

MEDINA CITY COUNCIL MEETING MINUTES OF DECEMBER 2, 2014

The City Council of Medina, Minnesota met in regular session on December 2, 2014 at 7:08 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

Members present: Anderson, Pederson, Martin, Martinson, and Weir.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Planning Consultant Nate Sparks, Public Works Director Steve Scherer, City Finance Director Joe Rigdon, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE AND CEREMONIAL MATTERS

A. Resolution No. 2014-83 Accepting Resignation from Councilmember Jeff Pederson from his Current City Council Seat (7:08 p.m.)

Johnson explained that Pederson was elected to a special two-year term during the November 4th elections and therefore would need to resign from his current seat and accept the new seat.

*Moved by Anderson, seconded by Martin, to adopt Resolution No. 2014-83 Accepting the Resignation from Councilmember Jeff Pederson from his Current City Council Seat. **Motion passed unanimously.***

B. Oath of Office for Councilmember Jeff Pederson for his Special Term City Council Seat to Fill Vacancy in a Term Expiring January 2, 2017 (7:10 p.m.)

Johnson administered the Oath of Office to Councilmember Jeff Pederson.

C. Discussion to Fill Vacancy for the Remainder of Councilmember Jeff Pederson's Term through January 5, 2015 (7:11 p.m.)

Johnson stated that this situation now allows for an appointment to be made to the position made vacant by Pederson. He explained that Martin previously held the seat, to which Pederson was just appointed and recommended that Martin be appointed to the vacant seat as she is a current member of the City Council and was also re-elected during the November 4th election.

*Moved by Martinson, seconded by Anderson, to appoint Kathy Martin to the vacant Council position through the term ending January 5, 2015. **Motion passed unanimously.***

Batty offered an explanation of what had just transpired with council members. Following the death of Tom Crosby, Weir was appointed mayor, vacating her council seat. Martin was appointed to fill Weir's seat until a special election could be held. The special election was held November 4 and Pederson was elected to fill the last two years of Weir's term. Pederson resigned from his previous council seat and took the oath of office for the seat he won at the special election. Upon Pederson taking the oath of office, Martin's temporary appointment expired. Martin was then appointed to fill the one month

remaining in Pederson's term. In January, Martin will begin serving a four-year term for the seat to which she was elected at the general election on November 4.

D. Oath of Office for Councilmember to Fill Remainder of Councilmember Jeff Pederson's Vacant Term (7:13 p.m.)

Johnson administered the Oath of Office to Kathy Martin.

III. ADDITIONS TO THE AGENDA (7:14 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:14 p.m.)

A. Approval of the November 18, 2014 Special City Council Meeting Minutes

*Moved by Anderson, seconded by Martin, to approve the November 18, 2014 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the November 18, 2014 Regular City Council Meeting Minutes

*Moved by Anderson, seconded by Pederson, to approve the November 18, 2014 regular City Council meeting minutes as presented. **Motion passed unanimously.***

C. Approval of the November 21, 2014 Special City Council Meeting Minutes

*Moved by Martin, seconded by Martinson, to approve the November 21, 2014 special City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA (7:15 p.m.)

A. Resolution No. 2014-84 Accepting Donation from Seth Hoyt and Nancy Samuels

B. Ordinance No. 570 Amending Section 512 of the Code of Ordinances Regarding Surface Use of Lake Independence

C. Resolution No. 2014-85 Authorizing Publication of the Ordinance Amending Section 512 by Title and Summary

*Moved by Martinson, seconded by Pederson, to approve the consent agenda. **Motion passed unanimously.***

VI. COMMENTS (7:16 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Thies stated that the Commission met the previous month to discuss the Villas of Medina. She noted that the plan presented at the meeting was different from what had been included in the packet but advised that the Commission was pleasantly surprised with the changes. She stated that an eight-acre park had been proposed and the Commission unanimously recommended approval of that item. She advised that the Commission also reviewed the goals for the year and the progress the Commission was able to accomplish this year.

C. Planning Commission

Finke reported that the Commission will meet the following Tuesday to consider two public hearings including a continuation of the Comprehensive Plan Staging Plan and a discussion regarding nursing home and similar uses.

VII. NEW BUSINESS

A. 2015 Budget (7:19 p.m.)

Weir reported that the tax rate will be reduced by 5.7 percent for 2015 and explained the budgeting process, which began in May of this year. She highlighted key issues during the budget discussions including road improvement projects, debt service and capital levies, and insurance cost increases.

1. Budget and Tax Levy Presentation – Public Comment

Johnson reviewed the proposed changes from the 2014 budget including the general fund budget and tax rate proposed. He advised that a budget insert was mailed in September to residents and reviewed the proposed tax levy rate of 23.6 percent. He reviewed the proposed 2015 general fund budget, comparing that to the 2014 figures. He reviewed the long-term needs including the road projects that will occur in 2015, fire department needs and equipment needs. He advised that the Finance Department has done an excellent job preparing the Financial Management Plan for viewing on the website. He advised that the property valuations have been increasing, following the recession. He advised that the new housing has helped to offset the cost of the new public works/police facility. He reviewed the tax rate history of the City, noting that the rate is trending downward and provided comparison tax rates for neighboring cities. He advised that the proposed utility rate increase of three percent is consistent with the direction from the September 2nd preliminary budget.

No public comments were made.

2. Resolution No. 2014-86 Approving 2015 Final Tax Levy

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2014-86 Approving the 2015 Final Tax Levy. **Motion passed unanimously.***

3. Resolution No. 2014-87 Approving 2015 Final Budget

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2014-87 Approving the 2015 Final Budget. **Motion passed unanimously.***

Pederson commended staff for doing such an excellent job preparing the budget information.

B. Wealshire Comprehensive Plan Amendment Request – Public Hearing (7:30 p.m.)

Finke presented a request to amend the land use for the 22 acres of property located at the northwest corner of Mohawk Drive and Chippewa Road from low density residential to general business. He explained that this change would allow for the development of a senior memory care facility on ten acres of the property. He reviewed the land uses of the adjacent properties and the proposed Comprehensive Plan Amendment to change the future land use of the property. He noted that the location would be limited to a right-in/right-out onto Highway 55. He stated that the future land uses of the properties to the north, east and west is low density residential while the future land use to the south is

commercial. He stated that the amendment would not significantly change the projections, infrastructure planning, etc., but advised that there is a fair amount of vacant property currently guided for such use within the City. He stated that the applicant can speak to the reason the subject property is preferable. He reported that the Planning Commission held a public hearing on November 12th and was generally supportive of the proposed use on the subject property although concern was raised relating to the other potential uses which would be possible in the business guiding on the other portion of the property. He stated that the Commission recommended approval but recommended that the Council consider if there would be an alternative means to permit the use on the property. He reviewed alternative options including amending the land use to another use, to amend the zoning code to permit for this use within the R-1 zoning district, or to utilize a Planned Unit Development (PUD) district where this use would be permitted for flexibility with development standards.

Martinson questioned if there is a reason that a lot of this size could not be subdivided.

Finke stated that the lot could be subdivided, although not under the current guiding. He advised that if the property were reguided to general business the lot could then be subdivided.

Martinson asked if the lot were split the southern portion could be rezoned into another zoning district.

Tom Wiskow stated that they would like to build a senior dementia care facility, similar to what they built in Rogers and Bloomington. He stated that the building would be residential in terms of appearance and function.

Cory Wiskow provided an aerial view of the property they own and operate in Bloomington, which identifies the building as well as the adjacent uses, which are residential and commercial. He advised that there is a 40-foot setback between the facility and two residential homes and noted that the residents are very satisfied with the use. He provided photographs of the building to display the quality of construction and the buffering that is planted. He also provided photographs of the inside of the building including common areas and resident rooms. He provided similar photographs of the facility in Rogers. He advised that they also have an assisted living facility at their Rogers location, which they developed at the request from the City of Rogers because of demand. He stated that an assisted living facility could also be a future possibility in Medina if desired.

Weir stated that she visited the Bloomington site and was very impressed with the quality.

Tom Wiskow stated that his goal is to purchase 11.07 acres and noted that if a 75-foot setback is required that would kill this development. He stated that if the total footprint cannot be more than 20 percent of the total square footage of the property that would also be detrimental as their goal is to create a one level facility under two phases of construction which equal 33.1 percent of the total square footage.

Weir questioned if the intent would be to develop the entire 11.07 acres or just a portion.

Tom Wiskow stated that he could not develop this project with a 75-foot setback and a restriction of 20 percent of the site. He stated that the intent would be to construct 75,000 square foot building with the remainder of construction to be completed two years later.

Finke advised that a PUD could be used to allow additional flexibility.

Pederson questioned the maximum height under the potential zoning districts.

Finke replied the maximum would be 2.5 stories.

Martinson questioned why one story is being proposed rather than a multi-level building.

Tom Wiskow explained that the best care for those with dementia is in a one level residential setting, both in appearance and function.

Weir opened the public hearing at 7:57 p.m.

Donald Atkinson, 2000 Pawnee Road, stated that his property is adjacent to the northern portion of this site. He identified the roadway that is heavily used and recommended that Chippewa be continued east to Arrowhead along with this project.

Weir closed the public hearing at 7:59 p.m.

Martinson stated that if it is possible to split the property into two lots that would be considerate of the low density residential in the area, as she was concerned with possible industrial use in the southern half of the property. She explained that if the property were split this zoning could be applied only to the northern portion.

Batty advised that would be possible but asked how realistic that would be to place residential between commercial and this proposed use.

Weir stated that this is a very needed and desirable project for the City. She believed the best way to move forward is to take the recommendation of staff to reguide the property to general business. She noted that the use is essentially residential and would not have a lot of traffic coming and going.

Anderson asked how many jobs the facility planned to hire.

Tom Wiskow estimated 175 to 225 employees, noting that these would be high quality positions in the health care industry. He advised that these positions would be split into three shifts, estimating 40 on duty employees on site at any given time.

Pederson felt that the setbacks would have to stay in place and noted that additional land could be purchased. He stated that he would also be opposed to this if Chippewa Road does not connect through.

Finke stated that there is an approved Stage I Plan to the south and east of this site, noting that one condition of that approval was the construction of Chippewa Road. He noted that if that development does not move forward the road would simply be planned as a future roadway.

Martin stated that she would support submission of a Comprehensive Plan Amendment to the Metropolitan (Met) Council for a regrading of the property to general business/business park. She noted that any approval would be contingent upon the approval of the Met Council and the review of the plans, noting that a PUD could be used to provide additional flexibility. She believed that submission of the amendment would be the first step, with additional evaluation occurring during the next steps.

Anderson stated that taking the next step would be appropriate as this would be a great opportunity to bring in new business.

Pederson stated that his concern would be that if the property was regraded and this development did not move forward, the property would still be regraded.

Weir explained that the City would apply for the amendment but the Council would still have discretion over the site.

Finke explained that even if approval is granted from the Met Council, the Council can still choose whether or not to enact the changes once the plans are reviewed.

Batty confirmed that this would be the first step to submit the amendment to the Met Council. He explained that once that is returned to the City for approval, the Council will have seen the details of the project and can then make the determination whether to rezone the site. He advised that if everything were approved and the development did not move forward, the Council could always choose to rezone the property to another designation.

*Moved by Martin, seconded by Anderson, to direct staff to prepare a resolution approving of the proposed Comprehensive Plan Amendments to regrade the subject property to general business/business park, subject to the conditions noted in the staff report. **Motion passed unanimously.***

C. Ordinance No. 571 Establishing the Woodland Hills Preserve Storm Sewer Improvement Tax District – Public Hearing (8:14 p.m.)

Johnson stated that this is a housekeeping item as taxing districts have been set up by Medina over the storm sewers of homeowners associations.

Weir opened the public hearing at 8:15 p.m.

No comments made.

Weir closed the public hearing at 8:15 p.m.

*Moved by Anderson, seconded by Martinson, to adopt Ordinance No. 571 Establishing Woodland Hill Preserve Storm Sewer Improvement Tax District. **Motion passed unanimously.***

1. Resolution No. 2014-88 Authorizing Publication of the Ordinance by Title and Summary

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2014-88 Authorizing Publication by Title and Summary. **Motion passed unanimously.***

VIII. OLD BUSINESS

A. Dominium Stage II Plan Review/Preliminary and Final Plat (8:16 p.m.)

Sparks presented a Stage II Plan and Preliminary and Final Plat review. He advised that a three-stage review is required for mixed use by ordinance. He stated that this would be the second stage of the review, as the Stage I Plan was approved on October 21st. He stated that the proposal includes 26 townhome units and one clubhouse. He reviewed the adjacent property uses. He stated that the proposed project would have eight total buildings intended for dwellings, which would include multiple townhome units. He reviewed the density bonuses proposed and the proposed plans that would meet the requirements of the zoning district. He stated that the Council requested additional landscaping in the south central portion of the site during the Stage I review and advised that seven additional trees were proposed for planting. He advised that fencing had also been discussed and noted that a black chain link fence is planned for the northeast and would terminate in the northwest corner of the site. He reviewed the recreational features including two playgrounds for different age groups as well as additional open space that could be used for other recreational activities. He noted that additional recreational activities/equipment could possibly be checked out through the office. He advised that only one family would be allowed to live in each unit, regardless of the number of bedrooms. He reviewed the proposed design elements including building materials. He stated that the Planning Commission found the plan to be generally conforming to the mixed use ordinance and recommended approval, subject to the conditions noted in the staff report. He noted that Belland commented that he would be bringing forward a crime free multi-unit housing ordinance that would apply to this property.

Weir stated that this item has been before the Council many times. She noted that this is a smaller development than previously considered and believed it to be a better proposal. She advised that the development meets the requirements of the zoning district and therefore the Council has very little discretion. She expressed concern with the safety in one location of the site due to golf balls. She also believed it would be beneficial to have a portable basketball hoop on site and advised that she would be willing to fund that item.

Nick Anderson, Dominium, stated that they would be willing to provide a basketball hoop and/or soccer net.

Laronda Brown, resident of Dominium, stated that she has lived at a Dominium for 12 years and has found it to be beneficial for her family. She stated that the opportunity has allowed her to go back to school and has provided educational opportunities for her children as well, who have graduated from Wayzata and moved on to college.

Jaycie Sletten stated that she lives in a similar community in Albertville. She stated that she has three children, one of whom has moved on to college and this development has allowed her children additional opportunities in education and activities. She advised that this housing development has allowed her and her children opportunities they would not otherwise have on simply her income.

Moved by Martinson, seconded by Pederson, to direct staff to prepare resolutions granting plat and Stage II approval, based upon the findings included within the staff

*report and subject to the conditions recommended by the Planning Commission and directing staff to work with the applicant regarding equipment for older children. **Motion passed unanimously.***

B. Villas at Medina Golf and Country Club General Plan PUD/Preliminary Plat (8:31 p.m.)

Pederson recused himself from the discussion.

Anderson asked the developer to consider tabling the matter so that it could be reconsidered by the Planning Commission. He explained that the City Council defers, to a large extent, to the Planning Commission as they hold that group in high regard. He advised that the Planning Commission unanimously denied the request but has asked to review the plans again. He noted that this is a revised plan and believed that would benefit the developer for the Planning Commission to review again. He advised that this would require that the developer grant the City a time extension.

Weir felt that the Council could act on what is presented because it is a different plan.

Martin asked where the timeline stands.

Sparks reported that the current timeline expires on January 5th and advised that if that path were followed a 60 day extension would be needed.

Chuck Alcon, Rachel Contracting, stated that they would like to hear the input of the Council before responding.

Weir stated that this is a different plan than what was reviewed by the Planning Commission, noting that 8.8 acres of mature woodland would be given to the City to preserve. She referenced a Lennar development where the City was able to preserve half of the woodland area and believed this to be a similar situation. She stated that if two acres of woodland were lost, 8.8 acres of high value, old growth woodland would be gained. She stated that she would like to move forward rather than delaying the request through another round in the Planning Commission.

Sparks presented an application to place some residential uses along the edge of the golf course. He explained that a PUD would allow for mixed uses in order to achieve something that meets the intent of the ordinance. He stated that this development proposed 43 residential uses, 35 of which would be located along a roadway that would be created that would be considered villas or detached townhomes. He stated that 28 of those units would have side loading garage doors, while the other units on the northern portion would have street facing garages. He advised that there would be eight more regular style single-family homes along Shawnee Woods Road. He advised that a park of just under nine acres in size is also proposed. He stated that the Concept Plan included 54 units, which have been decreased in order to preserve the woodland area. He reviewed the Comprehensive Plan land use, noting that the property is guided private recreation and would allow limited amounts of residential uses within the land use designation. He noted that the par three golf course is actually zoned multi-family residential. He explained that the applicant is requesting to rezone the whole property, both the private recreation and multi-family residential, to PUD. He stated that there are some standards of which the applicant is seeking flexibility in order to provide this type of development with the existing use, the golf course. He provided sketches of the design

for the villas proposed for block one, which would also include a buffer yard and 30-foot wide street surface with parking allowed on only one side. He reviewed the design proposed for block two, explaining that the street would backup to the Woods of Medina development which would create double frontage homes. He advised that the developer would propose a buffer space with privacy fence and noted that the Woods of Medina lots are very deep and heavily wooded. He referenced block three in which the developer is proposing a low-density R-1 type housing, with flexibility. He advised that block four would be recommended as park to preserve the woodland area. He stated that the tree preservation ordinance allows for removal of up to 15 percent, noting that the application as proposed is around 12.5 percent tree removal. He advised that ponding would be proposed as well as extensive storm system and drain tiles proposed behind the homes which would be maintained by the homeowners association. He stated that as proposed the development plan could work to address the water issues currently on site. He confirmed that the Planning Commission did not review this version of the plan, noting that the park has been increased from under one acre to 8.8 acres. He stated that by ordinance two acres of park would be the adequate park dedication and noted that the additional park would be in return for the additional flexibility requested. He was unsure if the changes to the plan would have an impact on the decision of the Planning Commission to deny the request. He stated that if the Council feels that this would meet the PUD requirements he would recommend approval subject to the conditions noted in the staff report.

Martin stated that the Park Commission was very pleased with this version of the plan and mentioned a trail connection to the nearby retail area. She asked for additional information.

Finke stated that was not part of the recommendation of the Park Commission but presumed that connection would be along the east side of the property. He advised that the item was not included in the proposal or recommendation.

Martin asked if there were innovative storm water or low impact development practices incorporated into the plan.

Kellogg stated that he would not call the approaches innovative but would call them unique. He advised that the villas would have a drainage system in the backyard that would travel to a stormwater pond. He stated that the plan allows for filtration as the soils do not allow for infiltration. He did not feel that the plan goes above and beyond but would meet the requirements.

Anderson confirmed that a land use would need to be found appropriate and then it would need to be considered whether a PUD would also be appropriate.

Finke advised that this is a unique situation as there is a fairly broad designation within the land use. He stated that the developer is attempting to show that the goals of the PUD ordinance are being accomplished. He stated that the applicant could have moved forward on another option but chose to formalize the limited residential of the golf course in conjunction with the PUD.

Martin stated that the southeast corner of the site is currently zoned for higher density residential and is about 13.8 acres in size. She questioned the land area consumed by the lots, setback buffers and new roads proposed on the north and west sides.

Sparks estimated 21 acres with the pond, and 17 to 18 acres without the pond area.

Marty Campion, project engineer, referenced the innovative approach to stormwater management and stated that there has been discussion with reusing the water in the ponds for irrigation.

Alcon stated that in the future if the golf course develops the trail could be extended to the south.

Rick Denmann, Charles Cudd de Novo Homes, stated that six years ago they had worked with a different developer on the same site. He stated that they had great success with Medina Highlands, which has the same buyer profile. He stated that the luxury empty nest buyers is a great niche for them and is not being served in Medina right now. He stated that in Medina Highlands they constructed attached homes, while these would be detached homes. He stated that the average lot in block one average about 25 percent larger than the R-2 zoning district. He stated that the same side yard setbacks are proposed which meet or exceed the R-2 zoning district. He explained that the side loading garages look much better from a streetscape aspect and provide more privacy between the street and front door.

Weir referenced the eight units on Shawnee Woods Road and questioned if the depth of the lots on block three could be reduced to save additional trees.

Denmann stated that perhaps but that would require the setback in the front to be shortened. He was unsure how that would affect drainage.

Campion explained that the tree cutting in that area has been reduced but is necessary in order to facilitate drainage.

Martin questioned if there would be a possibility to setback the homes further from the right-of-way without additional tree cutting in that area.

Campion confirmed that would be possible to set the homes back further but advised that would not save additional trees in the front because of the grading that will occur. He confirmed that the homes could be setback further from the roadway without losing additional trees.

Anderson confirmed that the homes could be moved 30 to 35 feet from the right-of-way.

Campion confirmed that could be done, noting that at a certain point additional trees would be lost. He believed that the homes could be setback an additional ten feet without losing additional trees.

Alcon referenced the staff report, noting that the tree preservation has been reduced to 12.5 percent, which is below the 15 percent allowed. He advised that the wetlands on the site will not be disturbed and the stormwater will be management entirely onsite. He advised that there will be a homeowners association and believed the landscaping comments could be accommodated on the final plans. He identified the 8.8 acre tree preservation park would be adjacent to the Wild Meadows area that is also preserved

creating a contiguous preservation area. He highlighted the benefits he believed that the PUD would create and asked that the City Council to approve the request.

Weir stated that granting the PUD would allow open space and for the golf course to continue. She highlighted golf courses in other communities that are being sold and developed. She stated that if the open space is going to remain there needs to be something innovative, such as this, in order to preserve the golf course. She noted that the homes will be very high end and attractive and stated that although the double frontage would not be ideal, the privacy fence and landscaping would be attractive. She questioned if grading and tree cutting for block three could be delayed until the other two blocks are complete, which would allow for additional privacy for the existing homeowners.

Steve Theesfeld, 600 Shawnee Woods Road, stated that his concern is that the comments have been made that the four homeowners on Shawnee Woods will be selling. He stated that the four homeowners have approached developers and have been told that it would not be cost effective to develop those properties because of the tree preservation ordinance. He stated that the homeowners spent a lot of money investing in their properties in order to prepare for the proposed zoning. He recognized the desire of the golf course to preserve the par three golf course but believed that the Council is responsible for preserving the investment of homeowners. He commended Charles Cudd for their presentation but did not believe that this request meets the intent of a PUD. He referenced the raised height along the Shawnee Woods Road for those lots and had concern that additional drainage would be sent onto their properties.

Eric Voltin, 630 Shawnee Woods Road, stated that he has spoken out against the loss of the trees. He believed it to be a false argument that in order to preserve the trees in the park area, trees in this area need to be cut. He did not believe that the landowner has rights to develop that area of the property. He stated that the application has only changed in a small way, as there had not been development planned in the tree preservation area before. He did not believe there was additional tree preservation planned in this version.

Mark Czech, 660 Shawnee Woods Road, stated that they are all aware of the issues and concerns regarding this proposal. He stated that although many questions have not been answered, the reason they are here tonight is to determine if the application meets the intent of the PUD ordinance. He stated that the Planning Commission has found that the application does not meet the intent of the ordinance and believed that the Council, appointed by the residents of the City, should stand behind the decision of the Planning Commission. He explained that decisions involving the entire community are not left to one entity and that is why the system of checks and balances, including the Planning Commission, has been developed. He asked that the Council support the recommendations of the Planning Commission and deny this request.

Martin questioned how wooded the lots of the four homes along Shawnee Woods Road are.

Czech advised that the tree line extends to the roadway.

Anderson confirmed that all the properties of the four homes continue south of the roadway. It was also noted that edge of the properties include a road and sidewalk easement.

Jill Voltin, 630 Shawnee Woods Road, referenced the cul-de-sac placement and was curious why that would be designed in that manner. She referenced the southeast corner of the property zoned for development and questioned why the applicant is not limited to that for development.

Elizabeth Theesfeld, 600 Shawnee Woods Road, referenced the discussion where the homes along Shawnee Woods Road would be setback from the road further and questioned if the road could then be moved towards those properties in order to split the roadway.

Martin explained that the road easement exists and the homes in existence along Shawnee Woods Road purchased those lots with the easement in place.

Batty stated that this is an atypical situation but is not unique. He stated that the City obtained that easement in 1977 for street and utility purposes. He stated that typically when property is platted the area would be split between two properties but noted that it is not unique that a full right-of-way be taken from one property, when that property develops first. He referenced the vacation of a portion of the easement along Shawnee Woods and stated that would have no impact along the remainder of the easement. He stated that the City can use the easement for the purpose granted, which is street and utility.

Kimberly Murrin, 290 Cherry Hill Trail, stated that this is an opportunity for Rachel Contracting to build luxury townhomes, which would move development from the par three and would result in luxury townhomes. She stated that if this is not done it is unknown the quality of multi-family residential that would develop on the par three site. She stated that this area is zoned for development and will develop. She explained that this development placement would also assist the country club, which she believed was a benefit to the community. She explained that by moving the growth to the proposed site would assist the country club, which provides a gathering place and jobs. She advised that if the country club fails that area will be developed and this would place the development where it would make the most sense. She believed that this would benefit the greater good of the community. She stated that if people do not want more growth in the community the zoning should be reviewed as the Comprehensive Plan shows the area zoned for development. She stated that the contractor has made some concessions in order to assist in the process.

Heather Czech, 660 Shawnee Woods Road, emphasized that development is marching on. She believed that the development is moving ahead prior to the traffic problems being solved. She stated that the development to the north of the City is impacting Medina as well. She believed that additional infrastructure would need to be in place before additional development is added.

Scott Peterson, President of Medina Golf and Country Club, stated that over the last several weeks the City Council has received calls and emails in support of the development. He stated that this is a great compromise solution that Rachel has worked diligently in reducing the footprint and loss of trees and worked with the golf course to

preserve the par three and remove the housing from that area. He stated that this application would solve all of the issues on that parcel in one project. He recognized that this would place homes on both sides of the Shawnee Woods Homes in existence but believed that this is a terrific outcome for all parties involved.

Moved by Anderson, seconded by Weir, to briefly recess the meeting at 9:43 p.m.

Motion passed unanimously.

Weir reconvened the meeting at 9:47 p.m.

Weir stated that this is a different application and believed there were increased benefits to the City. She stated that she could consider sending this back to the Planning Commission if the item could be on the agenda for the Planning Commission the following week and back before the Council at their next December meeting.

Finke advised that the requirements for a public hearing have been met and believed it was in the ability of the City Council to send the application back to the Planning Commission for consideration without an additional public hearing notice.

Batty agreed that the statutory requirement for a hearing have been met. He stated that it is probably that most people interested in this issue are in this room and staff could make an effort to notify anyone that may be interested. He advised that once the initial public hearing notification is made there is not additional notice sent to follow up on the item. He stated that a good faith attempt could be made but did not think there would be a legal problem.

Weir stated that she would not like to slow down the developer as they have been a great listener and have accommodated requests. She appreciated the ability for the Planning Commission to consider the request again.

Batty referenced the timeline date of January 5th.

Finke explained that normally once the Council reviews the issue they direct staff to prepare a resolution of approval to be approved at the next meeting, which would be January 6th. He advised that the Council could direct staff to prepare the resolutions at this time, pending the input of the Planning Commission, and action could be taken at the December Council meeting.

Weir confirmed that Alcon would be in agreement with this direction.

Martin confirmed that there will be improvements to that section of Shawnee Woods Road along with this development. She also confirmed that the roadway surface will not be wider than the existing roadway.

Don Rachel explained that the sidewalk will be on the south side of the roadway and further expansion needed would occur on the south side of the roadway.

Alcon confirmed that this would be referred to the Planning Commission for their review the following Tuesday and back to the Council the following Tuesday with an extension of the review period to January 6th. He agreed with this route.

Anderson recognized that this may not be the most favorable decision but believed that it would be important to involve the Planning Commission in review of this plan.

Weir referenced the idea to delay the disturbance along Shawnee Woods Road unit blocks one and two are well along their way.

Anderson stated that he would like additional information on the zoning that would be used for blocks one and two.

Batty clarified that the property would be rezoned to PUD for the entire site.

Martin stated that she would encourage dialogue with the neighbors regarding whether they would like the development delayed or whether they would like it all completed as fast as possible. She felt it would be beneficial to see additional front yard setback for block three to 35 feet, with the exception of lots one and eight. She also wanted affirmation that when the roadways are completed that there would not be any road improvements beyond the northern boundary of the existing roadway. She also asked for affirmation from Kellogg in consultation with the applicant and that drainage proposed for blocks two and three to ensure that all drainage flows south and does not flow to the properties to the north. She believed that the spirit of the PUD ordinance is met with this development, with some tweaking. She was hard pressed to believe that this would not be an appropriate PUD development and noted that a lot of concessions have been made by the developer. She thanked the residents for their input and noted one does not always have control over what occurs on the other side of the street, noting that this is a high quality developer.

Moved by Martinson, seconded by Anderson, to table the request to allow for a review of the Planning Commission and to come back before the Council on December 16, 2014.
Motion passed unanimously.

Pederson rejoined the Council.

IX. APPROVAL TO PAY THE BILLS (10:08 p.m.)

Moved by Martinson, seconded by Pederson, to approve the bills, EFT 002875E-002906E for \$89,441.50, order check numbers 042131-042199 for \$261,620.67, and payroll EFT 506042-506068 for \$47,917.45. **Motion passed unanimously.**

X. CITY ADMINISTRATOR REPORT (10:08 p.m.)

Johnson reported that the recognition event on December 4th has been moved to the Hamel Community building. He advised that an open house will be held at 5:00 p.m. on December 16th for Weir and Martinson to thank them for their service.

XI. MAYOR & CITY COUNCIL REPORTS (10:09 p.m.)

Martinson stated that she found the business tour to be enjoyable.

XII. ADJOURN

Moved by Martinson, seconded by Pederson, to adjourn the meeting at 10:10 p.m.
Motion passed unanimously.

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator