

**CITY OF MEDINA**  
**PLANNING COMMISSION**  
Meeting Minutes  
Tuesday April 14, 2015

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

Present: Planning Commissioners Todd Albers, Randy Foote, Kim Murrin, Janet White, and Kent Williams.

Absent: Planning Commissioners Charles Nolan and Victoria Reid.

Also Present: Planning Consultant Nate Sparks, City Planner Dusty Finke, and City Councilmember John Anderson

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

There were none.

3. **Update from City Council Proceedings**

Councilmember Anderson reported that the City Council approved two Conditional Use Permit (CUP) requests, from PupTown and Jeff Varney, which the Commission had previously recommended for approval.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of Minutes**

- A. **Approval of the March 10, 2015 Draft Planning Commission Meeting Minutes.**

**Motion by Foote, seconded by Albers,** to approve the March 10, 2015, Planning Commission minutes with the suggested changes. Motion carries unanimously. (Absent: Nolan and Reid)

- B. **Approval of the March 17, 2015 Draft Planning Commission Special Meeting Minutes.**

**Motion by Albers, seconded by Foote,** to approve the March 17, 2015, Planning Commission Special Meeting minutes as presented. Motion carries unanimously. (Absent: Nolan and Reid)

6. **Aldi – 3522 Sioux Drive – Variance Request to the Impervious Surface Requirements and Site Plan Review to Construct an Aldi Grocery Store**

Finke presented a request from Aldi Grocery Store. He stated that the first request would be for a variance regarding the impervious surface allowed within the shoreline overlay district. He noted that an adjacent site was allowed to go to a similar amount of hardcover. He stated that the second request would be a Site Plan review but noted that the variance would be necessary to consider the Site Plan. He reviewed the zoning of the property and adjacent

properties, explaining what would be allowed on each site. He presented the proposed Site Plan, identifying the proposed parking and access drive. He stated that retail uses are allowed within this zoning district and noted that the request would meet the requirements of the district with the exception of the hardcover requirement. He stated that the regulations of the shoreline district were discussed in the packet, noting that the application meets most of the requirements with the exception of the hardcover limit. He reviewed the tree removal and replacement plan proposed by the applicant and noted that in addition to the required planting, additional landscaping measures would be necessary. He reviewed the recommendations of the City Engineer in regard to traffic and a proposed left turn lane. He summarized the criteria that must be met in order to approve a variance and recommended that the Commission consider the variance prior to the Site Plan, as the Site Plan cannot be approved without receipt of the variance. He stated that staff feels that the proposed tree removal is too high and that additional storm water and stream bank restoration efforts should be made. He stated that staff would recommend approval, subject to the additional conditions proposed by staff.

Albers questioned if there was a transportation study in regard to the amount of traffic that would be generated.

Finke confirmed that the applicant completed a traffic analysis done by the applicant and reviewed by the City Engineer, which led to his recommendation regarding the left turn lane.

White referenced the intersection at the top of the hill, which can be dangerous and questioned why that is not a three way stop.

Finke stated that he is unsure but explained that the intent is most likely to keep traffic moving on the hill. He noted that during winter months stopped cars could begin to roll backward.

White questioned how improvement could be made at that intersection.

Finke stated that opportunities could be investigated but advised that would be separate of this application.

Williams questioned the feedback the applicant received from the Elm Creek Watershed.

Finke stated that the applicant can address that response as the City has not yet received a response. He stated that there seems to be an openness from the Watershed to completing a more holistic approach to stream bank restoration. He stated that ultimately the applicant would need to meet the conditions of the City and the Watershed.

Williams questioned the amount of context the Commission can take into consideration for the variance request.

Finke stated that all aspects of the Site Plan review can be considered when reviewing the variance, as the circumstances for the variance should be considered. He explained that the City can condition the variance upon conditions.

Williams confirmed that the variance could be conditioned. He questioned if it would be possible to grant a variance upon the condition that the applicant must show that all conditions have been met.

Finke confirmed that could be done.

Williams questioned if the request could then be tabled requesting additional information be brought back.

Finke confirmed that there would be sufficient time within the review period to table the request. He noted that another option would be to make the conditions and forward the ultimate decision to the City Council.

Williams stated that it seems the 50 percent hardcover requirement is being triggered by the need to meet parking requirements. He questioned if there would be a way that the applicant could comply with the parking requirements without needing a variance.

Finke confirmed that the parking requirement could not be met with a building this size without triggering a variance request.

Andy Brandel, ISG, stated that he is present on behalf of the applicant Aldi to request that the Commission approve the variance and Site Plan requests. He stated that they have been working closely with Finke and the Elm Creek Watershed. He stated that this site is difficult because of the shoreline district. He noted that the landscape buffer and requirements have been difficult. He stated that they did attend the Watershed Board meeting the previous week and had a lengthy discussion regarding their new regulations and what could be done to meet the visibility requirements, develop the site, and provide benefits to the Watershed. He stated that the Board did make a motion to consider a variance from their standards to allow additional tree removal upon the condition that the applicant work to develop a plan they could approve which would include creek bank restorations and intensive native plantings along the creek. He stated that the landscape plan included in this application is not what they will be moving forward with. He stated that they will be working with Watershed staff to draft a plan, which could be approved at the May Watershed meeting. He was confident that they could work with the Watershed and City staff in order to develop a landscape plan that could be approved by both parties.

Murrin asked for additional information as to the trees proposed from removal along Elm Creek, as to whether that would be for parking or for sign location.

Brandel stated that the trees proposed for removal are for visibility of the site as well as for general grading and development purposes.

Murrin asked for additional information regarding the proposed access.

Brandel provided additional clarification regarding the proposed access and location of the loading dock.

Murrin asked for the proposed store hours.

Brandel reported that the hours would be 9:00 a.m. to 9:00 p.m. He noted that the traffic study did take into account the peak morning hours, even though the store is not open during that timeframe. He advised that truck deliveries are made during non-operating hours.

Williams questioned if the size proposed is similar to other Aldi stores.

Brandel confirmed that this is an average sized store, noting that this design is a little different in order to meet the requirements.

Williams questioned if the applicant would have a problem with the Commission tabling the request to ensure that Watershed approval of the variance is obtained.

Brandel stated that their preference would be to obtain approval from the Commission tonight, noting restrictions with seller and timeline. He stated that they would work with City and Watershed staff in order to present a new landscaping plan to the City Council.

Williams questioned the timing of approvals.

Brandel stated that they would obtain Watershed approval prior to presenting the request to the City Council.

Wayne Elam, Commercial Real Estate Solution, spoke in representation of the property owner. He discussed the unique situation of this lot because of the MnDOT requirements, for which the applicant is not being reimbursed for.

Williams opened the public hearing.

Jim Tiller, owner of the property to the east, noted that the property actually is composed of two parcels, one lying within Medina and one within Plymouth. He believed that those parcels are zoned commercial and have been for some time. He referenced the existing entrance, which provides access to both parcels as well as the residential properties. He referenced the infiltration basin as proposed and stated that if that were to overflow that would come onto his property. He suggested that be repositioned to drain north to prevent the incident that the basin overflow onto his property. He stated that he is not opposed to this applicant and hopes that it will work. He did have concern over the access agreement. He stated that he would love to see the involvement of the Highway Department in the creation of the access. He stated that he would like to see a right entrance into the property from Highway 55 with an entry/exit point onto Sioux Drive. He stated that people driving on Highway 55 would not be aware of how to access the property if the entrance from Highway 55 is removed. He stated that he would be willing to enter into an agreement with the applicant to ensure that undesirable uses not be placed on either site, such as adult entertainment. He did have concern that people would not know how to access the site without proper access and/or signage. He believed the ability to have a right in access from Highway 55 would be the best solution.

Murrin asked for additional information regarding the intent of Tiller's property.

Tiller responded that it is hard to say what will be developed in that location but confirmed that he would like to sell the property for redevelopment sooner rather than later.

Williams closed the public hearing.

Williams questioned if there has ever been discussion regarding closing the driveway access, specifically whether that access would be closed when the property is sold.

Finke stated that there has not been that discussion but noted that this recommendation would allow for flexibility. He stated that the access easement is seen as benefitting the property but provided additional information regarding previous discussions with MnDOT.

White stated that she would be in favor of the variance request so long as the landscaping plans are altered to the satisfaction of City and Watershed staff.

Williams stated that he would also be in agreement with that but noted that he does not like the idea of approving the request now without seeing the landscaping plan. He confirmed that Commission would not meet again before the applicant presents to the Watershed.

Finke explained that the applicant would have the amended plan with staff comments from the Watershed by the next Commission meeting but would not have met with the Watershed prior to that meeting. He stated that if approved by the Commission at the May meeting, staff could have that information prepared to go before the City Council at their second meeting in May. He stated that if the applicant is going back to the Watershed before the City Council, the Commission could review the application again at the next meeting without affecting the timeline.

Murrin stated that she would like to see the amended landscape plan approved by the Watershed before a decision is made, meaning the request would come back to the Commission in June. She stated that she has an issue with removing a significant amount of trees simply to increase visibility, and noted that a sign could provide that needed visibility.

Albers stated that he would also prefer to wait and see what is said by the Watershed.

Williams stated that he also shared the concern regarding tree removal simply for increasing visibility.

Finke stated that pushing the decision to June would not leave much time in the review period. He explained that while approval is needed from both entities, the Watershed approval is not needed for City approval.

White stated that the applicant could bring back an amended landscaping plan in May, as the Watershed approval is not needed for City approval.

Finke agreed that it would be reasonable for the Commission to table the request to the May meeting, noting that the City approval will be important and he would not want to delay that until the June meeting.

Williams stated that he thinks this is a good project that he would like to see move forward and confirmed that he would like to see additional input on the engineering comments and the updated landscaping plan.

Murrin expressed concern with the traffic that would be added to Sioux Drive. She stated that she would be concerned with only one access point from Sioux Drive. She stated that perhaps additional trees could be left with a sign installed identifying the business. She also expressed concern with the easement to the neighboring property and believed ultimately a sign would need to be placed near that location to identify that this access would be for Aldi as well.

Finke stated that it is likely that staff could support a right turn lane to the property from Highway 55, if it could be done safely. He noted that MnDOT could be a factor in that as well. He stated that it is not the decision of the City or the adjacent property owner to determine where the applicant chooses to put their sign.

Williams agreed that while those are potential concerns, the Commission can only decide what is within their scope of decision.

**Motion by Foote, seconded by Albers**, to table the variance request to the May 12<sup>th</sup> Planning Commission meeting in order to receive an updated landscaping plan. Motion approved unanimously. (Absent: Nolan and Reid)

7. **Public Hearing – Medina Golf and Country Club – 400 Evergreen Road – Planned Unit Development General Plan, Conditional Use Permit, and Site Plan Review to Construct Three Accessory Structures on the Golf Course**

Murrin recused herself from the discussion.

Sparks presented requests from Medina Golf and Country Club to construct three buildings on the property, a maintenance building and two restroom buildings. He stated that the site was recently approved by a PUD to allow residential as well as the golf course operations. He identified the proposed locations for the three buildings. He stated that as proposed the three buildings meet the technical setbacks identified by Code. He stated that the comments of the City Engineer were included regarding storm water treatment. He displayed a sketch of the proposed maintenance building as well as the existing maintenance facility for comparison purposes. He also displayed a sketch of the proposed restroom buildings and reviewed the proposed materials. He stated that there are concerns with the proposed building materials because of the view from the south. He noted that if the proposed materials are allowed, additional landscaping could be suggested to mitigate.

Albers questioned how the storm water concerns would be addressed.

Sparks stated that there are different measures the applicant could choose to meet the requirements.

Erin McManus, Golf Course Superintendent, referenced tree removal and stated that they will actually be replanting more trees than are being removed. He stated that if the City recommends additional screening they will gladly comply. He stated that the neighbors to the south are commercial buildings.

Albers asked for additional information on the cold storage maintenance building.

McManus explained that between the two maintenance buildings there would be cold storage as well as office space for the employees, break room, and mechanics bay. He stated that the existing maintenance building would have a new roof installed as well. He stated that they do not want the maintenance buildings to match the clubhouse but they do want the aesthetics to be complimentary.

Gary Gulowit, Treasurer and Chair of the Finance Committee, stated that the closest neighboring building is the City's building which is made of cinder blocks. He stated that cinder blocks are no longer used and the comparable material would be too costly. He stated that they believe this is the best avenue to investing and improving the current facilities. He confirmed that they would be in agreement with additional screening, should that be suggested. He stated that the maintenance building is not intended for public use and will only be used by employees.

Williams opened the public hearing.

No comments made.

Williams closed the public hearing.

Albers stated that he would like to see additional screening for the folks to the south.

White echoed the comments regarding screening.

Williams stated that originally he had concerns with the metal skin but noted that his concerns have been resolved with the additional screening and comments from the applicant. He asked for additional information regarding storm water management.

Sparks stated that a condition could be made that the applicant address the comments of the City Engineer.

**Motion by White, seconded by Foote**, to recommend approval of the Planned Unit Development General Plan, Conditional Use Permit, and Site Plan Review to construct three accessory structures on the golf course subject to the conditions noted in the staff report and with the additional condition of additional landscape screening for the maintenance building. Motion approved unanimously. (Absent: Nolan and Reid; Recused: Murrin)

Murrin rejoined the Commission.

**8. Todd Monger – 1272 Homestead Trail – Variance from 150 Foot Setback Requirements for an Animal Structure on Rural Residential Zoned Property**

Finke presented a request from Todd Monger for a variance from the 150 foot setback requirement for an animal structure on rural residential zoned property. He stated that the family would like to have miniature goats and potentially chickens. He stated that there is no area on the site that would meet the required setback because of the shape and topography of the site. He stated that as setup by Code, a lot of this size would be allowed to have animals but would not be able to have anywhere to house them. He stated that an additional condition could be made limiting the number of animals allowed. He identified the proposed location for the animal structure. He stated that the triangular shape of the lot is unique when considering this request. He stated that there is another zoning district area within the City where the setback for animal structures was reduced to 75 feet, with a limitation on the number on allowed animals. He stated that perhaps the Commission should also discuss the inconsistency within the Code, which would allow animals but not animal structures on lots of this size. He stated that staff finds this variance request reasonable.

Williams confirmed that notice was sent to the neighboring land owners.

Todd Monger, 1272 Homestead Trail, stated that his family moved to Medina a few years ago and love the rural community. He stated that his family read an article where goats are used in buckthorn removal and are interested in trying that. He stated that his neighbors are also in support of the request as they have buckthorn they would like removed as well.

Albers questioned whether the goats would be left to roam the property.

Monger stated that there would be a penned area near the structure. He stated that when using the goats for buckthorn removal they would be tethered or penned.

Murrin questioned the number of animals on the property currently.

Monger replied that they have six chickens and two cats. He stated that the chickens are kept in a chicken tractor, which moves around the yard for fertilization. He stated that his family

has moved to a more organic process since moving to Medina. He confirmed that the goats would be strictly used as pets and for buckthorn removal, with potential for 4H.

Williams opened the public hearing.

No comments made.

Williams closed the public hearing.

White commented that a limit should be placed on the number of animals.

**Motion by Murrin, seconded by Foote**, to recommend approval of the variance based upon the findings noted in the staff report and subject to the conditions recommended by staff, with the requirements that the animal limit be set to .3. Motion approved unanimously. (Absent: Nolan and Reid)

White stated that she believed the animal ordinance should be considered in the future.

Williams also agreed that the use of metal for accessory structures should be discussed by the Commission in the future.

#### **9. Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday, April 21<sup>st</sup>.

Murrin stated that she could attend the meeting.

#### **10. Adjourn**

**Motion by Murrin, seconded by White**, to adjourn the meeting at 9:08 p.m. Motion carried unanimously.