

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, July 13, 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, and Beth Nielsen.

Absent: none

Also Present: City Planner Dusty Finke, Planning Assistant Debra Peterson-Dufresne, and NAC Planning Consultant Steve Gritman

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

No public comments.

3. **Update from City Council proceedings**

Council member Weir presented City Council update.

4. **Planning Department Report**

Finke explained the recently applied for preliminary plat applications and ordinances that will go before the Commission in August.

5. **Approval of June 8, 2010 Planning Commission meeting minutes**

Motion by Anderson, seconded by V. Reid to approve the June 8, 2010 minutes with recommended change. Motion carried unanimously. (Absent: None)

6. **Public Hearing – Lennar “The Enclave of Medina” at 3212 Hunter Drive (PIDs 12-118-23-43-0002 & 13-118-23-12-0001) – Comprehensive Plan Amendment, Rezoning, Preliminary Plat, and Variance to reduce the width of the right-of-way within the development. 134 single family homes and 41 townhomes are proposed on approximately 109 gross acres (68.59 total net acres).**

Nolan reprieved himself from the application due to his family having property immediately north of the land use application. Martin also reprieved because her law firm represents the Nolan family and would have interest on his behalf.

Grittmann presented the project and identified the issues raised with the proposed project.

The 1st issue is the proposed density and if the Commission is comfortable with the number of units.

The 2nd issue is the project is predominately single family homes, with 41 townhomes. Grittmann said part of the application included a comprehensive plan amendment to expand the MUSA line in exchange for an environmental area on the east portion of the property.

The 3rd issue is the application proposes an R-2 district within an area guided for low density residential uses which is in conflict with the zoning ordinance requirements.

The 4th issue is how the Planning Commission and Council feel about the potential for two family homes in the subdivision.

The 5th issue is if the density bonus should apply to the proposed design. If not, the applicant would be required to either relocate the amenity or reduce the number of townhome units to 39.

The 6th issue is the 70 foot building separation between townhomes is too close. It compares to typical face-to-face dimensions of 110-120 feet in urban single family subdivisions. He explained the zoning ordinance doesn't address concerns staff has related to the townhome layout.

The 7th issue is the proposed single access cul-de-sac to the 41 townhome units. The single access is in conflict with Chapter 8, Section 820.29, Subd.2.(g) of the Subdivision Ordinance. All streets are proposed to be private.

The 8th issue is more procedural. While the zoning ordinance includes language referring to private street use and allows townhome developments in the R-3 District, there isn't a formal process for approving such development apart from a PUD zoning. In discussions with the City Attorney and the development review committee staff members, the intent of the ordinance would allow the project to go through the process without a PUD.

The 9th issue is the Planning Commission and Council should consider guest parking for the townhomes and the issue of one access point.

The 11th issue is the proposed landscape plan for the townhome development is inconsistent with the zoning ordinance requirements.

The 12th issue is the small garage sizes (proposed at 368 square feet). Staff recommends a minimum garage size of 440 square feet.

The 13th issue is a couple of the lots do not meet rear yard setback requirements and will need to be revised for consistency with the zoning ordinance requirements.

The 14th issue is some lots are located exceptionally close to the wetland buffer setback edge, resulting in limited rear yard usability. This layout suggests a potential for future variance requests and code violations.

The 15th issue is the ordinance requires a ten foot side yard setback for driveways, yet the minimum side yard setback for a principal structure is five feet within the R-2 District.

The 16th issue is the reconstruction of Hunter Drive. This road improvement has potential for individual property assessments, which has been done on other road reconstruction projects in the City.

The 17th issue is any proposed realignment or rearrangement of the street within the subdivision requires a revised preliminary plat. A revised preliminary plat would require review by City staff prior to its consideration by the Planning Commission and Council.

The 18th issue is to consider granting a variance for a reduced ROW width within the subdivision. The reduced ROW decreases impervious surface.

The 19th issue is the need for additional buffer yards adjacent to the UR District to the north and the RR District to the east to be consistent with Zoning Ordinance requirements.

The 20th issue is the Planning Commission and Council needed to discuss whether or not the trees should be counted towards the percentage saved, a portion of the trees are proposed to be in exchange for the MUSA line expansion.

The 21st issue is discussion of tree removal and tree preservation.

The 22nd issue is if Park Dedication credit should be given for the "Conservation Area", which is a policy question.

The 23rd issue is if the plat should be redesigned to eliminate lot lines extending into the wetlands and if an Outlot should be created for a conservation easement area over the wetland.

The 24th issue is recommendations of the City Engineer related to grading, drainage and utility issues being adequately addressed prior to preliminary plat approval. The concerns are more for second generation owners that see a plat showing their lot extending into the wetland. The concern is owners will start mowing a part or portions of wetlands and putting in play structures and so forth.

The 25th issue is the applicant has not proposed a solution for dealing with the northern five acres that meets ordinance requirements.

Gritman closed his presentation by explaining the three possible actions the Commission could take:

1. Approval with any number of conditions
2. Recommend denial, with findings provided
3. Recommendation to table the application, identifying what is expected of the applicant to revise.

Williams asked questions related to issues 7, 9, and 11, specifically if safety was part of the concern. Gritman said they are safety issues.

Anderson asked about widths of streets. Gritman said in the Single Family portion of the project the streets are typical, but rather the right-of-way is narrower.

V. Reid asked why private versus public streets. Gritman said he'd prefer to refer to applicant. Reduce hard cover and it allows having more utilization of the property.

V. Reid asked who owned the property to the NW of the project. Finke explained it was the Nolan family and there are deed issues.

Williams said the applicant claimed the MUSA line followed the floodplain and asked for clarification. Gritman said the property is straight and doesn't appear to be part of a floodplain line.

Williams asked if the MUSA line was moved, would it be qualifying the property for infrastructure. Gritman said the applicant had agreed to set aside the property to the west in exchange.

Carol Toohey, representative for "The Enclave," explained they have made some changes since the Concept Plan. She said they added townhomes on the north end of the project and graduated lot types. She said they were asked to provide house details and townhome units, which were added and offer a completely different price point.

Toohey provided images of the exterior elevations of the proposed homes and showed the proposed roadway that could be connected to Navajo Road East in the future.

Toohey said they were asked to preserve more wetlands and to save more trees, so they felt it was an equal swap. She said the proposal saved all wetlands in the tree area. They were proposing to fill a few wetlands in their concept plan, and the new plan only proposes to fill a portion of one wetland.

Toohey explained the proposed housing types, their square footages, lot widths, lot sizes and prices.

Toohey said during the concept plan review process they were asked to provide a single family home plan that offered a main level master bedroom floor plan and to add townhomes, all of which were included.

Toohey said they plan to have a grand landscaped entrance and community room.

Toohey said the trails proposed within the development lead to Hunter Lions Park, Hamel Legion Park, and the City's community building.

Toohey responded to the issues raised by Grittman:

She said the density was recommended by staff to be 175 total units. She felt this was the direction all along and what the City wanted. She said the staff reports reflected the 175 units.

She said yes they are proposing a comprehensive plan amendment to expand the MUSA line, but are proposing homes with larger lots than what is required.

She said prior to laying out the project design, she said she was never led to believe the proposed layout would not be acceptable and was surprised when they received the staff report on Friday.

She talked about the proposed building separation and how the City code requires a 25 foot separation between buildings and the proposed townhomes are 74 feet away from each other. She said single family homes have more distance from each other than the townhomes, which were designed to be closer together.

She commented that the single entrance/exit with a cul-de-sac serving 41 townhome units has been done before on other projects they have designed.

She agreed with staff's interpretation.

She said their project meets City requirements for guest parking

She said she spoke with another City and asked how they deal with townhome developments and if they allowed single access points. She said the city didn't feel they needed a secondary access. She said she also called a garbage company, different from the company the City uses and she said they don't have issues with projects laid out similar to the proposed project.

She said they have proposed a lot of landscaping and wasn't aware of it being inadequate until she received the Friday staff report. She said it would be difficult to add additional landscaping at this point.

She said she has concern with increasing the garage sizes since it would reduce living space.

She said some of the home sites don't meet rear yard setbacks to the wetland buffer or driveway side yard setbacks since the City is asking for a setback to buffer.

She said they are decreasing the impervious surface by narrowing the right-of-way width.

Buffer yards. She said the chart within the zoning ordinance is rather confusing and was interpreted incorrectly.

She said they are trying to save the trees, in the MUSA.

Kathy Widin, Plant Pathologist-Forestry Consultant for applicant, noted she had surveyed the site in 2007 and had revisited the site more recently. She said a grove of Sugar Maples in particular were in good condition and looked at overall quality of trees. She said this area is worthy of protection. She said a proposed boundary would be good to determine where construction area should be placed and to make sure excavating stays away from the root system of the trees in this area. She said there is an area with Elm trees and a large percentage has Dutch elm disease.

When she was there in 2007 she saw no indication of Oak wilt. She did not see active Oak wilt in June of 2010 when she visited the site. She said some Oak have died from age, deep tree defects, storms, and tree death. She is fairly confident the Oak trees are worthy of protecting rather than the Elm trees.

Williams asked Widin if she took a macro view of the woods, would it be fair to say what makes the woods unique is the "Big Woods" part of it. She said yes, by species alone. She said the big trees are only of moderate quality, which goes along with their age. Williams asked about the 1500 trees and what percentage was healthy. She said she does not have those statistics but in her re-evaluation the majority of the trees were in fair condition. She said "fair" condition is a fairly good rating and the area had not been managed much. She said in the re-evaluation only 138 of those trees were of lesser condition than the earlier report. She said this was fairly typical of a woodland. She said poorer quality trees can still be utilized for environmental areas such as habitat nesting in cavities of trees. She said as you get closer to a wetland some of the trees such as Sugar Maples can't survive.

Toohey said they would like a park dedication credit for construction of trails and the balance would be paid with cash.

Toohey said they preferred showing the lot lines through the wetlands rather than an Outlot. She said they install signage along wetland buffer edges, plus protective covenants would be in place with specified restrictions that would be given to land owners.

Toohey said they had just gotten city engineers comments on Friday and couldn't respond on such short notice.

In general Toohey said a lot of the issues were just brought up on Friday, which surprised them since they thought they were moving along with the project. She said they are willing to table the item so they can have additional time to respond.

Williams asked if during the Concept Plan process a specific density was suggested and asked if Lennar had gone as low as possible, as it relates to density. Toohey said they've gone down low with the unit count while respecting the environmental features and providing a product that will survive both today and tomorrow.

Nielsen asked why Lennar hadn't reduced the number of units to 142. Toohey said the Comprehensive Plan had a range of units and they are within it.

Williams asked if the site was developed under R-1 density could it meet density requirements. Toohey said she didn't know the answer.

Williams asked why the pool area was positioned where it's proposed. Toohey said so it's visible when people go through the entrance and into the development.

Williams said there is a grove of trees that are old and decaying. He said the area the City arborist identified as the best area is in the same grove, but in the SE section of it. He asked if the City were to keep a grove rated as "moderate quality" in exchange for moving the MUSA line is it a fair exchange since the wetlands would then be burdened. He was concerned that it could open the City up to having to provide infrastructure. He also said he knows if the MUSA line is moved, it could cause a whole series of burden to the City.

Toohey said the reason why they are asking to move the MUSA line is because of the FEMA Floodplain. Williams asked if Toohey knew the history of the MUSA line. R. Reid said the floodplain map meanders.

Williams asked if the townhomes qualified for affordable housing. Toohey said the price will be in the mid \$200,000.00 price range. Finke said \$218,000.00 is the price the townhomes would have to be within to be affordable.

Nielsen asked about the living space being reduced and if the units could be reduced without taking from the interior living space. Toohey said it would be difficult but it could be looked at.

Nielsen asked about Hunter Drive assessments. Finke said it's a conversation that the Council will have to have to determine the percentage of burden to be on the developer. Nielsen asked if Hunter was ever slated for reconstruction. Finke said the City has had it on a list for the last five years.

Nielsen asked why lot lines are proposed to run through the wetlands. Toohey explained they don't charge by lot size. May give various discounts or increases on a specific lot if it backs up to Hunter Drive or a slight increase if a lot has more established trees, but otherwise the lots are the same price.

R. Reid asked about the project being on the high end of the density range. Gritman said it fell within the density range.

Toohy clarified that the 175 units came by recommendation of the City Council.

Weir said she clearly remembered the 140 units per acre density range. Finke said a lot of numbers were discussed related to density and didn't feel enough data was available. He said he recalls a variety of numbers, but feels a lot of things have changed.

Weir said the EAW identifies the woodlands and would like to see half of them preserved, which may be difficult to do.

Public Hearing opened at 9:07 p.m.

Michael Fine, resident at 550 Navajo Road West, talked about zoning, density and moving the MUSA line. He felt a significant amount of the intent of what was expected for the subject property is proposed to be different, rather than the "rainbow effect." He said the southern portion of the development was supposed to have the lesser percentage of density. He would like to see Lennar develop the site, but has concerns with conceding to change the first six months of the new comprehensive plan. He would just like the original intent for the area to be followed.

Tore Wistrom, resident at 3475 Elm Creek Drive, purchased their property about 3-4 years ago and was under the understanding that the subject property would have five acre lots. He said he doesn't understand why the City would change zoning. He asked what benefit the development would provide to the residents of the City. He said he understands the increased tax base, yet asked that the project be denied as proposed.

Neil Wolfe, resident at 3390 Elm Creek Drive, said the subject property which he is adjacent to is the second largest property. He said he has been a firefighter and trainer for 29 years. He has an issue with only proposing one roadway into the townhome development and feels it is not within the character of the City. He will have to look at it every morning. He is concerned about how people will be able to cross the street since Hunter Drive is already busy. He feels the City is moving too fast with the proposal. He feels the project is a violation of the code and is not acceptable. He said he understands the City must commit to a certain number of homes, but doesn't feel this project works. He requested staff to work with the Fire Marshal.

Finke said the Fire Marshal was consulted and encouraged a through road and he urged the main road be wider than 20 feet. Wolfe said he would be talking to Loren about the project.

David Netjes, resident at 500 and 790 Navajo Road, asked the public if anyone had talked to the Met Council. He said he sat down with them and they said they would be open to preserving the woodlands and wetlands. He was told by the Met Council that the MUSA line followed the PID line. He further said he relied on the City for development of the subject

property and also the original comprehensive plan guidance. He said whoever said the City has to swap trees in exchange for expansion of the MUSA line is incorrect.

Connie Fourre', resident at 2755 Hunter Drive, she said she wanted to comment on the visual character of the development. She asked what the anticipated traffic flow on Hunter Drive would be. Lennar's traffic engineer Mike said south bound would increase from 1500 trips per day to an estimated 2500-3000 trips per day once fully developed. Connie said the increased traffic is an obvious concern to her.

Frank Mignone, resident at 3316 Red Fox Drive, said he lives across the street from the subject property. He's been able to enjoy the Holasek property for 30 years and they have the right to develop it. He said there has to be a point in time to compromise and approve the project. He raised concern as to who is going to pay for the infrastructure.

Charles Nolan, resident @ 2935 Willowood Farm Road, said his family owns the five acres north of the proposed development. He said they haven't ever tried to do anything with the property. He said he came to address issue #17, which relates to access to the north road. He said the cul-de-sac dead ends at their property. What the plan doesn't show is that their property essentially becomes a secondary exit. He said their property has wetlands which reduces the buildable area and feels it's not fair to have their small parcel take the burden of a large parcel developing. He said the developer was willing to work with them, but in an ideal world they would prefer their property to have its own separate development exiting out to Hunter Drive. He handed out a preliminary layout of his lot that was distributed to the Commission. The preliminary layout identifies the impacts on their site. He feels it is an undue burden to be engulfed in their development. He said the only compelling argument is the developer tried to avoid cul-de-sacs. He asked the Commission for consideration of his concerns.

Williams said he understands Nolan's preliminary layout. He asked if he would have an objection to the through road. Nolan said the road dead ends at the south end of his property. And sees it as a future extension to Hunter and has concern that he will be forced to do something in the future.

R. Reid asked if there is any reason they wouldn't want to purchase the Nolan family property. Lennar said they weren't really looking at the Nolan property but did meet with them last week.

R. Reid reviewed questions the Commission will need to discuss.

V. Reid said she would prefer to preserve the woods because neighbors felt there were promises made and felt it's difficult to approve the extension of the MUSA line. She leans towards not recommending approval of the MUSA line extension.

Anderson is against moving the MUSA line extension. He feels it opens up issues. He thinks the applicant has done a lot of good work since the Concept Plan. He doesn't think the woods should be traded for moving the MUSA line.

Williams asked about how the City collected Park Dedication. Finke said the City can take either land or cash, or a combination of both.

Nielsen doesn't agree with the MUSA line extension. She made a motion to deny the Comp Plan amendment request.

R. Reid said she didn't have an issue with the MUSA line extension.

The Commission discussed Nielsen's motion and what that meant. Williams asked Toohey if they would like to take time to respond to comments and questions. She suggested the application be tabled to give them an opportunity to make changes.

No second to the motion.

Weir explained that during the next comp plan amendment she felt the MUSA line would more than likely be shifted and it may possibly have higher density than it is now.

Finke explained the comp plan is a 20 year plan, but is revised every 10 years. He said the City will be revisiting it in another 6 years. The City would have to look at where increased density would otherwise go if not in this location.

Williams said it would be extremely difficult to convince him to move the MUSA line, since he didn't feel there was enough the City would get in exchange.

R. Reid she would agree to the MUSA line extension with modifications to the design of the project. V. Reid said she is more with R. Reid. Nielsen said she is more in agreement with Williams.

Weir said if the 6.4 acres was held out of this application she could confidently say the MUSA line would eventually be extended and an unknown density or similar density would be allowed.

R. Reid asked about the requested rezoning, reduced lot sizes, and lesser setbacks if they were appropriate. Finke explained the zoning of the property is PUD2. He said the new comp plan identifies three different land uses. Ultimately the land will have to be rezoned and ultimately consistency of the land uses is necessary. He said land uses and zoning has been intertwined and needs to be clarified. Nielsen wanted to consider the more fanned approach. Williams would like to see it be more guided as shown on the comp plan and would like to preserve the sweet spot of the woods. He feels the southern portion of the property should remain rural residential. He isn't set on a specific number of units. He wants to see a gradual change of density from north to south, with the southern portion of the property be less dense.

Anderson said he feels density should be reduced based comments. He has serious concerns with one access and feels safety should be a priority. He said he also agrees with Nielsen's comments.

V. Reid said she would like to see more variation and may be ok with the reduced side yard setback, but would like to see less density to the south.

R. Reid said she has a concern with so much R-2 zoning. Feels R-1 designation is more appropriate based on the size of the development. The issue of the 5 foot versus the 10 foot side yard setback she understands. Feels R-1 is more appropriate.

Finke explained the zoning ordinance has some inconsistencies with the driveway code and garage setbacks. Staff would make changes to ordinance, an amendment to be consistent.

Finke said the reduced right-of-way is for the public portion, the single family area.

V. Reid said she is very glad townhomes are being proposed. She wonders if it would be better to have a few more parking spaces for guest parking and improve the circulation. She suggested to maybe redrawing where the community center is located. She would like to see the townhome garage size to be increased but would hate for the living space to be reduced.

Anderson said he's not troubled that the pool house isn't near the townhomes.

Williams is not troubled where the clubhouse is located if the applicant doesn't want a bonus. He felt the overall view of the townhomes is good and would like to see more of them. Nielsen said maybe spread out the townhomes, get larger garages and improve circulation. She also likes the location of the pool house.

R. Reid said she'd like to see the townhomes more spread out. She said she is interested to see what other developments require for garage sizes.

Finke asked the commission if they were in agreement with the street layouts, reduced right-of-way, and shortened driveways. Finke said Bridgewater would be a good example of a 50 foot right-of-way with a 25 foot front yard setback for the homes. He said the proposal suggests increased front yard setbacks. He said the City has not officially adopted the right-of-way to be required 50 feet in width and the reduced right-of-way makes it easier for the applicant to achieve density.

Williams doesn't have an issue with the reduced roadway. Anderson agrees with Williams. R. Reid would like to see another access rather than Hunter Drive. V. Reid asked what happened to the idea of a road accessing through the park. Toohey said they are not recommending a connection through Comanche Trail because of wetlands and trees.

The commission discussed wetland protection and lot lines extended through the lots. Williams, Nielsen, Anderson, V. Reid didn't agree to extend lot lines into wetlands. V. Reid

would prefer to have higher density to achieve more open space. Nielsen said she didn't think she heard anyone opposed to developing. She said preserving areas is important. Weir asked the commission to discuss building right up to the wetland buffer.

V. Reid said second generation homeowners would want decks. Williams said a buffer is needed and thinks it is reasonable.

Nielsen suggested Hunter Drive be discussed. She said Lennar should pay for a good portion of the improvement. Wolfe said there are no easements along the Hunter Drive. Toohey said discussions have been very preliminary as it relates to Hunter Drive. She said they would go along with what is recommended by the City.

Toohey brought to the Commission's attention that if the MUSA line isn't extended, the road extension to Navajo East would be eliminated. She asked how the Commission would feel if the community center was removed. The overall consensus of the Commission was they were fine with it being removed from the plan and they see it more of a benefit to the developer.

Williams made a Motion to table the land use application until such time Lennar can provide responses to City staff comments and revised plan. **Motion was seconded by V. Reid.** Motion carried unanimously. (Absent: Nolan and Martin)

7. **Public Hearing – Ordinance Amendment – Chapter 8, Section 826.25.1-826.25.5 of Medina City Code related to the Rural Residential - Urban Reserve (RR-UR) zoning district.**

Martin and Nolan returned to Commission at 10:36 p.m.
Finke presented item.

R. Reid asked if the ordinance affects anyone else other than Loretto. Finke explained that the zoning district is a transition district.

Public Hearing opened 10:41 p.m.

Public Hearing closed at 10:42 p.m.

Motion by Nielsen, Seconded by Martin to approve the ordinance amendment. Motion carried unanimously. (Absent: None)

8. **Discussion of additional Planning Commission meetings.**

Finke explained the need for rezoning of properties. Nolan asked if there are major concerns with change. Finke said no.

The Commission agreed to try and cover rezoning for the August 11th (Wednesday due to elections) meeting. They agreed if Lennar is wanted to have their application heard in August a special hearing could be held for them.

Anderson said the applicant should be given ample time to make revisions.

August 24th was the date the Commission agreed to if a special meeting was needed.

Motion by Williams, V. Reid

9. **City Council Meeting Schedule**: Discussion of representation at Council meeting.

9. **Adjourn**: Motion by R. Reid, seconded by V. Reid to adjourn at 11:00 p.m. Motion carried unanimously. (Absent: none)