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# MEMORANDUM

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**TO:** Steering Committee  
**FROM:** Dusty Finke, City Planner  
**DATE:** October 20, 2017  
**MEETING:** October 26, 2017 Steering Committee Meeting  
**SUBJ:** Review of Comments from Affected Jurisdictions

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## Background

State law requires that the City provide six months for affected jurisdictions to review and provide comments on the draft Plan Update before it can be submitted for review by the Metropolitan Council. The six month timeframe expires on October 21, 2017.

The following jurisdictions responded and stated that they have no comments:

1. City of Maple Grove
2. Wayzata Schools

The Steering Committee reviewed comments from the following jurisdictions at the September 18 meeting. The comments were part of the September 18 packet, are available on the City's website, and can be provided again upon request.

1. Metropolitan Council
2. City of Corcoran
3. City of Loretto
4. Elm Creek Watershed
5. Pioneer/Sarah-Creek Watershed
6. Minnehaha Creek Watershed
7. Minnesota Department of Transportation

The City also received a letter from an attorney representing a Medina property owner asking for their staging to be changed to allow development sooner. This letter is attached as well.

Since the September 18 meeting, the City received comments from Hennepin County transportation, and the City of Greenfield indicated that it has no comments. Comments from Hennepin County are attached for reference. A summary of the most significant comments and changes which were made to the transportation plan can be found below.

The City did not receive comments from the following jurisdictions, despite reaching out a number of times. Medina will have the opportunity to review the draft Plans of adjacent cities when they prepare to submit. This will provide an opportunity to identify any concerns or inconsistencies between the plans.

1. City of Plymouth
2. City of Orono
3. City of Independence
4. City of Maple Plain
5. Three Rivers Park District

6. Orono Schools
7. Rockford Schools
8. Delano Schools

### **Land Use Designation – NE corner of Highway 55 and Mohawk Drive**

The Planning Commission and City Council recently reviewed a Comprehensive Plan Amendment related to 50 acres at the northeast corner of Highway 55 and Mohawk Drive. This property is guided Mixed Use is the current Comp Plan (requiring a minimum of ½ of the property to be developed with residential uses at a density of 3.5-7 units per acre).

The Steering Committee discussed the property during the Comp Plan update process and heard from the property owner. The Committee recommended guiding the property as Business. A developer has requested Low Density Residential development on the property within the immediate staging period. The property owner raised concern with the property’s viability for business development because of slopes and the fact that wetlands essentially divide the site into three pieces (10 acre, 10 acre, 5 acre). The Planning Commission requested that the Steering Committee confirm the Business land use for the property. Excerpts from the staff report on the request and the draft Planning Commission meeting minutes are attached for reference.

### **Summary of Hennepin County Comments**

Hennepin County provided a number of technical comments, and various changes were made to the transportation plan to address them. Staff believes the following comments were the most significant, but did not require changes to the Plan to address. These comments relate more to things to watch out for when Hennepin County works on its transportation plan.

#### **Alignment of County Road 101**

Hennepin County has indicated that it intends to “consider the future alignment of CR 101 north of Trunk Highway 55” in its Comp Plan. Staff believes this refers to past discussions to designate Peony in the City of Plymouth as CR 101 and to try to turn back current CR 101 to the City. The City has opposed this change in the past, because it would appear to increase the City’s street maintenance obligations without having a significant reduction of anticipated traffic volume. Unless the County proposes a substantial expansion of CR 101 which may draw significant portions of CR101 traffic to the east, staff intends to oppose a turn-back of CR101 to the City.

#### **County Road 116 capacity and improvements**

Hennepin County indicates that it forecasts further capacity on CR116 being necessary in the future. The County has indicated that this issue will be addressed in its Transportation Plan, which is underway.

### **Metropolitan Council Comments**

Most of the discussion at the September 18 meeting related to addressing the Metropolitan Council’s preliminary comments. Staff had summarized how most of the comments were

addressed in the previous draft. The Steering Committee directed staff to continue discussions with Metropolitan Council staff on two primary comments.

#### Long-term Sewer Service Area

The Metropolitan Council identifies the southern 1/3 of Medina in the “Long-term Sewer Service Area” (LTSSA) of the Blue Lake treatment plant. The Met Council identifies these areas for potential urban service in future planning processes (potentially sometime after 20 years).

During review of the Update, the Steering Committee had expressed an interest in reducing the property within the City which is identified by the Met Council in the LTSSA. The City included only a small area south of Loretto within the LTSSA, and the Met Council comments noted that this is inconsistent with their sanitary sewer system statement.

City staff continued discussions with Met Council staff related to the City’s interest in reducing the LTSSA. Met Council staff indicated that they believed the removal of 865 net acres from the LTSSA in the southern portion of the City because it is being added to the Blue Lake Sewage Treatment area. Met Council staff indicated that any additional removal would require changes to their Wastewater System Statement, which would be very complex at this time of the Comp Plan update process.

Staff recommends against being overly aggressive in the request to remove additional acreage from the LTSSA. Staff has recommended language within Chapter 5 that indicates the City’s objective to minimize the LTSSA, and also emphasizes the rationale. Because the LTSSA is, by definition, more than 30 years in the future, a better strategy may be to continue discussions with the Met Council prior to future Wastewater System Statements to advocate a reduction of the LTSSA. Staff believes the proposed language in Chapter 5 establishes the objective and supports continuing the request.

Staff has identified approximately 865 net acres which could be removed from the LTSSA, which are identified in cross-hatched orange on Map 5-6. Generally, staff identified the property which was the most central to the rural area of Medina. If this area were to be removed, the new LTSSA would generally follow County Road 24 and Holy Name Drive.

The areas which remained in the LTSSA would be closest to the location which the Met Council would extend regional wastewater service (the southern portion of Medina) and also the portion of the City which is most proximate to planned municipal water supply.

If the Steering Committee has alternative criteria to recommend to identify property to be removed from the LTSSA, please be prepared to discuss at the meeting. If you can provide staff with your thoughts ahead of time, we can calculate net acreage under different scenarios.

#### Staging of High-Density Residential Development

The City has identified approximately 13 acres of property in the southwest corner of the City for high density residential development. The City has also staged this area for development immediately in 2018. Metropolitan Council staff has indicated that if the City allows for development prior to 2020, the acreage cannot be used to account towards the City’s 2021-2030

affordable housing allocation. As such, Met Council staff has indicated that the City's Update is not consistent with the Housing statement.

City staff has continued extensive conversations with Met Council staff on how the interests and policies of each group could be addressed without delaying potential high-density development just for the sake of putting the acreage in a different column in a table. Staff has recommended some additional language in an attempt to emphasize the fact that the City's plan should be seen as consistent with policy.

Staff also updated all staging tables to include the 2018 and 2020 staging periods within a single column (2018-2025). In reality, by the time the Comprehensive Plan is put into effect, a developer conceives of a project, the land use process is completed, and site development and construction occur, most development within the 2018-2020 staging period will not be completed until after 2020. As such, staff believes it is appropriate to forecast any growth within a broader timeframe.

The Metropolitan Council does not require such specific staging, but the City chose to do so. Staff's impression is that if the City proposed a staging period of 2018-2030, concern would likely not be raised.

Staff routed the proposed language changes to Met Council staff for comments and suggestions. At this point, we have not received a response.

At the September 18 meeting, the Steering Committee directed staff to continue working with Met Council staff and adjusting the language of the Plan to emphasize consistency. If staff is unable to put the Met Council staff's concerns to rest, the consensus of the Steering Committee appeared to be to shift the HDR property to the 2020-2025 staging period.

Staff seeks confirmation on how the Steering Committee would like to proceed with our formal Plan submission if Met Council staff continues to take the position that the City's staging of development is inconsistent with Met Council policy. The following alternatives appear to be possible:

1) Submit the plan with staging of HDR property in 2018.

There is a chance that Met Council staff raised more concern in preliminary comments, in the hopes that the City will make adjustments, but will be less aggressive during its formal review process. After the City submits the Plan, Met Council staff will have 15 business days to determine if the City's Plan is complete. Staff would anticipate a comment during this period if the Met Council staff is going to deem it inconsistent. There is a chance that this issue would delay the review process or make it more difficult.

2) Change staging of all HDR property to 2020.

This is, seemingly, the most straight-forward way to address the comment, although it does not appear to be in any group's best interest. At least one property owner within the HDR land use is interested in proceeding with a development request as soon as possible, and this change would complicate their situation. The Staging Plan permits a development to develop up to 2 years earlier than the staging based on an incentive-based

point system, so the change would not prohibit the development from occurring in 2018, even if the property is staged for 2020.

The City could make this change before formally submitting the request, or wait to see if the Met Council deems the Plan inconsistent and then make the change.

- 3) Change the staging of HDR property to 2020, except 2 acres with near-term interest  
The City could stage most of the HDR property for 2020 but leave the 2 acres parcel with an imminent development pending staged for 2018. The parcel may be small enough that it would not raise concern with Met Council staff. Staff believes it is better to keep all of the HDR property in the same staging period, unless there is a policy objective served by staging the properties differently.

The City could make this change before formally submitting the request, or wait to see if the Met Council deems the Plan inconsistent and then make the change.

### **Nursing Homes/Assisted Living Facilities in Business**

The Steering Committee directed staff to incorporate language within the Business land use which would clarify the practice of allowing nursing homes and assisted living facilities within the Business land use, recognizing that the use has residential and commercial characteristics. Staff has incorporated an additional objective related to the use within the Business land use objectives.

### **Potential Action**

Staff recommends that the Steering Committee review the draft of the Comprehensive Plan to prepare for approval and formal submission to the Metropolitan Council. After the Steering Committee finishes its review, the following action would be in order:

*Motion to recommend approval of the 2040 Comprehensive Plan update.*

### **Attachments**

- 1) Hennepin County Transportation comments
- 2) Staff report re: Highway 55/Mohawk Comp Plan Amendment
- 3) Draft Planning Commission minutes re: Highway 55/Mohawk Comp Plan Amendment
- 4) DRAFT Comprehensive Plan



**2040 Medina Transportation Plan - Hennepin County Comments (August-September 2017)**

Page	Paragraph	Comment
General		Please consider adding an inset with Hennepin County typical roadway sections. This would help improve consistency and transparency in our development review process for future right-of-way (ROW) requests
10	2nd	Error – <b>County Road (CR) 210</b> mislabeled. – CR 201
11/47	1st	HC likely will again recognize County Road (CR) 116 as a candidate for a functional class change in 2040 TSP as we did in 2030 TSP
11/46	2nd	HC will again further consider the future alignment of CR 101 north of Trunk Highway (TH) 55 in our 2040 TSP Update. This would involve multiple cities
17/43	1st	While the HC Crash System Map does not recognize TH 55/CR 101 or TH 55/CR 116 (Pinto Drive) as having a critical crash rate (2009-2014), we would support further analysis of these intersections and potential improvements as needed
18	3rd	For Access Management note that for the upcoming 2040 Hennepin County Comp Plan, the county will match MnDOT access guidelines for permits
18	5th	Note that relocating access during reconstruction is extremely expensive as it many times requires compensation to the property owner. HC will continue to advocate for access reconfiguration during the plat/site plan process as this is the time to make these changes
21	Table 4	Hennepin County is currently in the process of reviewing the access guidelines for the county, please follow up with county staff for more details
23	4th	Note that cutting a 25' x 25' corner of ROW at signalized corners is very helpful in maintaining the ADA and APS facilities at these intersections. This also provides area for traffic signal control equipment
23/45/57	2nd	We agree further capacity on CR 116 will be necessary in the future particularly south of Hackamore Road. As part of the HC TSP update we will be updating our typical sections and future roadway needs. Further discussion and analysis will of course be necessary. Any improvements should be preceded by a functional class change to A Minor. Additional ROW beyond the existing 100' will likely be needed regardless
28	Table 7	From our perspective, we no longer would favor constructing or converting any county roads to 4-lane undivided sections regardless of volume
28	2nd	We will need to compare forecasts when our 2040 Plan is complete, especially for CR 116, 101 and 19
29		Plan does not appear to address winter maintenance of bicycle facilities in this section. Consider adding this information if/where relevant
30	3rd	Consider adding text about developing a bike parking ordinance and/or working with developers to implement bike parking at new developments. This could also be added to Table 14 as a strategy (page 54)
32	6th	This could be another helpful design resource: <a href="https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/small_towns/fhwahep17024_lg.pdf">https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/small_towns/fhwahep17024_lg.pdf</a>
44	Table 7	HC recently made signage and striping improvements along CSAH 19 to help address safety/operational concerns here. We will continue to monitor conditions
60	1st	Public comments - "Install a traffic signal at CR 116 @ Meander Drive". Appreciate the feedback, this will perhaps deserve further consideration in the future should it meet traffic signal warrants and the Hennepin County Traffic Signal Priority Factor



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# MEMORANDUM

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**TO:** Mayor Mitchell and Members of the City Council  
**FROM:** Dusty Finke, City Planner  
**DATE:** October 12, 2017  
**MEETING:** October 17, 2017 City Council  
**SUBJ:** Mark Smith (Mark of Excellence Homes) – E of Mohawk Dr., N. of Hwy 55  
Comprehensive Plan Amend and PUD Concept Plan

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**Review Deadline**

Complete Application Received: September 15, 2017  
60-day Review Deadline: November 14, 2017

**Summary of Request**

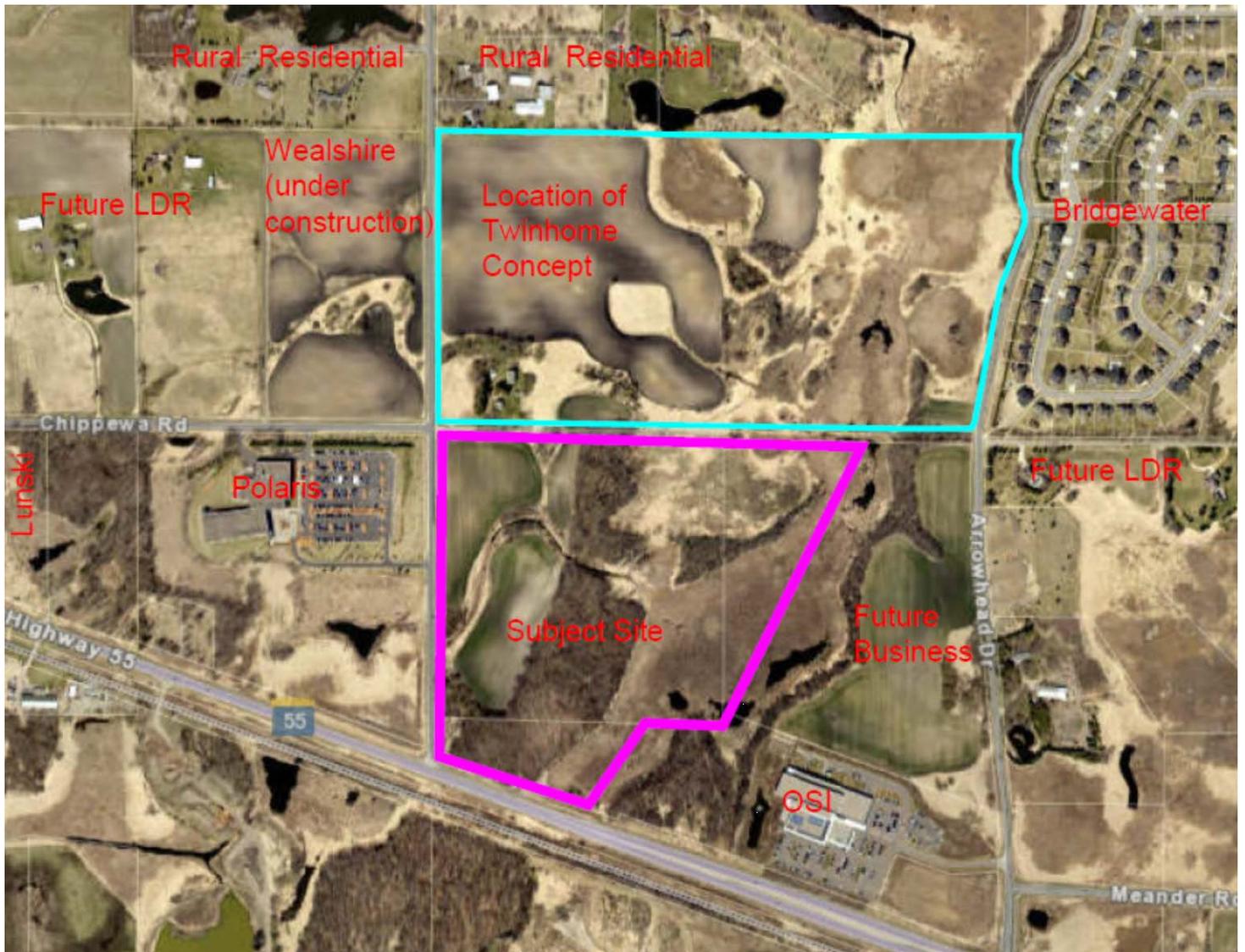
Mark Smith has requested a Comprehensive Plan Amendment (CPA) and Planned Unit Development (PUD) Concept Plan for a proposed 48-lot single family subdivision east of Mohawk Drive and north of Highway 55. The concept plan also includes a 7.5 acre public park in the southern portion of the site. The same applicant has proposed a PUD Concept Plan for development of 94 twin-homes immediately to the north, which was presented separately.

The subject site is predominantly guided for Mixed Use development in the current Comprehensive Plan within the immediate 2011-2020 staging period, although the southern 5 acres (3 buildable acres) is guided for commercial. The Mixed-Use land use requires a minimum of ½ of the property to be developed with a mix of residential land uses at a net density between 3.5-7 units per acre. The property is zoned Rural Residential-Urban Reserve, which is an interim zoning designation for property until development occurs consistent with the Comp Plan.

An aerial of the site and surrounding property can be found at the top of the following page. The subject site is 55 acres in size, and includes 14+ acres of wetland on the east and additional approximate 3 acres of wetland drainageways which divide the site into three areas (south, northwest, and northeast). In addition, there are approximately 13 acres of woods which bisect the site along the ridge. These woods abut the large wetland in the southern portion of the site and bisect the northern portion of the site. There are two 4-acre farmed areas along Mohawk Drive and approximately 6.5 acres of vacant grassland on the northeast of the site.

The Wealshire is currently under construction to the northwest, and is zoned Business Park. Polaris is located to the west of the subject property. OSI is east of the large wetland, along with additional Business property to the north of OSI. The Bridgewater neighborhood is located across the large wetland to the northeast of the site.

Although the subject property is planned for Mixed Use development in the current Staging period in the existing comprehensive plan, it is important to note that the draft Comprehensive Plan Update has proposed to change the future land use of the property from Mixed Use to Business.



The applicant has proposed a PUD primarily to allow for a mix of single family lot sizes and to preserve land for a City Park.

The applicant has requested a Comprehensive Plan Amendment to amend the future land use of the property from Mixed Use to Low Density Residential in order to permit the type of development proposed. The applicant has stated that they recognize that the City is within the process of updating its Comprehensive Plan, but seeks to work with the City to provide the infrastructure improvements identified as a need in this portion of the City, including a street connection between Mohawk Drive and Arrowhead Drive, a watermain connection between Mohawk and Arrowhead, and a City park. The applicant believes permitting this residential development in connection with the Weston Woods concept to the north can provide the revenue for them to provide these improvements.

The purpose of a PUD Concept Plan is to provide feedback to the applicant prior to a formal application. Generally, the Planning Commission and City Council would not take any action and the feedback is purely advisory. However, the City will need to act on the Comprehensive Plan Amendment.

### **Purpose of a Planned Unit Development**

According to Section 827.25, PUD provisions are established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods and/or nonresidential areas by incorporating design modifications and allowing for a mixture of uses. The PUD process, by allowing deviation from the strict provisions of this Code related to setbacks, lot area, width and depth, yards, and other development standards is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design.
3. The preservation, enhancement, or restoration of desirable site characteristics such as high quality natural resources, wooded areas, wetlands, natural topography and geologic features and the prevention of soil erosion.
4. Innovative approaches to stormwater management and low-impact development practices which result in volume control and improvement to water quality beyond the standard requirements of the City.
5. Maintenance of open space in portions of the development site, preferably linked to surrounding open space areas, and also enhanced buffering from adjacent roadways and lower intensity uses.
6. A creative use of land and related physical development which allows a phased and orderly development and use pattern and more convenience in location and design of development and service facilities.
7. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
8. A development pattern that effectuates the objectives of the Medina Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
9. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

### **Comprehensive Plan Amendment**

As noted above, most of the subject property is guided Mixed Use (MU) in the current Comp Plan, which would anticipate residential development with a net density of 3.5-7 units per acre over a minimum of ½ of the property. MU would anticipate some non-residential component as well. The property is staged for development after 2011. The southern 5-acres is guided for Commercial development.

The applicant has proposed to amend the future land use to Low Density Residential (LDR), which allows residential development between 2-3.5 units per net acre. The applicant's concept plan proposes approximately 2.22 units/net acre after subtracting the unbuildable property and the park.

A decision on whether to change a planned land use should be evaluated within the context of the goals and objectives within the Comprehensive Plan. At this time, the goals and objections of the 2010-2030 Comprehensive Plan are in effect. The Vision, Goals, and Strategies and Land Use chapters of the current Plan were attached to the twinhome concept for reference.

One specific requirement to note is the minimum overall net density throughout the City of 3 units per acre that the City was required to plan for in the existing plan. The City was near the lower end of the required density range, and the proposed amendment would reduce the minimum density of the subject site from 3.5 units/acre to 2.0 units/acre. Staff has calculated the overall density if this amendment were to be approved, and it appears that the City would remain just above the minimum overall net density of 3 units per acre. Staff does not know how the Metropolitan Council will respond to a request to reduce the density of development, even if it would technically meet the minimum requirement.

The City is currently in the midst of its decennial Comprehensive Plan update. The Steering Committee, Planning Commission and City Council have completed a draft of the Plan, which has been out for public and jurisdictional feedback for almost a year. The City anticipates that the Plan update will be in effect early in 2018. The DRAFT Comprehensive Plan is available on the City's website, and excerpts from the Draft Vision/Goals and Land Use chapters are attached to the twinhome concept for reference. This information is on yellow paper to distinguish from the current Plan.

The draft 2040 Comp Plan update proposes to change the future land use designation of the subject property to Business. The applicant's proposed amendment to Low Density Residential would not be consistent with the draft Plan update. As a result, if the City were to approve of an amendment to the 2010-2030 Plan, staff would recommend that a similar change be incorporated into the DRAFT Plan update.

Because the DRAFT Comprehensive Plan update is so far along within the review process, staff believes it is relevant to consider in connection with a proposed development, even if it is not yet in effect. In fact, if the City is in the process of considering an amendment of the comprehensive plan, state law allows the City to enact an interim ordinance which can restrict or prohibit development for up to one year. In order to do so, the City would have to determine that the moratorium would be necessary to protect the planning process and the health, safety and welfare of its citizens. This option is provided to cities in order to allow time to consider the comprehensive plan, especially if significant changes are being considered. Staff generally recommends that a moratorium only be considered in extraordinary cases where significant changes are proposed in the Comprehensive Plan and a potential development would have the potential of impacting the goals, objectives or implementation of the Plan.

In this case, the proposed development would not be consistent with the existing Comprehensive Plan, so considering a moratorium is not necessary. The City could protect the planning process by not approving of the amendment.

### **Proposed Site Layout**

The applicant proposes 48 single-family lots between 11,000-13,000 square feet in size. The applicant has proposed to amend the future land use to LDR, and the R1 zoning district was created by the City to implement the LDR land use in the Comp Plan. The R1 zoning district requires a minimum lot size of 11,000 square feet, and lot width of 90 feet.

The property is currently guided for Mixed Use development. The MU zoning district permits smaller single-family lots, with a width of 60 feet and a minimum size of 8,000 square feet. The

applicant has proposed lots which generally meet the minimum area requirement of the R1 district, but which are a bit narrower. Flexibility would be permitted through the PUD process to vary the general standards of the ordinance, provided that such flexibility serves the purposes described on page 3. The following table compares the proposed lots to the requirements of the R1 zoning district (generally implementing the LDR land use) and the MU zoning district (generally implementing the MU land use):

	<b>R1 Requirement</b>	<b>MU/R2 Requirement</b>	<b>Proposed</b>
Minimum Lot Size	11,000 s.f.	8,000 s.f.	10,978 s.f.
Minimum Lot Width	90 feet	60 feet	75 feet
Minimum Lot Depth	100 feet	90 feet	135 feet
Front Yard Setback	25 feet	25 feet	30 feet
Front Yard Setback (garage)	30 feet	30 feet	30 feet
Side Yard Setback (combined)	25 feet (15 & 10)	15 feet (10 & 5)	20 feet (10 & 10)
Side Yard (corner)	25 feet	25 feet	30 feet
Rear Yard Setback	30 feet	25 feet	30 feet
Max. Hardcover	40%	50%	40%

### **Tree Preservation and Buffer Yards**

The subject site includes a wooded area approximately 13 acres in area. The northern 3-acres of the woods is designated as a moderate quality oak forest in the City’s land cover classification system. Approximately 1-2 acres of the southern wooded area is designated as a moderate quality maple-basswood forest. The remaining area is an altered deciduous woodland.

The applicant’s concept proposes to remove the vast majority of the trees on the site. The request would be subject to the City’s tree preservation ordinance, which would require expansive replacement for all removal in excess of 15% of the significant trees on the site.

Approximately 4.5 acres of the wooded area is proposed to be within the proposed park. This would seem to provide a good opportunity for preservation, but the applicant proposed to significantly grade this area in order to move dirt from the hill in this location to other places on the development site. In addition, the existing slope and trees would not permit the area to be utilized for recreational uses without significant removal. At the Planning Commission meeting, the applicant indicated that they were willing to forego grading within the wooded portion of the park if the City preferred to preserve this area in its natural state instead of utilizing the space for recreational activities.

Staff visited the site with the City’s natural resource specialist. A summary of his observations is attached. The southern portion of the wooded area, especially located on the knoll, was well varied in terms of tree age and species, and had comparatively low levels of buckthorn intrusion. This portion of the woods appeared to be a long-term sustainable natural area of a fairly good quality within Medina.

### **Wetlands and Floodplain**

The large wetland to the east of the proposed development is a Preserve wetland which is mapped as a Site of Biodiversity Significance. This type of wetland requires an average buffer of 50 feet in width. The drainageway wetlands traversing the site are Preserve wetlands, requiring an average buffer of 35 feet. The City's wetland protection ordinance also requires homes to be set back an additional 15 feet from these required buffers.

It appears that the applicant is showing a 35-foot buffer throughout the process, but that the lots adjacent to the large wetland are deep enough to accommodate the larger buffer.

FEMA maps identified a Zone A floodplain within the location of the large wetland. The floodplain does not have a Base Flood Elevation established, so the applicant will need to provide information on which to establish an elevation in order to verify that there will be no impacts.

### **Transportation**

The applicant proposes a single access point on Mohawk Drive. The park is proposed to access Mohawk Drive separately.

Mohawk Drive has limited right-in/right-out access to the south of the site. As a result, eastbound traffic would currently be required to travel west on Chippewa Road to Willow Drive in order to turn left onto Highway 55. This would add approximately 1.3 miles to each east-bound trip. The City has identified a future connection of Chippewa Road east of Mohawk Drive to connect with Arrowhead Drive. Staff believes this connection is important to support development of the subject site and others in the area of Chippewa Road/Mohawk Drive. This connection is important for public safety purposes as well, providing better emergency access to the area and also providing an alternative route in case of an emergency on Highway 55.

The applicant has proposed to construct the Chippewa Road extension from Mohawk Drive to Arrowhead Drive in connection with development of the subject site and the property to the north. A common developer between the two sites provides the unique opportunity for the project to be completed by the developer. Under the DRAFT Comp Plan update, the subject site is proposed to be guided for Business development and the property to the north guided for Low Density Residential after 2025. It is extremely unlikely that a common developer would be involved under the draft Plan update. The City would, therefore, need to coordinate its construction and funding.

If the subject site were to develop before other properties west of Arrowhead Drive, it provides the opportunity to secure right-of-way and potential funding obligations for the extension of Chippewa Road east of Mohawk Drive. If other properties west of Arrowhead Drive develop first and result in the need to construct Chippewa Road, road acquisition costs could increase and the process could become more complicated. Previous estimates for the street were around \$1 million in construction costs and an additional \$600,000-\$1 million in soft costs and wetland mitigation costs.

In terms of the neighborhood streets, staff would recommend improvements in connectivity. This includes providing connections with the park and adjacent collector roadways. In addition, the number of cul-de-sacs should be reduced.

### **Sewer/Water**

Existing sewer and water mains are located within Mohawk Drive, which the applicant proposes to extend throughout the site.

The applicant has indicated that the subject site could be served through gravity sewer lines to the existing system, but this would need to be confirmed.

Currently, the subject property and other sites in the area are served by a single water main along Highway 55 (to Mohawk) without any looping. The City Engineer and Public Works emphasize that having a second means to route water to this neighborhood and other properties in the area is extremely important. The City's water plan identifies a water main along new Chippewa Road from Mohawk Drive east to Arrowhead Drive. This water main connection is not yet in place and staff believes that it is important that provisions are made for construction of this connection before additional property develops west of Arrowhead Drive. The applicant has indicated that they would construct this watermain extension from Arrowhead Drive along with construction of either this project, or the project to the north.

Providing this connection would be an important benefit for the City, because Public Works and Engineering are currently beginning the planning process for potential construction in the next few years. If it is constructed in connection with a development, it would relieve the City of completing this project.

### **Stormwater/LID Review/Grading Review**

The Concept Plan does not include full grading or stormwater plans. Any development proposal would ultimately be subject to relevant stormwater standards.

### **Park Dedication**

The City's subdivision regulations require up to 10% of the buildable property to be dedicated for park purposes. The City may also choose to accept cash in-lieu of all or a portion of this land dedication in an amount equal to 8% of the pre-developed market value, with a minimum of \$3500 and a maximum of \$8000 per home.

In this case, there are approximately 35 buildable acres, for a potential 3.5 acres of park land. If the City determines that land should not be required in this case, staff believes the fee would be in the higher end of the range which would cap at around \$464,000 if the site was developed at 2 units/acre. However, this value will be determined more precisely during the preliminary plat review if the applicant proceeds with a formal application.

The City's park and trail plan identify the need for a neighborhood park in this area. The Park Commission has discussed potentially requiring land either at this subject site or at the other planned residential property west on Chippewa Road, depending on which project would move forward first. The Park Commission reviewed this concept in connection with the request to the north during their September 20 meeting. If both projects were to move ahead at this time, the Park Commission supported securing as much park land as possible between the two projects, which would be approximately 7-7.5 acres.

The City may desire to consider preserving the higher quality portion of the woodland through park dedication rather than planning for recreational use throughout the entire park. A combination of active and passive park opportunity may best meet the city's interest in this case. This is especially true if the property is to develop with Business uses, where recreational uses may not be as necessary.

The trail plan has also identified an east-west trail connection between Mohawk Drive and Arrowhead Drive which should be secured with any development upon the subject site.

The Park Commission reviewed this concept in connection with the proposed single-family concept to the south. Their review also considered the Excelsior Group request to the west. An excerpt from the meeting minutes is attached to the twinhome concept for reference.

If all three of the projects moved forward, the consensus of the Commission was to secure two smaller parks, one on the Excelsior site, and one within the Mark of Excellence projects. If the single-family concept on the Mark of Excellence concept did not move forward, the Park Commission recommended a larger park on the Excelsior site and did not see as large of a need for a park in connection with the twinhomes. If the single-family concept were to move ahead, the Commission was interested in preserving more of the woods adjacent to Highway 55 as a buffer to the park.

### **Review Criteria**

The City has the highest level of discretion when reviewing a Comprehensive Plan Amendment. The City may use its full legislative discretion in order to support the vision, goals, and objectives of the community. The Comprehensive Plan then guides all of the other land use decisions made by the City. As noted on pages 3-4, proposed changes in land use should be reviewed within the context of the vision, goals, and strategies of the Comp Plan to determine if the amendment is appropriate.

The purpose of the PUD Concept Plan is to provide purely advisory comments to the applicant for their consideration whether and how to continue with a formal application. However, the City will be taking action on the related Comprehensive Plan Amendment. The City has a great deal of discretion when reviewing a PUD because it is a rezoning, which is a legislative action. A PUD should only be approved if it achieves the purposes of the PUD district (described on page 3), the Comprehensive Plan, and other City policies. The Planning Commission and Council should provide comments based upon this information.

### **Staff Comments**

At this time, staff generally does not recommend amending the 2010-2030 Comprehensive Plan. The 2040 Comprehensive Plan is expected to be in effect early in 2018, and to implement a Comprehensive Plan Amendment to the existing Plan prior to that time has the potential to delay implementation of the Plan update, to complicate review of applications in the meantime, or both.

If the City supports the proposed development, it seems as if the more straight forward approach at this time would be to incorporate changes into the draft Plan Update and leave the existing

Plan as-is. This Planning Commission and Council should review to see if the change meets the vision, goals, and objectives of the draft Comprehensive Plan update.

As noted throughout the report, the City has a great deal of discretion in reviewing the Comprehensive Plan and any amendments to the Plan. This discretion means that the Planning Commission and City Council should consider the goals and objectives of the Plan and it is quite possible that there may be competing objectives which could support a decision for either land use. The Planning Commission and Council should try to balance these objectives when making a decision.

Guiding the subject site for residential development provides some additional acreage beyond the forecasted growth within the draft Comp Plan. One of the goals during the process was to not guide additional property beyond the forecasts. The Steering Committee had discussed the Business land use in relation to the subject site as potentially offering a better opportunity to preserve some of the woodland on the property.

On the other hand, the applicant proposes to meet various infrastructure objectives of the Comprehensive Plan. Providing for the street and water main connection between Mohawk Drive and Arrowhead Drive without substantial public or broader assessment funding serves objectives of the plan to be fiscally prudent and development efficient infrastructure systems. The applicant argues that a coordinated residential development between the two sites is likely the best opportunity to meet these objectives in the most cost-effective and efficient manner. Likewise, a larger-scale residential development provides the best opportunity to secure a larger contiguous piece of park land.

If the City supports changing the future land use to Low Density Residential, staff has provided comments throughout the report to be incorporated into any future formal application. These comments are summarized below:

- 1) Any future application shall be subject to all relevant City regulations and policies.
- 2) The applicant shall provide information necessary to confirm that gravity sewer service is practical.
- 3) The applicant shall provide information to determine a base flood elevation and to verify no floodplain impacts will occur.
- 4) The applicant shall provide a wetland delineation and meet all requirements of the wetland protection ordinance.
- 5) Additional street connections shall be provided to adjacent collector roadways.
- 6) Additional trail connections shall be provided.
- 7) An east-west trail connection shall be provided. Locations should be considered which provide convenient access, opportunities for separation from roadways, and connections with the existing and planned trail network.
- 8) A street and watermain connection between Mohawk Drive and Arrowhead Drive shall be constructed in connection with the development.
- 9) The applicant shall provide information requested by the City Engineer to determine whether street improvements are necessary to support the development.

### **Planning Commission Review**

The Planning Commission held a public hearing on the request at the October 10 meeting. Beyond the applicant and the property owner, no one spoke at the hearing. The property owner expressed concern with the viability of the property for Business development as contemplated by the draft Comp Plan update as a result of the wetlands which divide the site. The owner also stated that the woods and slope make the site difficult for business development and that preserving the wooded area seemed unlikely with business development.

The Planning Commission generally did not support amending the current Comprehensive Plan. Commissioners acknowledged that the property had been discussed specifically through the process of creating the Comp Plan update and generally thought the decision was more appropriate to make within the broader context. The Commission unanimously recommended denial of the Comprehensive Plan amendment to the current (2010-2030) Comprehensive Plan. The Commission did vote 5-1 to request that the Steering Committee review the land use of the subject property within the context of the property owner's comments to verify that the Business land use best meets the goals and objectives of the Comp Plan.

### **Attachments**

1. Document List
2. Natural Resource Specialist comments dated 10/6/2017
3. Engineering Comments dated 9/25/2017
4. Applicant Narrative
5. Concept Plan
6. The following attachments were attached to the staff report for the twinhome concept plan, but were also referenced within this report:
  - a. Exhibit showing Concept and Concept to North
  - b. Excerpt from 9/12/2017 Planning Commission minutes
  - c. Excerpt from draft 10/10/2017 Planning Commission minutes
  - d. Excerpt from draft 9/20/2017 Park Commission minutes
  - e. 2010-2030 Comp Plan Information (Vision/Goals/Strategies, Land Use) – white paper
  - f. DRAFT Comp Plan Information (Vision, Goals, Future Land Use) – yellow paper

Cavanaugh Hwy 55 and Mohawk Property

Mark Smith, the developer, is proposing the development of the 52 acre Cavanaugh property at the northeast corner of Highway 55 and Mohawk Road. This proposal is for development of 38 single family urban serviced lots, a 7.4 acre City park, and dedication of the south half of the right of way for Chippewa Road. For this development we are requesting approval of a comprehensive plan amendment from mixed use to LDR. We are also requesting approval of a PUD concept plan.

The developer is aware that a steering committee and city officials have spent 18 months working on a future land use plan. Keeping this in mind and understanding the goals and visions of the city we have tried to offer a development to the City and it's residence that keeps those objectives in mind and yet is large enough to provide the investment needed to provide for other City objectives and needs.

Less than 4 years ago the City approved a preliminary plat on this same property for DR Horton. That plan included 50 single family lots, a 72 unit apartment building, a 5 acre of commercial piece, and no park. Our plan, as mentioned is proposing only 38 residences compared to 122 residences and a 7.4 acre City Park. Again, we know the Met Council's requirements have changed since then and the City has been working hard to accommodate those changes for the future use of this property and others so we know approving this plan will not easy to do. That is why we have worked hard to reduce the impact, increasing the size of the lots and reducing the size of the earlier approved development by more than two thirds. With this major density reduction, this development will have a minimal impact on meeting your 20 year future land use plan but will provide 2 vital infrastructure needs in this area and also provide a large regional park, a request that has been made by the Park Board

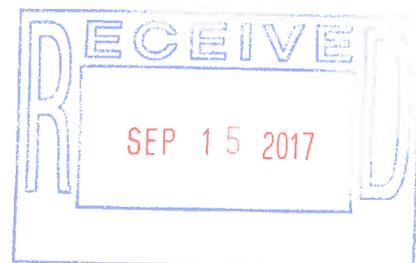
In addition and in conjunction with the Weston Woods of Medina development, we are proposing to dedicate the right of way for Chippewa Road and also build and finance the construction of the new road connecting Mohawk and Arrowhead Road. We will also provide the water main connection that will also connect Mohawk and Arrowhead Road creating a critically needed water main loop north of Highway 55. These 2 infrastructure improvements will provide our new residents as well as Polaris, Wealshire, Bridgewater and many, many others better water quality and guaranteed water in the event of a water main break. In addition, with Chippewa Road going through, safer traffic patterns will occur and create a safer and more convenient option for many of the residence on Mohawk Road.

The 7.4 acres of park would go towards both the Weston Woods of Medina development and for the 38 lots development. This is still likely to be more park dedication then required.

Even though this plan is different than your proposed future use plan we feel it will have a much smaller impact on the neighborhood than a mixed use development could and would have on this property.

Thank you for your consideration of this request.

Mark Smith





**Public Hearing – Mark Smith – NE Corner of Hwy 55 and Mohawk Drive – Comprehensive Plan Amendment and PUD Concept Plan for 48 Lot Subdivision with 7 Acre Park on 52 Acres (PIDs 03-118-23-42-0001, 03-118-23-41-0001, and 03-118-23-43-0005)**

Finke presented a request to amend the current Comprehensive Plan as well as a PUD Concept Plan. He noted that the proposed amendment would change the future land use from the current designation of mixed use to low density residential to create a 48-lot subdivision with a seven-acre park. He noted that the draft plan guides the property for business designation. He noted that the applicant is proposing a PUD to allow the single-family home lots to be narrower than typical lot width. He noted that while the width would be smaller, the minimum lot size would still be met. He stated that the same applicant presented a PUD Concept the previous month for the property to the north. He reviewed the adjacent property zoning and highlighted site features including the wetland and wooded areas. He stated that the drainage ways on the site divide the site into three areas. He presented the Concept Plan from the applicant along with the Concept Plan presented the previous month to identify how the plans would fit together. He stated that the seven-acre park would be proposed on the southern portion of the site with a single access point onto Mohawk Drive. He stated that the City is in an awkward position between the current Comprehensive Plan and the draft plan, noting that the draft plan is expected to be in place in early 2018 and therefore any applications could be considered under the draft plan. He stated that the City is allowed to enact a moratorium, if desired, to protect the planning process. He stated that there is a lot of information from both versions of the Comprehensive Plan included in the Commission packet to help the Commission review the request. He stated that while technically the existing Comprehensive Plan is in effect, the context of the draft plan is also important. He noted that the property is proposed to be changed through the draft plan from mixed-use to business and therefore the property zoning would not match either of those zoning districts. He reviewed the requirements of the mixed-use zoning district, noting that the residential portion of the property would have higher density than what is proposed. He noted that if approved, there could be concern from the Metropolitan Council that the City has eaten up the low-density housing and therefore is not leaving sufficient space for the remaining required density. He stated that there is more flexibility within the draft update, as the overall density is slightly higher and therefore the City will meet the density requirements in the long-term. He reviewed the elements that must be considered for a PUD request, noting that the primary objective from the applicant's narrative in reducing the lot width is to accommodate both the park and residential development. He stated that the PUD also requests a five-foot reduction to the setback. He stated that the mixed-use zoning district does allow for single-family homes with smaller lots, but in conjunction with another housing product to meet the required density. He reviewed the proposed access from Mohawk, noting that the concept would need to be updated with an accurate wetland delineation and required wetland buffer. He stated that there is a 12-13 acre wooded area on the eastern portion of the site adjacent to the wetland and bisecting the northern portion of the site. He stated that the City's natural resource inventory identifies two higher quality portions of the woods on the southern portion of the site. He noted that the central and north wooded areas are rated as lower quality. He noted that the concept would remove the vast majority of the wooded areas to support the development. He noted that the applicant is proposing to grade the area to use on other portions of the site, which would reduce the ability to preserve trees. He stated that extensive tree removal would be required if the application moves forward in this method. He suggested that if this moves forward, perhaps there is a way to preserve the higher quality knoll and reduce the recreational amenities within the park. He noted that some of the comments will be similar, as the same comments have been made on the other concept plans that were recently reviewed. He expressed concern with the transportation proposed. He noted that the applicant stated that development of these two sites would contribute towards the extension of the nearby roadway. He stated that the City has identified an important watermain connection and the applicant is proposing to install that connection as part of the development of these sites. He stated that the applicant is proposing to incorporate the park identified for this area as well. He stated that if the Commission and Council move forward with this project, it would

provide the infrastructure elements identified by the City. He stated that staff would caution against amending the existing Comprehensive Plan as that would be cumbersome during this planning process to update and finalize the draft plan. He stated that if the change is desired, staff would recommend making that change to the draft plan. He stated that one of the main objectives of the draft plan is to minimize the residential growth in the community to match the goals identified by the Met Council and this would increase that residential growth. He stated that the Steering Committee also believed that a business guiding for the property may help to preserve the high-quality tree knoll on the property that would be removed under this request. He stated that the infrastructure that would be provided is consistent with the objectives of the draft plan and therefore there are competing interests in the development of this property.

Reid stated that she recalled that the Commission was not supposed to consider financial aspects when reviewing requests.

Finke stated that in general terms that is true, but infrastructure is identified in the draft plan that provide for the quality of life for residents.

Murrin referenced the staff report which notes that the applicant is proposing to build 48 single-family homes on 50 acres, but elsewhere it provides different information.

Finke confirmed that the concept includes 48 lots. He confirmed that the density calculations are based on 48 lots.

Murrin referenced the infrastructure elements, which state that the improvements would be constructed in conjunction with the development of this property and the property to the north; and asked if that infrastructure would only be built if both parcels are approved.

Finke said the applicant has stated that the water connection would be provided with the twinhome property concept plan on the northern parcel and the road funding would be provided through the development of the southern parcel.

Amic stated that it is difficult because the City is between plans. He asked the implications of removing a business parcel from the draft plan.

Finke stated that in reality there are a lot of wetlands on this parcel and available business properties are limited.

DesLauriers referenced the comment that if the property were zoned business, perhaps that would preserve some of the wooded area. He asked for input on why this parcel is proposed to change to the business zoning district.

Finke stated that one of the objectives was to reduce the overall residential development and explained how the Steering Committee reviewed properties to determine additional business opportunities.

Mark Smith, applicant, stated that Finke did a great job of explaining the request. He stated that he is attempting to not only bring forward this request, but also show how this would tie together with the site to the north that he brought forward to a previous meeting. He noted that both parcels are within the current staging period and if the direction of the Commission and Council align with his desires, he would bring forward the two concepts as one application. He stated that perhaps the density between the two parcels could be calculated together to balance the density and raise the density on the lower parcel. He stated that after reviewing the tree inventory, he would propose to leave the knoll in place unless directed to remove that by the park department. He stated that he did not believe that business or mixed-use would

be a good fit and would be better used by a park on the southern portion and residential on the northern portion of the site. He asked for direction from the Commission.

Murrin asked if the road extension would be dependent on both projects being approved.

Smith noted that the road extension would be dependent on both concepts being approved. He stated that he could provide the watermain connection if only the northern portion is approved, but if both concepts are approved he would construct the watermain and provide right-of-way for the road extension.

Amic referenced the comment that no business would want to be on this land because of the heavily wooded portion of the site. He would hope that the City would have thought about that. He asked for more information.

Smith noted that there are three separate parcels of land divided by creeks and wetlands and therefore the property is not very conducive for one complex or campus. He stated that the heavily wooded area would also require heavy removal in order to support a building or parking lot. He stated that the southern portion is also covered by trees that would block visibility from the highway. He stated that the right in/right out is also not a preference for a business.

Amic asked if that has been thought out by the Steering Committee.

Finke replied that there are some sites that get more specific discussion throughout the process and stated that there was specific discussion on this property. He noted that while there are knolls on the site, there are also flat portions of the site and park dedication could be given for preservation of the knolls. He stated that access was recognized, noting that commercial would not be ideal, but business would allow for office type uses. He noted other business uses that were constructed with the knowledge of the right-in/right-out.

White opened the public hearing at 7:39 p.m.

Tim Cavanaugh, 3320 Lanewood Lane, stated that he is the owner of the property and noted that he attended public meetings and was opposed to the business use. He did not feel that people walked the property to fully understand the topography. He stated that to be any type of a business use you would need contiguous land for development. He noted that if the road and watermain is also going to be burdened onto the property in conjunction with the tree removal and topography of the site, it would not be feasible for business development. He stated that this proposal has decreased the density from the original proposal and the D.R. Horton proposal that came before that. He felt that the use proposed would be the best the City can hope for and is also the best he can hope for. He believed the land would be worthless as a business use with the non-contiguous topography.

DesLauriers asked for input on the discussion that occurred regarding the reguiding of the property under the draft plan.

Cavanaugh stated that the property is currently zoned mixed-use and he was asking for residential and not business. He stated that this proposal would be a good fit and would also provide the needed infrastructure in this area.

Murrin asked what the land was originally zoned for when he purchased the property.

Cavanaugh stated that the land has been in his family for an excess of 50 years and was originally agricultural.

White closed the public hearing at 7:43 p.m.

Reid stated that she sees updating the current Comprehensive Plan as futile and would not want the developers to waste their money on this when the City is not going to amend the existing plan. She stated that the City could review a Concept Plan under the draft Comprehensive Plan. She stated that changing the draft Comprehensive Plan could be open to discussion.

White agreed that she did not believe the City Council would have interest in amending the existing Comprehensive Plan at this time. She agreed that a proposal could be considered under the text of the draft Comprehensive Plan. She stated that the Steering Committee put a lot of work into the guiding for this property and the guiding for this property is important; not only for the parcel, but also in the overall rate of residential development allowed. She stated that the Steering Committee would most likely want to review a request for additional residential designation to determine if development should then be delayed on another parcel.

Murrin asked what would happen if the Steering Committee were to swap the use of this parcel with another parcel and whether that would require the City to resend the plan for comments.

Finke stated that he fully expects there to be changes to the draft plan coming out of the comment period, noting that is the purpose of receiving comments. He explained that the level of public input and whether the plan would need additional jurisdictional review, would depend upon the significance of the changes. He noted that jurisdictional review would not necessarily be required when swapping land use for 40 acres here and there, but stated that the City may want to gain additional public input. He provided an update on the timeline for the draft Comprehensive Plan process.

Amic asked for additional information on the ability to amend the draft plan once adopted. He noted that perhaps a moratorium would be the best route to prevent the City from continually receiving requests that are not going to be considered until the draft plan is adopted.

DesLauriers stated that he would agree with the comments of Reid that the City continues to receive requests that are not being considered right now because of the timing between the existing Comprehensive Plan and the draft plan. He stated that the item that is missing from this discussion is the fact that this development would contribute to the extension of the road and to the water infrastructure and park system.

Murrin agreed that the City would be considering those improvements, but noted that the north property is not staged until 2025, so while the City would gain that benefit right now it is unknown as to whether the City will need that extension. She stated that one core value in the plan is to maintain greenspace. She questioned whether the City needs the road extension now, or when the property to the north is developed.

Finke stated that the road extension will be needed. He stated that three remaining sites have all had concept plans within the last few months. He stated that the risk is that the site to the north does not develop as soon as it is staged; and then the road still needs to be constructed before the development of that parcel. He stated that the watermain looping is needed and the City will move forward on that element regardless of development activity. He stated that the water will be less of an impact on existing users, as connection fees could be adjusted to fund that improvement over time. He stated that the road extension is harder to define the funding responsibility of. He stated that if there is not an opportunity to provide that connection in conjunction through development, the City would need to go through a 429 assessment and general tax dollars would need to supply the difference in funding, as the assessments

would not fund the project. He agreed that it would be a substantial share of the roadway costs that would be paid by the taxpayers of Medina.

Reid stated that the parcel was not staged because this was a business property and therefore if this is rezoned to residential the staging should then be pushed back to 2025. She explained that while the City would like to encourage any business development, the residential development has been pushed back.

Murrin agreed that she would have a problem jumping ahead of the residential development because of the decision that was made to phase out residential property because of the high amount of development the City has had in the past years. She stated that she would be willing to push the issue down the road as the road connection is not needed right now.

Reid stated that she was inclined to want to leave the zoning business because the parcel is adjacent to other business properties, but acknowledged the challenges to this parcel that may lend to residential. She also did not believe that a park that close to Hwy 55 would be a good fit.

Amic stated that this is a tricky issue and agreed that this would be a gamble. He stated that this is a nice plan, noting that he would not have a problem with a park near Hwy 55. He stated that he does like the plan with a creative layout incorporating the wetland and topography. He stated that although it has been said that this should be pushed back, he is unsure that there will be a better deal than this and the City could end up with something a lot worse than this. He recognized the concern that this site may not be right for business use and acknowledged those points. He stated that he would fear that those factors are not considered as much as they should be. He stated that it does matter if this site is even good for business in the future and is important for the City to think about.

Nester referenced the nearby Lunski property which has three businesses on one lot and stated that she would not see a reason that could not be done on this property as well.

White asked if the Commission could include a recommendation with the motion tonight for the Steering Committee to review this property to determine if business is the right fit for this parcel.

Finke confirmed that the group can provide input on that direction through consensus of formal motion.

It was the consensus of the Commission to take separate action of the request and direction for the Steering Committee.

**Motion by Reid, seconded by Nester**, to recommend denial of the Comprehensive Plan Amendment. Motion carries unanimously. (Absent: Albers)

**Motion by DesLauriers, seconded by Amic**, to request that the Steering Committee review the guiding of the subject property within the draft Comprehensive Plan update to confirm that business is the appropriate land use. Motion carries 5-1. (Murrin opposed) (Absent: Albers)

Murrin noted that a lot of time and effort has been put into the draft Comprehensive Plan and therefore would like to take the recommendation of the Steering Committee as is.

Reid acknowledged that this plan would give the City a lot, but stated that even if the property were reguired for residential, the staging would be delayed to 2025.

White stated that she did like the plan, but would want to see more connection between the two areas, with a more centrally located park and access to the development from Chippewa.