

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday, July 9, 2013

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

Present: Planning Commissioners Charles Nolan, Robin Reid, Randy Foote, Bob Mitchell, Victoria Reid, and Kent Williams.

Absent: Commissioner Mark Osmanski

Also Present: City Councilmember Kathleen Martin, City Planner Dusty Finke, Planning Assistant Debra Peterson, and Nate Sparks of NAC.

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

No public comments.

3. **Update from City Council proceedings**

Martin updated the Commission on recent activities and decisions by the City Council.

4. **Planning Department Report**

Finke provided an update of upcoming Planning projects.

5. **Approval of the June 11, 2013 Draft Planning Commission meeting minutes.**

Motion by R. Reid, seconded by V. Reid, to approve the June 11, 2013 minutes as presented. Foote abstained since he wasn't present at June 11, 2013 meeting. Motion carried unanimously. (Absent: Osmanski)

6. **Public Hearing – US Home Corporation - Preliminary Plat for a 9 Single Family Lot Subdivision on 4.6 acres located east of Hunter Drive, north of The Enclave of Medina and south of Comanche Trail (PID#12-118-23-43-0004).**

Nolan recused himself from the application. Sparks presented the application. He pointed out that the developer should be aware that some homes would be limited to space at the rear of the homes for patios and decks. He said the lots met all minimum standards of the R-2 district. The proposed cul-de-sac will need modifications, an irrigation plan would be needed and trees were not being planned for removal.

Sparks said the single family homes are an appropriate use for the property and the cul-de-sac design was the City's template design. He said putting nine homes on the proposed style cul-de-sac requires some modifications such as a tear drop style shape to leave room for driveways and snow storage. He said staff is currently working with the applicant and felt something would be worked out with moderate alterations

to the subdivision. The landscape plan would need to be revised to include a buffer area between the existing housing and proposed housing and an upland buffer planting plan. To help with future maintenance, it was also recommended that plantings be placed within the Outlot areas. Accessibility would be quite limited in the Outlot areas. He said the Park Commission would be reviewing the application next week and looking at a connection of a sidewalk to Hunter Drive. Park Dedication would be paid cash in lieu of land.

Joe Jablonski, US Home Corporation, explained that the existing cul-de-sac within the Enclave Development would be removed and the road would continue through to the north to access their proposed Enclave 5th Addition. He said the cul-de-sac makes more sense than direct access onto Hunter Drive and not connecting the lots to the Enclave Development. He said the only thing they have an issue with from the City staff comments was the trail connection to Hunter Drive. He said the lots are narrow and to get access out to the trail along Hunter Drive would be difficult.

Williams asked about getting access through Outlot A, along Lot 1. Jablonski said it would be difficult because they have maintenance bench slopes to keep, but said he was willing to take a look at it.

Williams asked what would be required to buffer the lots to the north. Jablonski said they would not have enough room to install a berm, but plan to plant evergreen trees approximately ten feet tall.

Footo asked what the cul-de-sac changes would entail. Jablonski explained that the right-of-way would remain the same, but the size of the center island would change.

R. Reid asked when the homes are being sold along the northern property line would the buyers be formally informed that the deck and patio sizes would be restricted. Jablonski said they go through a disclosure process and how their home would fit on the lot and what limitations they would have. R. Reid asked if they sign something and Jablonski said they are required to. Jablonski said he wanted the Commission to know that the homes along that area would still be able to have a deck or patio, but they would just be smaller in scale than the other homes.

R. Reid asked if it was necessary to have such wide driveways or could they be tapered. Jablonski said customers request driveways that lead straight out from the garage for ease of maneuvering and to allow easier access into garage. He said the third stall was typically utilized for recreational vehicles and the ability to pull straight in was important. Finke explained the City had a maximum driveway width at the curb and at the property line. R. Reid asked if the buyers select the colors. Jablonski said they typically do unless the home had already been started. R. Reid said it's a sea of taupe and beige and was hoping for more variety than the current Enclave of Medina.

Public Hearing opened at 7:40 p.m.

Charles Nolan said he was representing his family. He said the property had been in his family since 1960 and it had originally been part of the Holasek Farm which is now the Enclave of Medina. He said their property had been available for sale for over 30 years and explained they had three different buyers looking at the property and chose Lennar since he felt it made more sense for the property to be a continuation of the Enclave of Medina subdivision.

Marilyn Fortin of 365 Comanche Trail raised questions about the homes to be constructed along the north property line; what kind of buffer they would have and if the new homes would be built up on raised berms like the other Enclave Additions. She said the property is currently higher than their properties to the north. She also asked if the wetland would be expanded. She said her main concern was building height. Finke said the basement windows would be one foot up from the existing grade. Jablonski said they weren't proposing to increase the wetland size and the stormwater improvements would be made to capture all of their own runoff from the new homes. R. Reid asked if the homes would be two-story and Jablonski said yes. R. Reid asked the size of the trees that would initially be planted along the north property line area and Jablonski said they typically start at 10 feet.

Finke said the rear lots will flow to the wetlands, but will meet the requirements for stormwater in the development.

Judy Kerber of 3412 Hunter Drive said she had similar questions as Fortin and was satisfied with the answers provided. Williams asked if she had any concern with the northern lots draining onto their neighboring properties and she said she had, but her questions were answered. Jablonski said they will be retaining all their water on their site.

James Strate of 3338 Butternut Drive said his main concern was that it looked like the majority of the homes proposed would be draining to the back of his yard. His house is blue (laughter). He explained everything would be draining directly behind his house from wetlands and had concern. V. Reid asked what recourse owners would have if it doesn't drain accurately. Finke said the plans show that the drainage is to reduce and that most of the site will drain through a pond first and the rear yard of those lots are intended to go through drainage easements.

Mitchell said there is a tremendous amount of protection on the plans. He suggested the citizens with concern could get a copy of the plans and for the homeowners to watch during the process to make sure it gets done right. He said he'd rather have them raise concern during the process rather than three years later. Finke said the City has worked on improving sump pump water.

Foote asked what the penalties would be to cut down trees. Sparks said the City has regulations allowing a certain number or percentage of trees during initial development to be taken down. Foote asked if after a certain number or percentage of trees is removed would the applicant have to replace trees and Sparks said yes.

Williams said he would like to increase the opacity of the buffer area from the properties to the north and accessibility to the Hunter Drive Trail. V. Reid agreed. Finke suggested the applicant use the tree planting requirements from the Enclave at Brockton development. Finke said staff understands what the Commission is recommending. Commission asked if the Park Commission would be discussing the accessibility to Hunter Drive Trail and Finke said that they could.

Finke announced the application would go to the City Council August 7, 2013 if a recommendation was made.

Motion by R. Reid, seconded by Foote, to recommend approval of the Preliminary Plat for a 9 lot Single Family Lot Subdivision, conditioned on additional landscape buffering at the rear of the lots to the north and to try and figure out access to the Hunter Drive Trail. **Motion carries (Recused: Nolan)** (Absent: Osmanski)

Nolan rejoined the meeting.

7. Public Hearing – Saints Peter and Paul - Conditional Use Permit to expand the cemetery located at the southeast corner of Hamel Road and County Road 19 (PID# 07-118-23-13-0001).

Finke presented the application. He explained cemeteries are a conditional use in the RR-UR zoning district and reviewed the proposed layout of the cemetery with the Commission. Access was explained and that staff recommended 20 foot in width roadways even though some areas within the existing cemetery didn't have that width. Staff also recommended "one way" signage and "no parking" signage to be installed. He said "no parking" spaces were also being proposed. He said the location of the cemetery meant that internment ceremonies would require processions. On-site parking had not been a concern to the police in the past. One condition would be that the operators try and coordinate parking on-site with parking on one side of the internal roadways rather than on Hamel Road. Approval from the Police Department would be a possible option to park on the street.

Finke explained the Review Criteria for Cemeteries. Nolan asked about density of the plots. Nolan asked if staff knew of any other cities that had parking requirements in their cemeteries. He said he was looking for any guidance on the topic. Finke said the number of grave sites shouldn't have an impact on parking. He said a cemetery of this size wouldn't have multiple processions all at one time. Nolan asked that only one procession at a time occur and Finke said it's an option to place as a condition of approval. Williams pointed out that on holidays like Memorial Day they could have a need for help from the Police Department. Finke said if a particular day was going to be busy with an annual event or something like Williams mentioned then they could get Police approval for parking on the street also. Williams asked if the City required widening the existing internal roadway if it would displace any of the existing grave sites. Finke said it didn't appear that it would. V. Reid said eventually the parcel of

land to the north may be optional for additional parking if Hamel Road became too busy in the future. Finke said proof-of-parking was recommended as an option.

Nolan asked if the cemetery operator was required to contact the Police Department prior to each funeral. Finke said as a condition of the CUP, we are recommending the Police Department be contacted, though currently they already help with the funeral processions.

V. Reid asked if removal of burial sites are controversial. Finke responded by stating that the applicant wasn't planning on moving existing burial sites.

Bill Sanders, Landscape Architect working for Saints Peter and Paul, said he appreciated staffs report and was in agreement with staff's comments. He said they would be open to widening the road if that is what the Commission would like. He provided the history of the cemetery and said that it goes back to 1867. He said the trend today is to have more cremation burials and as further demand increased they would provide columbarium's. He said cremations are already being provided in the traditional graves and his company has done a lot of cemeteries all over the region and this cemetery has one of the lowest densities.

Saunders also said that the 50 foot setback requirement around the perimeter of the cemetery and the open central area provided a low density feel. He said the number of gravesites was a large number based on the size of the parish, so will provide them availability for many years to come. He said they are really building on the rural character and feel that the county had acquired some of their property for a trail which they incorporated into their design so people had the ability to walk through in connection with the trailway system.

Saunders added that the cemetery typically has ten burials per year so it wouldn't be often that the funeral processions would take up the parking. He also said that with the linear nature of the site there was a lot of parking that could be accommodated when necessary, along with the fact that the Funeral Director had a lot of control on the flow of the traffic. He said the busiest time of the year would be during the Memorial Day Mass which is a one hour event and on that particular day many people do visit the cemetery. In general, the visitor numbers are quite low each day.

Finke asked how the cemeteries handled cremations within existing gravesites. Saunders explained in some parishes they allowed up to four cremations on a traditional site but the trend was a traditional casket burial with one cremation burial. He added if not a casket burial then two cremation burials in one grave site.

Williams asked if it would be feasible to expand the existing roads. Saunders said there are two brick columns that mark the entrance which could be an issue with widening in that location.

V. Reid asked how many cars could be parked at any one time without cars being parked on the roadway. Saunders said they had room for at least 100 cars.

Public Hearing opened at 8:33 p.m.

Public Hearing closed at 8:34 p.m.

Mitchell recommended the new road be widened to 20 feet and the existing road be widened when the existing road is repaved in the future, with the exception of the area where the columns are located. Nolan said they should be consistent in their recommendation with what they've approved on previous projects. Nolan asked Saunders if the cemetery had an issue with one event at a time. Saunders said it would not be an issue.

Motion by Mitchell, seconded by R. Reid, to approve the Conditional Use Permit to expand the cemetery conditioned on 1) the proposed internal roadway shall be widened to 20 feet in width, 2) within the next 10 years the existing roadways are required to be widened to 20 feet in width, with the exception of the area near the entrance columns, and 3) funerals and other events held at the cemetery would be restricted to one at a time. **Motion carries** (Absent: Osmanski)

8. Public Hearing – Dennis Hedtke – Rezoning from Uptown Hamel-2 (UH-2) to Commercial Highway-Railroad (CH-RR) at 3522 Sioux Drive located at the southeast corner of State Hwy 55 and Sioux Drive (PID#12-118-23-41-0069).

Finke presented the application and review criteria. He said the rezoning of property had a high level of discretion. R. Reid asked if the City would fall below overall density requirements if housing wasn't put on the subject property. Finke said it would be insignificant. Finke said the UH-2 district doesn't require residential, but is an option. R. Reid said given the traffic, she doesn't find it suitable for residential. V. Reid asked if it was rezoned, then two parcels could be combined and would allow for a big box user. Finke and Nolan said the sites combined wouldn't be large enough to accommodate a big box user. Finke said the Target site is 12 acres in size and the subject property isn't close to that size. Nolan asked what the zoning of the Plymouth property to the east was. Finke said there is only one lot there and it's guided commercial. R. Reid asked if West Financial across the street was about the same size as the subject property. Finke said Hamel Station as a whole would be the same size as the Hedtke site. R. Reid said she thought it would be similar to the Hamel Station site in appearance.

Wayne Elam, Commercial Realty Solutions out of Buffalo, MN, said they are trying to be proactive with the property by rezoning it now rather than a buyer having to place a contingency for rezoning. He said they didn't think the property would be considered for high density residential. He said they had done some preliminary design layouts for commercial and the square footage of the building would be no greater than 12,000 square feet in size.

Public Hearing was opened at 8:55 p.m.

Jim Tiller, owner of properties directly to the east, said development of his property depends heavily on the Hedtke site primarily for access. He said the single family home is zoned UH, but taxed as residential. Tiller asked if they could rezone their property also, even though they had not made an application. Nolan asked if the property could be publicly noticed at the City Council meeting for the Tiller application. V. Reid said it's an unusual piece of property, but likes the idea of the businesses and can't see residential in that location. She also pointed out that she would not want to see a gas station on that corner.

Williams asked the applicant what uses they felt they were being deprived of since they were asking for a different zoning district. The applicant was visualizing a 2-3 story medical facility, but the size they are thinking of wouldn't be allowed in the current zoning classification.

Tiller said when his property is developed, Uptown Hamel would benefit since some of the people working at their facility would go up the hill to make use of the businesses in Uptown Hamel (UH). He also said he didn't think a three story building on his site would even be noticed from UH area since it sits so low in comparison.

Public Hearing closed at 9:10 p.m.

Mitchell said the properties on the edge of Hwy 55 didn't belong in UH district and he doesn't see it part of the UH district, but rather sees it as a gateway. He said he could make the argument for the CH-RR district. Williams agreed with Mitchell and wasn't terribly concerned with the connection to the UH area. Williams also said he was fine with a gas station in that location and felt it would be consistent with what is in the area currently. R. Reid said she's wasn't sure if the vision for the UH area would ever really work because of the railroad and the hill. Williams said the area is so physically separated from UH and the highway and the railroad will always be there. He further said the rezoning does open up the types of uses, but was fine with a medical building.

Foote said he doesn't see the property as a gateway to the UH area. He said a three story medical building would be fine, but wouldn't want to see a gas station. Nolan said if rezoned there wouldn't be anything to prevent them from requesting a gas station.

R. Reid said if the Commission knew what was going to be constructed there they would be fine with the rezoning as long as it wasn't motor related. Nolan said he's having a hard time approving the request.

Dennis Hedtke, the owner of the property, said he has owned the property for the past 30 years and at no time had anyone approached him for a gas station, but rather he's had many opportunities related to the medical field.

Mitchell asked why they couldn't have a medical building in the UH-2 district and Finke said they could as long as it didn't exceed 12,000 square feet. He said the applicant is looking at developing it for a three story building that would exceed the maximum square footage allowance for the district.

Motion by Mitchell, seconded by Williams, to recommend the rezoning to CH-RR zoning to allow for a larger building, but noting to the Council the Commission's concern about uses such as a gas station on the property.

William said everything else is zoned CH-RR in that area except it's half of a gateway. Nolan agreed with William and Mitchell.

Motion carries 4-2 (Ayes: Williams, Mitchell, R. Reid, and Nolan). (Nayes: V. Reid and Foote).

Motion by Mitchell, seconded by Williams, to recommend rezoning the property to the east to CH-RR if the Council decides to rezone the Hedke property. Further move that this motion is subject to proper notice and hearing being provided for any zoning change for this property.

Motion carries 4-2 (Nay V. Reid and Foote).
(Absent: Osmanski)

9. **Money Tree Holdings, LLC – PID 01-118-23-22-0006 (east of County Road 116, south of Hackamore Road) – Preliminary Plat for 13-lot subdivision on 10 acres (5.72 buildable acres) and Rezoning to the R1-Single Family zoning district.**
ITEM WAS CONTINUED TO LATER DATE

10. **Council Meeting Schedule**

Williams agreed to attend and present at the July 16th, 2013 Council meeting.

11. **Adjourn**

Motion by R. Reid, seconded by Foote, to adjourn at 9:28 p.m. Motion carried unanimously.(Absent: Osmanski)