

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, May 11, 2010

1. Call to Order: Commissioner Charles Nolan called the meeting to order at 9:30 p.m.

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

Absent: Kathleen Martin

Also Present: City Planner Dusty Finke, Planning Assistant Debra Peterson-Dufresne, and NAC Planning Consultant Laurie Smith.

2. Public Hearing - Robert Bradley – 3415 Leawood Drive (PID 09-118-23-32-0002) – Preliminary Plat to subdivide one existing lot into two

Smith presented application. She pointed out the existing accessory structure does not meet setbacks for an animal structure and wanted it noted for the record that it should be included in the resolution. She explained the proposed plat has two wetlands, but no impacts are being proposed. She said staff had reviewed the plat and found it consistent with the subdivision regulations.

Anderson asked if conditions were outlined. Smith explained they would be incorporated into the resolution.

Mark Gronberg of Gronberg and Associates said he was representing the property owners and would be available to answer questions.

Doug Hoskins, Coldwell Banker Burnett, said the proposed plat was to establish value of what the house and barn are worth separate from the additional land. He further said that if they could sell the property as a whole without the subdivision they would be willing to do so. At this time they want to provide options to buyers. He said they will not complete a final plat unless they have a buyer and need two lots.

Nolan asked why it wasn't split off originally. Hoskins said it was not divided because the owners wanted the option to have horses.

Public Hearing opened at 9:42 p.m.

No public comment.

Public Hearing closed at 9:43 p.m.

Nolan asked about the suitable soils and Gronberg explained the site had remained the same, except for the topographic slopes. He said nothing had been done to the site since the original plat, so the soils would remain the same.

Gronberg explained the original owner kept the lot with the intent of subdividing in the future.

Nolan noted the plan didn't show the proposed buffer area and asked if the buffer would be shown prior to going to the City Council. Smith explained the buffer area was a condition of approval which provides some discretion to the applicant. The applicant requests the buffer width be discussed by the City Council.

Anderson asked for clarification of the use of the existing shed and if they had any intentions of it being utilized for animals in the future. Gronberg informed the commission they are not intending to use the shed for animals since the structure does not meet the minimum 150 foot setback required.

Motion by Anderson, Seconded by Nielsen to approve the preliminary plat with recommended conditions. Motion carried unanimously. (Absent: Martin)

3. Public Hearing - Stauber/Rosati - 705 Hamel Road (12-118-23-32-0001) Concept Plan Review to construct a six unit townhome building.

Finke presented the concept plan providing background history of the previous application made by the applicant in 2007. He explained the changes in the Comprehensive Plan since the previous approval which allows for higher density than what was originally approved. He further explained the concept plan process is to provide feedback to the applicant. He explained the on-site topographic changes, elm creek floodplain, wetlands, significant trees along property lines, and other uses and zoning districts in the area that impact the site.

Finke explained the primary reason the applicant applied for the concept plan review was because the property is currently zoned Multi-family Residential (MR), yet Residential-Limited Multiple Family (R-4) was created last year with the intent of this property being rezoned. He explained that the MR district has lower density than the R-4 district and the question to the commission is if the property should be reviewed under the MR or R-4 district. He explained staff supported the R-4 density as proposed in the concept plan assuming it meets the 7 units per acre requirements. He noted the buffer yard has the greatest impact on the site.

Finke then explained the applicants request for variances to parking setbacks to the front and side yard and asked if the commission supported the design. He also noted the maximum hardcover is 25 percent since it is in the shoreland overlay district. The concept plan proposes to exceed the 25 percent which requires a variance.

Finke explained the limited information on the proposed building design. He said the height of building would exceed the maximum 30 foot building height and would also need a variance.

The building would be required to be sprinkled and requested the commission to discuss garbage handling on-site.

Finke said the comprehensive plan asks for a fair amount of density be provided on this site. Staffs recommendation to add additional parking beyond the code requirement was due to Hamel Road not allowing parking a number of months during the year. He said the applicant claims their overall hardship is the topography of the site.

Finke explained LID practices proposed such as the bio-filtration basin and swales. He said the hardcover is relatively low and the flat area at the rear of the building would allow for recreational activity and staff suggests the applicant construct a covered area for bike racks since the garages proposed will be small and not provide areas for much other than a vehicle.

Finke said park dedication would not be required if the they didn't subdivide or CIC the property.

Finke said the trail plan identifies a trail as a high priority along the north side of Hamel road.

Finke said the applicant has commented on trying to provide rents that are affordable. He said the Metropolitan Council allows sewer fees to be reduced if the building provided a shared laundry facility rather than individual. He said the City could reduce water connection fees as an incentive to develop the site. In exchange the city could require the applicant to record a document stating the townhome units would always be affordable housing.

V. Reid asked what the garages would look like. Finke explained the garages were front facing.

Williams asked about the driveway to the west. Finke said it was a private drive for the existing townhomes. Williams asked if the applicant had considered linking to the private driveway to the west. Finke said the discussion had taken place with the applicant and property owner to the west during the previous application approval but rights were not granted. Finke was aware of the discussion, though unsure as to why the easement was not obtained.

Rosati, applicant and landowner, asked the commission if they recall the orange house that use to be on the lot. He said they are anxious to get going on developing the property since they are on an interest only payment plan. Rosati said he needed the parking area to be in front of the building to be economically feasible. Also, a sprinkler system is not economically feasible.

Nolan asked for the applicant to respond to the comments made on obtaining an easement for use of the driveway to the west. Rosati said when they were working on the previous application the property owners to the west weren't interested. Nolan asked if Rosati had given an honest effort in obtaining an easement. Rosati said they did.

Anderson asked what the requirements are for the building to be sprinkled. Finke said within the fire code there is a square footage for multi-family and single family. Staff didn't have enough information on the application to determine square footage. He said the fire marshal recommends

sprinkling the building regardless of the square footage of the building since the building is difficult to access at the rear. Rosati said a sprinkler system would not be economically feasible.

V. Reid said she heard the applicant really wants to place parking in the front of the building. Rosati said it is the concept plan they had before and they continue to want parking in the front. Martinson asked about the height of the retaining wall. Finke said the wall is approximately 12-13 feet tall. Martinson asked what that would look like. Finke said it would be some sort of modular block. Rosati said a retaining wall would create privacy.

Anderson asked for clarification of the fire code related to sprinkler systems. Finke explained that there is a fire code requiring a sprinkler system for buildings over a certain square footage. He said even if it fell below the square footage it would not be accessible in case of fire. With no fire lanes being provided, the sprinkler system would be in exchange for not providing fire access.

V. Reid asked if the retaining wall would be 13 feet in height and asked what it would look like. Finke explained it would be a modular block wall

Williams asked if the building was moved to the east would it provide enough space for access to rear of building.

Finke explained there are a number of potential designs for the property but the concept being proposed is the most affordable.

Nolan asked if the applicant looked at staggering of the units. Rosati said the farther they go back, the more it impacts the sewer.

Williams likes the plan since the parking is the farthest possible distance from the creek.

R. Reid said there are a lot of garage door designs to improve the appearance of the front facing garage doors.

Public Hearing Opened at 10:23 p.m.

John Hite, 10 year resident of Medina. Wife and himself are owners of Four-Leaf Investments and own the four-plex buildings to the west of the subject property. He said they are long term investors and feels the position of the garages would look terrible and inconsistent with the appearance of the rest of the buildings in the area. He said the garage doors would be open frequently only adding to the unsightly appearance. He said he prohibits parking on Hamel Road by his tenants so that at any given time they can look out their front and not see cars parked in front of the building. Hite said he is in opposition of the concept plan proposed.

He said the density of the concept plan is 50 percent more than the surrounding properties and is inconsistent with the types of buildings in the area. He said the dumpsters are a concern since when he purchased his buildings he got rid of the dumpsters and required individual garbage cans which are required to be kept at the rear of the building.

He said he feels like the variances are a result of a bad investment and an economic hardship is difficult for him to understand and doesn't think the applicant should pass the loss along to other properties in the area. He feels the issues are self inflicted.

He further said he doesn't want to see a bunch of garages or dumpsters so close to the road and hopes the applicant can do something with the lot.

Nolan asked if part of the solution was giving them access through his property. Hite said he told the applicant he'd be willing to consider a north-south driveway easement, but not along the back going east-west since it would increase traffic for his existing tenants.

Hite said the zoning allows for the proposed density, but the site can't handle it. Finke explained the property could have a three story building on it.

Nolan explained that the City redid the comprehensive plan and is now asking for higher density in this area. He said when we look at higher density the commission has to evaluate each project individually.

Nolan said he would prefer parking at the rear of the building. He asked Hite if he would work with Rosati.

Williams explained he wanted to be consistent with the comprehensive plan, and if it means parking in the front of the building then that is the way it goes. Nielsen said she didn't like the parking in the front. Anderson asked if the building was narrowed and was three stories if they could get parking in the back. Rosati said if they could they would have done it 3 years ago.

V. Reid said the parking should be placed at the rear of the building to provide an urban feel. With all the parking at the front of the lot it is as much of an issue as the garage doors in the front. She feels the city is trying to improve the Uptown Hamel area and sympathizes with the applicant's financial issues involved with developing the property.

V. Reid said she is concerned with the berm, parking and garages in the front yard. She feels the city is trying to upgrade the area and has concern with the design of the project.

Anderson said it's a vacant lot and a bad project is worse than a vacant lot. Williams said the project has to be economically feasible. Nielsen asked who determines what is feasible. Anderson said we know a three story building would allow parking in the back. Finke said the garages in the front are allowed by city code.

Williams raised concern making sure the city allows for approval of an economically feasible project. He said he has taken the applicant's word that they have looked at all their options to develop the property and said the city may have to give on some of the issues to allow the property to develop. He said the other option may be for the current property owner to sell the property and maybe someone else could develop it for less.

Finke said, in regards to consistency with the neighborhood, the front car garage doors would be allowed by city code even though it may be out of character with the surrounding area. He suggested the commission may prefer a taller building allowing for parking in the rear. Nolan said he'd prefer the taller building. Finke explained the proposed project is already a three story building from the rear. Nolan said he's not convinced parking isn't possible at the rear of the building.

R. Reid said she could live with the garage doors in the front, but her concern is the garages are only one-car and most households have two cars. This would mean the parking lot would frequently have cars in it. She also doesn't like the idea of all the garbage cans, and asked if fire hydrants could be placed at the rear of the building rather than requiring a sprinkler system for the building. Finke said hydrants wouldn't prevent requiring a sprinkler system.

Nolan said he would like to see parking at the rear of the building and asked Hite to allow the applicant to obtain a driveway easement going east-west. He said if the driveway was going north-south down the property line it would have a greater impact on the site.

R. Reid asked if the building could be turned 90 degrees. Nolan said he's considered that design but didn't think it would solve the issues the site presents.

Anderson asked the applicant to take a hard look at putting parking at the rear of the building.

Finke asked the commission if they would be alright with keeping the MR zoning with the understanding the applicant would be held to the density requirements of the comprehensive plan. The commission agreed to review the property with the MR zoning. Nolan said the commission would give variances for the development of the project if parking was placed at the rear of the building.

Public Hearing Closed at 10:54 p.m.

No action needed.

4. Planning Department Report

Finke updated the Commission.

5. Approval of April 13, 2010 Planning Commission Minutes:

Motion by R. Reid, seconded by Nielsen to approve the April 13, 2010 minutes with recommended changes. Motion carried unanimously. (Absent: Martin)

5. Approval of April 13, 2010 minutes of concurrent meeting with the City Council:

Motion by Anderson, seconded by Nielsen to approve the April 13, 2010 minutes with recommended changes. Motion carried unanimously. (Absent: Martin)

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

8. **Adjourn**: Motion by Nielsen, seconded by Williams to adjourn at 11:00 p.m. Motion carried unanimously. (Absent: Martin)