

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday September 8, 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: City Planner Dusty Finke and City Councilmember John Anderson.

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

None.

3. **Update from City Council Proceedings**

Anderson reported that the Council met the previous week to approve the 2016 preliminary budget and tax levy, which has been forwarded to the County auditor, noting that now certified the levy and budget can only be reduced and cannot be raised. He stated that the Council reviewed the Ordinance regarding setbacks for decks and because the applicant chose another path that issue did not require action. He noted that the Council discussed the policy regarding sewer and water connection fees, which will continue to be discussed by both the Council and Planning Commission. He reported that the Council also approved a subdivision and plat request along with a variance for a deck, noting that the Commission had reviewed both of those items prior to the Council. He noted that the Council also discussed the timelines for the Comprehensive Plan, which Finke will provide an update on later tonight on the agenda.

Williams asked for information on the Stonegate application, noting that the Council had a vote to approve the application.

Anderson stated that there was ample discussion regarding the application and believed the primary issue was not that the plan was not a good plan that had been markedly improved, but that the application failed to measure up to the bonus density requested. He stated that after a long and thoughtful discussion three of the Councilmembers felt that the plan justified the density bonus and the application passed with a vote of three to one, noting that he was the opposing vote, and one abstention as Mayor Mitchell abstained from the discussion. He stated that the plan will now move forward to Preliminary Plat, which will go before the Planning Commission.

Williams stated that he attended the Council meeting and expressed concern about how the Stonegate Application had been handled. He explained that when the Application was first presented to the Planning Commission, people made comments to him that the Stonegate proposal was a “backroom deal,” and that it was “locked up” as part of the settlement agreement between the applicant and the city. He told these people that this was not the case, that he had been told to consider the Application on its own merit, and that the Application would rise or fall on its own merit. So, the Planning Commission considered the Application

on its own merit, and based on the information presented, recommended unanimously that the Council not approve the Application, due mainly to the size of the requested density bonus.

At the City Council meeting, however, it became clear to him that the Application was, in fact, a “done deal,” based on the comments by Council members that they had an obligation under the contingent settlement agreement to approve the Application. Williams stated that in their zeal to approve the Application, Council members glossed over several disturbing aspects of the Application, including the fact that the baseline density was based on a soil study that the City had previously rejected, and the question of whether “settlement of a lawsuit” is a permissible purpose for a Conservation Design PUD. He also noted that in its desire to assure Deer Hill Road residents that they would not be affected by the development, the Council missed an opportunity to assess the Applicant for the cost of necessary improvements to Deer Hill Road. He said both past and future applicants will look very closely at the record on the Stonegate Application, which he is concerned set a bad precedent for the City.

Anderson stated that if the record is reviewed from the City Council meeting minutes, initial motions, twice, were denied for lack of a second. He explained that the reason they lacked a second is because the Council felt that it had not weighed in with enough unanimity of thought on the bonus density. He stated that there was significant amount of thought on the part of the Council. He stated that the Council takes the recommendation of the Planning Commission extremely seriously and if as a body the Commission comes to the conclusion Williams just voiced, he would encourage the Commission to express those thoughts in a written letter to the Council and Mayor.

Williams said that he appreciated Anderson’s response, and that he was only speaking for himself. He agreed that there was an “awkward” moment when Councilmember Martin proposed to approve the Application but could not obtain a second because of concerns that the requested density is too high. He found it surprising that at that moment, nobody on the Council mentioned that the Planning Commission had unanimously recommended that the Application be denied. Instead, the Council asked if the Applicant would consider a lower density bonus, and after receiving what was essentially an ultimatum from the Applicant’s attorney, the Application was approved.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of the August 11, 2015 Draft Planning Commission Meeting Minutes.**

Motion by Foote, seconded by Reid, to approve the August 11, 2015, Planning Commission minutes as amended. Motion carries unanimously.

6. **Public Hearing – 3 Rivers Church – 52 Hamel Road – Conditional Use Permit**

Finke presented a request for a Conditional Use Permit to operate a religious institution within an existing office building in Uptown Hamel. He stated that some of the office space would continue to be used as office use while the multi-purpose room would be used for gathering space during non-office hours. He stated that there are no external improvements proposed, other than a possible sign on the building, while some internal changes may need to be made to the multi-purpose room. He stated that the zoning district does allow this type of use. He reviewed the parking standards, noting that Uptown Hamel does allow flexibility,

and stated that with the shared parking and on street parking staff believes that there is adequate parking to support the use. He stated that the criteria for reviewing a Conditional Use Permit were included in the staff report and advised that staff recommends approval of the request subject to the conditions listed in the report.

Daniel Miller, building owner, stated that he is available for questions.

Williams asked about the frequency of meetings.

Mark Harper, pastor, replied that in terms of larger assembly there would be one meeting per week on Sunday mornings, noting that about six people attend Saturday morning prayer service and perhaps a small group would meet on Wednesday evenings.

Nolan referenced the maximum of 60 people and asked if it would be possible for more people to show up and what would happen in that instance.

Miller stated that there is a lobby outside of the multi-purpose room and the double doors could remain open.

Nolan stated that his concern was more with parking.

Miller noted that there is another parking lot available across the street and he also has a verbal agreement with 62 Hamel Road that would allow parking on Sunday mornings. He noted that Inn Kahoots is another possible opportunity as they have a large lot that may be available for shared use during Sunday mornings.

Williams asked where the congregation currently assembles and what the largest assembly has been.

Harper stated that this is a new church that is in launch mode, noting that the leadership team has been having planning meetings but the first large assembly would be once the permit is approved. He stated that they did not know that they would not be able to begin until the permit is received and therefore have pushed back the launch date.

Williams asked how large the congregation is at this time.

Harper stated that there are 25 people committed to the launch team at this time but noted that they would offer two services, at 9 and 11 a.m. and stated that once the congregation outgrows that space they would need to look for another space. He noted that they would like to be in Medina long-term and would be open to suggestions for a permanent location in the future.

Williams stated that there is a condition of approval that specifies that assemblies be limited to 60 people with larger special events allowed to occur no more than four times per year. He asked and received confirmation that would be acceptable for the applicant.

Finke provided clarification that the special events could exceed 60 people. He stated that in order to get to 60 people some improvements would need to be made. He estimated that the larger events could possibly reach 140 people with additional improvements.

Albers asked what the room is currently rated for.

Finke replied 60 people. He noted that some improvements would need to be made for the larger assembly.

Williams asked if the applicant would have a problem receiving special approval if attendance were to exceed 60 people and limiting those events to no more than four per year.

Harper replied that he would not have a problem with that.

Murrin asked who would be tracking the 60 people and would people be turned away if 60 people is reached.

Nolan stated that Conditional Use Permits are self-governed. He stated that it would be the burden of the applicant to govern that aspect and come to staff if they need additional attendance limits. He stated that usually those types of violations are complaint based. He appreciated the feedback of Williams and stated that parking would also be his concern. He recognized that there is probably ample opportunity for shared parking. He stated that perhaps an additional clause could be added that would allow attendance to rise to 100 if the applicant can present a shared parking arrangement that would support that level of use. He noted that would take away the requirement that the applicant come back before the City for further amendment. He received confirmation from the applicant that they were in agreement with that condition.

Reid stated that the parking in the street is available to anyone as it is public parking and questioned if that parking could be counted as part of the applicant's parking.

Finke stated that the Uptown Hamel zoning ordinance allows flexibility in parking because of the street parking. He stated that staff was comfortable going above the number of 60, but was simply using the numbers the applicant provided.

Nolan confirmed that the additional condition could be added that would allow up to 100 attendees if shared parking can be demonstrated. He noted that this would be a great use in Uptown Hamel on a Sunday morning.

Williams asked if special events would occur on a time other than Sunday morning.

Harper stated that there could be a special guest on another day of the week but that would be held in the evening. He noted that the bigger events would be on Easter or Christmas and those events would be on Sunday morning.

Murrin asked when the church anticipates to grow past the 60 people.

Harper stated that they would begin with two services, which would allow for 60 people per service. He noted that an additional service could be added. He hoped to be looking for a permanent location in one to two years, depending upon the rate of growth.

Murrin asked what the business is used for during the day.

Miller replied that the building is used exclusively for office during the day, noting that there are typically eight people on the second floor and the church usually has two to three people on the first floor.

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

No comments made.

Nolan closed the public heard at 7:38 p.m.

Motion by Williams, seconded by Albers, to recommend approval of the Conditional Use Permit for 3 Rivers Church subject to the conditions noted in the staff report amending condition two to state “except special events of more than 60 people shall be permitted” and an added condition that up to 100 people shall be allowed if the applicant is able to demonstrate a shared parking agreement. Motion carries unanimously.

7. **Wealshire of Medina – PID 03-118-23-24-0003 – Rezoning, Site Plan Review and Interim Use Permit**

Finke stated that the Commission previously reviewed a recommended for approval a request from Wealshire of Medina. He stated that the applicant has slightly revised the application and therefore he wanted the Commission to have a chance to review the updated Site Plan, which pushed the facility further away from neighboring properties. He noted that the wetlands would be further impacted but advised that the applicant is proposing to complete the mitigation onsite. He displayed the updated Site Plan and advised that the western most building shifted to the east and south.

Murrin asked why the applicant is requesting less parking in the new plan.

Finke stated that there is less underground parking and more surface parking. He stated that the building hardcover had been reduced by 10,000 square feet and therefore offsets that additional surface parking space.

Nolan noted that the applicant is still well under the maximum hardcover.

Murrin asked why the building location was changed.

Finke believed it to be for internal operations.

White asked for additional information on the wetland mitigation.

Finke stated that the Wetland Conservation Act lays out various ways for a property owner to mitigate, including the purchase of wetland credits from a wetland bank. He stated that the rate of mitigation is two to one and provided additional information regarding onsite mitigation. He stated that with the agricultural activities on the site the wetland would be higher quality.

Nolan referenced the additional wetland and asked if there would be any impact on the tax base as you would be creating additional wetland on what could be buildable land.

Albers stated that the land is one parcel.

Finke stated that the impact would not be very significant as the City does not have a shortage of land for business development.

Corey Wiskow, who spoke in representation of Wealshire, stated that he has been working with Finke for the past two weeks on this update to the plan. He stated that he is available for questions.

Murrin asked why the building location is being changed.

Wiskow stated that there was a general idea of what the building should look like and how it should function within the setbacks, noting that as they moved further along in the process there were some tweaks made. He stated that the behavioral unit was moved in order to make some changes to the inside of the building in order to function better for the residents of the building including the addition of a “wow” factor for the residents which is an ice cream parlor. He stated that they also tucked the building further in to move away from the neighboring parcels. He stated that even though the building size has changed the same number of residents would be housed in the building. He stated that they chose the property because of the wetlands and the view that provides to the residents which is why they are choosing to do the additional mitigation onsite to further improve that area for the residents to enjoy.

Murrin asked why additional surface parking is being proposed compared to the underground parking, which is going to be reduced.

Wiskow explained that those changes are made during the planning process in order to accommodate additional aspects such as storage and kitchen size. He stated that the new plan looks a bit better.

Murrin confirmed that the changes were made in order to be more efficient and fit the plans better onto the site.

Wiskow stated that there is additional cost for the onsite mitigation but stated that they would rather go through that process so that the residents are able to enjoy the feature rather than paying for credits for wetland in another area.

Murrin asked if the intention is to have the same amount of wetland that exists now.

Wiskow stated that they will actually be increasing the size of the wetland because mitigation is done at a rate of two to one.

Albers questioned how far out the applicant is looking for future additions.

Wiskow stated that it would depend upon the rate of occupancy. He stated that in Bloomington they began with additional phases after the first year.

Finke provided additional information on the timing for the wetland mitigation.

Nolan stated that this was approved by the Commission in February and the decision would be whether additional conditions or comments are needed.

Reid stated that she loves that the mitigation will occur onsite.

Motion by Reid, seconded by Foote, to recommend approval of the updated Site Plan for Wealshire of Medina based on the previously approved conditions. Motion approved unanimously.

8. **Update on Comprehensive Plan Update Process/Schedule**

Finke stated that the City Council reviewed this schedule at their last meeting and he now wanted to share it with the Planning Commission. He stated that when the growth was

discussed the previous year the direction had been that once the system statements are available from the Metropolitan Council the City should begin the process of updating the Comprehensive Plan. He stated that the schedule is aggressive as the City plans to complete the updates within one year to then submit for comments from neighboring communities and required agencies. He stated that is well ahead of the 2018 deadline. He noted that there would be public participation meetings as well as online public participation. He stated that the Council did endorse the use of a Steering Committee, which would include members from the Council, Planning Commission, Park Commission and at large positions available for residents. He stated that once the direction is known he will provide additional input to the Planning Commission through email to determine who would be interested.

Nolan asked why the schedule is so aggressive and ahead of the deadline.

Finke explained that the release of the system statements is the kick off for the updating process. He stated that one downside of responding that quickly is that you are not able to account for plans of neighboring communities. He stated that the direction had been to move quickly to address the concern the City had regarding the rate of growth. He stated that the reduced forecast from the Metropolitan Council also had an impact on the Plan, which can now be amended to include the lower numbers. He noted that interested Planning Commissioners can let him know that they would be interested in joining the Steering Committee.

Reid asked who the public at large people would be for the Steering Committee, whether those are residents, business owners, or developers. She believed that those positions should be chosen carefully or not at all, as two people out of seven could make the experience unpleasant if they do not have a larger scale vision.

Nolan stated that he participated in the process the previous time and the Council makes an effort to have a diverse group.

Reid stated that she did not feel that there was adequate consultation with the school districts during the last Comprehensive Plan process and believed that the City should be more proactive in involving school districts because the comprehensive plan has significant impacts on school finances.

9. **Council Meeting Schedule**

Reid volunteered to attend the next City Council meeting.

10. **Adjourn**

Motion by White, seconded by Reid, to adjourn the meeting at 8:17 p.m. Motion carried unanimously.