

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, January 12, 2010

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, Kent Williams, John Anderson, Kathleen Martin, and Beth Nielsen.

Absent: None

Also Present: City Planner Dusty Finke, and Planning Assistant Debra Peterson-Dufresne

Nolan introduced the newly appointed Planning Commissioners. He stated that he had been involved with the interview process and was happy to have Anderson and Martin on the Commission.

Commissioners Anderson and Martin introduced themselves.

2. Public Comments on Items not on the Agenda:

No public comments.

3. Update from City Council Proceedings:

Weir presented the update that the Council:

- heard a report from Mark Schiffman of Embrace Open Space on the economic benefits of planning open space into City development;
- gave approval to Open Systems International to access the Minneapolis Economic Development Common Bond Fund program in order to help the growing software company relocate to Medina. OSI produces energy related software and is expanding into Medina. The Common Bond Fund is available at no cost to the City;
- denied a driveway width waiver to a resident, whose builder constructed his driveway eight feet wider than City code and his lot plans allow;
- approved a resolution formally adopting Medina's 2030 Comprehensive Plan;
- supported a grant application for a Minnesota Board of Water and Soil Resources Clean Water Fund Grant to re-meander a creek and enlarge a wetland that are common to Loretto and to Medina;
- approved City Financial Management Policies;
- allowed a payment plan to help residents make payments on outstanding deferred assessment balances owed to the City;
- heard a report from County Sheriff Rich Stanek, who reported lower violent crime rates in the county and thanked Medina Police Chief Ed Belland for his department's excellent work with the West Metro Drug Task Force;

- heard public comment on a 1 percent proposed 1010 tax levy increase, and approved the increase. The levy includes interest on lease purchase bonds for equipment that were approved last year to make a total of a 1.15 levy increase;
- approved a revised Environmental Fund Purpose Statement that directs expenditure more directly to support environmental issues than before;
- took comments from the public and discussed the proposed new public works facility that has been researched and discussed for seven years. The present building is undersized, does not meet OSHA standards for safety and air quality and requires off-season, expensive equipment to be stored outside. Ehlers Consultants presented possible interest rate impacts from a Capital Improvement Bond to fund the proposed \$6.5 million building over 20 years. Council remains cautious moving forward with this plan, but directed staff to continue pursuing the purchase of land from Hennepin County on their Public Works site for the future facility, and to look into the feasibility of adding on to and remodeling the present public works building. Council also directed staff to prepare a draft RFP for architectural and project management services;
- heard a presentation from the Hamel and Loretto fire chiefs, regarding their ongoing progress towards a possible merger of the two fire departments;
- approved a one year Fire Contract Agreement with Corcoran and the Hamel Fire Department for fire protection;
- approved the appointment of John Gleason, a part-time snow plow driver to replace the fulltime position of Bob Dressel, who retired after 34 years of service to Medina;
- reviewed the Mixed Use ordinance and directed consultants NAC to make changes, including: 1. increase height to three stories for residential above commercial; 2. increase the allowed size of nursing homes etc. as a conditional use; 3. allow residential facilities serving six or fewer clients as a permitted use in single family residential areas in order to be consistent with state statutes; 4. change the term “bonus density” to “additional density” that allows densities beyond five residential units per acre and up to seven units per acre; 5. make external building materials for institutional uses in the MU District conform to other commercial use materials; 6. add a Places of Assembly section so that religious institutions are not given preferential treatment; 7. increase to a maximum 60,000 sq. ft. for warehousing, wholesaling and distributors as a conditional use. The Council approved the amended MU District ordinance at the January 5th meeting;
- granted a wetland setback variance for a small property located in Rural Residential that is surrounded by wetlands and has a failing system;
- approved a uniform design for park signs throughout the City;
- approved a \$100,000 grant from the Hennepin Youth Sports Program Initiative to help fund the completion of the Field House in Hamel Legion Park;
- denied a resident’s appeal to allow the two 4’ x 4’ stone monuments that were already constructed to stay in the City Right of Way of a public street;
- supported a DNR Community Conservation Assistance grant application to help prepare a Conservation Design/Open Space ordinance;
- approved Kent Williams, Kathleen Martin and John Anderson to the Planning Commission.

4. Planning Department Report:

Finke updated the Commission on the upcoming land use projects the Commission would be seeing in February.

5. Approval of November 10, 2009 Planning Commission Minutes:

Motion by R. Reid, seconded by Nielsen, to approve the November 10, 2009 minutes as written. Motion carried unanimously.

6. Public Hearing – Three Rivers Park District - Baker Near-Wilderness Settlement - 4001 County Road 24 (PID #20-118-23-21-0003) – Conditional Use Permit Amendment to construct an office building.

Peterson-Dufresne presented the request to the Commission. She stated the small office building is proposed within the Near Wilderness Settlement. The Near Wilderness Settlement is within the “Developed” area of Baker Park, which is limited to 20% of the total land area of the Three Rivers Park District System. She showed the overall location of the site. She said the office building is proposed far from public roadways and neighboring properties and is proposed to be 768 square feet. The parcel the office building will sit on is over 235 acres in size. She presented the exterior elevations of the office building and summarized the parking on the site. She explained the previous CUP required 40 paved parking spaces. The proposed office building would increase the required parking by 2 stalls for a total of 42 spaces required. She said the applicant has identified a large area for “overflow” parking adjacent to the “turkey barn” to the south of the lodge.

Peterson-Dufresne reviewed the criteria by which CUP’s should be reviewed and stated she believes the proposal meets the criteria, if the conditions recommended by staff are followed. She reviewed the conditions recommended by staff.

Martin inquired if the City should have any conversation about the conditions of the previous CUP. Finke stated whatever is approved by the City as a result of this request will supersede the previous CUP in place.

Dan Elias (Three Rivers Park District) stated they have been working with Metro West Inspections on the location of the “No Parking” signs. He said in terms of materials, the sign is required to be reflective metal, although the Park District is looking at the possibility of wooden posts. Elias stated a Cultural Historian with the District is looking at potential names for the cabins if the Commission wishes to recommend so. Elias stated the gate had been moved closer to County Road 24 a few years ago when the Park District’s Public Safety Division installed new gates.

The Commission discussed the 1997 condition that the gate should be set back 250 feet from the road and was installed approximately 100 feet from the road. Peterson-Dufresne said she reviewed minutes and staff reports and could not find why the gate was required to be 250 feet from the road or why it was moved closer.

Nielsen asked how often there were larger events and if people parked along the drive. Elias stated there is generally one large event per summer month. To his knowledge there was no history of parking on the drive during large events.

Nolan inquired if the office is for new staff members or moving existing staff. Elias stated that three of the four are existing staff members and a few of them office elsewhere.

Williams inquired if there was a concern with utilizing the existing septic system and not being able to handle the additional capacity. Elias stated they had worked with S&P testing to monitor usage so they could be confident they wouldn't be overburdened with the office building.

Public Hearing opened at 7:40 p.m.

Public Hearing closed at 7:42 p.m.

Nolan identified the issues discussed by the Commission as:

- “No Parking” signs will need to follow fire code, but as much as possible the materials should be more natural.
- Names of Cabins – V. Reid stated she would like to see the cabins named after early settlers as previously approved.
- Parking – R. Reid stated she does not believe they should require additional paving as long as overflow parking is provided.
- Gate location – R. Reid stated from a security standpoint, the closer location seems better. V. Reid added that it makes sense to leave it alone if this is how they do it in other parks, unless there is a good reason to place the gate elsewhere.

Motion by Williams, seconded by V. Reid, to recommend approval of the conditional use permit amendment with recommended changes. Motion carried unanimously. (Absent: None)

7. Public Hearing – Public Hearing – Ordinance Amendment – Chapter 8, Section 835 of the City Code regarding the Rural Commercial Holding zoning district and regulations for property which have been identified for commercial or business development in the 2010-2030 Comprehensive Plan, but for which sewer and water infrastructure will not be available until a future date.

Finke presented the application providing background and explaining why the need for both zoning districts. He explained properties can not be developed today with urban services. He further explained the Commission is reviewing the ordinance only and rezoning specific properties would not be part of the public hearing. Thirty parcels in the future would be rezoned. Finke asked the Commission to discuss viable uses for properties.

Finke asked the Commission if they preferred one or two zoning districts. The proposed ordinance identifies two different zoning districts referred to as the rural commercial holding district and the rural business holding district.

Finke reviewed staff recommended uses for the districts. He also informed the Commission that he received a call from a property owner raising concern that his property would be made nonconforming.

Finke reviewed the proposed lot size of 20 acres as a new regulation. He said currently the rural commercial holding district requires a minimum of five acres of contiguous suitable soils. Staff researched existing parcels within the City and found 45 parcels, 5 acres in size, and could not find many meeting the 20 acre minimum. He further noted the existing rural commercial holding district does allow for development if it does not meet minimum acreage requirements, but does not allow them to be further subdivided. Properties redeveloped would need to meet setbacks and hardcover requirements.

Finke informed the Commission that the ordinance limits the sanitary sewer usage to 100 gallons per day per net acre. Finke presented examples of uses and their sizes based on the use of sanitary sewer.

Martin asked under the proposed ordinance if a property was less than 40 acres could it be further subdivided. Finke explained that it could not be further subdivided. Martin asked if under the current ordinance it would allow a 40 acre parcel with all suitable soils to be divided into three lots (two 7 acre lots and one 6 acre lot). Finke said it could be divided into the three lot example.

R. Reid asked for timeframes of staging of urban services. Finke identified areas within the staging plan and informed the Commission that parcels may be able to move up in the staging plan by five years. Staff will be drafting "a point system" that will be presented to the Commission in the next couple of months. Developers and/or landowners will have to meet established criteria in order to develop their property five years earlier than the existing staging plan.

V. Reid said she understood the reason for the 20 acre minimum but asked why the City wanted to slow growth down. Finke explained the goals of the comprehensive plan and its intentions for the use of urban services. He further said the City supports the staging plan with east-west progression of development.

R. Reid stated preserving large tracts of land now would help development of properties in the future as it relates to sewer and water connections.

Martin asked if the City assesses connection services to properties. Finke explained it has not been the tradition of the City, though other communities do assess for services. He said the burden is on the developer.

V. Reid asked if the future upgrades to State Highway 55 was part of the staging plan. Finke confirmed transportation was one of the elements of the staging plan. Williams asked when State Highway 55 was planned to be improved. Weir said MNDOT does not have money to widen until at least 2020.

Nolan explained land use philosophy with the intensity of land developing. He said it started with requiring nerp ponds for developments. Cities ended up micro managing developments and it ended up having a negative effect on developments. It would take 8 acres rather than 5 acres to develop an industrial use. He questioned the requirement of 20 acres rather than the 5 acres and whether it would be an appropriate use of land.

Williams asked for clarification of the 20 acre minimum acreage requirement if the burden of the land stays the same. Finke explained the existing ordinance would allow for efficiencies of land ex: strip malls on 5 acre parcels.

Public Hearing opened at 8:20 p.m.

Public Hearing closed at 8:21 p.m.

Nolan discusses philosophy of increased acreage. He suggested discussing the acreage increase with landowners to see how they feel they would be impacted. He said it's a significant change that shouldn't be taken lightly.

Anderson asked if staff had examples of other communities experiencing something similar. Finke said it is a common regulation amongst communities from the language he has reviewed. Finke explained we've added dozens of properties to the staging plan for development availability and would consider interim uses more restrictive.

Nolan asked about interim uses and explained how Burnsville handles properties such as these. Williams said it minimizes tax revenues and landowners won't want to commit to anything since regulations could change. He thinks the new ordinance is good since it is an orderly-measured way and when hook-ups do become available, they won't have lost what they gained. He said he likes the approach. He said what he is struggling with is the 20 acre minimum.

R. Reid said the ordinance allows for quite a few alternatives, but asked Williams if his concern was lot size. He said he wonders if 20 acres is really necessary. R. Reid said the Metropolitan Council prefers larger parcels for installation of infrastructure such as sewer and water. She is comfortable with slower development and sees the logic for future sewer.

Finke said site plan reviews would be required. He further provided his thoughts on ghost platting and how it would be more of a process rather than an ordinance.

Nolan asked for clarification of site plan reviews and how far down the list it was for the Commission to review. Finke stated it is significantly farther down the list, but the Commission would be reviewing it at some point.

Martin asked Finke to explain a little more about the building contractor that called and had concern with the ordinance changes. Finke explained the person's land is a future commercial land use which means it would be zoned into rural commercial holding. He said the property owner has a contractors business. Finke said he is not real concerned with the owners use. "Contractor services" and "builder services" definitions were discussed by the Commission. Finke expanded the conversation to include discussion of existing nonconforming uses.

Finke explained the more significant change is removing assembly-manufacturing from rural commercial holding district. The balance of the uses is consistent with the current rural commercial holding district.

Weir asked if the ordinance was really necessary, although she sees the rational for larger lots. Finke said the strain on larger parcels is less than if parcels were smaller in size. Weir asked if staff sees the use to be long lasting with ghost platting in place. Finke said one would assume when a site proposes to develop, the balance of the lots would be identified for future use.

Nolan asked if anyone on the Commission recommended lessening the acreage below 20 acres. The consensus was no.

Nolan said he is a strong advocate concerning keeping our eyes focused on the future, though he questioned the process. He asked if it could be required of developers to hook up to services to provide a momentum of continued growth. Finke pointed out the text of the ordinance that requires property owners/businesses to hook up to urban services within one year. He said the ordinance is a disincentive to develop prior to urban services getting to the property. He further stated the cost of a private septic system and a private well would be more costly than connecting to City services, even with SAC charges included.

Nolan said he favors keeping the contractor services use references specific. Martin recommended keeping the uses as listed. The Commission reviewed the contractor services use location within the ordinance.

R. Reid asked about the outdoor storage related to contractor services. Finke explained it would be enforced with screening requirements. R. Reid visualizes office buildings having some outside storage.

Conclusion of the Commission was to allow "contractor services".

R. Reid said she doesn't support keeping properties agricultural. V. Reid said there are also disincentives with the recommended ordinance.

Nolan asked if there is any reason for design standards to be incorporated.

The Commission recommended "contractor services" to be included in both districts.

Motion by R. Reid with two changes and seconded by Anderson. No opposed.

Motion by R. Reid, seconded by Anderson, to approve the ordinance amendment with recommended changes. Motion carried unanimously. (Absent: None)

8. City Council Meeting Schedule: Discussion of representation at Council meeting.

9. Election of 2010 Planning Commission Chair

The Commission accepted nominations for the 2010 Planning Commission Chair. Commissioner Nolan was nominated.

Nolan was unanimously elected to be Planning Commission Chair.

10. Election of 2010 Planning Commission Vice Chair

The Commission accepted nominations for the 2010 Planning Commission Vice Chair. Commissioner R. Reid was nominated.

R. Reid was unanimously elected to be Planning Commission Vice Chair.

9. Adjourn: Motion by Anderson, seconded by Nielsen to adjourn at 9:04 p.m. Motion carried unanimously. (Absent: None)