

**CITY OF MEDINA**  
**PLANNING COMMISSION**

Meeting Minutes  
Tuesday May 12, 2015

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

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

Absent: None.

Also Present: Planning Consultant Nate Sparks, City Planner Dusty Finke, and Planning Assistant Debra Peterson.

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

There were none.

3. **Update from City Council Proceedings**

Anderson reported that at the last City Council meeting the Council approved the 2015 budget and the 2014 audit results were presented. He stated that the Council also repealed Section 1306, which deals with sprinkling of existing structures, in attempt to bring in new business in the Uptown Hamel area. He stated that the Council approved the Final Plat for the Fields of Medina and tabled the request from the Media Golf Course as the Council would like to see samples of the proposed building materials. He stated that the Council also approved the setback variance for an animal structure, which the Commission also recommended for approval. He stated that the Council tabled a request of support for a grant application from InCity Farms.

Nolan questioned if the Medina requirements had been more stringent than the Fire Code.

Finke explained that Section 1306 is an optional provision of the Code and each municipality has the decision whether or not to opt in or out. He noted that many other municipalities have chosen not to opt in or have repealed that item.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of the April 14, 2015 Draft Planning Commission Meeting Minutes.**

**Motion by Williams, seconded by Foote,** to approve the April 14, 2015, Planning Commission minutes as presented. Motion carries unanimously.

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

Finke stated that the Commission reviewed this item at their April meeting, noting that the request includes a variance and Site Plan review. He stated that there had been concern regarding the proposed tree removal along Elm Creek and advised that the applicant has

composed a new tree removal and landscaping plan to preserve additional trees. He stated that the tree removal rate had been reduced and there had been a discussion with the Watershed and staff asking that the poor quality trees be considered exempt as part of the proposed streambank restoration. He stated that as proposed only 15 healthy trees would be removed from the shoreline area, as the poor quality trees would be exempt. He clarified that 12 trees had been considered poor quality in the shoreline area. He clarified that the applicant is asking that the poor quality trees be exempt and in that case replacement would not be required. He acknowledged that the landscaping plan submitted by the applicant is over planted, noting that it appears the applicant will still replace in excess of what would be required if the exemption is gained. He stated that there was also discussion at the last meeting regarding the access to the site as the neighbor to the east had expressed concern with an alternate access.

Reid questioned if there would be an issue with the amount of hardcover if the property were not in the shoreline district.

Finke confirmed that the site would not exceed the limitations in another district.

Nolan referenced the proposed access road and questioned if that would be striped or whether that would be more like a parking lot apron.

Finke stated that discussion has not yet occurred.

Williams referenced the issue of overplanting and questioned if the overplanting was specific to shrubs.

Finke stated that it was both shrubs and trees.

Reid questioned if this would be considered a part of Uptown Hamel.

Finke stated that the property would be considered Commercial Highway/Railroad and would not be considered Uptown Hamel.

Reid stated that it may be more attractive to have the parking in the back of the building rather than in front.

Andy Brandel, ISG, spoke in representation of the applicant. He stated that there has been a lot of discussion following the last meeting. He stated that the applicant's certified arborist visited the site and the landscaping plan has been amended in order to better meet the regulations of the City and Elm Creek Watershed District. He stated that he spoke with watershed staff and they believed that the Board could support the application as amended. He stated that the tree removal has been reduced and almost 500 feet of shoreline improvement and storm water features have been added.

Reid referenced the parking and noted that the parking proposed exceeds the requirements of the City. She stated that this is an entrance into Uptown Hamel and did not believe that fit the aesthetic.

Brandel stated that as proposed there are 80 stalls, which is the minimum number of stalls they desire for their sites.

Reid stated that the appearance has a lot of asphalt and suggested placing the building in front and the parking in the back in order to improve the aesthetic and not make it so suburban looking. She also believed that this would improve the visibility of the store.

Brandel stated that they did discuss that option with Aldi following the last meeting and noted that multiple layouts were considered during this process. He stated that from a function standpoint they did not believe that would be an appropriate layout. He noted that they have considered and built layouts such as that in the past and will in the future but that layout would not fit with this specific site.

Williams referenced the issue of overplanting and questioned why the shrubs are needed in that abundance.

Brandel stated that since the last review of the Commission the arborist visited the site and identified hazard trees. He explained that in order to provide the necessary replacement, the plan became too dense. He stated that the newest version of the landscaping plan includes less removal and therefore less of a need for replacement, which has allowed better spacing.

Williams confirmed that the overplanting was in attempt to replace the level needed and was not an ornamental desire.

Nolan questioned if the plan submitted better balances the desires of the City or whether that plan was still overplanted.

Finke stated that staff has not received the newest version of the plan.

Nolan noted that there is an option to pay into an environmental fund, should replacement not be an option.

Brandel stated that would be something that they would consider but the direction had been to amend the landscaping plan, which is what they attempt to do. He noted that the new plan had been submitted to staff today but there was not sufficient time for a thorough review.

Albers questioned if the replacement trees could be planted on another site.

Finke confirmed that is an option but noted that previous developments have fulfilled the needs of the City.

Nolan questioned if there would be an opportunity breakup the asphalt aesthetic of the site with landscaping islands.

Brandel reported that the site is pretty tight as is with the required Metropolitan Council easement and access easement for the property to the east. He explained that there is not much space left to meet the needs of the users and the requirements of the City.

Reid questioned how the size of this store compares to other Aldi stores.

Brandel stated that this is the new standard for the Aldi stores, noting that sizes have ranged during the past nine years. He confirmed that all new stores would be this size.

Reid stated that it appears the size of the building and lot is too large for the parcel. She believed that a smaller store would better fit the parcel.

Nolan opened the public hearing at 7:38 p.m.

James Tiller spoke in representation of Arnt Hamel LLC, which is the property to the east. He stated that he also spoke at the review of this item at the last meeting. He stated that Arnt property is not opposed to this development but does oppose the driveway easement as the only access to their site. He stated that if Arnt Property agrees to an inadequate agreement that would limit their future access to Highway 55. He presented the access that they would prefer to see and believed the City should obtain the best possible access they can from Aldi. He did not believe that an easement would be adequate as the only access into the property. He stated that there are a lot of potential problems for development of the Arnt property, noting that the Highway 55 access has been in existence for the past 50 years. He hoped that the Highway Department would work with Arnt when that time comes.

Nolan questioned if there is an existing easement across the Aldi property.

Tiller confirmed that there is not currently an easement in place and there is only the access from Highway 55. He believed that the best possible access from the neighboring property would be a City street but had been told that would not be an option.

Nolan referenced striping.

Tiller stated that issue would not be discussed until the Arnt property is sold in the future but believed that striping would be a part of that discussion.

Nolan stated that now is the time to consider alternatives.

Tiller stated that he would like to have Aldi provide an easement for a sign and for the City to provide a variance for a sign.

Nolan stated that he is speaking specifically in regard to the easement across the Aldi property.

Tiller stated that he would like to see an in/out easement for the property. He recognized the constraints on Aldi as well and noted that he does not have engineering experience. He stated that he has been told that this is the best they can do.

Nolan closed the public hearing at 7:47 p.m.

Murrin questioned if it would be possible to have an in/out access to Highway 55 from the Aldi property or whether that would only be possible through the Arnt property.

Finke confirmed that the Aldi property does not have frontage on Highway 55 because of the creek location and therefore there can only be access to Highway 55 through the Arnt property. He explained that there are two action items before the Commission and noted that the Site Plan is contingent upon receipt of the variance.

Nolan asked for clarification in regard to the easement for the property owner to the east.

Finke explained that staff has requested that the applicant lay out an easement for the property to the east to provide the best option for that property to be able to develop. He stated that Aldi has stated that they will provide an easement.

Murrin questioned if the thought of the property owner to the east is that if an easement is provided that when his property is sold, MnDOT could close the Highway 55 access.

Finke stated that is not the City's position and noted that the City could support a right-in to that site if a right turn lane could be provided along Highway 55 but noted that ultimately that decision would be MnDOT's and would come into play when that parcel actually develops. He stated that if there is not alternate access, MnDOT could not close the Highway 55 access for the Arnt property.

Murrin stated that perhaps that easement area could remain grass at this time.

Finke stated that would not be logical as the access will be used for truck deliveries and will not actually increase the greenspace by that much.

Williams questioned if the easement could be made more like a City street, suggesting even labeling.

Finke stated that an option could be to label the driveway as a private street but confirmed that the drive lane would be narrower than a typical street.

Nolan questioned if quality of trees has ever resulted in an exemption.

Finke replied that the tree preservation ordinance specifically allows for exemption and stated that the City has done that in other instances but noted that those were waivers rather than exemptions.

Nolan stated that clearly there is a preference to increase their visibility to eastbound traffic and therefore the planting is proposed for the northeast portion of the site. He questioned if that would mean planting trees that would be removed in the future to increase the visibility of the adjacent site.

Finke noted that there would be a buffer.

Nolan referenced the variance request and asked for input.

Murrin confirmed that a smaller store would result in less impervious surface. She agreed with Reid that this will be the gateway going into Hamel and also believed that a larger store would result in more traffic concerns. She referenced eight or nine parking stalls that could be removed as well.

Nolan stated that in a standard commercial district there is 70 to 75 percent hardcover allowed. He questioned the percentage of lot the building would occupy.

Finke stated that the site is constrained because of the buffer and easement areas and street location.

Nolan stated that he would prefer to see some landscaping islands to break up the asphalt a bit.

Williams stated that the applicant did state that 80 parking spots would be the minimum number of stalls that they would want.

Nolan stated that they would not want to create a parking problem either, noting that it is rare that someone requests additional parking and he would not want to create a shortage.

Foote stated that he would rather have more parking than less. He was less concerned with the extent of the variance than with the implications of it with the access road.

Reid stated that she likes Aldi but is concerned with the amount of parking and the mass of the building. It essentially says “welcome to our parking lot.” Reid believes the building would be more attractive on another site.

**Motion by Williams, seconded by Reid**, to recommend denial of the Aldi impervious surface variance request based upon the following findings:

- 1) The applicant has not minimized the variance by requesting an excess of parking, a relatively large building for the site, and substantial vegetative removal along Elm Creek;
- 2) The variance would permit a development which may alter the character of the locality and not be consistent with the Uptown Hamel area;
- 3) The need for the variance is propelled by the size of the building, which is an economic consideration which should not be alone a justification;
- 4) The requested variance does not meet the variance criteria.

Williams stated that he is not opposed to any request for a variance for this site, but the extent that is being requested is excessive.

Motion carries 6-1 (Nolan opposed).

**Motion by Williams, seconded by Foote**, to recommend denial of the Aldi Site Plan based upon the same findings of fact. Motion carries unanimously.

7. **Wright-Hennepin Cooperative – 4315 Willow Drive – Conditional Use Permit Request to Install Ground Mounted Solar Arrays**

Finke stated that the Commission discussed this topic in a general sense a few months prior when the zoning ordinance was amended to include ground mounted solar panels. He stated that the applicant is proposing a 2,100 square foot footprint for the solar array at their substation on Willow Drive. He reviewed the adjacent development and stated that the applicant is proposing dual faced solar panels. He reviewed the general standards and specific standards for solar equipment that the Commission would consider when reviewing this request. He stated that the landscaping as exists today is nonconforming and advised that full compliance may be too high of a bar to set given the use. He stated that staff would support some additional landscaping. He noted that in addition to the general standards, ground mounted solar can require additional screening if deemed necessary. He stated that staff recommends approval with the conditions noted in the staff report.

Nolan questioned if it was true that the panels would not reflect light.

Finke stated that panels have evolved over time and noted that the sites staff visited did not have an issue with glare.

Nolan questioned if this would be an accessory use to the substation. He questioned if other activities could go on the site in the future, such as an office building for the applicant.

Finke stated that he would not have an opinion either way but recognized that the solar panels would most likely be considered an accessory use. He stated that any use allowed in the district could be proposed in the future, given that the necessary conditions could be met.

Albers questioned the percentage of the lot the solar panels would occupy.

Finke reported that the solar panels would occupy 8.4 percent of the lot.

Wayne Bauernschmitt, Wright-Hennepin Electric, stated that he was present to answer any questions the Commission may have. He stated that this is a community solar project funded solely by the members that want to buy solar capacity to pay for their own system. He thanked the City for developing a solar ordinance that would work with this request. He asked that the number of plantings be kept down as too many plantings would cause the panels to be overshadowed.

Reid referenced the number of over story trees proposed by staff and questioned if that would interfere with the solar panels.

Bauernschmitt stated that he believes that would be a workable project but noted that if the landscaping had to be in full compliance he did not feel that the project could be successful.

Albers questioned the amount of energy that would be generated.

Bauernschmitt stated that 147kw would be generated and noted that a typical home would use approximately three to 3.5kw.

Albers questioned if the other side of the substation had been considered for the solar array.

Bauernschmitt stated that location would not be practical because it is a north facing slope.

Murrin questioned if a transformer would have to be moved.

Bauernschmitt stated that the lines leaving the substation are underground and advised that a transformer would be installed during this process. He stated that they are very small and there would be three used for the larger developments in Medina.

Albers questioned the type of fencing that would be installed around the array.

Bauernschmitt stated that fencing is not proposed at this time. He noted that other sites were visited by staff and the Council and advised that there is not fencing at those locations. He stated that there is a 24 hour security and cameras at the Rockford location and noted that something similar would be proposed for this location.

Reid questioned if those participating would have a higher or lower rate.

Bauernschmitt reported that there would be a slightly higher rate but explained that those consumers would be making an investment in their future rates. He provided additional information regarding the solar array and measures that eliminate glare.

Nolan opened the public hearing at 8:40 p.m.

No comments made.

Nolan closed the public hearing at 8:41 p.m.

**Motion by White, seconded by Albers**, to recommend approval of the Conditional Use Permit based upon the findings noted in the staff report and subject to the conditions recommended by staff, including the scaled down landscaping. Motion approved unanimously.

8. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following week.

Murrin volunteered to represent the Commission at the meeting.

Finke stated that he has received comments regarding the length of land use application process and noted that perhaps the Commission would want to further discuss that item. He noted that some items could possibly be approved by administrative review and advised that another option could be to hold two Planning Commission meetings per month.

9. **Adjourn**

**Motion by Williams, seconded by White**, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.