

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Monday, February 13, 2017

1. **Call to Order:** Acting Chairperson Albers called the meeting to order at 7:00 p.m.

Present: Planning Commissioners Todd Albers, Chris Barry, Dino DesLauriers, Kim Murrin, and Robin Reid.

Absent: Planning Commissioners Laurie Rengel and Janet White.

Also Present: City Planner Dusty Finke.

2. **Public Comments on Items not on the Agenda**

No comments made.

3. **Update from City Council Proceedings**

Finke noted that the Council met on January 17th to review the Woodridge expansion and directed staff to prepare the documents for approval which were approved at the February 7th meeting. He stated that the Council also reviewed the Olkon Preliminary Plat and directed staff to prepare documents of denial, which were approved at the February 7th meeting. He noted that Senator Osmek also provided an update. He stated that at the February 7th meeting the Council had a discussion regarding the conservation design ordinance and directed staff to make some changes to better specify how the objectives are related to the density bonus. He stated that there were discussions regarding lowering the maximum density bonus, but there was not a consensus. He stated that the Council reviewed the Marx conservation design subdivision and there were comments that the Council expects some improvements on the conservation in order to justify the density bonus. He stated that the Council also reviewed chapters one through seven of the Comprehensive Plan and are expected to approve the plan and release it for jurisdictional review at their next meeting.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of the January 10, 2017 Draft Planning Commission Meeting Minutes.**

Motion by R. Reid, seconded by Murrin, to approve the January 10, 2017, Planning Commission minutes with the changes noted. Motion carries unanimously. (Absent: Rengel and White)

6. **Public Hearing – Lunski, Inc. – Concept Plan Review for an 80 Unit, Three-Story Senior Assisted/Independent Living Facility and Commercial/Medical Office Development – North of Hwy 55, South of Chippewa Road and West of Mohawk Drive**

Finke noted that this is a concept review and therefore following the public hearing the Commission would simply be asked to provide input. He stated that this request includes an 80-unit senior housing community which would be a combination of assisted and

independent living in addition to an office, medical office and commercial buildings. He stated that this would not be an allowable use under the commercial zoning district and is therefore requesting a zoning change that would allow senior living as a permitted use. He noted that the property will be re-guided to business under the new Comprehensive Plan, but the applicant would like to jump ahead in order to continue on in the process if the Commission feels that this would be a good fit. He reviewed the current zoning under the existing Comprehensive Plan and proposed zoning under the draft Comprehensive Plan for the adjacent properties. He reviewed the proposed access, noting that there would most likely be some wetland impacts in order to provide that access. He stated that the senior living building would be three stories with 80 units in addition to the office building and commercial building. He noted that staff would suggest a number of adjustments in order to bring the request into compliance with the business zoning district. He noted that there may need to be a reduction in square footage in order to accommodate the adjustments and provide sufficient space for emergency vehicle access. He described the proposed building materials. He noted that staff would recommend a traffic study to determine if any traffic improvements would be needed for Chippewa Road. He noted that the office and commercial buildings may be under parked and that would also support the reduction in square footage. He stated that it is important to quantify the mix between the assisted and independent living units because it impacts parking needs and because the code requires that assisted living is the primary use. He stated that the real discretion would be whether the City would support the rezoning in the interim until the new Comprehensive Plan is adopted.

R. Reid asked if simply a zoning amendment would be required or whether a Comprehensive Plan amendment would be needed.

Finke stated that the major question would be whether the business zoning would be appropriate. He stated that a Comprehensive Plan amendment would be administrative.

Murrin asked how the staging would work.

Finke replied that there is staging for business, but noted that this is within the imminent stage for the existing plan and draft Comprehensive Plan. He confirmed that if approved the applicant could begin construction immediately.

Barry noted that this is currently one lot that would be broken into four parcels. He asked if there is a benefit to splitting the lots.

Finke explained that staff suggested that it may be worth looking at subdivision as that would provide flexibility with the sale of the parcels as the uses are not necessarily items that would be owned by the same party.

Albers asked if there is a difference between subdivision of the lots and a PUD.

Finke stated that a PUD would provide more design flexibility as well as flexibility under the regulations.

Albers asked if these units would count towards affordable housing as this is higher density.

Finke explained that it would likely count as high density housing. He stated that from his understanding, credit for high density housing will not give you a credit towards affordable housing, as the forecasts are looking at housing costs rather than density. Finke provided additional clarification on how the high density and affordable housing figures are calculated.

Dean Lunski, 1416 Main Street in Hopkins, stated that they purchased the property in 2006 and have been waiting to develop the property as they were caught in a moratorium. He stated that they have urgency to develop, as they have owned the land for some time. He stated that they have done marketing reports and would prefer close to a 50/50 split between the assisted and independent living, perhaps slightly higher on the assisted living side. He stated that the preference would be to have high density residential zoning for the senior living property. He stated that perhaps in the beginning they would begin with a ratio of 75 percent assisted. He stated that they are not putting in memory care units because of the proximity to the memory care center nearby.

Murrin asked why the independent living/assisted living would be proposed for that site.

Lunski replied that it would be for efficiency. He noted that originally they had padded the site for retail, but that does not appear to be a good fit. He stated that they have begun a marketing study and believe that the units would be absorbed within six months. He stated that they would be the developer and would have an independent manager to run the assisted living.

Murrin asked if the applicant has done assisted living before.

Lunski replied that the construction team has a lot of experience in high density development. He stated that he does have other projects he owns that have independent management.

DesLauriers asked if the plat would accommodate a reduction in square footage to support additional parking.

Lunski replied that they could adjust the parking and reduce the square footage for the commercial building.

R. Reid asked if this could work without the commercial building.

Lunski replied that they would need the commercial building in order to make the overall project work.

Barry asked the number of staff that would be required for the assisted living facility.

Lunski stated that they have not figured out the staffing at this point. He stated that they do not want to cut any corners on that project and want to make sure the rooms and amenities needed are provided.

Albers referenced the wetland mitigation that would be needed and asked if the applicant has spoken to the property owner to the west about obtaining an easement to travel through their property for access as a method to avoid the wetland.

Lunski stated that he does not know that property owner, but would be open to having that conversation.

Finke stated that it seems unlikely, but that conversation could occur.

Lunski stated that they reviewed the site to determine the best approach to meeting the setbacks and disrupting as little as possible.

Albers referenced the three-story building and confirmed that would not include the garage. He stated that his main concern from the south elevation would be the height, noting that this would be a fairly sizable building in the wooded area. He stated that he would want to ensure that it fits into the character of the building. He noted that Polaris blends nicely into their background and noted that he had concern with the overall height of the project.

Lunski stated that they followed the business zoning requirements for height.

Acting Chairperson Albers opened the public hearing at 7:47 p.m.

No comments made.

Acting Chairperson Albers closed the public hearing at 7:48 p.m.

Murrin stated that she would like to have the residential units count towards the high-density numbers for the community, noting that perhaps that could be delayed to count towards the Comprehensive Plan components.

Albers stated that there is already proposed guiding for high density and this would essentially add more.

Murrin noted that she would like to have the units count towards the high density for the community and suggested removing high density from another area to create a balance.

R. Reid stated that this area was already designated as commercial and therefore was not zoned for rural development.

Finke stated that there would be an option to rearrange the high density within the draft plan, as the Council has not formally approved the plan. He stated that procedurally the draft plan has been largely unchanged through the numerous public hearing and public meetings and that would be making a pretty major shift.

Barry stated that the Steering Committee did a lot of work through the open houses to develop the draft plan. He stated that it is impossible to predict what the Metropolitan Council will release in their next system statements. He stated that a lot of work has already been done on the Comprehensive Plan and therefore did not recommend changing that. He stated that the decision at this time would be to determine the best course of action now for this application.

Murrin asked if the applicant would like to build the commercial first or the high-density portion first.

Lunski replied that the commercial building would go hand in hand with the assisted living. He noted that if the site were zoned for high density residential they would switch the development to more high density residential and the commercial aspects would be removed. He estimated 140 units if high density housing were to be the zoning.

Albers stated that he would not envision that type of use. He stated that he liked the design of the building, even though it will be big. He stated that the thought of a retail coffee shop would be appealing.

R. Reid stated that she does not have a problem with rezoning the property to business. She stated that one reason this type of use was not allowed within commercial was because they

did not want it to face Highway 55. She stated that, as arranged, this would not access from Highway 55 and therefore would support the use. She stated that the site appears crowded, but she does not have a problem with the rezoning.

Lunski stated that the site will blend a bit more with the commercial use.

R. Reid asked for information on timing and whether the applicant would be prepared to break ground this year.

Lunski replied that they are ready to build and would like to break ground this year if the process continues to move forward.

R. Reid asked if this would open the floodgates for similar applications if this is allowed to move forward.

Finke stated that there are two similar requests this evening, although not entirely the same request. He stated that the likelihood is fairly low as there is not that much property in play that would not require a Comprehensive Plan amendment. He noted that a number of property uses are going to be changed from the existing use under the Comprehensive Plan. He noted that developers are looking to be consistent with the new plan, which is good, but noted that the City still needs to accept comments from other jurisdictions and the Metropolitan Council and therefore some things under the draft plan can change. He confirmed that the difference between the commercial and business zoning districts is not much.

The Commission confirmed consensus to support the change in zoning from commercial to business should this continue to move forward.

Albers referenced the overall size of the development and asked if the applicant would be willing to scale back the development to meet the necessary setbacks and requirements.

Finke confirmed that some adjustments would need to be made to meet the minimum zoning requirements, but noted that the changes would not be substantial.

7. **Public Hearing – LJP Development, LLC – 1432 County Road 29 – Comprehensive Plan Amendment from Commercial to High Density and Rezoning from Commercial Highway (CH) to Residential-Limited Multiple Family (R4) District**

Finke stated that this is sort of a similar request to the last case, but explained that this is a formal request rather than a concept. He noted that this property is proposed to be changed from the current designation of commercial to high density residential under the draft Comprehensive Plan. He stated that the applicant is requesting to construct a memory care facility which would not be permitted under the current zoning. He stated that the subject size is over two acres in size and currently holds a single-family home and detached garage, just north of the adjacent commercial building. He identified the other adjacent sites, which include a park and ride facility. He noted that the neighboring property, which currently has a home on it, is proposed to change guiding under the draft Comprehensive Plan to high density housing. He stated that the proposed use would have higher density than the high-density zoning district. He noted that a new land use designation could be established under the existing Comprehensive Plan which would match the new guides under the draft plan. He stated that nursing homes, memory care and assisted living facilities are generally permitted under the City's high density zoning district. He stated that staff recommends that the amendment is in line with the density of the draft plan rather than the existing Comprehensive

Plan. He stated that while the Comprehensive Plan amendment is under review they can make an adjustment to the density to bring that item into consistency. He described the proposed phasing of the project. He provided details on the proposed access and sidewalk connections for the future public street which would allow connection to a future trail on Baker public road. He stated that the request is consistent with the direction the City is going, and generally staff does not see concerns with the request. He stated that the amendment could bring the existing Comprehensive Plan in-line with the draft update plan and the zoning density could be updated as well. He stated that staff recommends approval of the Comprehensive Plan amendment and zoning as noted in the report.

Murrin asked if this application were presented under the draft Comprehensive Plan, would it be in-line with that guiding and therefore this would simply be jumping ahead.

Finke stated that is correct, but noted that the question of density should be addressed.

Murrin asked if this is the area that is designated for the highest density where affordable housing could be constructed.

Finke confirmed that this parcel is within that area identified for high density.

Murrin asked if this would impact the number for the Metropolitan Council and impact the numbers for affordable housing.

Finke stated that the Metropolitan Council does not track individual development within the City. He stated that the City has done what is required to be done by the Metropolitan Council and therefore if the market does not support that type of development, that is not a problem.

Barry stated that the City cannot control the pricing of properties, they can simply guide the number of units for development. He stated that the City simply has to provide the opportunity, but the developers will drive the type of development.

Finke stated that nursing home and assisted living facilities do not count towards high density calculations, but the market may support that type of development. He believes that the City has met the requirement to plan property for the development of a minimum of 253 high density housing units. He stated that the City has planned that property appropriately and therefore has met the requirement. He explained that what is ultimately developed on the property is not a requirement.

Larry and Jennifer Palm, Plymouth residents, stated that they are present to answer any questions. Jennifer Palm noted that she has been a caregiver for her father who has Alzheimer's for the past several years and has identified a gap in memory care. She stated that the community has a need for an excellent memory care facility. She noted that the units are more of a hotel room as the residents do not require a kitchen. She advised that there would be shared spaces, such as a great room, that will encourage residents to spend time outside of their rooms. She stated that the need for this type of service is growing.

Larry Palm noted that they have owned the land for some time.

Murrin asked if Jennifer Palm intends to move her father to this facility once constructed.

Mrs. Palm replied that it would depend on the timing. She noted that a move would be hard on her father and construction would take some time, so she is unsure that the amount of time

he has left would be benefited by a move. She stated that they intend to be owner/operator but would have a medical team on-site. She stated that they would offer med-waivers for those elderly patients that run out of funds while in care.

Barry asked if this would be impacted by the Wealshire development.

Mrs. Palm stated that the demand continues to grow and therefore they are not concerned with the Wealshire development. She noted that although they would like approval for the full capacity, they intend to do a phased development.

Mr. Palm stated that they have lived in the area for some time in both Orono and Plymouth.

DesLauriers asked if there is sufficient space to allow emergency vehicle access.

Finke stated that those details would be reviewed as the process moves forward.

Acting Chairperson Albers opened the public hearing at 8:29 p.m.

Robert Braun stated that he lives north of this property. He stated that the property was bought commercially and he was upset that the property was sold commercially. He stated that there is a 75-foot setback between residential and commercial. He stated that the property will now be 20-foot setback, which will be 25 feet from his garage and asked how property can be changed from commercial to high density residential, which changes the setback requirements. He asked what would stop this from continually happening across the City. He noted that there are some large maple trees on the subject property that will be removed as a part of this project which concerns him. He noted that if the setback was increased the trees could be saved and act as a buffer. He was also concerned with potential runoff from the subject site affecting his property. He stated that this development will have a negative impact on his property. He stated that his property is not large enough to purchase for commercial property, as it is slightly under one acre. He asked the tax rate difference between high density residential and commercial and whether that is in the best interest of the City.

Albers replied that the Planning Commission does not consider tax rates. He stated that from the plan it appears that phase one will be approximately 37 feet from the property line and phase two would come out a bit more. He noted that the request tonight is just for the rezoning and Comprehensive Plan amendment and more of the concerns brought forward by Mr. Braun will be able to be addressed during the site plan review.

R. Reid asked the designation of Mr. Braun's property under the draft Comprehensive Plan.

Finke stated that Mr. Braun's property is similarly guided to the subject site, currently commercial and proposed under the draft plan to be high density residential.

Acting Chairperson Albers closed the public hearing at 8:40 p.m.

Murrin stated that she likes that the applicant has a personal reason for the development, as she feels that type of development is often done very well.

R. Reid stated that she is comfortable with this request as there is a demand for memory care units. She stated that the residential look will blend with the surrounding development and therefore will support the request.

DesLauriers and Barry stated that they do not have any issues with the request. Barry noted that this is simply an issue of timing, similar to the last request.

R. Reid asked, and received confirmation, that the applicant would like to break ground this year.

Finke asked for input on whether it made sense that memory care units be subject to a different density standard than standard apartment dwellings.

Albers agreed that higher density could be allowed for memory care units.

Barry stated that a dwelling unit also has impacts on parking requirements, whereas memory care units do not have vehicles and therefore the parking is provided for staff and visitors and does not generate a lot of traffic. He stated that he would support higher density because it would not create a higher traffic flow.

Finke noted that this item will not request action tonight, but that issue will be brought up in the future as this moves forward.

Mr. Braun expressed concern with the level of lighting from the neighboring park and ride facility.

Motion by Murrin, seconded by R. Reid, to recommend approval of the Comprehensive Plan Amendment from Commercial to High Density and Rezoning from Commercial Highway (CH) to Residential-Limited Multiple Family (R4) District for the property at 1432 County Road 29. Motion carries unanimously. (Absent: (Rengel and White))

8. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday.

Barry volunteered to attend the Council meeting in representation of the Commission.

9. **Adjourn**

Motion by Murrin, seconded by DesLauriers, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.