

CITY OF MEDINA
PLANNING COMMISSION

Meeting Minutes

Tuesday, September 10, 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, Victoria Reid, Mark Osmanski, and Kent Williams.

Absent: Commissioner Bob Mitchell

Also Present: Mayor Elizabeth Weir, City Councilmember Kathleen Martin, City Councilmember Jeff Pederson, City Planner Dusty Finke, 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 and reminded Commissioners about the upcoming Medina Celebration Day on September 21, which includes a fireworks display.

5. **Approval of the August 13, 2013 Draft Planning Commission meeting minutes.**

Motion by R. Reid, seconded by Foote to approve the August 13, 2013 minutes as corrected. R. Reid stated Line 255 Victoria Reid made comment regarding big box users. Carried 5-0-1 (Osmanski abstained; Mitchell absent).

6. **Public Hearing - D.R. Horton – Stage I Plan for a mixed use development to include 98 single-family parcels and a 72-unit apartment building north of Highway 55 between Arrowhead Dr. and Mohawk Dr. (PIDs 03-118-23-41-0005, 03-118-23-42-0001, and 03-118-23-41-0005).**

Finke presented the request. Stage I Mixed Use Plan for 80 acres east of Polaris, north of OSI. The property is guided Mixed Use in the Comprehensive Plan and the Stage I is intended to establish land uses and establish general site layout. Finke noted that the Comp Plan requires a minimum of half of the property to be residential at 3.5-7 units per acre.

Finke stated that the plan proposes 98 single family parcels and a future apartment building with no commercial on the subject site. There is five acres of vacant

commercial property adjacent to the southwest. A large wetland in the center of the property with 9 acres of woodlands to the west, and the remainder of property is farmland. Finke noted that he had walked the woods with the City's arborist who said that the woods were predominately ash trees.

Finke said that two story buildings are the maximum within the Mixed Use District. There are density bonuses available, but would not accomplish the required density. The R4 zoning could accomplish the density required, but only permits 3-story buildings. Finke noted that substantial tree removal would occur in this development plan, with approximately 1 acre of the 9 acres being preserved. Options to preserve more trees include less single family, increase density in other areas, or public dedication of land. Finke stated that it may be a possibility to encourage a larger area of preserved trees as part of the R4 Zoning.

Finke stated that staff believes the Chippewa Road connection is very important based upon the City's planned development in the area. The City's practice is to require construction of roadways as part of development.

R. Reid asked if the plan would meet density if there was no apartment building. Finke replied that it would not, but the rezoning to R4 could allow a 3-story apartment which could get the site up to the minimum.

Foote asked if there were any plans for Hwy. 55 being expanded to a 4-lane in this area. Finke stated it was a 50 year plan to do so.

Williams asked if R4 was a Mixed Use zone. Finke stated that rezoning portions of a Mixed Use development is viewed as being consistent so long as the objectives of the land use are served. The City had done so for the single-family homes in the Fields of Medina mixed use project. Williams said it seems that they are increasing density in one spot to make up for the fact that it was not as high as necessary.

Nolan asked who owned the adjacent commercial parcel. Finke stated he believed it was the same property owner. Nolan asked about the access to the commercial parcel. Finke said there would need to be right-of-way dedication. Nolan said the plan resembles a single family subdivision and not exactly Mixed Use. He stated he has concerns that the adjacent commercial site is viable.

Nolan said the extension of Chippewa is depicted as being half on this property and half on the property on the north. Finke said this is the first property to develop and the City should require necessary right-of-way. R. Reid asked if the developer is proposing to build Chippewa and Finke said no, but staff recommends that it be a condition.

Foote and Osmanski asked about the tree removal. Osmanski stated that the current layout doesn't take into consideration the preservation of the natural environment.

Mayor Weir asked if a PUD could be used on this site to help preserve natural areas and balance densities. Nolan asked if this had been considered. Finke stated the Mixed Use District was intended to be like a PUD.

Osmanski asked if considerations are being made for the infrastructure impacts from this development on the community at large. Finke stated the Comprehensive Plan establishes these parameters, especially for sewer/water infrastructure. He noted that the County and State are partners in the Comp Plan process and should also be prepared to support the development, although that seems to be in question. Osmanski expressed concerns about the pace of development.

R. Reid noted that the construction of Chippewa would reduce traffic impacts.

Williams noted that the Mixed Use plats seem to be heavy on the single family residential. Finke noted that on the Jubert property, approximately 60%-65% of that area was reserved for townhomes and commercial.

Ron Mullenbach from D.R. Horton said the Cavanaugh's already developed the OSI site and were instrumental in having the SW corner zoned commercial, which should be considered when looking at the mix of uses in the area. Topography makes sense for single family. Multi-family requires flattening areas for larger building pads plus there are market considerations. A tremendous amount of the site is wetland and wetland buffer. The proposal is to accommodate future developability of the commercial site and the area of that property may be modified. There are a range of single family housing types that the developer offers. The housing offered in the multi-family portion is intended to be workforce housing that would accommodate the business in the area. They are in support of zoning the site as R4. Mullenbach noted that they are making a lot of effort to build around wetlands and views connecting Chippewa as being counter-productive. A former road in this area was problematic, according to the property owner, and had to be removed. He doesn't believe this location is appropriate for this road connection.

V. Reid asked about considerations for townhomes. Mullenbach said the market doesn't support townhomes and this plan shows what could be built right now. That type of market is several years away. V. Reid asked about the market for commercial. Mullenbach said the market isn't there but it might be some day. V. Reid noted that Mixed Use requires transitions. Mullenbach said that while the transition isn't seamless in the west, landscaping and buffering would be possible. He stated that they would be open to consider alternatives for land uses on portions of the site.

Nolan asked about single family versus multi-family having larger building pads. The density could be placed in a smaller area. Mullenbach said it depends on the assumptions you make about the developable area of the site. The density may be higher to meet the economics of the site. The return on a townhome is lower than single family requiring more units.

Nolan asked why the apartment building was four stories tall. Mullenbach said they thought they could do that in this area and have done similar elsewhere with success.

Nolan asked if the single family area was reduced would the developer no longer be interested. Mullenbach said it would depend on the extent of the changes. Nolan asked about the PUD zoning for the site and Mullenbach said he was not opposed. Nolan asked where he thought the road could be moved to off the site. Mullenbach said there was a narrow point north of the site that would be more appropriate. Another spot further south would be putting a major collector road through a neighborhood.

Public Hearing opened at 8:15 p.m.

Michelle Kramer of the Bridgewater neighborhood asked how Arrowhead would be impacted by this development and if an EIS was conducted. Finke said improvements are necessary for both Chippewa and Arrowhead and will be reviewed in a traffic study. This property is short of the mandatory threshold for an EAW. Nolan stated they would have to meet ordinances and standards for wetland protection.

An unnamed person from the crowd asked what the price point of the housing would be. Mullenbach said it was premature to say, but they would be similar to Steeple Hill at \$400 – \$600,000. The apartments would be managed rental for the public servants and office workers. V. Reid asked how many square feet and how many bedrooms. Mullenbach said 700-800 square feet and up to 2 and 3 bedrooms.

Public Hearing closed at 8:25 p.m.

Foote finds the tree removal to be excessive; the apartment building is too large for the area. He stated the PUD is a good approach with more multi-family to have a better transition between uses.

V. Reid said the tree removal is too much and the apartment building is too tall. She questioned whether this proposal captures the intent of the Mixed Use concept. The road across Chippewa makes sense and wondered if there would be a way to share costs with other benefitted properties. Nolan asked about the property to the north. Finke said the property is guided for Low Density Residential and the developable area is mostly to the west. R. Reid asked if there was right-of-way for the road. Finke stated that he believed there was some right-of-way because there used to be a public road in this location.

Williams stated that he didn't feel the attempt to make up for lack of density with one apartment building was appropriate. He said the applicant isn't preserving enough of the natural features with this development plan.

R. Reid stated the loss of trees was excessive and there wouldn't be a reasonable way to mitigate. There wasn't enough of an effort to preserve woodland open space. The apartment building is too tall. She suggested rental townhomes as an idea. It seems abrupt to have apartments transition to \$400,000 houses. A more creative plan is necessary.

Nolan said that this plan doesn't provide enough diversity of housing. He understands where the market is today, but the Comprehensive Plan takes a longer view. There may be a product that is not hot today, but could be in the future that may be appropriate for this site. V. Reid added that a diversity of housing includes housing life cycle opportunities. Nolan said that he would prefer a PUD; that the apartment density was too tall; that the shape of the commercial parcel is problematic; that the location of the apartment is acceptable, but that there should be a transition; and the southeastern corner of the site would be appropriate for higher density residential. He also stated that Chippewa Road has to be resolved with this site.

Foote asked about the length of the cul-de-sacs. Finke said the Public Works Department is looking to limit the numbers, and the length of the longest is 1000 feet. Foote said that seems too long.

V. Reid stated she would think two two-story apartment buildings would be more appropriate than one four-story.

R. Reid said higher end empty nest townhomes may be an ideal fit. Mullenbach said there is a market for that type of home, but the commercial services aren't in this area right now.

Motion by R. Reid, seconded by V. Reid, to recommend denial of the Stage I Plan based upon the following findings: 1) the plan does not preserve open space and natural features; 2) the plan does not protect the natural environment; 3) the proposed apartment building is inconsistent with City zoning standards and the Plan does not meet the density standards of the Comprehensive Plan without it. Motion carries 6-0 (Absent: Mitchell).

7. Public Hearing - Money Tree Holdings, LLC – Preliminary Plat for 13 single-family parcels and Rezoning from Rural Residential-Urban Reserve (RR-UR) to Single Family Residential (R1) zoning district – east of County Road 116 and south of Hackamore Road (PID 01-118-23-22-0006).

Sparks presented the staff report. The property is guided Low Density, requiring a minimum of 10 lots. 13 lots are proposed to be zoned R1. The lots generally meet the dimensional standards of the R1 district, although the subdivision design does present a number of concerns. Sparks stated that the applicant proposes to extend Daisy Circle from the Reserve subdivision to serve the site. The applicant proposes for two lots to be served off of a private road along the south of the site. This private road is proposed to be within a 17-foot wide outlot on the subject property and within

a 33-foot easement in the back yards of lots within the Reserve. Creating double-frontage lots is not permitted by the subdivision code, and private roads are required to be in 50-foot wide outlots. Access to these lots does not meet City requirements. Staff has raised concerns about access to the stormwater ponds. The applicant proposes to remove 61% of the trees on the site which necessitates substantial replacement. The applicant has not provided a tree replacement plan.

Sparks stated that the rezoning would be consistent with the Comp Plan, and staff does not oppose it. It may be in the applicant's best interest to grant an extension so that the rezoning can be moved along with the plat.

Osmanski inquired about access to the back two lots. Sparks confirmed that this private road is inconsistent with ordinance standards.

Nolan asked if the location of the street along the western property line caused issues for the property to the west. Sparks stated that this is the reason staff recommended ghost platting the western property. Nolan stated that shifting the road to the south might help so it would be good to ghost plat.

Joe Cavanaugh stated that they had been in conversation with staff and agreed that it would be appropriate to table. They wanted the Commission to have a look in order to flush out any additional comments. He thought they may remove Lot 5 in Block 1 and shift things around in order to meet standards.

Nolan inquired how it would be that only Lot 5 be removed. Cavanaugh replied that they could plat a flag lot with frontage. If this lot utilized the existing easement for a driveway, many of the trees could be saved.

Public Hearing opened at 9:23 p.m.

Roger Miller of 655 Hackamore stated that they had moved to the area recently for rural atmosphere and natural beauty. Removal of all of the trees would negatively impact his property value. He stated that he would hate Medina ending up looking like Plymouth and Maple Grove with McMansions. The fronts all look nice, but the backs all look the same.

Melody Gilbert of 4612 Co. Rd. 116 agreed with Mr. Miller. She stated that she has already noticed the dragonflies reduce since the Reserve began construction, and that dragonflies kept the mosquitos at bay. You can't recreate what exists here, and it is quickly becoming like Plymouth and Maple Grove.

Public Hearing closed at 9:26 p.m.

Nolan stated that it is a battle to protect the character of Medina and balancing against mandates. He agrees with staff that shifting the road southwest should reduce or

eliminate retaining walls, improving access to the pond, saving trees. Access to the lot in the southwest corner shouldn't be in the back yards of the Reserve lots.

Williams inquired if this would be the appropriate place for a conservation design which might save features.

Nolan wondered if it wouldn't be possible to add covenants against the title to prevent people from removing trees which are saved.

R. Reid stated that she wants to see some of the tree line being preserved.

Foote stated that moving the road to the south seems like it may help with a lot of the issues with the plat.

Motion by Williams, seconded by V. Reid, to table the request to allow the applicant to update plans. **Motion carries** (Absent: Mitchell)

8. Public Hearing - Estate of Caroline Brede – Preliminary and Final Plat for 2 single-family parcels on 1.21 acres – west of Lakeshore Ave. and south of Brook St. (PIDs 18-118-23-23-0024, 18-118-23-23-0026, 18-118-23-23-0027, and 18-118-23-23-0001).

Finke stated that two lots are proposed out of four existing parcels totaling 52,681 square feet west of Lakeshore and south of Brook Street. The proposed southern lot is vacant, wooded, and sitting on a bluff. The northern would include garage and cabin, and is closer to lake level. Existing lots are substandard and the proposed lots would meet dimensional standards. Finke noted that Lot 1 is fairly shallow between the front setback and lake setback, approximately 20 feet at the most narrow point, but there is an adequate space for a building pad on the south end. The existing cabin does not meet lake setbacks. Dedication of required right-of-way would make the garage non-conforming. Stormwater improvements are necessary upon development of Lot 2, but staff recommends requiring easements and documents at this time to inform future buyers of both lots that Lot 2 will need to grade over Lot 1.

Nolan asked if the applicant was coming back for a variance or if the structure would just be non-conforming. Finke stated that the applicant has indicated they desire a variance, but that if they did not, it would be governed by the non-conformities statutes.

Helen Bechtold, representing the estate, said she planted many trees on the site. She noted that there are two water stubs, but only one is utilized.

Public Hearing opened at 9:44 p.m.

Public Hearing closed at 9:45 p.m.

V. Reid asked about the setbacks to the road and lake. Finke said they are better off than most of the properties on the street.

Motion by R. Reid, seconded by Foote, to recommend approval of the subdivision with the conditions noted in the staff report. **Motion carries** (Absent: Mitchell) 6-0.

9. **Council Meeting Schedule**

Williams agreed to attend and present at the September 17, 2013 Council meeting.

10. **Adjourn**

Motion by Foote, seconded by R. Reid, to adjourn at 8:50 p.m. Motion carried unanimously. (Absent: Mitchell)