

**CITY OF MEDINA**  
**PLANNING COMMISSION**  
Meeting Minutes  
Tuesday September 12, 2017

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

Present: Planning Commissioners Aaron Amic, Dino DesLauriers, Kim Murrin, Kerby Nester, Robin Reid, and Janet White.

Absent: Planning Commissioner Todd Albers.

Also Present: City Planner Dusty Finke.

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

No comments made.

3. **Update from City Council Proceedings**

Anderson reported that the Council met the previous week to consider the request from McDonald's for the variance for their trash receptacle. He reported that the Council supported the recommendation of the Commission and approved the variance. He stated that Medina Celebration Day will take place this coming Saturday at 4:30 p.m. at Hamel Legion Park.

4. **Planning Department Report**

Finke provided an update.

5. **Mark of Excellence Homes – 1952 Chippewa Road – PUD Concept Plan for 94 Lot Twinhome Subdivision on 79.82 Acres**

Finke stated that this is a PUD Concept Plan review for a 94 lot twinhome subdivision. He stated that the total site is approximately 80 acres, but noted that approximately 30 net acres is wetland. He stated that this property is under the current staging plan for the current Comprehensive Plan, but noted that the property staging is proposed to be delayed to the 2025 staging period under the draft Comprehensive Plan that is out for review. He explained that the R-1 zoning district was created to implement low density residential, detached townhomes, but noted that twinhomes could fit within the density range. He stated that the R-1 district does not, however, allow for twinhomes under the existing Comprehensive Plan, which is why the PUD would be requested. He stated that the draft Comprehensive Plan does identify twinhomes as an allowed use in the R-1 district. He reviewed the adjacent property uses. He presented the Concept Plan proposed by the applicant, noting the twinhomes and large amount of wetland. He stated that the purpose of a PUD is to allow flexibility to the zoning code in return for meeting purposes outlined by the PUD Ordinance. He stated that there is an emphasis on protection of natural resources, wetland, and open space within those purposes. He stated that the draft Comprehensive Plan is expected to be adopted in early 2018 and therefore the formal public hearing has been held on that update. He stated that staff believes that it would be appropriate to review requests under both forms of the Comprehensive Plan (existing and draft versions), noting that the primary difference would

be the change in staging from the current period to 2025. He noted that a wetland delineation has not yet been completed, but estimated a density range at three units per acre and recommended that the density range remain between two to three units per acre. He stated that the table in the staff report summarizes what is allowed in the R-1 district and compares that to what is proposed in this Concept Plan. He noted that it would not be an apples to apples comparison as the R-1 district currently only allows detached townhomes and therefore items such as setbacks would be different with twinhomes. He stated that there is a single access from Mohawk Drive and a secondary emergency access. He noted that another future access could be shown from Chippewa Road. He stated that staff recommends that if the project moves forward, that the northern portion of the site provides additional buffering, including a mix of housing styles, as the land use to the north is going to be rural residential. He stated that a large portion of the site is wetland and therefore the delineation is important. He stated that the large wetland to the east is mapped by the DNR and therefore requires a large buffer of 50 feet on average, noting the different buffer requirements for two additional wetlands, and noting that adjustments to the plan may be necessary to provide the necessary buffers. He noted that the floodplain would also need to be established for review. He stated that most of the site is tilled farmland and therefore there would not be a lot of tree removal proposed. He highlighted the proposed transportation information provided, noting that this is very similar to the request the Commission considered the previous month. He stated that the City has identified a watermain connection to provide better looping of the City's water supply, which has been a primary importance identified this summer. He noted that the connection would occur through this site. He stated that the applicant proposes to provide the connection as a piece of the improvements they would construct as part of this project. He highlighted the trails and parks aspects of the review, noting that if this is meant for empty nesters, perhaps this would not be a good location for a park, whereas if this is meant for families perhaps a closer park would be desired. He stated that some trail connections would be proposed. He stated that the intent of this review is for the applicant to receive input from the City to determine changes that would be necessary and whether they should continue to move forward down the PUD path.

Reid asked where the Lunski development is located in relation to this parcel.

Finke highlighted the location.

Mark Smith, owner of Mark of Excellence Homes, stated that they have built over 800 twinhomes in ten different communities over the past 28 years. He stated that people are buying this empty nester product at a younger and younger age. He stated that these are low impact buyers with kids that have left the home and are looking for homes with less maintenance that can allow them to live the lives they want. He stated that most buyers like to travel and may have multiple homes and therefore the lawncare and snow removal is completed by the association. He stated that this would be a low impact use of the buyers, as the association controls the lawncare and there are not playgrounds and trampolines in the yards. He stated that they are only developing 30 to 35 acres of the site, while the balance of the property would remain natural and wetland. He stated that this is an increasing market that will continue to grow for the next ten years with the baby boom generation continuing to age. He stated that this would be a great transition next to Wealshire. He stated that most of their buyers are coming out of larger single-family homes that are then available on the market for growing families and takes pressure off the construction of new larger homes. He stated that they would plan to create the watermain connection which would create the necessary loop in the system and they would also plan to contribute to the extension of Chippewa Road.

Murrin asked why the applicant selected this property.

Mr. Smith noted that they are picky in the sites they choose and do not want just rows of homes. He stated that they prefer homes on one side of the street which creates a better view for the buyers. He stated that this would also fill a demand in the Medina market.

DesLauriers asked if the market value of \$450,000 to \$600,000 would be for each unit or the twinhome as a whole.

Mr. Smith replied that the value would be for each unit of the twinhome.

White stated that the Commission would need to consider a higher standard of building and site design and noted that she did not notice anything about the buildings in the packet.

Mr. Smith apologized for not including that information in the packet. He stated that they began this product in 1990 and the overall concept has remained the same with vaulted ceilings and open kitchen and living rooms with a four-season porch. He stated that the master bedroom and laundry are on the first level with possibly a second bedroom on another level. He stated that the homes are very elegant. He stated that the exterior of the homes would look very similar and would have a lot of landscaping. He stated that the backyards would have a beautiful view of the wetlands. He stated that a taller garage door is installed to make the appearance better with a focus on main floor living.

White referenced the comment made by Finke regarding density transitioning and asked Mr. Smith if he would be open to less density in that area with additional landscaping.

Mr. Smith stated that perhaps the road could be moved further north and remove the homes buffering the north property; and instead simply have the road and trees and increase the size of the holding pond in that area. He confirmed that they would control the stormwater to reuse for irrigation. He stated that while they do not call themselves a 55 and older community, the design and cost of the home lends itself to that type of living, as the low number of bedrooms exclude larger families. He provided additional details on the exterior materials proposed for the homes which would include vinyl siding and cedar shakes.

White opened the public hearing at 7:29 p.m.

Donald Atkinson, 2000 Pawnee Road, stated that there has been talk that Chippewa is a road and that is not true. He stated that Chippewa needs to be updated to a road before this is considered. He stated that driveways along Mohawk are pretty sacred and therefore the driveways should be added to Chippewa rather than Mohawk.

Bret Palmer, 4673 Bluebell Trail North, stated that he shared the concern with the Chippewa Road extension. He asked if the Chippewa Road extension is being considered as a community, or whether the applicant is suggesting that.

White explained that the Council has decided that Chippewa Road needs to be extended, but the method for creating that extension has not yet been decided.

Mr. Palmer asked if they have considered the impact that this would have on traffic, as you cannot go east on Highway 55.

Finke stated that the purpose of the Chippewa extension is to provide that eastbound route.

Mr. Palmer stated that you are then putting that impact on a minimum maintenance road that is already under a lot of pressure. He expressed concern with the infrastructure that is needed

to support these developments and believed that this would be creating a similar problem to what exists on CR 116. He stated that this would then put a lot of pressure onto Arrowhead.

Finke provided additional details on transportation planning.

Jeff Pederson stated that he owns the property due north of this project. He appreciated the comments regarding density transitioning to protect his rural residential designation. He stated that he has concern that there would not be water that drains off this property onto his property. He asked that adequate screening occur. He noted that he does not object to this project and believes that the Chippewa connection would be an important element if this project moves forward. He stated that Chippewa was a road when he was younger, but the City quit maintaining the road a number of years ago. He referenced the staging, and noted that this property existed as low density when the Wealshire property was constructed. He stated that the current Comprehensive Plan designates this property to be developed now.

Kate Nory, 4412 Bluebell Trail South, stated that her main concern is the timeline. She believed that the City Plan mentions 2025 for development and therefore was concerned that this is being talked about now. She stated that the density also seems to vary from the plan. She stated that they moved to Medina about one year ago and 94 homes that look the same does not seem to fit with the unique character of Medina.

White closed the public hearing at 7:40 p.m.

White noted that no action will occur tonight, as this is simply an opportunity for the Commission to provide input to the applicant.

Reid stated that she does not have a problem with the twinhome product, but would like to see more variety in the price point. She stated that there are infrastructure advantages. She stated that the Chippewa extension will be expensive and will most likely take more than one developer to get it done. She stated that opportunity will still exist in 2025. She stated that because they are already in the review process for the draft Comprehensive Plan and the City has already denied other applications for that reason, she did not see that this would move forward under the existing Comprehensive Plan. She did not believe that this application would meet the criteria of the PUD and would have to have stronger elements in order to qualify. She stated that while she understands the desire for uniformity, she would like to see some variety in the aesthetics of the homes. She stated that this property staging was moved to 2025 under the draft Comprehensive Plan because of the infrastructure needed. She stated that while she does not object to the development, she did not see it qualifying under the existing Comprehensive Plan.

Nester agreed with the comments of Reid. She stated that this is a quick transition of densely populated homes against the rural residential homes to the north and the single-family homes on the other side of the property.

Amic agreed with the comments thus far and agreed that he would like to see more variance in the aesthetics of the homes.

Murrin referenced the option for the jump ahead and stated that she is in favor of maintaining greenspace. She stated that she would hate to see this override the years of planning that was put into the Comp Plan process and while she would welcome reviewing this application in the future under the appropriate staging, she would not support this application at this time. She stated that she would also like to see less density to fall within the required density for

the R-1 district and larger lots. She stated that the connectivity to Highway 55 should also be addressed in the future.

DesLauriers agreed that the criteria for a PUD should be stronger. He noted that nine areas were identified under the R-1 zoning and only a few of those were met, therefore that should also be strengthened. He stated that if the developer is willing to pay for half the cost of the Chippewa Road extension and for the looping of the watermain; that could benefit the City. He asked for more information on the share the developer would foot.

Finke stated that staff has looked at the cost conceptually and the watermain connection would move forward prior to the 2025 staging period and would have a cost of \$250,000 to \$300,000. He stated that without any improvements in this area the project would be twice that cost. He stated that there have only been rough preliminary cost estimates for the Chippewa Road extension, noting that land acquisition and the wetland are key elements. He noted that if this moved forward, the land acquisition would be provided free of cost. He stated that the street cost is roughly estimated at \$1,200,000 or \$1,300,000. He stated that most of the cost would be assessed to the landowners and it would be difficult to do that in a piecemeal way.

DesLauriers stated there would then be a significant benefit for the City in terms of the watermain loop and Chippewa Road extension with the contributions that this developer is willing to contribute. He asked if private roads are typically allowed in the City.

Finke stated that in terms of an urban neighborhood with City sewer and water there are not any private road communities.

DesLauriers asked if there would ever be a public park if there is a private road maintained by the association.

Finke stated that the City would probably look for an access so that people would not have to drive on private roads if there were a public park. He noted that you would not want to put a public park on private roads.

White asked the type of challenges that would occur if the City needs to maintain City water under private roads.

Finke stated that the City would have all easement rights and the ability to do so. He stated that the City does a great job of putting things back together, should there be a watermain problem. He confirmed that a private road would be built to the same standards as a public road.

White noted that a lot of her comments have already been addressed and thanked the members of the public that also provided input. She hoped that the developer received the input he desired.

Finke noted that the Park Commission will consider this request on September 20<sup>th</sup> and the City Council is tentatively scheduled to review this on October 3<sup>rd</sup>.

6. **(Continued Hearing) Ordinance Amendment – Chapter 9 Related to Land Use Regulations Pertaining to the Sanitary Landfill and Closed Landfill-Restricted Zoning District**

Finke stated that this began at the meeting the previous month regarding the proposed land use and adding the landfill to the new land use. He stated that the overlay district is no longer included, consistent with the comments from the Planning Commission and members of the public. He stated that staff found other ways to comply with the State regulations without putting further restriction on the properties surrounding the landfill. He stated that there are certain requirements of the State for the closed landfills and which apply to the cities in which they lie. He reviewed the notification that is required to be provided by the City when a permit for development is submitted with the methane gas area of concern and the groundwater area of control. He stated that City staff proposed to delete the existing designation Sanitary Landfill and then established a Closed Landfill-Restricted land use. He identified the location of the site and groundwater and methane gas areas of concern as identified by the MPCA. He stated that the Closed Landfill-Restricted land use description is short, as it only applies to this property and the only allowed use would be solar, noting that those areas are identified in yellow. He stated that there was concern raised over the setbacks suggested by the MPCA and as a result those setbacks have been removed. He stated that, as directed, staff completed the actions that would be necessary to meet the requirements without going beyond.

Murrin referenced the suggested setback from the MPCA and asked if the City would be at risk in the future if those properties are sold and something comes up in the areas of concern.

Finke replied that staff is providing the necessary notification. He stated that the ordinance references the areas of concern for methane gas and groundwater and requires notification, but does not exclude activities.

Murrin asked if there is any liability if the property is sold and the next property owner is not aware of the area of concern.

Finke replied that he would not be able to speak to that, but noted that the recommendation of the MPCA, that the City chose not to follow, would come up in discussion.

White reopened the public hearing at 8:01 p.m.

Mr. Chamberlain, spoke as legal representation for Mr. Burke and stated that when he was present last month, the unanimous concern was what was being done to property owners and land values that would be impacted. He discussed the practicality of meeting the minimum requirements while not impacting property values. He stated that the MPCA has limited the concern to the Woodlake site and have succeeded in not having pollution spread to the outside properties. He stated that the monitoring wells have also shown that the contamination is not being spread to the groundwater outside this property. He stated that his client has a lot of land and if a stigma is put on that property without reason for doing that, it would impact the property value. He stated that the representative from the MPCA did not have a strong feeling towards what would be impacted in the area of concern. He noted that Medina can say the area of concern is on the landfill property itself and will limit the land use itself rather than spilling onto the adjacent properties without good reasoning. He stated that the areas of concern would impact property value of the property owners and would also impact the City's tax capacity. He asked why a groundwater area of concern should spill onto his client's property. He recognized the changes the City Planner has made to the ordinance, but stated that if the area of concern is still identified on the property of residents,

that still has an impact. He stated that the statement regarding the area of concern will impact property values for adjacent residents. He believed that the area of concern should be limited to the landfill itself and not adjacent properties. He asked that the City limit the areas of concern to the Woodlake landfill itself and not go beyond that, noting that would be consistent with the requirements of the State without impacting property values.

Murrin asked if Mr. Chamberlain's client owned his property while the landfill was in use.

Mr. Chamberlain stated that the landfill was last used in 1993 and his client purchased his property after the landfill was closed.

Leonard Leuer, 3625 Chippewa Road, stated that his family has owned the property immediately north of the landfill prior to the landfill being a landfill. He stated that he will identify additional actions the Commission should consider. He stated that the proposed zoning amendment has abandoned the landfill overlay concept, which would have been an undesirable identification for 15 parcels of land, 13 of which are privately owned. He stated that the proposed amendment has not removed the area of concern designation which encompasses an area 2.7 times bigger than the landfill and encroaches on privately owned land. He provided historical information on an unnamed creek which exists between the original landfill property and the expansion that occurred. He noted that when the private wells were tested there were no issues of contamination identified. He provided additional background information on continued monitoring that occurred by the MPCA. He identified the private wells which are close to the area of concern for groundwater. He stated that there have been three government agencies which collected fees from the landfill, noting that the private landowners in the area of concern have not collected fees from the landfill. He stated that the Commission should recommend that the first ring of the off-premise wells be monitored and compared to previous well samples with an eye towards trends and that the private land in the area of concern should be purchased by one of the governmental agencies that collected fees from the landfill rather than putting that devaluation on the private property owners.

Kevin O'Connor, 3712 Hamel Road, stated that he is confused with the area of concern which is based on arbitrary numbers from the MPCA. He stated that as he has measured and is 288 feet from the Closed Landfill designation. He stated that 4,901 square feet of his property is in the area of concern. He stated that the MPCA makes no representation to the reliability and accuracy in their report. He stated that the MPCA will not stand behind their data, but then wants this designation. He stated that his well is at the opposite end of the little corner that was arbitrarily included in the area of concern and therefore he wants his property removed.

White closed the public hearing at 8:17 p.m.

White asked and received confirmation that there are two separate actions before the Commission tonight, the first creating the zoning district and the second to add the Woodlake property to the land use designation.

Murrin asked if it would be unprecedented for the City to modify an MPCA suggested area of concern.

Finke stated that there is no authorization for the City to modify that area of concern, as he has reviewed and the City Attorney has determined. He noted that it is not unprecedented for the MPCA to change the boundaries of the areas of concern.

Murrin asked if the City could ask for additional information on how the areas of concern were developed. She stated that she wants to abide by what the MPCA is telling the City, but would also like more information on why that is being recommended.

Finke confirmed that more information can be asked for.

Murrin stated that she would also like to know how other cities are handling this, whether they are rubberstamping what is being said or pushing back.

Finke stated that regardless of whether the City adopts this, he still has to notify people of this under State law. He noted that this would formalize the process for staff to follow the State law. He stated that staff is obligated to notify a property owner upon any permits or subdivisions.

Murrin stated that she would like more information on why the MPCA is advising of this, to confirm that it makes sense for the City and landowners. She asked if the areas of concern impact property value. She asked if there is history or data that shows that changing the zoning has an impact on property values.

Finke stated that he would argue that the existence of the landfill and areas of concern would impact the property values rather than the City adopting this ordinance itself.

Murrin stated that it is kind of like stating the obvious because people see the landfill location and can determine that there could be concern.

White stated that there was a consensus at the last meeting that the setbacks would not be adopted as recommended by the MPCA, as that could limit the property owners beyond what is necessary.

Murrin stated that perhaps the City could push back and ask if the area of concern has to be so large.

Finke stated that could be done, but asked if there is any reason to change the zoning designation from a landfill that can be operated to one that cannot be. He stated that the areas of concern are outside of this ordinance and can be changed outside of the ordinance.

Reid stated that this seems like a solution in search of a problem. She stated that the City should do the least it can do.

Finke stated that if a property transaction is pending, he has an obligation by State law to give this information, but the ordinance does not tell him to do that. He confirmed that the ordinance follows the minimum that is required under State law. He stated that the only question seems to be the definition of the effected property. He reviewed the definition given by the MPCA which is related to the facility and the notification that is required. He stated that it is being suggested that the affected property is only the landfill, but the City Attorney has stated that is not the case. He stated that he can provide more information, but that will be highly technical. He stated that the City can ask for all that information and hold up action on the ordinance, but until the MPCA changes something, the areas of concern are in their report and the Statute specifies what must be done.

Murrin asked if there is support to ask the MPCA to shrink the area of concern. She stated that she would want to know why that area would be a problem before this is signed into ordinance.

Finke confirmed that the land has already been designated.

White asked if that information can be asked for outside of this and if this action can continue to move forward. She believed that the actions should occur today and staff can always gather the additional information.

Murrin stated that she would prefer to wait to determine if the area of concern should be shrunk, and if that occurs perhaps the setbacks would be necessary. She did not believe that the City has enough information to make the best decision.

Finke stated that everyone else is skeptical that the setbacks would be necessary and Murrin appears to be saying the opposite. He noted that there is no deadline for the City to take action on the ordinance.

Reid stated that she did not think the current property values would be impacted but perhaps it could impact property values for future subdivision opportunities.

Finke stated that there is a setback for wells from this property outside of the groundwater area of concern separate of this ordinance.

**Motion by Murrin, seconded by Amic**, to continue the hearing contingent on receiving additional information from the MPCA with an attempt to shrink the area of concern. Motion carries with a vote of 5-1 (Nester opposed). (Absent: Albers)

Finke stated that he will intend to bring the item forward to the next meeting contingent on the ability to receive the information back from the MPCA in that timeframe.

7. **(Continued Hearing) 4000 Hamel Road – Rezoning of Woodlake Landfill from Sanitary Landfill to Closed Landfill-Restricted Zoning District**

No action.

8. **JEGM Revocable Trust – Zoning Text Amendment Chapter 8 Related to Solar Equipment, Including Maximum Permitted Footprint Size**

Finke presented a request for a text amendment to the zoning code related to solar equipment for the rural residential and residential agricultural zoning districts to increase the footprint of ground mounted solar equipment. He stated that ground mounted solar equipment is allowed and was actually expanded earlier this year through a similar request. He stated that building mounted solar equipment is allowed within every district in the City as a permitted use. He stated that there is one ground mounted solar equipment installation currently, over 20,000 square feet in size owned by the Wright-Hennepin energy company. He noted that a permit was recently received from the property owner which brought forward the request earlier this year. He reviewed the current requirements for ground mounted solar equipment. He stated that the applicant is requesting to increase the footprint from 2,500 to 4,000 square feet. He explained how the 2,500 square feet calculation was created and provided additional background information. He stated that staff does not oppose the request and does see the solar panels in a similar way to an accessory building, which would require a CUP.

Reid asked if the CUP could be approved without approving the zoning ordinance.

Finke explained that the CUP would then be inconsistent with the zoning code. He noted that the CUP can only go up to the limit set by the zoning code.

Murrin asked and confirmed that one acre is approximately 43,500 square feet. She asked the size of the Wright-Hennepin property.

Finke stated that the property is five acres.

Murrin asked the size of the property that was approved previously.

Finke explained that the Commission previously approved up to 1,500 square feet as a permitted use and because the previous resident was under that limit it was allowed as a permitted use. He stated that subject property was 80 acres in size.

Murrin stated that if the amendment is not approved it states that the applicant would use a mixture of ground and solar equipment to meet their desires. She asked why the applicant prefers ground mounted equipment.

The applicant replied that he would like to avoid putting holes in his roof tiles and noted that the roof mounted equipment would be more visible from the road than the ground mounted equipment. He stated that this proposed size would still not cover 100 percent of the energy his home would use and therefore he is attempting to do as much as possible to cover the use his home would require.

Murrin stated that she has calculated the percentage of space the ground mounted equipment would take up of his property, which would be about half a percentage of the subject property.

Nester stated that the ratio would be .55 percent, which is less than the previous application the Commission considered.

Finke stated that there is a lot coverage percentage in different zoning districts, noting that a percentage of lot coverage could be specified for this zoning district as well. He stated that up to 20 percent is allowed in business and industrial districts.

Reid stated that this is so dependent on the property size and layout. She stated that she would prefer to continue to review requests over 1,500 square feet as a CUP.

White opened the public hearing at 8:48 p.m.

A resident asked if there is a distinction between private use and for sale use.

Finke replied that could be difficult because there is usually buyback from the energy company even for residential use, but noted that the specification of a contract could be used.

White closed the public hearing at 8:49 p.m.

DesLauriers stated that this is what Medina wants, self-sustaining energy that is hidden from the roadway. He believed that the Commission should find a way to make it happen.

White asked what would happen with the next request if this is changed. She stated that she did not think that the Commission is helping itself to just change the ordinance. She felt that

the Commission had good justification for what was developed at the last amendment. She stated that perhaps a different justification should be stated.

Reid stated that would be her concern; that someone else could come in with this size but less property. She suggested creating a ratio, which would solve that problem.

Murrin stated that she believes that this should be revisited as the City continues to learn about solar. She stated that as the Commission builds experience they need to keep reevaluating and considering the requests. She felt that putting this amount of solar on this amount of land would be okay. She suggested keeping the 1,500 square feet for ten acres, 1,500 to 2,500 on ten to 15 acres, and if you have more than 16 acres you could request a CUP for up to 4,000 square feet of ground mounted equipment. She stated that she is not a fan of the percentage as that is difficult to calculate and the Commission would need to review the proposed location of the equipment.

Reid stated that she likes setting a percentage as it is self-adjusting rather than creating arbitrary levels. She noted that the CUP review would still be considered for requests over 1,500 square feet. She stated that staff can do the math.

Amic asked and received confirmation that the ground mounted equipment would still max out at 4,000 square feet.

White stated that this is an accessory structure and asked if existing accessory structures would be included in the calculation as well.

Murrin stated that she did not see any mention of accessory structures in the staff report.

Finke reviewed the limitations for accessory structures, noting that you are limited to two accessory structures under a total of 5,000 square feet, but noted that additional square footage is allowed through a CUP. He stated that a tie could be made treating ground mounted solar equipment as an accessory structure.

Murrin asked what the percentage rate would be.

Nester suggested using .7 as a percentage not to exceed 5,000 square feet.

Finke stated that there are not as many 80 acres tracts of land in the City and therefore as you increase in property size, the number of properties decrease.

White stated that she has concerns because this size property wants 4,000 square feet of solar panels which will almost meet their needs. She stated that there could be a property the same size with less energy needs and asked if the same size would be allowed.

Amic stated that he is comfortable with that as it reduces the use of coal energy.

DesLauriers agreed that it is a goal of the City to reduce dependence on fossil fuels.

A resident stated that the cost would be prohibitive to generate more power than you need because of the cost of the equipment.

The Commission discussed the percentage that should be used to limit the ground mounted solar equipment.

Murrin suggested using one percent with a cap of 4,000 square feet and confirmed the consensus of the Commission.

**Motion by Murrin, seconded by Reid,** to recommend approval of the zoning text amendment to Chapter 8 related to solar equipment, to allow one percent of the property for ground mounted solar equipment with a maximum of 4,000 square feet in the rural residential zoning district, opening the ability for properties five acres in size. Motion carries with a vote of 5-1 (White opposed). (Absent: Albers)

9. **JEGM Revocable Trust – 2705 Willow Drive – Conditional Use Permit Amendment for Construction of a Ground Mounted Solar Equipment and to Increase the Number and Square Footage of Accessory Structures in the RR Zoning District**

Finke stated that in addition to the discussion, this CUP would include two additional accessory structures. He stated that the proposal would add the ground mounted equipment, a greenhouse and small warming house near the tennis court in addition to the existing accessory structure on the property which is already allowed under a CUP. He stated that should the Commission recommend approval; that would be contingent upon the Council adoption of the zoning amendment. He highlighted the proposed locations of the accessory structures and solar equipment. He reviewed the architectural requirements for accessory structures. He reviewed the criteria for reviewing CUP for accessory structures and solar equipment. He stated that staff recommends approval subject to the conditions in the staff report.

Murrin referenced the totals for the accessory structures allowed and asked if only 5,000 square feet of accessory structures are allowed.

Finke replied that up to 5,000 is permitted and additional can be requested through a CUP.

The applicant stated that it may look like a lot of buildings and recognized that the Commission could be concerned, but noted that one is a screened in gazebo with a sandbox for kids and two are sheds for horses and are not on cement. He stated that although it looks like a large number, he would like to be able to have a self-sustaining property with the solar and greenhouse for his family. He stated that the greenhouse and solar equipment would not be visible from the road. He stated that he is hoping to create this for his family so they learn to be self-reliant in the future.

It was also stated that there are wooded areas on two sides of the solar equipment and additional screening would be created on the other sides to ensure the solar equipment is not visible from the roadway. He stated that the shed would be increased as the tennis court is going to be transformed into a skating rink and they would need a place to store that equipment in the summer time. He stated that there already were nine structures on the site, one large structure and eight little ones.

Nester asked if the shade from the trees has been considered.

It was noted that the solar equipment company has given them the necessary information to place the trees to ensure that the trees would not cast shadow on the equipment.

White opened the public hearing at 9:16 p.m.

White noted that a written letter was received and will be submitted into the record.

White closed the public hearing at 9:17 p.m.

DesLauriers stated that this is a great project and he supports self-sustaining energy.

**Motion by Murrin, seconded by DesLauriers**, to recommend approval of the Conditional Use Permit amendment for 2705 Willow Drive, subject to the conditions noted in the staff report. Motion carries unanimously. (Absent: Albers)

Finke noted that this will move forward to the City Council on October 3<sup>rd</sup>.

10. **Approval of the August 8, 2017 Draft Planning Commission Meeting Minutes.**

**Motion by Reid, seconded by Amic**, to approve the August 8, 2017, Planning Commission minutes as presented. Motion carries unanimously. (Absent: Albers)

11. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday and DesLauriers volunteered to attend in representation of the Commission.

12. **Adjourn**

**Motion by DesLauriers, seconded by Reid**, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.