
MEMORANDUM

TO: Planning Commission

FROM: Nick Kieser, Planning and GIS Intern and Dusty Finke, City Planner

DATE: September 1, 2017

MEETING: September 12, 2017 Planning Commission

SUBJ: JEGM Revocable Trust – Conditional Use Permit for Two Accessory Buildings and Solar Equipment – 2705 Willow Drive – *Public Hearing*

Review Deadline:

Application Received: August 11, 2017
60-day Review Deadline: October 10, 2017

Summary of Request:

JEGM Revocable Trust has requested Conditional Use Permits for a 79-kw solar field, greenhouse and warming shed at 2705 Willow Drive as accessory structures. The applicant also proposes to construct an underground storm water management device to treat run-off.

The subject site is approximately 16.55 acres in size and is zoned Rural Residential. The property is located west of Willow Drive and south of the intersection of Willow Drive and Chestnut Road. The surrounding property to the south and west is zoned as Agricultural Preserve and the property to the north and east is zoned as Rural Residential. Currently the subject site is mainly pasture grass along with wetlands in the southwest area of the property. The property contains a home (currently under construction), barn, tennis court, gazebo, playhouse, pool and four sheds.

Solar Field:

The applicant has requested a CUP to install five ground-mounted solar arrays, each occupying a footprint of 768.71 square feet, for a total of just under 3,850



square feet. Current City regulations only permit ground-mounted solar equipment with a maximum footprint of 2,500 square feet. The applicant has requested that the City consider a zoning text amendment of Section 828.09 Subd. 2 to increase this amount to 4,000 square feet. The text amendment will need to be considered first before the proposed CUP for the solar field.

If the proposed zoning text amendment is not approved, the proposed CUP for the solar equipment could not be approved. The applicant would need to reduce the size of the proposed solar field. The following specific requirements apply to ground-mounted solar equipment. Staff has provided potential findings which could be utilized, contingent on the approval of the zoning text amendment.

Requirements:

The following standards shall apply to Ground-mounted Solar Equipment within residential zoning districts in which such Equipment is permitted:

- (i) Ground-mounted Solar Equipment shall only be permitted in the Agricultural Preservation, Rural Residential, Rural Residential-Urban Reserve, Rural Residential- 1, and Rural Residential-2 zoning districts.

The applicant's property is in the Rural Residential district.

- (ii) Ground-mounted Solar Equipment shall only be permitted on a parcel which is five acres or greater in area.

The property is approximately 16.55 acres.

- (iii) Solar Equipment shall only be allowed as an accessory use on a parcel with an existing principal structure.

The applicant has an existing principal structure that is currently under construction.

- (iv) Ground-mounted Solar Equipment shall be set back a minimum of 100 feet from all property lines.

The solar field is closest to the western property line at approximately 102 feet.

- (v) The equipment or device may not exceed a height of 15 feet.

The solar equipment is proposed to be at a height of 7 feet 9 inches.

- (vi) Landscaping or other means of screening shall be installed adjacent to the rear and sides of the Solar Equipment to limit visual impacts of the structural supports. A minimum of one shrub per 10 linear feet or one tree per 30 linear feet shall be required. Landscaping or screening shall have an anticipated mature height of at least 75% of the height of the Solar Equipment, but shall not be required in front of solar panels. This requirement may alternatively be achieved through fencing, existing vegetation, or similar measures.

The proposed site plan has arborvitae trees on the sides of the solar field and existing tree coverage fully on the front and partially on the rear. The applicant is proposing 50 arborvitae

trees located approximately every 8 feet on the east and west sides of the proposed solar field. The trees will mature to a height of 14-16 feet which exceeds the solar panel height of 7 feet 9 inches.

- (vii) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.

This information will be confirmed upon building permit review.

- (viii) The equipment or device must be in compliance with all state and federal regulations regarding co-generation of energy.

This information will be confirmed upon building permit review.

- (ix) Ground-mounted Solar Equipment with a footprint exceeding 1,500 square feet shall only be permitted upon conditional use permit review and approval, subject to the conditions noted below:

- (1) Ground-mounted Solar Equipment with a footprint exceeding 1,500 square feet shall only be permitted on parcels which are 10 acres or greater in area;

The property is approximately 16.55 acres.

- (2) The footprint occupied by the Solar Equipment shall not exceed 2,500 square feet;

The Solar Equipment footprint proposed is 3,844 square feet. A zoning text amendment has been applied for by applicant.

- (3) The City may require additional landscaping or other means of screening to limit visual impacts of the Solar Equipment; and

The applicant has proposed landscaping as described above which has proposed arborvitae trees on the sides and existing trees on the front and rear.

- (4) The City may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare, to protect the rural viewsheds and the natural environment, and to promote harmony with neighboring uses.

The Planning Commission and Council can discuss whether additional conditions are warranted.

Accessory Structures - Greenhouse/Warming Shed:

The greenhouse is 2,304 square feet and is located west of the existing barn and east of the pond just below a retaining wall. The materials are predominately transparent.

The warming shed is 360 square feet and is located north of the home and alongside the tennis court. The tennis court will be turned into a hockey rink during the winter so the shed will be used as a warming

shed during the winter and storage shed during the remaining months. The materials will match the home under construction, red with white accent.

CUP for Accessory Structures in Excess of 5000 Square Feet

According to Section 825.19 of the City Code, properties over 5 acres in size are permitted to include a maximum of two accessory structures with a maximum aggregate footprint of 5,000 square feet. Accessory structures which exceed these limitations are conditional uses subject to the following additional standards described in Section 826.98:

- (I) The accessory building’s design shall include architectural interest through the appropriate use of the following elements: cupolas, dormers, windows, porches, overhangs, varied building foundation, or other design treatments which the city council determines create a quality architectural design that enhances the appearance of the accessory building and complements the principal dwelling and the rural residential character or residential neighborhood in which the building is to be constructed;
- (ii) At least two colors or textures shall be used in the accessory building’s exterior design, including contrasting trim or fascia;
- (iii) Any metal exterior materials on the accessory building shall be warranted to resist fading for a period of at least 15 years; and
- (iv) The accessory building shall have an infiltration basin, rain garden, rain barrel or other similar best management practice used to capture storm water runoff from the building and to improve water quality. Said best management practice must be reviewed and approved by the city council.

It should be taken under consideration that this property was granted approval for a CUP on March 20, 2007 for the existing barn since the property exceeded the 3,000 square feet maximum at that time for accessory buildings.

Existing Accessory Structures (in square feet):

Building	7,830
Shed	240
Shed	146
Gazebo	136
Playhouse	84
Shed	157
Building	460
Shed	168
Total	9,221 sf

Proposed Accessory Structures (in square feet):

Greenhouse	2,304
Warming Shed	360
Total	2,664 sf

It is important to note that the existing 157 square foot shed will be replaced by the 360 square foot proposed warming shed. The total for the existing structures and the proposed would then be 11,728 square feet.

Photos of the proposed storage shed and completed house are attached. Staff believes that the proposed storage shed is consistent with the architectural standards since it has the same design as the house once completed. The storage shed will be red with a white trim. The materials that will be used are cedar shake roof, red shake siding, white trim, white band board and red metal skirt. There is an existing tile that will capture storm water runoff.

General Conditional Use Permit Standards

Section 825.39. Conditional Use Permits; Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Medina City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants or surrounding lands. Among other things, the City Council shall consider the following:

Subd. 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Staff does not believe that the conditional uses will be injurious to the use and enjoyment of other property in the immediate vicinity or diminish property values.

Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development of surrounding vacant property for uses predominant in the area.

Staff does not believe the establishments will impede the normal and orderly development of surrounding vacant property.

Subd. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff believes adequate utilities, roads, drainage and other facilities are provided.

Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff believes the uses will not affect parking needs and that adequate parking exists.

Subd. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff does not believe accessory structures would bring up these concerns, as they are more relevant for commercial uses.

Subd. 6. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.

The proposed uses are listed as allowed conditional uses.

Subd. 7. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Staff believes accessory structures are consistent with the purposes of the zoning code and the RR zoning district.

Subd. 8. The use is not in conflict with the policies plan of the City.

Staff does not believe the proposed uses conflict with the policies of the City.

Subd. 9. The use will not cause traffic hazard or congestion.

Staff does not believe the CUPs would cause traffic or congestion concerns.

Subd. 10. Existing businesses nearby will not be adversely affected by intrusion of noise, glare or general unsightliness.

Staff does not believe the uses would cause these concerns.

Subd. 11. The developer shall submit a time schedule for completion of the project.

The applicant intends to start construction of the greenhouse and warming shed in October and to be completed in January.

Subd. 12. The developer shall provide proof of ownership of the property to the Zoning Officer.

The City Attorney has not requested additional documentation with regards to ownership at this time.

Staff Recommendation

When reviewing a conditional use permit request, the Planning Commission and City Council should review the specific and general criteria described above. If the criteria are met, the CUP should be approved.

As described in Section 825.41 of the City Code: "In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to those standards and requirements expressly specified in this Ordinance, additional conditions which the City Council considers necessary to protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited, to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.

5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Required diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.”

Staff has provided potential findings for the criteria throughout the report. Subject to the conditions below, it appears that the request generally meets the criteria. Staff recommends approval subject to the following conditions.

- 1) The applicant shall comply with all the comments provided by the City Engineer on 9/6/2017.
- 2) The property owner shall abide by all conditions of Medina City Code Section 826.98, Subd. 2(p).
- 3) The Applicant shall pay to the City a fee in the amount sufficient to pay for all costs associated with the review of the application for Conditional Use Permit.

Attachments:

1. Document List
2. Applicant Narrative
3. Document for Proposed Text Amendment
4. Comments from Metro West Inspections dated 8/18/2017
5. Comments from the City Engineer, WSB dated 9/6/2017
6. Picture of Completed House
7. Picture of Proposed Shed
8. Greenhouse Picture and Information (5)
9. Solar Panel Pictures and Information (4)
10. Warming House Information (2)
11. Site Plan