

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, April 12, 2011

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

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

Absent: Kathleen Martin

Also Present: Planning Assistant Debra Peterson-Dufresne, City Administrator Chad Adams, City Administrative/Planning Intern Dale Cooney, and Nate Sparks of NAC.

2. **Public Comments on items not on the agenda**

No public comments.

3. **Update from City Council proceedings**

Council member Jeff Pederson presented a report of recent activities and decisions by the City Council.

4. **Planning Department Report**

Chad Adams provided an update of upcoming Planning projects.

5. **Approval of the March 8, 2011 Draft Planning Commission meeting minutes.**

Motion by Anderson, seconded by Nielsen, to approve the March 8, 2011 minutes with minor modification to page five. Motion carried unanimously. (Absent: Martin)

6. **Public Hearing – Pemtom Land Company – A Stage I Plan for a phased Mixed Use Development which will include detached Single Family Homes, Townhomes, and Commercial – located north of State Hwy 55, west of County Road 116 and south of Foxberry Farms (PIDs 02-118-23-43-0002; 02-118-23-44-0052; 02-118-23-44-0054).**

Nate Sparks presented application explaining the three stage review process. He explained the proposed project includes the Jubert site, as well as two Rolling Green Outlots having a total site area of about 54 net acres, with the overall site being over 90 gross acres.

Sparks provided overview of current zoning for each property, explaining the properties would need to be rezoned to Mixed Use with Stage II. He explained the

Commission and Council would need to provide findings that the rezoning was consistent with the Comprehensive Plan.

Sparks explained the mixed use district would require a depth of 300 feet of commercial adjacent to Highway 55 and a minimum of 50% residential on the site. The densities are allowed for 3.4 to 6.00 units per acre. He said 193 units were being proposed over an approximate 36 acres, which is slightly over 5 units per acre. He said transitions from uses are also part of the plan requirement.

Sparks explained the need for a traffic study under the Stage II process to help determine what improvements would need to occur. He explained Meander Road runs east and west, which divides the single family homes from the townhomes and commercial uses.

Sparks explained that the applicant intends to only develop the single family portion of the proposal. He explained the application is conceptual in nature and a lot of specific standards within the mixed use district would be required in Stage II. The standards would assure properties to be cohesive with one another.

Sparks explained the application would be reviewed by the Park Commission at the next meeting. He explained the City's park plan called for a 10 acre park in this area.

Sparks reviewed staffs recommended changes to the project and the applicant agreed to staffs recommended revisions.

Sparks explained if the Planning Commission found the plan was generally consistent with the Comprehensive Plan goals of the MU district, it would be forwarded to the City Council.

R. Reid said Tamarack Road doesn't go through to Highway 55. She said there is no intersection at Tamarack and Hwy 55. Nolan asked what the intention was for the intersection of North Tamarack/Hwy 55 area.

Anderson asked if Meander would be the only road serving the development. Nolan clarified Meander would ultimately continue west to Arrowhead. Nolan asked if the traffic study would look at all the roadways impacted. V. Reid asked if County Road 116 would be part of that study and Sparks said it would be included.

Nolan said too many stoplights may not always be positive. He asked if the stoplight by Target needed to have been installed. He asked that stoplights be looked at more regionally.

Nolan asked for clarification of the net and gross acreage of the project as it related to each use. Sparks clarified.

V. Reid asked for clarification on the location of Outlot C and Sparks showed the Commission on the map.

Dan Herbst of 7697 Anagram, Eden Prairie MN, representing Pemtom Company, explained who was involved in the application and provided the Commission with the history of the Pemtom Land Company. He said the goal had always been to provide well planned neighborhoods that would be an asset to the community and their integrity. He said they are currently working on a project called Gray's Bay on Lake Minnetonka. He explained Mattamy Homes had partnered in on the project and David Nash had also partnered in on the project. Lastly, he explained the history of the Jubert family and that they have been around since the turn of the century and their grandfather purchased the land in the 1940's.

David Nash, 4610 Bluebell Trail North in Medina, explained that the Pemtom project was the first project he'd worked on near his neighborhood. He explained he had a lot of experience with the Medina staff and further provided background of the company he worked for and how they had been in business for 25 years.

Nash explained he received the City staff report the Friday prior to the meeting (April 8th) and staff had suggested revisions. He reviewed each of the staff recommendations with the Commission and informed them he had made all changes over the weekend and didn't have any issues with the recommendations.

V. Reid asked if the proposed area for a park would be a City Park and if so, would the City take care of it. She said as a Foxberry Farms resident she felt it would be great to create a trail to access the Park from her neighborhood.

Nolan said he presumed the park location was discussed with City staff. Sparks said the Park location was suggested by City staff and the idea was to take park land dedication from multiple property owners rather than one land owner.

Nash explained the City Park Plan called for 10 acres and said their Park Dedication requirement was only 6.1 acres. Anderson asked if the applicant was required to come up with the difference of 10 acres and Nash explained it would be from other land owners when they developed in the future. Nolan asked if the vision was for it to be a community park. He said he would anticipate if it was a community park people would be driving to it, and asked if staff had discussed a need for a parking lot. Sparks explained it would be an active recreation area, but not a major ball field area. Conceptually, staff had discussed off-street parking as a means of accessing the park.

V. Reid said she would be concerned if there wasn't a trail to access the Park. People would be walking through one or more Foxberry Farm lots; in other words, cutting through yards.

Nash said they had a 35 foot wide easement along the back property line and explained a 15 foot wide berm existed along the property line to the north of the proposed development. Nolan suggested the applicant work with Foxberry Farms Homeowners Association to develop a trail to connect to the future park.

Williams asked which partner would be involved with the townhome portion of the project. Herbst explained they didn't have the property under their control. He explained it was part of the Jubert land, which didn't have a contractor to develop that portion. He explained Stage II would only be for the single family portion of the project.

Nolan said on the colored site plan it appeared that one of the townhome buildings was in a wetland. Nash explained the building was out of the wetland and met required setbacks. He said he noticed quite a bit of green area between the townhomes and commercial portion. Nielsen asked if the applicant was interested in developing the townhomes and Herbst said they would be if the single family portion was successful.

Public Hearing opened at 8:17 p.m.

Bill Ciora of 915 Sunset Court in Medina said he lives in Foxberry Farms and been a resident since 1997 and was President of the Association until just last year. He said when he got the notice he was floored with the density. He said most households would have two people working and vehicular traffic out onto Meander to County Road 116 would be a concern. He asked what would be done with traffic. He said he would be supportive of four lanes being constructed on County Road 116. Secondly, he had concern with the density and recommended reduced density to something more manageable. He asked about the wetlands to the south of Foxberry Farms.

Nolan asked Adams if the traffic study would cover the County Road 116 intersection with Meander. Adams said the upgrade on County Road 116 would go from Highway 55 to the Clydesdale backage road.

Nolan explained to the Commission that the application was conceptual in nature and at this point it's just colors on a plan. A lot of due diligence would be necessary to get to the next Stage for review. He explained to the public that the Commission had to look at the overall Concept and that the City guided the property for this type of density. He further explained that the final outcome of density for that area would be determined in Stage II.

Joe Cavanaugh of 3220 Niagara Lane North asked about how Meander Road could dead end (west), and asked for an explanation. Nash explained the road would be designed as a temporary cul-de-sac until the Cavanaugh property developed.

Nolan said the Juberts were co-applicants with the Concept application and more emphasis was on the single family portion of the plan. He suggested an alternate

route be created going north/south. He asked if Tamarack could be extended up to provide an alternate. Nolan said as part of Stage II the applicant should be looking at accessibility.

Public Hearing closed at 8:34 p.m.

Nolan asked if any of the Commissioners had any overall issues conceptually. The Commission concurred with traffic concerns, the Park accessibility from Foxberry Farms development and parking, and what would be done with the pie shaped flag (dark green) of land on the colored map. Nash explained to the Commission the dark green area on the site plan was undevelopable. He said they weren't doing anything with it since it wasn't large enough. Nolan suggested that during Stage II additional landscaping be done on the berm adjacent to Foxberry Farms to be a good neighbor and improve transition of housing. Herbst said the documents that were recorded for Foxberry Farms doesn't require maintaining the berm. Ciova said Foxberry Farms hadn't maintained a portion of the berm. Ciova asked if the applicant could be asked to work with Foxberry Farms Homeowners Association.

Motion by Anderson, seconded by R. Reid, to recommend approval of the Stage I Plan for a phased Mixed Use Development with recommended changes to broaden a traffic study (specific to existing traffic on County Road 116, improvements on State Highway 55, and the timing of extending Tamarack at State Highway 55), and figure out trail access (possibly through existing berm) from Foxberry Farms development to a future community park. Motion carried unanimously. (Absent: Martin)

7. **Public Hearing – Thomas and Jillene Kingstedt – A Conditional Use Permit (CUP) to operate a dog daycare, grooming and indoor boarding to be known as PupTown in the Commercial General (CG) district – 810 Tower Drive (PID 11-118-23-14-0012).**

Cooney presented the application to the Commission. He showed the location of the property described as 2.32 acres, with a railroad to the north and nearest residential district 425 feet away. The applicant proposed a 13,000 square foot outdoor area for the dogs to play in and to do their business.

Cooney further explained the majority of the plantings already existed, though they were willing to install additional trees along the proposed fence. He reviewed with the Commission parking, landscaping, trash, interior space, impervious surface, indoor noise mitigation, waste storage/disposal, and distance to residential areas, fencing, and hours of operation. He further explained staff was recommending a condition requiring the applicant meet the MPCA noise pollution standards.

Cooney reviewed the CUP Review Criteria and staff recommendations with the Commission. Nolan asked if the City had regulations related to disposal of medical waste. He raised a concern that if medical waste was given to private dog owners, it

wouldn't be disposed of properly. V. Reid raised concern with what dog owners would do if sent home with a syringe and whether it would be disposed of properly.

Tom Kingstedt, applicant and co-owner with wife, both residing at 12425 43rd Avenue North in Plymouth, explained he didn't want to be a hazardous waste generator and didn't want to be going through the expense of disposing of it.

Kingstedt explained that one of the huge advantages of being at the Tower location was the access along State Hwy 55. They are trying to make a product that no one else had with the appropriate space dogs need. He said the dogs would bark a lot less with a larger space. He said the people handling the dogs would be playing with them indoor and outdoor. He said they would be one of the largest doggie daycare facilities in the metro area and the building they are proposed to operate in will need minimal modifications, except for the flooring.

Nielsen asked if the applicant was alright with staff recommendations. Kingstedt said the plan was acceptable and he felt comfortable with a maximum of 60 dogs.

Anderson asked what he thought the ratio would be of overnight boarding and daytime care. Kingstedt said the four legged economy has increased and said the number is difficult to anticipate, but acknowledged holidays generate higher volumes and was comfortable with 60 dogs.

Anderson asked about waste receptacles and tightly sealed containers. Kingstedt explained the waste would be sealed in small plastic bags then deposited into another sealed container, and then into Randy's Sanitation container.

Williams asked about the containers and if they would get additional garbage containers. Kingstedt said he didn't anticipate needing more than two residential type (90 gallon) containers which would seal better than a dumpster.

Ms. Kingstedt, applicant reviewed the fence location and potty break area identified on the site plan. Nolan asked with an eight foot fence what material would be inside the fenced in area on the ground. Kingstedt said the play area would be grass and they wouldn't let the dogs out on rainy days. He explained the potty area would have a turf grass put on the ground for easy clean up. Nolan expressed his concern as it related to a lack of sunshine getting into the play area with such a tall fence. T. Kingstedt said they would snow blow the potty area during the winter months.

Public Hearing opened at 9:19 p.m.

Jeff Pederson said he had concerns that the Council would have issues with the noise that would be generated from the dogs barking. He suggested a condition be placed on the application relating to noise. He said he also has some hesitation with waste filtering into the water bodies and hours of operation of the business. Cooney said the City would respond to complaints. Nolan asked if staff had heard from surrounding

businesses and Cooney said Finke has spoken to a number of owners and no one voiced concern.

Kingstedt said everyone gets a free day and if the dog was a barker they may not allow dog to come back. Anderson said the railroad would generate more noise. Nolan said it's a unique location.

Public Hearing closed at 9:24 p.m.

Nolan said he had concerns with noise, water quality and medical waste disposal. He asked staff to investigate the cost of annually testing the soil in the potty area and if it was reasonably cost effective the Council could weigh it out. Nolan asked about handling of medical waste and said he didn't think it was real difficult.

The Commission said they were fine with the fence color being white.

Motion by R. Reid, seconded by Anderson, to recommend approval of the CUP with the recommended changes to remove the condition to change fence color, research medical waste disposal, and research cost of soil testing. Motion carried unanimously. (Absent: Martin)

8. **Public Hearing – Janet White – Variances from front and rear yard setbacks to reconstruct a new home in the Urban Residential (UR) zoning district – 4642 Brook Street (PID 18-118-23-23-0017).**

Sparks presented application. He explained the property was a lot of record and the applicant was proposing to demolish the existing home and replace it with a new home with a slightly larger footprint. The new home would be constructed further to the east, which is the wider portion of the lot. The home would be a one story slab-on-grade and would be slightly shorter than the existing home. Sparks reviewed the Criteria for Variances and explained the recent Supreme Court standing and how the Commission is required to follow its Variance criteria.

Nolan asked if there was an advantage to having the new home shorter than the existing home height. Sparks said in the shoreland district people tend to like the shorter in height homes for site line purposes. Nolan asked how involved staff had been in shifting the home to the east, the wider portion of the lot. Sparks said the home location was largely established to increase the driveway area, and as a result the applicant had to reduce the depth of the garage.

V. Reid said the proposed home location blocked the neighboring home to the north more than what it does now.

Janet White thanked the Commission for their consideration.

Nolan asked the size of the existing home and White replied 744 square feet.

Public Hearing opened at 9:53 p.m.

Monserud, neighbor to the north at 2964 Lakeshore Drive, said he was hoping the home would be at least ten feet from his property line. He would have a better view from the front and could live with the shift to the east. He said he would like the new home to be 10 feet from his property line. Nolan said from a design point of view the position is different than what he would have recommended. White said she had water drainage problems with the existing home and felt if the home was moved to the east, the water issues would be taken care of and it would provide an area for water to drain. She also said they would be installing draitile. Monserud further explained one of the reasons he wanted 10 feet between the homes was to be able to provide appropriate drainage.

David Raskob, the contractor assisting Janet White with the design and construction of her new home, said with all the issues the current home has today, the best they could do to resolve the issues was to construct a new home. Williams asked if White initially intended to remodel. White concurred. Nolan asked if her engineer had provided some solutions to improve the drainage issues. White said not yet. Nolan asked where the water drained and Raskob said it flows to Brook Street and then floods out the applicant's home. Nolan asked if the construction of the home was the ultimate solution in figuring out all the drainage problems. He would like to see an engineer figure out the drainage issues prior to construction. Nolan asked the applicant to review the drainage and provide a letter or attend the Council meeting. Nolan said he just wants to make sure there is a solution to the problems. He said he is satisfied with the location as long a solution is figured out for the water problem.

Public Hearing closed at 10:05 p.m.

V. Reid was alright with the application.

R. Reid said she lives in the neighborhood and sees the application as an improvement and solution. She said the dead-end street helps allow the home closer to the property lines and asked that it be a finding of fact. Williams said he was in favor of granting the application and felt like they were doing the applicant a favor by requiring the Engineer to provide letter addressing drainage.

Findings of Fact by the Commission: The lot is unique in shape, size, and is on a corner which is along a dead-end street on one side. Shifting of the home further to the east places the home away from Lakeshore Avenue which is busier than the side street. The side street which is a dead-end road has much less traffic than Lakeshore Avenue. The shifting of the home to the east allows improved drainage for the lot and adjacent properties.

Motion by Williams, seconded by Anderson, to recommend approval of the Variance with recommended changes. Motion carried unanimously. (Absent: Martin)

9. City Council Meeting Schedule

May 3, 2011 - Nielsen

10. Adjourn

**Motion by Anderson, seconded by R. Reid, to adjourn the meeting at 10:10 p.m.
Motion carried unanimously. (Absent: Martin)**