

**CITY OF MEDINA**  
**PLANNING COMMISSION**  
Meeting Minutes  
Tuesday January 13, 2015

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

Present: Planning Commissioners Randy Foote, Kim Murrin, Charles Nolan, Victoria Reid, and Kent Williams.

Absent: Todd Albers and Janet White.

Also Present: Mayor Bob Mitchell, City Councilmember John Anderson, City Councilmember Lorie Cousineau, and City Planner Dusty Finke.

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

Mitchell welcomed Murrin to the Planning Commission and thanked the Commission for their work.

3. **Update from City Council proceedings**

Anderson introduced himself and stated that while on the Council he has become aware of other City Councils and Planning Commissions and commended this Commission for the great work that they do. He stated that at the last Council meeting the Council reviewed three items that had been recommended from the Planning Commission. He encouraged the new members of the Commission to listen to the senior members of the Commission and learn from their extensive knowledge.

Anderson provided an updated from recent City Council meetings.

4. **Planning Department Report**

Finke advised that a written report was included in the Commission packet and noted that four additional submissions have since been received.

Finke advised that Planning Commission meetings will now be recorded on video for minute transcription services. He advised that the meetings will not be posted on the City website but the recording will be available upon request.

Finke noted that the City had set up email addresses for the Commissioners. He strongly recommended that any correspondence related to the City and Planning Commission should go through the City email address provided for the Commissioners.

5. **Approval of the December 9, 2014 Draft Planning Commission meeting minutes.**

**Motion by Williams, seconded by Reid,** to approve the December 9, 2014, Planning Commission minutes as presented. Motion carries unanimously. (Absent: Albers and White)

6. **Jack Day – 695-765 Tower Drive – Request for Variance and Site Plan Review to Reduce Required Front Yard Setback for Parking Lot from 25 Feet to 10 Feet**

Finke presented a request for both a variance and Site Plan review to construct a parking lot, ten feet from the front property line along Tower Drive. He stated that most of the lineage

would be 13 feet from the property line but the narrowest portion would reach ten feet from the property line. He stated that the building was constructed and developed in the 1980's with 24 parking stalls. He noted that the assumption at that time was for a heavier warehouse use rather than office use. He stated that without a variance there would not be the ability to expand the parking lot at all as the setbacks could not be met. He stated that the applicant stated that the additional parking would be available for the other properties they own in the area which are experiencing the same parking concerns. He advised that the City is set to reconstruct Tower Drive this year and stated that part of the project would be to expand Tower Drive to allow some on street parking, approximately 14 spaces. He stated that additional parking stalls on this site would accommodate more parking than would be added through the reconstruction project. He stated that a number of the trees identified on the site would be removed through the Tower Drive reconstruction project and not from the parking lot expansion. He provided an aerial photograph and highlighted the on street parking which currently occurs, noting that the current width of the roadway does not adequately allow for on street parking and sufficient space for truck traffic. He stated that this is the best chance to add additional parking in this area, which is needed. He advised that the proposed expansion would add an additional 4,300 square feet of hardcover but would not trigger the 5,000 square feet threshold for water treatment. He advised that this site was not originally required to provide water treatment and therefore with the additional hardcover and elimination of additional green space, staff would recommend that the applicant complete stormwater improvement to assist in the treatment of stormwater. He reviewed the suggested improvement recommended by the engineering staff, noting that the slope of the property prevents some other methods of water treatment. He stated that the site was developed prior to the landscaping requirements. He reviewed the proposed landscaping plans and tree replacement and noted that staff believes that this would meet the requirement of the non-conforming status. He again recognized the slope of the property, which will place constraints on additional landscaping measures. He advised that without approval of the variance the Site Plan could not be reviewed. He stated that staff provided a sample motion of approval with recommended conditions should the Commission choose to recommend approval.

Foote stated that the drive aisle dimensions seem a little tight at 22 feet.

Finke confirmed that the City requirements for the drive aisle requirements have been reduced to 22 feet and therefore this proposal would meet the requirements.

Reid questioned if there are limitations on the number of vehicles that can be parked and listed for sale, noting that she had noticed five or six at this location.

Finke stated that there was concern noted by staff as well, especially with the parking shortage of this site. He confirmed that one of the spaces is an auto dealer but noted that those vehicles are not allowed to be listed for sale outdoors. He agreed that would be an appropriate concern because of the parking shortage.

Williams questioned how busy Tower Drive is in regard to traffic activity and whether there would be a concern from staff regarding people parking at this location and crossing the roadway.

Finke stated that the roadway is well traveled but did not have additional concern with people crossing the roadway.

Murrin questioned if allowing this ten foot setback would bring in additional requests from neighboring properties to also utilize a ten foot setback in order to expand their parking areas.

Finke stated that any variance request would need to stand on its own and therefore legally there would not be a precedent created, but agreed in terms of fairness that could be an issue. She stated that when she traveled the roadway she did notice a shortage of parking.

Nolan stated that it appears that this request would swing the pendulum from a shortage in parking to a surplus in parking and questioned if there would be a shared parking arrangement as a part of this process. He questioned if this would then be a solution for the neighborhood or for this building only.

Finke stated that staff has not discussed a shared parking agreement and fell on the side of less City involvement in regard to that aspect. He reported that the property owner does own a number of properties in that area. He advised that a document could be created should the Commission be interested.

Nolan questioned if the other properties owned by the applicant are owner occupied or leased.

Finke advised that the property owner leases the other spaces to tenants.

Nolan stated that this would create additional parking spaces that could then be rented to adjacent property owners, unless a shared parking agreement is created.

Reid inquired which properties were owned by this applicant.

Williams questioned if the variance could be conditioned upon non-restriction of the parking so that anyone could park in those spaces.

Finke stated that perhaps the middle ground would include a document, which would allow shared parking only for the properties owned by this property owner. He advised that if the non-restricted parking is recommended, that could be a condition of approval but noted that he would want to obtain the opinion of the City Attorney as well.

Murrin also believed the Commission should consider whether they would like to keep the landlord in Medina. She stated that if sufficient parking spaces are not allowed the property owner may choose to move their business out of Medina.

Jack Day, applicant, stated that his biggest concern is the amount of on street parking that is currently occurring. He stated that some of the tenants are currently parking on street and this expansion would allow for those tenants to park in this area and keep the parking off of the street as the on street parking causes conflict for the truck traffic to the industrial park. He commented that the vehicles listed for sale are related to one of the tenants but noted that tenant is not supposed to park those vehicles outdoors. He advised that the parking layout is open but noted that tenants typically park in front of their space.

Nolan questioned if parking assignment would be left open or whether they would be assigned post construction. He also questioned if the applicant would be open to the idea of some sort of a shared parking arrangement.

Day stated that he would plan to leave the parking layout open and would not assign parking spaces to tenants. He confirmed that he would be in favor of a sharing parking with the other properties he owns but not to all properties.

Reid stated that there is a cost to add parking and there is a parking shortage along Tower Drive. She stated that she is concerned with the vehicles parked for sale and questioned if the landlord could address that issue or perhaps a condition could be added to address that matter.

Finke stated that is a separate enforcement issue that staff can address.

Reid stated that she would be in favor of additional landscaping to bring the property more towards compliance with the current regulations. She was unsure if the parking area needed to be as large as proposed.

Foote stated that he would be in favor of the request and questioned if parking is currently allowed along Tower Drive.

Finke stated that the road is not signed no parking therefore vehicles can park on the roadway. He confirmed that once the reconstruction is complete they would only allow parking in the designated spaces.

Foote stated that he was concerned with the size of the parking aisle but recognized that the dimensions meet City Code.

Williams stated that he is sympathetic to the notion that the area needs more parking. He stated that if the reason for the variance is the demand for parking he believed that if approved the applicant should then make that parking available to everyone. He agreed with the landscaping comments made by Reid and questioned if the City Engineer had comments on the plan.

Finke explained that the City Engineer developed the plans and did not have any additional comments on their own plans.

Williams questioned if this application is a result of the City discussions with the property owner regarding the Tower Drive reconstruction.

Finke stated that it was not a direct result but confirmed that there have been significant discussions with the property owners along Tower Drive. He explained that the property owner believed that this would be a solution to the parking problem and would also improve the site in conjunction with the reconstruction project.

Murrin questioned the length of time the property owner has owned the building.

Day advised that he has owned the building since construction in 1985.

Murrin stated that she liked the idea of removing the cars from Tower Drive and placing them in a parking lot. She believed that even smaller parking spaces are better than no parking spaces. She stated that perhaps additional landscaping can be added to the plans. She did not believe that the City should demand that the property owner share his parking with other property owners as it is private property. She confirmed that she would not be opposed to a shared parking agreement but did not see that as the City's place to specify that someone should share their private property.

Nolan also believed that this variance could be supported and that the request is in line with the Comprehensive Plan. He recognized that this would be an improvement to the parking problem and also believed that the landscaping should come as close to the requirement as possible. He referenced the issue of shared parking and stated that he would like to see a

shared agreement between this property and the other properties owned by the property owner. He believed that the parking should at least be shared by those properties in order to benefit the larger area to support the variance request and minimum landscaping requirements.

Reid stated that in terms of shared parking she would support either entirely shared parking or shared parking solely between the properties owned by the property owner.

Finke stated that he could provide those options to the Council.

Nolan stated that there is consensus to support the variance and to also support shared parking, whether between just the properties owned by the property owner or extended to other property owners as well.

Williams stated that if the applicant does not want to share parking, he simply does not have to go through with the cost for improvement. He stated that the applicant came forward to the City, the City did not ask the applicant to do this.

Nolan agreed to that point. He stated that additional landscaping islands could be placed in the parking plan in place of extra parking spaces if the applicant simply wanted to meet the parking demand for this site. He recognized that there is a regional parking problem in this area and agreed that there would be support for a variance if the extra parking spaces could be used for some sort of shared parking.

**Motion by Reid, seconded by Williams,** to recommend approval of the variance for 25 additional parking spaces on Tower Drive with the conditions recommended by staff and an additional request for the landscaping plan to come as close to conformance as possible, and amending condition four in the staff report to request that the parking spaces be made available for the general public.

Further discussion: Murrin asked the property owner approximately how many additional parking spaces would be needed to fill the demand of the properties he owns.

Day estimated about 20 additional spots would be necessary to fill the demand of the buildings that he owns.

Murrin believed that the decision should be left open to the applicant.

Nolan noted that the reconstruction of Tower Drive will eliminate some of the chaos of the roadway parking because the spaces will be identified and no additional street parking will be allowed. He questioned where the people parking on the roadway currently would park once Tower Drive reconstruction is completed and the 14 spaces are identified.

Finke stated that there is available parking in other areas that could be used but recognized that some people will park illegally. He noted that would become an issue of enforcement.

Williams stated that the question in his mind is if this solution would support the variance request if the parking is not opened to the general public.

Nolan stated that the solution comes from a practical point of view in that the applicant owns this property and others in the area that will utilize this parking.

Williams stated that it could be easily posted with a parking sign.

Motion carries unanimously. (Absent: Albers and White)

**Motion by Reid, seconded by Williams**, to recommend approval of the Site Plan for the property located at 695-765 Tower Drive with increased landscaping, contingent upon the approval of the variance request. Motion carries unanimously. (Absent: Albers and White)

7. **Public Hearing – Ordinance Amendment to Chapter 8 of the Medina City Code Related to Solar Equipment**

Finke stated that this ordinance amendment was brought forward through a presentation from Wright Hennepin Electric to the Council in regard to solar energy. He explained that the opportunity would allow for Wright Hennepin Electric customers to purchase a solar panel, which would then be an investment in their energy services. He identified the proposed site for this solar garden and explained that the current City Code would not allow for this type of ground mounted solar panels/solar garden. He stated that the current regulations were provided in the Commission packet. He advised that staff was not able to complete all of the ordinance amendments but still wanted to bring the issue forward to the Commission to obtain input on whether the City should allow ground mounted solar panels and if that would be specific to certain areas or be allowed throughout the City. He stated that the Council was supportive of more intensive commercial/industrial areas and perhaps not within residential zoning areas. He stated that the solar garden program is bringing forward a lot of grant applicants looking for properties in order to complete larger scale projects. He questioned if the Commission would be open to larger scale projects or whether support would be limited to smaller scale projects. He also noted that the performance standards should be considered. He stated that a few model ordinances were included in the packet for review, both for urban and rural areas. He advised that there is not an ordinance to consider but staff is looking for input in order to draft the ordinance. He stated that the public hearing was noticed although there are no members of the public present to provide comment. He suggested that the public hearing be opened and tabled. He stated that if an ordinance were passed that would permit this activity, Wright Hennepin would move forward on their project.

Reid questioned the current zoning of the parcel in discussion.

Finke believed that the parcel was zoned business or business park and is five acres in size.

Murrin questioned if a portion of Medina is serviced by Wright Hennepin and questioned if there is interest from those homes for this type of service.

Finke reported that two thirds of the acreage in Medina is serviced by that company, which is roughly about 40 percent of the population. He stated that Wright Hennepin has stated that there is interest from their Medina customers in this product.

Murrin questioned if the company would be interested solely in this project or whether they would also be interested in offering customers placement on residential property.

Finke stated that this request was for this project solely, although he did believe that the company would support all opportunities allowed under the City Code.

Nolan questioned if the entire garden would be constructed by the company and then sold or whether the project would be built as panels are sold.

Finke stated that it sounded like the project would be built out at one time but noted that they most likely would not move forward on building until a certain amount of buy-in was received from customers.

Nolan referenced the idea of districts and confirmed that the Commission would not support this type of product in residential areas and would instead be limited to larger parcels in the other districts such as commercial or business.

Reid agreed that this type of project should be limited to larger sites.

Finke stated that there is rooftop solar equipment in uptown Hamel.

Foote questioned if this could open up the possibility of someone desiring a 50 acre solar garden project.

Nolan stated in that case the cost of land would probably come into play. He stated that the use could be limited to a certain size tract of land, with no more than 20 percent, or one acre maximum, of the land used for the solar equipment.

Finke stated that he can provide example parcels to the Commission to visit in order to get a perspective on what that size of land would look like as well as example sites of solar gardens. He displayed a map of the City and identified different zoning districts within the City.

Nolan confirmed that the regulation could state at least 500 feet from a residential district.

Murrin stated that perhaps the ground mounted units should require review by the Planning Commission and City Council.

Finke stated that an objective and criteria would need to be identified and if those are met the application would qualify to be approved. He stated that the business district may be a good fit as the description matches the comments of the Commission in regard to proximity to residential. He reported that the setback from other business uses within that district could be 25 to 30 feet.

Murrin stated that perhaps language could be added to state that solar equipment must first be placed on a rooftop is at all possible.

Finke stated that there is a similar installation in Maple Grove and advised that Wright Hennepin has mentioned attempting to work with other cities in order to provide similar opportunities.

Murrin stated that in her opinion this idea does not match the concept of Medina of rolling hills and rural area.

Finke stated that this would be similar to building or hardcover.

Nolan summarized that the Commission would like to consider the business district with a 500 foot setback from residential properties, the solar equipment would count against hardcover, solar gardens would require a conditional use permit, and a solar garden could not count for more than 20 percent of the parcel or no more than one acre in size. Additional language should be allowed encouraging placement on a building before utilizing ground mounted units.

Public Hearing opened at 8:31p.m.

Anderson stated that it appears that the discussion tonight reconfirms the statements he made earlier. He stated that this issue was passed to the Planning Commission to gain input and felt that there has been terrific input provided tonight. He advised that as presented Wright Hennepin is over subscribed for this type of product and noted that there is actually a financial gain for those that choose to invest in the project. He commended the Commission for their terrific discussion.

**Motion by Foote, seconded by Reid,** to table the public hearing for the ordinance amendment related to regulations related to solar equipment to the February Commission meeting. Motion approved unanimously. (Absent: Albers and White)

8. **Nominations and Elections for Chair and Vice-Chair for 2015**

Finke opened the floor for nominations for the Chair position.

Williams nominated Nolan for the position of Chair for 2015.

Finke closed the nominations for Chair.

**Motion by Williams, seconded by Murrin,** to elect Charles Nolan as Chair by acclamation for the year 2015. Motion approved unanimously. (Absent: Albers and White)

Finke opened the floor for nominations for the Vice-Chair position.

Williams nominated Reid for the position of Vice-Chair for 2015.

Finke closed the nominations for Vice-Chair.

**Motion by Nolan, seconded by Williams,** to elect Victoria Reid as Vice Chair by acclamation for the year 2015. Motion approved unanimously. (Absent: Albers and White)

Nolan reviewed the process typically followed for planning cases, in order to provide the new members of the Commission with more information. He asked Murrin to provide some background information.

Murrin provided background information on herself included her CPA background. She stated that over the summer through the Dominion project and the Villas of Medina project she learned that there was a lot going on in the City and wanted to be a part of making the City a great place to live for her family.

Finke commented that because the Planning Commission has such great opinions and discussion that attributes to the overall outcome. He encouraged the Commission to provide amendments of motions in order to keep a better record of discussion. He stated that process ensures that everyone is heard and provided an opportunity to provide their input.

9. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday the 20<sup>th</sup>.

10. **Adjourn**

**Motion by Williams, seconded by Murrin,** to adjourn the meeting at 8:45 p.m. Motion carried unanimously.