the next Planning Commission meeting. **Motion passes unanimously** (Fortin and Jacobson absent).

11. Ordinance Amendment pertaining to Park Dedication requirements and the definition of “Buildable Land.”

Crosby and Dickerson both stated that they did not necessarily agree with the regulations, but since they come from legislation the City needs to pass the ordinance in order to stay legal.

Public Hearing opened and closed at 10:07 p.m.

Motion by Dickerson, seconded by Pederson that the Planning Commission supports the passage of the amendment. **Motion passes unanimously** (Fortin and Jacobson absent).

12. Ordinance Amendment pertaining to Setbacks in the RR, RR1 and RR2 Districts

Lorsung reviewed the history of the RR moratorium and a recent variance for a 27 foot setback granted on a lot under 5 acres.

Crosby inquired about a clause in the ordinance that allows for differences in regulations if adjacent lots were under common ownership.

Lorsung replied that that clause had to do with build-ability.

Public Hearing opened at 10:02 p.m.

Jeff Rice (Architectural Exteriors – 16475 41st Ave. N., Plymouth) spoke in favor of the amendment, and stated that he is excited to build a deck.

Public Hearing closed at 10:04 p.m.

Crosby suggested adding a clause that the setbacks only apply to existing lots.

Motion by Verbick, seconded by Johnson to recommend approval of the amendment with the specification that it exists only on lots existing before adoption. **Motion passes unanimously** (Fortin and Jacobson absent).

13. Ordinance Amendment pertaining to mailed notice for public hearings

Lorsung stated that while staff is recommending approval she wanted the Commission to consider the sheer volume of public notices that this would lead to, especially in the area around Highway 55. Public hearings may need to be moderated more efficiently if dozens of people wish to speak.

Verbick stated that she believes that public knowledge is a great thing, and if the meetings are a little longer, that is not a bad thing.

Public Hearing opened and closed at 10:10 p.m.

Motion by Verbick, seconded by Johnson that the Planning Commission recommends approval of the ordinance. **Motion passes** (No: Dickerson; Absent: Fortin and Jacobson).

Dickerson stated that 1000 feet is too much for some applications and in some areas of the city.

Crosby stated that he believes the City should be ahead of the curve in relation to wind power. There should be discussion regarding ordinances on wind turbines. They are starting to get to the point where the turbines are affordable enough that there may be some applications coming forth.

Crosby stated that as far as neighborhood meetings are concerned, he would suggest that one representative of the Commission should head of each of the meetings.

Johnson stated that she works Monday and Thursday nights, and also works on the 10th of October.

- 14. Adjourn: Motion by Verbick, seconded by Johnson to adjourn at 10:20 p.m. Motion passes unanimously (Fortin and Jacobson absent).**

Prepared by: Dusty Finke

Date