

CITY OF MEDINA PLANNING COMMISSION

DRAFT Meeting Minutes

Tuesday, May 13, 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, Victoria Reid, and Jim Simons. Mary Verbick (arrived 7:07 p.m.).

Absent: None.

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

- Liz Weir, Council member presented the City Council Update; The Council has approved general obligation bonds for street improvements in Uptown Hamel; 1.6 million dollar bid accepted to improve aged sewer, paver sidewalks, trees and other landscaping, lighting, overhead utilities;
- A wetland protection ordinance was approved with changes;
- A vacation of City right-of-way along Tamarack Drive across Elm Creek marsh was approved;
- Holy Name Variance application was denied as recommended by the Planning Commission;
- \$1000.00 was accepted for a park bench in Hamel Legion Park;
- A CUP for Bhavsar property was approved along Chestnut Road;
- The Council directed staff to look at revising the accessory structure chapter to link the size of an accessory structure with the size of the lot;
- The Council discussed the German Liberal Cemetery and will hold a public hearing to discuss it at their next meeting;
- The Council thanked volunteers for City Clean-Up Day and the trees donated to the City for its Parks.

4. Planning Department Report

Finke presented the following items to the Planning Commission:

1. ***Wetland Ordinance:*** the Wetland Ordinance was reviewed by the City Council at the May 6th regular meeting; Council recommended a number of revisions and directed staff to bring the final draft version to the May 20th regular meeting.

2. ***Bhavsar CUP – 2105 Chestnut Road:*** the City Council approved the resolution of approval for the CUP allowing the new 8400 sq. ft. accessory structure to the Bhavsar residence, subject to minor modifications of conditions.
3. ***Walter G. Anderson – 4535 Willow Drive:*** the site plan, variance and conditional use permit to allow a 4,800 sq. ft. and 9-space parking lot at the WG Anderson facility, along with a Preliminary and Final Plat to combine two unplatted parcels, which were all recommended for approval by the Planning Commission at the April 8th meeting, was scheduled to be considered by the City Council at the May 6th meeting. However, due to potential title commitment issues related to the final plat; the item was postponed until the May 20th regular Council meeting. City Attorney and staff believe this issue has been resolved and intend to present the development plan and plat at the May 20th meeting.
4. ***Hennepin County Public Works – 1600 Prairie Drive:*** Planning Staff is currently reviewing for completeness a resubmittal of a request from Hennepin County for a PUD Amendment allowing the installation of a 262-ft. high (369-ft. blade span) wind turbine tower at the Hennepin County Public Works site. Scheduled for tentative review at the May 13th PC and June 2nd CC meetings. City Council suggested (at the end of the May 6th meeting) that city staff should consider preparing new wind turbine ordinance or regulations when working on the official controls later this year.
5. ***Accessory Building Standards:*** Due to a concerns raised by Councilor Smith at the May 6th meeting, the City Council directed City planning staff to begin work immediately on accessory building standards and update the current zoning ordinance. Planning staff intends to bring these standards back for review at the June 10th regular meeting.
6. ***Hamel Station:*** The contractors for United Properties are completing soil corrections and grading work; also finishing the underground utility work and other misc. site preparations.
7. ***Medina Townhomes/Amber Sky Project (Stauber &/Roasti):*** The owners have submitted their final agreements and hope to begin work later this month.

City Council Discussion Items and Related Issues:

1. ***Tamarack Road Vacation Issue:*** This item was presented to the City Council under public hearing at the April 15, 2008 meeting, whereupon considerable discussion and debate, the Council tabled the item to the May 6th meeting. At this meeting, the Council selected Option No. 3 of the City Administrator's report, which essentially keeps a 700-ft. section coming off Hamel Road intact; vacating the segment between this 700-ft. section to the south property lines of the Wessin/Jubert properties, but receiving 20-foot drainage and utility easements on each side; and retain an existing 33-ft. wide cart-way easement situated between the two properties addressed as 1302 Blackfoot and 3132 Tamarack.
2. ***Hamel Road Reconstruction Project:*** City Council adopted resolution at the May 6th meeting awarding this project to Geilsinger and Sons, which includes the base bid, Alternate 2 and Alternate 5 bids, in the total amount of \$1,595,814.66; plus directed Staff to present a change order for additional brick pavers in the amount of \$17,845.00 to be presented at the May 20th meeting. The Council elected not to take any action or decision at this time on the

proposed light pole banners, brackets or additional electrical outlet work. The contractors indicated their desire to begin work within the next two weeks.

3. ***German Liberal Cemetery:*** the Council considered a request from the German Liberal Cemetery Association to have the City take over the ownership and management of the German Liberal Cemetery off Hamel Road. No action was taken at this time and Council directed City staff to provide more information and update at the June 6th or 20th regular meetings.
4. ***Open Space Ordinance:*** City Admin. Adams indicated Embrace Open Space representatives are willing to provide assistance to City staff in the preparation of our proposed Open Space Ordinance, but wanted to know if the City wanted the ordinance to be as an “Incentive Based” or “Regulatory Based” ordinance. Council briefly discussed these options and concluded an incentive based would be preferable. Mr. Adams will be following up with Embrace OS representatives.

2010-2030 Comprehensive Plan Update

A) City staff has completed the review of the City of Plymouth’s Comp Plan. Planning Director will be presenting a PowerPoint presentation on the review, including key elements, issue and concerns at the March 20th Council workshop.

City has also received the City of Maple Grove’s comprehensive plan. Staff is performing internal review; scheduled for presentation at the May 20th Council workshop as well.

[Comments on our Plan received to Date: City of Maple Grove; City of Long Lake; Elm Creek Watershed; Minnehaha Creek Watershed.]

Roberts Rules of Order: Finke updated the Commission on Roberts Rules of Order and answered questions of the Commission.

5. Approval of April 8, 2008 Planning Commission Minutes

Motion by Verbick, seconded by R. Reid to approve the April 8th 2008 minutes with changes as noted. **Motion carried unanimously** (Absent: None).

6. Bill and Diane Nunn – 2825 Willow Drive (PID# 16-118-23-14-0005) – Conditional Use Permit to construct an addition to an existing accessory structure (Tabled from April 8, 2008 regular meeting).

Nolan excluded himself from discussion and motion.

Finke presented the application and noted that the item was tabled in April. He stated that since the last meeting the applicant submitted renderings, photos and plans and has increased the height of the building two additional feet. The manure management plan was reviewed and inspected by Betsy Wieland, the Hennepin County Agriculture Extension Educator with the

University of Minnesota Extension, since the last meeting. He also informed the Commission that staff consolidated all conditions of existing CUP's on the property into one CUP.

Pederson asked about manure management for the property. Finke stated that the extension service indicated the soils were well compacted with a clay type soil, which in many cases can be utilized instead of a cement surface, subject to additional testing. He informed the Commission that they could recommend cement as a condition of approval. He also mentioned that run-off was reviewed with the extension service and that the entire site did not run through the manure pile, though the site will require some grading and pipe installation to divert drainage.

V. Reid questioned the discrepancy of hard coverage within the staff report. Finke clarified that it was taken from last months report and shouldn't be in the new staff report.

R. Reid asked why the manure was moved every six months. Finke said it was a suggested amount of time from original CUP. Simons asked about comparable locations for manure management and Finke responded that Alpine composts. Simons asked about formalizing it and Finke said we'd have an opportunity to discuss it through the zoning ordinance revisions this year.

Nunn, the applicant, said it was nice to post-poner the application to be able to meet the Commissioners on-site and to see how hard they really work. He indicated that his manure piles move every two months due to lack of space. The main issue is that when it rains into the manure pile the rain will not absorb completely through the pile. He also noted that dirt is hauled in periodically to replenish the base.

R. Reid asked about the condition of notifying the City if over 25 people are going to their property. Nunn informed the Commission that he has a large family and it was common to have over 25 people to his house and that he always calls the City prior to a gathering.

Verbick explained that the condition requires the owner to notify the City if they are having an event with more than 25 people.

Public Hearing opened at 7:35 p.m.

Charles Nolan, neighbor, explained he directly abuts the subject property and explained he does not oppose the project. His concern is run-off and water quality. He explained he owns the marsh abutting the property and is concerned with water quality and the potential impact of the on-site manure. He is not familiar with manure management, but is happy to know that the rain falling directly onto the manure piles will not absorb entirely through the piles. He expressed his desire for the Commission to require a more permanent solution to contain the manure rather than replacing the dirt base as it reduces. He is also concerned with the areas that are not listed as paddocks, yet are heavily worn; and the hillside is cut of all vegetation, which has potential for erosion. Finally, he commented that the Commission requested a landscape plan for the meeting and it was not submitted.

Elizabeth Weir, Council member, reviewed the conditions in the staff report requesting 1) that condition 16 include an object within the sentence; 2) "containment area" shall be replaced with "basin-pond" in condition six; 3) require manure removal every month; and 4) that condition 18 and 23 be consolidated since they appear to be similar in language.

Public Hearing closed at 7:42 p.m.

R. Reid commented that condition four should only pertain to business related events and that family events should be excluded. She requested the manure be removed off-site at least four times a year (every three months) and that condition six should be more specific as it pertains to the extension service. She also would have liked to see a landscape plan.

Verbick asked about manure management and how it relates to the number of animals and the amount of manure generated to help clarify how frequent the manure should be removed off-site. Finke said that it was a good question and that the extension service can help quantify the space needed for the storage of manure and review the manure location.

Verbick questioned how the City would oversee manure management plans. Finke responded by saying that the Commission may add a condition within the CUP to control the amount of times per year manure should be removed and how the manure should be contained while on-site.

Verbick said she is concerned with water quality and asked if the City had ordinances to control the use of chemicals. Finke stated that the State does have laws pertaining to chemicals but the Commission could add a condition within the CUP.

Pederson indicated that he preferred the manure to be contained and that he is concerned with road restrictions and the applicant's inability to haul manure off-site during certain months of the year.

V. Reid said she is concerned with disposal of toxic waste. Nunn, the applicant, stated they do very little painting and some heat striping, which is not any different than what is used in a typical household. V. Reid further stated that it would be good to specify manure management conditions within the CUP.

Litts said she's in agreement with the Commission.

Simons said he'd strongly prefer concrete for the containment area and the road restrictions are also an issue to consider. He suggested the Commission put an exception within the condition that they can not haul manure off-site during the months of the year that roads are posted restricting weight of trucks.

Simons asked if scraping the ground while loading manure is taken into account. Finke stated that scraping is more than likely not taken into consideration.

Verbick stated that by using concrete it would not allow the manure to filter outside of the containment area. If concrete was not used and the soils are clay, it would slowly filter and she is fine with either option.

R. Reid would like to come to a consensus about the number of times a year the manure should be hauled off-site and suggests four times a year. Simons stated he was fine with four times per year.

Verbick stated we should take into account what we've done with other horse owners and have some consistency.

Nunn said they would haul their manure off-site as often as the Commission would like.

Finke stated that hauling off-site every three months may be a good recommendation.

Finke pointed out conditions six and seven to the Commission.

Pederson asked if anyone had questions related to architecture of the building. Commissioners had nothing to add.

Motion by V. Reid, seconded by Simons to recommend approval of the Conditional Use Permit subject to; 1) road restrictions shall be included in the condition; 2) the applicant shall satisfy the recommendations of the extension service; and 4) the applicant shall not be required to notify the City of family gatherings that exceed 25 people.

Motion carries unanimously (Absent: none).

7. Public Hearing - Greenwood Stables LLC – Sara G. Hogan – 1982 Hamel Road (PID #10-118-23-42-0001) - Conditional Use Permit and Variances to the side yard setback requirements to replace existing barn with a new 18,996 square foot private horse barn/indoor riding arena.

Finke presented the application describing the site, building details, and that the existing accessory structure was built in 1978 and rezoned in 1980. He also informed the Commission that the criteria for CUP's was in the staff report and proceeded to explain the Variance Criteria.

R. Reid asked if the City issued variances for the Hasselquist barn. Finke replied no. Simons asked if the current structure was taller than the home. Finke replied yes.

Sara Hogan, applicant, and Aaron Fritzke, Ram Buildings Inc., introduced themselves. Randy Hogan, applicant, explained that he wanted his wife to be able to ride year round and needed a larger riding arena to ride hunter/jumper. He feels they are reducing the intensity of the use by constructing 13 horse stalls initially with the option to add two more stalls (total 15 stalls). He informed the Commission that he spoke with neighbors in the area and all indicated they were on-board with the proposed barn as presented. He reviewed the exterior elevations of the

existing and proposed barns, further explaining the aesthetic improvements compared to the existing structure. He also informed the Commission that his business involved water quality and open space and would be happy to make sure that what they are proposing takes these items into consideration. In terms of the CUP he felt they meet the criteria. He reviewed the conditions of the Variance and the "Medina Zoning Ordinance Intent and Purpose" explaining how his proposal would not be detrimental to the neighboring properties. He explained to the Commission that they could move the building to be set back 50 feet along the side yard and they could also reduce the height to its original height. He said they could downsize the barn but would prefer not to reduce. He feels they are reducing the use of the property with this application and they currently have eight horses to board.

Pederson asked the applicant if he had any questions of the Commission.

V. Reid asked what the barn would look like if reduced to the 18,000 square feet. R. Hogan reviewed the exterior elevations and what it would look like with less square footage.

Nolan asked why so many stalls. Ms. Hogan said they will not be living on the property but have eight horses to board. They will have a caretaker living on-site and the caretaker has two horses of their own to also board. They would also like to purchase brood mares in the future and would like the option for the additional stalls.

Public Hearing opened at 8:30 p.m.

Public Hearing closed at 8:30 p.m.

Nolan asked what it would take to move the existing building. Randy Hogan commented that the riding surface that they need is different than what currently exists. Aaron Fritzke, the contractor stated that the existing post footings could not be utilized since they are deteriorated. Nolan asked about shifting the building 50 feet and R. Hogan stated they could shift it. He further stated that the existing water well would not be impacted if they were to revise the setback. The main reason their proposal does not meet setback requirements is so they can retain the natural pasture that exists currently.

Verbick said she feels strongly that the Commission should follow the Variance Criteria for review of a Variance request.

Pederson reviewed the Variance Criteria and the option of moving the building 50 feet with the Commission.

Verbick asked the applicant if they have looked at moving the structure to meet setback requirements. R. Hogan responded that he feels that the proposed location is better for the environment rather than establishing a new hard-surfaced area.

Nolan asked the applicant about the riding arena and horse area of the barn and their specific dimensions.

Finke stated staff has interpreted an arena as an “animal structure”. He further explained that if the applicant hadn’t increased the height of the barn from the existing barn height that he would still need a Variance. Simons asked what the difference in height of the barn and house were and Finke stated that there is approximately a 3 foot difference between them. He asked the applicant where they would relocate the barn if the Commission recommended a change. Randy Hogan indicated it would be to the east.

R. Reid understands the applicant’s request to utilize the existing area that is already impacted, but the Variance Criteria just doesn’t meet the minimums in her opinion.

Verbick informed the applicants that she appreciated the request to use the compacted areas and that they also informed the neighbors of the project, but unfortunately feels the proposed application as it is presented does not meet the Criteria needed to grant a Variance.

Nolan agrees with the Commissioners.

Pederson stated the property offers other locations for such a structure that would not require Variance. Given the proposed application, approving a Variance is not appropriate.

V. Reid stated she would like to think of a way the application could work but doesn’t see how. She said she would be alright with the Variance if it was for the same height and square footage as the existing building. She would be fine if the new structure was moved in a different location to meet setback requirements and would support a height Variance given the current height of the existing home.

Litts stated she understands the need for such a structure, but feels it should be moved to meet the setback requirements.

Simons thanked the applicant for a complete application. He said that it really helps the Commission to better understand the application when the plans are thorough; however, he doesn’t feel the application as presented meets criteria for a Variance.

Nolan requested that when staff and the Commission look at future ordinance revisions, that staff look closely at how it restricts the height of an accessory building in relationship to the existing house. He wouldn’t tie the height restriction of the accessory structure to the height of the primary residence.

R. Reid is not comfortable with allowing 13 horse stalls for a family operation. She also feels that the proposed square footage is a lot to grant, but supports the proposed length of the building.

Verbick said she does not have a concern with the number of horse stalls and doesn’t feel it is out of character for Medina residents and for the size of the property.

Finke suggests it may be best to table the application and give the applicant time to revise their plans with a change in setback. R. Hogan said that he would be fine with revising the plans

and going back to the Commission if it means he will get their support prior to going to the City Council.

Motion by R. Reid, seconded by Nolan to table the CUP and Variances to give the applicant time to revise their plans so that the building meets setback requirements.

Motion carries unanimously (Absent: None).

8. Public Hearing – Three Rivers Park District – Baker Reserve Campground – 2309 County Road 19 (PID #18-118-23-11-0002) – Conditional Use Permit Amendment for the construction of 12 camper cabins.

Peterson-Dufresne delivered a brief staff report. She stated that four camper cabins would be constructed as identified on the site plan. The remaining eight cabins would be placed in the future somewhere within the campground after input is received from campers. She also indicated the applicant seeks approval to construct the remaining eight cabins, giving Planning staff authority to review when applying for building permits. She further explained the cabins would be located in place of two campsites, raising the total number of campsites from 210 to 212. She described the cabins. She stated the Park District limits their development to 20% of the total park area. The entire campground is considered “developed” already, so the construction of these cabins would not impact that percentage.

Alex Meyer (Park District) stated they are running a test program. The future locations may be in more of the remote portions of the campground, which are currently used as group camp areas. He stated that if they determine there is a demand for the cabins outside of Baker Park, that they realize they would need a CUP Amendment.

Pederson inquired if there would be water in the cabins. Meyer replied there would not be water, or cooking in the structure. The electricity is for lighting and baseboard heating. The cabins will be insulated and could be used year round if there was demand.

Nolan inquired if the cabins would change bathroom needs and so forth. Meyer stated that the change in usage (amount of people) is relatively limited.

Nolan inquired if the Park had a timetable for the future sites, because he does not like open ended approvals. Meyer stated that part of it is going to depend on the study, and also economic considerations. He said that as far as going through the process again, they may only come back with one at a time.

Verbick inquired if anyone would have a problem if they were asking for 12 within the campground. Nolan stated that he wants to be flexible, but that it shouldn't be allowed without an end date. Benetti explained that the CUP goes with the property if 12 cabins were approved through the CUP. Simons stated that he was comfortable with the project. He suggested making it explicit that the future cabins have to be the same, and to also add the sunset provision.

Litts said she concurs and stated that her kids would probably like to go camping there.

V. Reid inquired if the eight future cabins would be located within the campground. She stated that she doesn't find it necessary to have a sunset clause.

Pederson inquired why there wasn't landscaping identified in their proposal. Meyer stated that they weren't destroying any vegetation and they may plant some buffers between the sites, if the survey indicates a request. He said they could certainly plant some extra trees in the campground if that were a recommendation of the Commission.

Pederson inquired about grading and how elevated the structures would be. Meyer stated that there were two steps, and they were trying to get the slab as close to existing grade as possible.

Verbick stated that she thinks the camper cabins are great. She stated that her son had lived in one in the Near Wilderness site for a summer and enjoyed spending time there with him.

R. Reid suggested that the recommendation specify that the remaining cabins have to be placed within the existing campground.

Public Hearing opened at 9:43 p.m.

Public Hearing closed at 9:45 p.m.

Motion by Verbick, seconded by Nolan to recommend approval of the CUP Amendment adding language to 1) require the eight additional camper cabins be located within existing camping sites in Baker Park Campground within 5 years from the date of adoption of the CUP and; 2) require the eight additional camper cabins be consistent in design as the first four cabins, or a CUP Amendment shall be required.

Motion carries unanimously (Absent: none).

9. 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 Uptown Hamel ordinance explaining that staff will have an open house for property owners impacted by the change in June. He further explained that property owner comments will then be presented at the June 10, 2008 Planning Commission meeting. He explained that Uptown Hamel is proposed to be divided into two districts (UH-1, Requires Residential and MU-B, Mixed Use Business) and discussed the listing of uses.

V. Reid asked if the comprehensive plan is driving the ordinance change, or if it is to create a community. Finke stated the comprehensive plan is a factor. V. Reid stated that if one of the goals is community, then it is important to select the uses for this area that welcomes pedestrian traffic and meet daily needs of residents. She also felt the ordinance needs another layer. Finke explained the ordinance was designed on the premise of an "old town" feel.

Verbick asked if the intention was for some retail uses. Finke responded yes.

Liz Weir commented that it may be important to go back to having a city environment in this area.

Finke asked the Commission how they would like the uses to be listed within the district.

Simons asked staff what their professional preference was. Finke and Benetti replied they preferred not listing the uses, but to have a general use section.

Liz Weir explained the history of how the original district was created and that they just picked from a list of uses at the time they were creating the district.

Finke explained that communities he surveyed are split 50/50 in how they list uses within each Chapter. He stated that the City attorney recommends general language.

Finke requested feedback on what to do with existing single family homes that would have the capability of developing 10 units per acre. He explained there is a number of ways to deal with the issue, such as prohibiting reconstruction of single family homes or allowing some flexibility as it relates to non-conforming uses and or structures. Finke explained that in 2002 a single family home was allowed as a permitted use. He suggested an Interim Use Permit (IUP) be an alternate option for the existing single family homes within this area. If the Commission wanted an IUP to apply to single family homes and a property owner wanted to expand, they would need to go through the IUP process similar to a CUP process for approval, or it could be done administratively.

Nolan asked if an IUP restricts rebuilding of a home if it has a fire or if the owner wants to refinance. Finke stated that he would research further and bring additional information back to the June 10, 2008 meeting.

Finke explained the existing concern with canopies/overhangs within City right-of-way and how they impact right-of-way improvements. He recommended the structural support to the overhangs/canopies not be within the right-of-way as they currently exist.

V. Reid asked who will staff be meeting with at the open house and Finke responded by stating it would be business owners and possible stakeholders.

Nolan asked if the City could hire an architect. Liz Weir responded stating it was not in the City's budget.

V. Reid suggested the possibility of getting a volunteer architectural designer.

Finke explained to the Commission that the drive-through regulations were adjusted. He further informed them that the implementation section of the existing ordinance was removed. The implementation section indicated that the City would provide assistance and services for development of the area, which was not accurate.

Public Hearing opened at 10:31 p.m.

Simons gave his opinion that he prefers a list of uses rather than a general use statement when outlining the type of uses for each district.

Benetti stated he has worked with itemized lists, but feels comfortable to generalize the use sections instead of listing them out separately.

Finke asked the Commission if they were in support of using two districts rather than one.

The consensus of the Commission was to support the itemized method, and Nolan suggested the City also provide incentives.

Nolan suggested a municipal lot be established for parking, and each business should donate money towards the development of it.

V. Reid mentioned using the alley behind each business for parking, which is the old town type of look.

Liz Weir mentioned the memory care center and the issues that had arisen with parking.

R. Reid indicated the City would need an overall plan regarding parking for this area.

Finke clarified the parking ordinance as it was written.

Finke asked for consensus on whether to allow or not to allow canopies within the public right-of-way. The consensus of the Commission was to keep the canopies out of the City right-of-way.

Public Hearing continued at 10:50 p.m.

10. Future Meeting Information

Finke informed the Commission that September 9th, 2008 will be primary day, which is a Planning Commission meeting date. Finke suggested the new date for the meeting be moved to Wednesday, September 10th, 2008.

Motion by Veiberk, seconded by Litts to approve Wednesday, September 10th, 2008 as the new meeting date for the month of September.

11. Adjourn:

Motion by V. Reid, seconded by Verbick to adjourn at 10:55 p.m. (Absent: None).