

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, September 14, 2010

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

Present: Planning Commissioners, Victoria Reid, Robin Reid, John Anderson, Kathleen Martin, Kent Williams, Charles Nolan and Beth Nielsen.

Absent: none

Also Present: City 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**

Martin explained the Council discussion on the City taking over the cemetery; Williams explained the discussion of the Cavanaugh property regarding its zoning and uses for the property. Finke explained the Council's discussion of the City budget and MSA funding.

4. **Planning Department Report**

Finke informed the Commission that the Enclave project may be at the October Planning Commission meeting. He briefly explained other applications in the process.

5. **Approval of August 11, 2010 Planning Commission meeting minutes**

Motion by Anderson, seconded by R. Reid to approve the August 11, 2010 minutes with recommended changes. Motion carried unanimously. (Absent: None)

6. **Public Hearing – Ronald & Kimberly Carlson – 1382 Hunter Drive (PID #25-118-23-13-0007) – Preliminary Plat to subdivide one existing parcel into two lots to be known as Hunter Ridge Farm.**

Martin recused herself from participating in application.

Finke presented the application describing the existing and proposed property layout and the existing animal structures that do not meet setback requirements. He pointed

out conditions would be applied to the plat regarding the existing accessory structures.

Anderson asked if the slope is the primary reason for the different soil categories. Finke said yes the slope changes the classification.

Nolan said the property was surveyed and it's more of a geometry equation. Finke said its all relative depending on where you're starting and ending. He said a significant amount of staff time had been spent on the application and he is comfortable with the final percentage of suitable soils. He also noted that the applicant's surveyor also removed some of the soils from the list.

Williams pointed out that Loren Kohnen, the Building Official, made comment. Finke stated staff didn't hire a separate party or hire the City engineer to verify soil calculations. Williams asked if the City should have had the City engineer go out to field verify. Finke said no, because he had reviewed the slopes and soil types himself. Williams asked if Kohnens comments were obvious issues that staff could review. Finke said yes. Nolan asked if it was common for an applicant to contest suitable soils. Finke explained the process in how the applicant hires a surveyor and staff verifies the information. Finke said the word is out that the data on suitable soils within the City may not be 100% accurate, and could be challenged.

Nolan and the Commission requested the issue of suitable soils be discussed and reevaluated due to the data the City is provided. The Commission requested flagging this issue as a potential area for the Commission to review in the future. Finke said new data may be provided in the future which would also help with floodplain data.

Finke explained the access and maintenance to both lots would be shared using the existing driveway. He then explained the wetlands on-site and suggested the Commission discuss frontage requirements.

Finke stated trees were not proposed to be removed or landscaping planted as part of the plat. Easements were recommended around the perimeter of the lot, over wetlands, floodplains, and upland buffers, which are standard. He also noted the Plat application was going to the Park Commission on September 15, 2010 regarding Park Dedication.

Finke reviewed the Criteria Requirements to subdivide a property. He pointed out the potential changes to conditions within the staff report. He said the owner requested to be able to move or remove the small shed either at time of sale of the property, time of building permit issuance on the lot, and/or no later than three years. He also said another possible condition would be related to grading and drainage onto adjoining property to the north. He said the north property owner had an issue with existing drainage and has concerns when the property develops.

Nielsen asked about the trail easement. She asked what happens if the trail moved and the City didn't put it on the east side of the road. Finke said if the City decides to put the trail on the west side of the street then the City would miss out on park dedication based on how it is calculated within the staff report.

Anderson asked if anyone was interested in purchasing the property. Ron Carlson, 1382 Hunter Drive, applicant and owner stated he had someone interested in the property, but nothing signed until City approval.

Nolan asked how long the applicant had to file the Plat. Finke explained.

Williams asked about the letter submitted with drainage concerns. Finke explained the letter will be included in the minutes.

R. Reid raised concern with remembering the conditions of the Plat and how staff tracks them.

Carlson said he appreciates all the work Finke has done. He thinks his is the last property that has a parcel of this size. He feels it is more consistent with the lots in the surrounding area. He does not see any legal issue with it. He said he went to each of the neighbors to the north and gave them first offer to purchase the land prior making an application and they chose to pass.

V. Reid asked how the applicant felt about the three year condition. Carlson said it was a reasonable time frame, but is willing to listen to concerns related to that time period.

Nielsen asked what would happen to existing animals. Carlson said their animal numbers would have to be adjusted (reduced).

Nolan asked about the letter submitted by a neighbor and their concern with shadowing. Carlson said the future house would have to be a very tall home to have shadowing issues. He further explained the existing drainage patterns and that they have been in existence since the owners to the north purchased. R. Reid asked about protecting site lines. Carlson said the property owners to the north were given the opportunity to purchase the site lines.

Finke explained drainage would be handled when issuing the building permit. He said landscaping would not be a condition of the plat. Carlson explained a swale currently exists. Finke explained most of Lot 1 is down slope.

R. Reid said not much hard cover would be added. Finke concurred.

Anderson asked for clarification of what Carlson meant by the neighbor to the north purchasing his site line. Carlson explained he gave the northern property owner an opportunity to purchase.

Public Hearing was opened at 7:50 p.m.

Public Hearing closed at 7:51 p.m.

Nolan explained he was on the Committee when flag lots were established and the issue was really minimum lot width for RR zoning districts. He felt the issue of lot width was never really dealt with during that process. In other words, the proposed application should be looked at with current regulations and asked if a lot could be created without frontage. He said his strong opinion was that each lot should have road frontage. Nielsen asked Nolan why. Nolan said an easement can be contested and in his experience all communities have a minimum frontage.

Finke said he thinks all lots should have their entire frontage on a public street. Finke said the City has been inconsistent in their regulations. He said since 2001 the City has not approved a lot without frontage.

R. Reid said a long discussion was done by the Commission defining a flag lot. The Commission didn't determine how wide a flag lot had to be.

Finke said the existing property doesn't have enough frontage to create a 50 foot wide flag since the existing parcel is only 325 feet wide.

Finke said he doesn't think it's possible to have a 25 foot driveway easement (an unusable flag pole lot). Nolan said it would create a frontage for the lot, even though it may not be usable. Nielsen asked why a frontage was necessary. Finke said the primary reason is ownership and emergency access. Nolan said they only have half an answer. He felt to avoid future conflict, having a legal access off the road was necessary. He said an easement could be the actual paved right-of-way.

R. Reid asked if staff was recommending a shared driveway with easement rights over Lot 1 for benefit of Lot 2. Finke said an alternative would be to create a 25 foot flag lot to meet minimum lot size requirements, with adjustments of the property line. He said the use of the frontage would be questionable. R. Reid asked what was proposed was not a flag lot and Finke confirmed.

Anderson asked how the properties to the north are handled. Finke said shared driveways.

Nolan asked from a policy viewpoint what is better for the City. Finke said requiring a minimum flag pole width would be best.

Carlson said they have a well that may be impacted by changing property lines running north/south.

Nielsen said she does not have any issues with the proposed subdivision design. Williams said if it's not practical to utilize the flag pole lot perhaps it shouldn't be required.

V. Reid said the person at risk for not having direct frontage on Hunter Drive is the person proposing the application.

Nolan asked if the City had street frontage requirements. Finke said yes. Nolan said he doesn't have an issue with the proposed subdivision, but he is a stickler for following public policy. He said why not require the subdivision to have frontage and an easement, even though they don't use it. Finke said that is what is suggested as an alternative without moving the driveway.

Carlson said he agrees and understands with Nolan's concerns. He asked if there is a minimum size for the flag access. Nolan said they should look at the width necessary for emergency access and required setbacks for driveways.

Carlson asked if frontage on a lake qualifies as frontage for Lot 2. Williams said it's more practical than the flag lot access. Williams said with only 25 feet the driveway could only be five feet wide, since 10 feet is required for setbacks.

Finke explained the rights of the Commission to hold up on the application in order to work on resolving the access issue.

Williams suggested the Commission mark the issue of establishing flag lot width requirement to be resolved by the Council.

Finke explained a 300 foot lot width requirement within the RR district and a 150 foot setback requirement for animal structures could result in a possibility that lots can be created that wouldn't allow an animal structure.

Commissioners discussed adding flexibility to when the shed removal should occur.

Commissioners discussed adding a condition related to grading of Lot 1.

Williams had an issue with how the Park Dedication was being interpreted. He said his interpretation of the Statute is that the City could take both the 15 feet for trail and also take the \$8,000.00 cash maximum, since together they do not exceed the 8% of total value maximum set by Statute.

The consensus on Park Dedication was to follow staff's recommendation, but discussed Williams's concern.

Finke said the City is working on a policy for park dedication. Williams wants his interpretation of how to calculate park dedication on the record.

Nolan asked the applicant to review the existing well location.

Nolan said he likes to stay as close to policy as one can, even if it means the lot has frontage that is unlikely to be used. Nolan therefore recommended a 25 foot minimum road frontage for Lot 2.

V. Reid asked if it is required that the lot have frontage along the entire front of the lot. Nolan said the enactment of the flag lot effectively repeals that entire frontage law and agrees with Finke's interpretation.

Motion by Nolan, seconded by Williams to recommend approval of the subdivision subject to conditions in staff report, with the following modifications:

1. Lot 2 shall be required to have frontage on a public road of 25 feet and a reciprocal easement be granted.
2. Additional flexibility for removal of shed on Lot 2.
3. Add a condition related to the review of drainage on Lot 1 at time of grading permit.

Motion by Williams, seconded by Anderson to amend the park dedication requirements to trail easement and \$8000. Ayes, Nielsen, Anderson and Williams. Motion to amend Failed. (Recused: Martin)

Motion by R. Reid, seconded by V. Reid to amend original motion to remove 25 foot flag requirement. Ayes by Nielsen, R. Reid, and V. Reid. Motion to amend failed. (Recused: Martin)

Commission voted on original motion: Ayes: Williams, Nolan, and Anderson. Motion Failed. (Recused: Martin)

Motion by V. Reid, seconded by R. Reid to recommend approval of the Preliminary Plat subject to conditions in staff report, with the following modifications:

1. Additional flexibility for removal of shed on Lot 2.
2. Add a condition related to the review of drainage on Lot 1 at time of grading permit.

Motion carried unanimously. (Recused: Martin)

The Planning Commission requested the Council provide direction on the following concerns within the zoning ordinance:

- Lot frontage in the Rural Residential zoning district
- Establishing a minimum flag lot width along a street
- Interpretation of how to calculate park dedication
- Creating a policy for suitable soil discrepancies

7. Public Hearing – Ordinance Amendment – Section 827 of the City Code with regards to the process of appealing information within the City’s Open Space Report related to development in the Conservation Design district.

Finke explained why the zoning district was created and the objectives of the conservation design ordinance. He referenced the City’s open space report and the regulations within the conservation design ordinance, which allows a developer to meet certain open space guidelines to allow for additional density. The open space ordinance is designed to protect existing open space. He further explained that if a developer or applicant disagreed with staff on what is considered significant, the attached process is proposed to allow for an appeal to staff’s decision.

R. Reid asked what year the MLCCS inventory was done. Finke said 2005 and 2007. She further asked if it was fair to say the science had improved since 2005 and 2007. Finke said Bonestroo, the City’s engineering firm, said there are shades of gray in the MLCCS and interpretations are in the process of being clarified.

Nolan asked the Commissioners if they had any issue or concerns.

Williams suggested the language should be changed in the first sentence to read “conservation design applicant.”

Finke explained that from a policy standpoint the review gives staff administrative authority, yet the proposed additions to the ordinance will allow an applicant to appeal a decision.

Public Hearing opened at 8:55 p.m.

Public Hearing closed at 8:56 p.m.

Motion by R. Reid, seconded by Martin to approve the Ordinance Amendment with the addition of language suggested by Williams. Motion carried unanimously.
(Absent: None)

8. City Council Meeting Schedule

9. Adjourn

Motion by Anderson, Seconded by Nielsen to adjourn the meeting at 9:03 p.m.