

**CITY OF MEDINA**  
**PLANNING COMMISSION**  
Meeting Minutes  
Tuesday, April 9, 2013

1. **Call to Order:** Commissioner R. Reid called the meeting to order at 7:00 p.m.

Present: Planning Commissioners Robin Reid, Kathleen Martin, Kent Williams, Randy Foote, and V. Reid.

Absent: Charles Nolan and Osmanski

Also Present: City Councilmember Elizabeth Weir, City Planner Dusty Finke, Nate Sparks of NAC and Planning Assistant Debra Peterson.

2. **Public Comments on items not on the agenda**

No public comments.

3. **Update from City Council proceedings**

Weir updated the Commission on recent activities and decisions by the City Council.

4. **Planning Department Report**

Finke provided an update of upcoming Planning projects.

5. **Approval of the March 12, 2013 Draft Planning Commission meeting minutes.**

**Motion by Williams, seconded by Foote,** to approve the March 12, 2013 minutes as written. Motion carried unanimously. (Absent: Nolan and Osmanski)

6. **Public Hearing – Toll Brothers, Inc. – Preliminary Plat for 126 Single Family Lot Subdivision and a Rezoning from Rural Residential-Urban Reserve (RR-UR) to Single Family Residential (R-1) on an 81 acre parcel located east of County Road 116 and south of Hackamore Road known as the Gorman Farm property (PID 01-118-23-21-0004).**

Finke presented the application and explained the location is within the staging period for development for sewer and water availability and the property is approximately 81 acres in size. He said the order of approval for the project would be to approve the rezoning, preliminary plat, and then the driveway setback waiver. He explained the property is predominantly farmed currently. The site has a number of wetlands and wooded areas. The access is proposed to be off Co. Rd. 116 in the initial phases and then a future phase would include access onto Hackamore Road.

Finke explained that comments were provided during the Concept Review Process stage and the plans were reviewed by staff based on those previously recommended comments by the Commission. He said the proposed density was 2.01 units/acre if Outlot D was excluded from the calculation. If Outlot D wasn't excluded then the density would be 1.95 units/acre. The decision to include or exclude Outlot D would be a decision of the Commission and Council.

Finke said staff felt the plans were consistent with the Comprehensive Plan. The lot frontage being proposed was a little larger than the standard width for the R1 zoning district.

Finke said wetland impacts were being proposed by the applicant. He said the most impacted area was for the construction of the road in the NW location of the site. Staff recommended the 500 year floodplain area be further researched.

Finke said a traffic study was completed with a broader scope, including areas of Corcoran. The preliminary comments had been submitted to the City and right-of-way would be required, with an obligation to fund improvements as part of development agreement.

Finke said the interior streets were proposed to be 28 feet in width. He asked that staff be allowed some flexibility to realign the streets in future phases internally. The plan meets 20% phosphorus reduction and requirements related to the infiltration/filtration. A number of full basements were being proposed to reduce the amount of grading which would also preserve trees and assist with better drainage. A total of 28.6% tree removal is proposed with a 15% maximum without tree replacement. The applicant is proposing to replace the percentage they are over.

Finke said a public park was discussed by the Park Commission and they determined a park wasn't needed in this location, but rather trails would be important. Cash in lieu of land would be paid for the park dedication.

Williams asked about the sewer line to the north and if the City can obtain easements. Finke said the intention would be to keep the pipes upland so as to not need easements.

Williams raised concern about the Fire Marshal's comments about road width. Finke said by placing signage on one side of the road with "no parking" the remainder of the road would be 19 feet in width. He said a 32 foot wide road with parking on both sides actually has less width. Foote asked Finke the Fire Marshals opinion of staff's recommendation of the 28 foot wide streets with parking on one side of the road. Finke said that the Fire Marshal continues to have concern with the proposal.

V. Reid raised concerns with the Park Commission and Council not thinking a park was necessary. She said she noticed the City of Minneapolis requires a park every six

blocks and is concerned with not having a park for the development density being proposed. She also added that Foxberry Farms Park didn't seem sufficient for the size of the development and that people shouldn't have to walk to a park by having to cross a busy roadway such as Co. Rd. 116. Finke said he agreed concerning a park in the area, but it was determined to not be necessary. V. Reid asked the crowd attending that people should speak up if they are in favor of a park in this development area.

R. Reid asked if there was a reason the City shouldn't accept Outlot D. Finke said it would be like maintenance and tree removal that the City would be responsible for if we took it over.

Martin asked where the trails are located within the development. Finke said five foot wide sidewalks were being proposed for walking.

James Hepler, Director of Land Development, explained that Toll Brothers was founded in 1967 and thanked staff for working with them. He said he was happy to answer any questions the Commission may have about their proposal. R. Reid said during the Concept Plan Review Stage residents raised concerns about drainage in the area neighborhood to the south of the proposed development and questioned if those concerns had been satisfied by the proposal. Matthew Duenwald, Engineer for Toll Brothers, said they worked on mottling the soils and grades for drainage.

Duenwald explained the amenities were being proposed to be in Lot 12, Block 10. He said a tot lot and Clubhouse would be constructed in that location. He said Outlot C (1/4 acre) is recommended to be utilized for a play area and that flattening the grades would make for a better use of the lot for kids to play.

R. Reid said her big concern is only having one outlet along Co. Rd. 116. She asked how many houses would be constructed before connecting to Hackamore Rd. Martin said 50+ lots would be developed. R. Reid asked how long it would take to build out the development. Hepler said production is expected to be 24-30 homes per year, so somewhere between 4-5 years before the development would be fully built out.

V. Reid raised a concern with the recommended street names having "fox" within it and suggested it be changed since there could be confusion with the Foxberry Farms development where most streets have the word "fox" in it.

Public Hearing opened at 7:50 p.m.

Mark Czech of 660 Shawnee Woods Road raised concern with the traffic on 116 and that it's a bus stop location. He also expressed that he was perplexed by the fact that the area within the development that has a lot that stubs into the southern existing development seemed rather odd to him since it's along a Council member's property. He also said his sump pump ran every single day this winter and understands development has to happen but that the drainage in the area should be corrected and

not made worse. He feels the way the proposed development is proposed to be graded will reduce the value of his property.

Steve Theesfeld of 600 Shawnee Woods Road said his property is immediately south of Outlot D and he had raised concerns during the Concept Stage Review process with the Planning Commission about the drainage. He said at the Concept Stage meeting he had asked that the applicant's engineer meet with him to discuss the drainage issues and it is unfortunate that no one had contacted him. He said he presently has standing water and specifically is concerned with the proposed lots 21, 22, and 23. He said the houses are in the woods and near a pond and there are things that could be done to remediate the issues. He said the lots could just move 20-30 feet to the north to preserve the trees.

Theesfeld said he was also concerned that the development only has one entrance/exit initially and that it will inundate their neighborhood. He recommended the plans be redrawn to provide two access points onto County Road 116. He said it's a higher density neighborhood that will be disbursed into a lower density neighborhood. He asked the Commission to consider changes be made to address his concerns.

R. Reid asked how Poppy Trail was established. Finke said the current plan is to find another connection through the development in the future, but currently is shown as a dead end and wouldn't connect through until additional development occurred south of Shawnee Woods.

V. Reid asked the applicant what they have done to reduce possible impacts to the neighborhood to the south. Duenwald said they have surface water under control and drain tiles would be installed. V. Reid asked if Shawnee Woods neighborhood had issues after the development is constructed what would Toll do to correct their issues. Duenwald said they are going to be picking up more of the surface water than what's currently being done and it will be going to the stormwater pond which is centrally located within the development.

Duenwald said there will be less water going to the wetlands/ponds than what there is currently which will help the Shawnee Woods development, plus they are diverting water through piping and swales.

V. Reid asked about the issue of Outlot D and if the City took it over would the City then be responsible for drainage issues that the new development created. Finke said it could be looked at as a benefit to take Outlot D and be in control of the possible drainage issues, yet it would be a cost to the City.

Williams asked if the City took Outlot D could we ask that the City Engineer validate that the drainage is improving the area rather than impacting the neighborhood. Finke said this would already be a requirement whether we took it or not. Finke said we'd continue to look at the stormwater management in the area.

V. Reid asked how it's handled if the trees are planted within the development and they end up not surviving. Finke said the applicant is required to post a letter of credit that the City holds to guarantee the trees survive or are replaced.

Finke wanted to point out a letter from a resident and will be entered into the record.

Williams asked Duenwald to explain the site lines and bus stop area. Duenwald explained that in the first phase of the development the traffic would be fine, but future phases would require additional turn lanes and they haven't gotten into the details of the school buses stopping. V. Reid said all the kids would have to walk the distance to Co. Rd. 116 rather than the bus going into the development.

V. Reid said the reason the school bus wouldn't go into the development is because they can't get turned around in the cul-de-sac. Finke said once Poppy Trail went through to the south they could drive to that point if they were willing.

Weir said the traffic study included the Fields of Medina and Fields of Medina West along with other anticipated developments in the area.

It was suggested jointly by the Commission that adding another condition for the use of Outlot C be spelled out clearly as to the activities and maintenance that is expected for that lot.

Martin asked about the entrance monuments. Finke explained we didn't have specifications at this time. R. Reid asked the developer to maximize the aesthetic appearance of the entrance monuments.

Hepler said they would have 4-5 different interior and exterior elevations for each home. Williams asked about exterior siding materials and colors and it was explained that they will be using higher quality materials.

Public Hearing Closed at 8:22 p.m.

**Motion by Martin, seconded by Williams**, to recommend approval of the Preliminary Plat and Rezoning for a 126 single family lot subdivision with staff conditions identified in the staff report along with additional comments as discussed by the Commission. Motion carries unanimously. (Absent: Nolan and Osmanski)

**7. Public Hearing – Thomas T. Morrison – Lot Subdivision of one existing Lot into Two Lots at 1525 Hunter Drive (PID 25-118-23-22-0005) and a Variance from minimum Road Width requirements.**

Nate Sparks of NAC presented the application. He explained the proposed access over an easement and that a maintenance plan would be needed. He said that no trees were being proposed to be removed and that the wetlands would need to be delineated or they would provide buffers around the wetlands. Due to weather, the delineation

could not be done, but could be a condition of approval of the subdivision. He then explained the drainage easements proposed and that the Park Commission recommended cash in lieu of park land dedication.

Sparks explained the Variance request. He said the private road currently had a traveled surface width of 18 feet. He said Section 820.28, Subd. 1. (b) requires a traveled surface of 20 feet in width. Morrison stated the street was private and reconstruction would be an excessive cost for one additional lot. Sparks reviewed the subdivision review criteria and Variance Review Criteria with the Commission.

Sparks said staff didn't feel granting the Variance would be appropriate for the area; however if the Commission found it appropriate to grant the Variance, then the applicant should be conditioned to improve the roadway to allow for emergency vehicles to have pull-over areas so two vehicles can pass on the road.

Williams asked about the review criteria and if they all needed to be satisfied. Sparks said they all need to be met to approve the division. Finke said if the Commission found one or more items that the applicant didn't meet within the Subdivision Criteria then it should be denied. Finke said the same holds true for the Variance Criteria. R. Reid asked if the Road would have to be improved all the way to Hunter. Sparks said yes. Sparks said financial securities would have to be taken in. R. Reid asked if private roads had to follow the same standards as the proposed public roads like the Toll Development that was heard earlier. Finke said three or more lots triggers an increase in the standards of a roadway. Foote asked if the 20 foot road is the minimum. He asked if it shouldn't be 24 feet. Finke explained that Tamarack Ridge was an example of the need for a specific width.

Truck Morrison, 1525 Hunter Drive, asked if they got a copy of his background letter. Finke said yes. Morrison said he's an owner and not a developer. He said this is more of a dream. He said he would build a newer home on the new lot and would increase the width of the driveway/road with the subdivision. He said he was applying for the subdivision because he'll be 75 years of age in a month and came from an agricultural background. He said he currently mows 15 of the 20 acres and needs to reduce that amount. He said his dream is to have a smaller piece of property and cut back on the size of the house and lot. He said he made a mistake on how he divided his property previously and he should have hired an attorney. If the City decides a 20 foot road is required then his dream would come to pass. The idea of incorporating pull-over areas for emergency vehicles doesn't seem practical in this situation.

R. Reid asked about the driveway affected. Morrison said he would be responsible for any damage during the road construction of his new lot if approved. They would build a new driveway. He said Sparks asked if a formal association existed and he said it didn't since he was doing all the work up to the last 10 years.

Morrison said they now have an agreement for cost sharing of road maintenance, but it wasn't formal.

A Coldwell Banker representative (daughter of Mr. Morrison) mentioned that of the last four houses she's sold, three were on Hunter Drive. She said she can't understand how the City is concerned with a low density; no maintenance project could be held to such high standards as high density development.

Foote asked about the condition of the road. Morrison said he paid for everything from all the road improvements and plowing and maintaining over all the years. The City had paid nothing. Williams asked how wide the road easement was. Sparks said 60 feet. Morrison said another way to handle the road would be to make it a public road, but they love their privacy having a private road.

Public Hearing was opened at 9:04 p.m.

A representative spoke on behalf of the owner (Ferris) at 1535 Hunter Drive explaining that the Ferris's would like the Commission or Council to consider an alternative access for the new lot being proposed. He explained the location of the proposed driveway runs parallel along the Ferris property and suggested the driveway access through the current Morrison property instead of being in their front yard. The Ferris's feel it would have an impact on their property value. Also, if anyone had safety concerns, it would be the Ferris's since they are the furthest away.

Morrison said their driveway is over an easement that they created and it runs to the newly proposed lot.

Williams asked about the idea of the installation of pull-over areas for emergency vehicles. Finke said the physical surroundings make it almost impossible given the conditions of the road and it isn't in the applicant's control. Martin of 440 Pheasant Ridge Road said it isn't a condition that the proposed development caused, but rather exists. She said the street is the envy of the City and the roadway seems expansive and is ample for two way traffic. The homes are beautiful and private services are hired for handling traffic if a residence has a party. In her opinion, without being a traffic engineer, she wished Mr. Morrison would have developed her development because it's done so much nicer.

Morrison explained planting of trees. He said it's like a park. R. Reid asked if the shoulders could be improved. He said their ability to do so would be limited, but would be possible in some locations. Williams said he didn't want to destroy trees. R. Reid said it could be conditioned. Finke said it seems the 20 foot roadway width seemed to be the issue. Williams and R. Reid said it seemed to be a unique situation. V. Reid suggested that maybe the 20 foot width was excessive with a development that doesn't have a lot of homes. Williams said he's not sure if it's the ordinance or rather the unique situation. Foote said he's typically in favor of the 20 foot width and prefers wider, but doesn't want to jeopardize the trees. Morrison said one pull-over

area could maybe be created so as to not jeopardize trees. R. Reid said we're asking one owner to pay for the improvement which would be a hardship. V. Reid asked Williams as a lawyer if he thought this was a unique circumstance. Williams said yes, he sees a hardship. V. Reid said it makes common sense but wanted to make sure it's appropriate.

Weir said she sees it reasonable as it stands. She said the Commission should remember a recent decision made on another application, and that a variance should be thought through carefully.

Williams asked Sparks how the road was measured. Sparks said the applicant's engineer measured the road and found it to be 18 feet. He measured with Finke and did find some areas with more width than 18 feet. It's mostly 18 ½ feet and it looks like none of the existing lots in the area are subdividable per Finke. Williams asked if the bump-outs would bring the road into compliance and Sparks said no.

Jeff Pederson, City Council member, said that as much as he appreciates what Mr. Morrison is doing, he thinks the Commission should approve or deny rather than recommending a Variance.

Finke said staff could provide more alternatives for the Commission to look at later. Williams asked if the road would still be out of compliance if a road met the width requirement, but had a short section that was not 20 feet. Weir suggested the wiser decision would be to table the application.

Public Hearing was kept open

Williams made a motion to table the Morrison division and direct staff to further explore whether to build bump outs in sufficient length using the existing road. V. Reid made a friendly amendment to staff that they were open to any other options and to include them in the ordinance. Foote seconded. Motion carries unanimously. (Absent: Nolan and Osmanski).

**8. Public Hearing – Ordinance Amendment to Chapter 8 of the Medina City Code related to flag lots, lot frontage, driveway regulations, minimum street grades, and the use of public easements and right-of-ways.**

Finke presented application. He said the City does not have a minimum flag pole width. Commission agreed to limit the use of flag lots to rural residential with minimum standards. Finke explained a minimum of one percent grade should be maintained for run-off. He went on to explain the use of easements in the right-of-way and what can be put in easements. He thinks we need to have more authority of what goes into the easements. V. Reid asked why a shrub or rock couldn't be allowed. Finke said in the right-of-way it could be in the way of snow plowing. Martin thinks that "the license" allows an interim use and continued through the ordinance with suggestions to staff.

Public Hearing Opened at 10:01p.m. Martin moved to table the ordinance to a later time.

Motion by Martin, seconded by V. Reid to table the proposed ordinance to provide staff additional time to revise. Motion carries unanimously (Absent: Nolan and Osmanski).

9. **Council Meeting Schedule**

Finke to attend and present at the April 16<sup>th</sup>, 2013 Council meeting.

10. **Adjourn**

**Motion by V. Reid, seconded by Williams**, to adjourn at 10:02 p.m. Motion carried unanimously. (Absent: Nolan and Osmanski)