

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Monday, August 13, 2012

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

Present: Planning Commissioners Robin Reid, Randy Foote, Kent Williams and John Anderson.

Absent: Charles Nolan, Kathleen Martin, and Victoria Reid

Also Present: City Planner Dusty Finke and Planning Assistant Debra Peterson.

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

No public comments.

3. **Update from City Council proceedings**

Finke 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 July 10, 2012 Draft Planning Commission meeting minutes.**

Motion by Anderson, seconded by Foote, to approve the July 10, 2012 minutes with noted corrections. Motion carried unanimously. (Absent: Nolan, Martin, and V. Reid)

6. **Public Hearing – Ordinance Amendment to Chapter 8 of the Medina City Code related to Wind Energy Conversion Systems, solar panels, and geothermal heat sources.**

Finke stated that the ordinance in the packet was the same as reviewed in July and that the Commission had requested time to tour turbines before taking action.

R. Reid asked if the smaller wind turbines made more noise than the larger. Finke stated that the noise is based on the specs of the turbine. R. Reid asked if particular reason why the lattice style towers is considered less desirable. Finke said aesthetics (especially for large towers) and some suggest that birds nest more in the lattice style towers, so the chances are greater of birds flying into the blades. He said there is no real data to confirm though.

Williams said he visited the Mustard Seed site which is a lattice design and the height with blades was 189 feet. Foote said he also visited the Mustard Seed site and asked staff what their choices were. Finke said the proposed regulations are what is in the staff report and what is being recommended for changes. Foote said the lattice Mustard Seed tower seemed very high to him. He added that he has been able to see many wind farms in Buffalo Ridge previously and is not sure if it would really fit into a residential setting in Medina.

Anderson said he visited the Northfield wind turbine and said he couldn't see any location within Medina that it would fit. He said the Northfield turbine is 409 feet in height and fits relatively well, but he doesn't see something similar fitting anywhere in Medina.

Public Hearing opened at 7:18 p.m.

Finke said that, for the sake of context, the Hennepin County antennae tower is 420 feet in height and the City's water tower site is 150 feet in height.

Clarkson Lindley of 1588 Homestead Trail stated that he opposes any wind turbines in Medina. He said law says one owner can't impact another owner of neighboring property. He raised concern with the 300 foot setbacks you'd have to have and lot sizes would need to be nine acres square. He said he has no objection to geothermal or solar energy since they aren't intrusive to the neighboring properties. He recommended Medina be similar to neighboring communities such as Corcoran and Orono which ban wind turbines.

Kathryn Richmond of 2900 Co. Road 19 said she would like to encourage the City to allow some options for alternative energy with reasonable considerations and not be totally prohibitive of it.

R. Reid asked the Commission how they felt about a total prohibition. Williams asked if all the Commissioners had looked at them. The Commissioners responded that they had. He said City Administrator Scott Johnson said Corcoran banned wind turbines because of the maintenance issue. He said Corcoran couldn't find a solution to their maintenance concerns. He said the Mustard Seed turbine was not in operation when he visited the site and it was not something he could see in Medina. He said he also visited the tower in St. Olaf and he felt the whooshing from the blades for more than a football field away. He said he was amazed at how far you had to get away to not feel and hear the noise. He said when it comes to big winds he suggests it be banned. He said the Mustard Seed tower wasn't in operation the day he went, but he spoke to the owner next door and the owner said he didn't find it obtrusive even though he lives next door. Williams said the Mustard Seed tower had the owner living next door, but they weren't going to be there longer than another year since the property was going to be rezoned to commercial. He said he wasn't aware of any of the wind turbines having residential near. He said he did talk to the Mustard Seed owner regarding maintenance and he seemed proactive, but not all owners would

necessarily be that way. He said in concept maybe it seems like a good idea, but felt it could be an issue. He said he doesn't feel the payoff would be worth allowing in Medina.

R. Reid asked what was considered a big wind and Finke said 100 kilowatts. Finke said wind turbines up to 40 kilowatts require power companies to pay the owner the retail price for power, but if the turbine is over 40 kilowatts it allows the power company to negotiate rates.

Finke said wind turbines are Conditional Uses and the City would be able to add rules for things such as mandatory maintenance and decommissioning. He said the City could require fees or an agreement be drafted that if the turbine wasn't properly maintained the City could assess the property for the cost of maintaining it. He said the greatest fear is when the turbine is at the end of its life cycle and the owner has to make a decision to reinvest. Williams said it's like a swimming pool when you want to remove it and a turbine wouldn't be as easy to do.

R. Reid asked if a bond or escrow could be posted to the City. Finke said it could be a requirement, but it certainly would be a disincentive to have to post a bond or escrow. Finke said a future owner would have to consider the turbine on the property if for sale and could be a disincentive.

Finke said the reason a lot of turbines aren't taller than 190 feet is because if you go higher a lot of other regulations kick in from the FAA. He also said getting a tower over 120 feet gives greater efficiency with winds.

Anderson asked if what we do is applicable to what Three Rivers Park District does. Finke stated that staff is of the opinion that the regulations would apply. Williams asked if Three Rivers ever expressed interest. Finke said Three Rivers Park District has never expressed interest and that yes they are under our jurisdiction.

Foote said he didn't have a problem with commercial or industrial properties along State Highway 55 corridor to have a smaller turbine under 120 kilowatts. He doesn't see any other location as a practical possibility.

R. Reid said she doesn't see a problem allowing them along State Hwy 55. The Commission all agreed to not allow large wind turbines.

Williams asked if overall it is worth it to the City to allow as it relates to regulatory guidelines for the landowners with respect to maintenance and requiring a hefty bond when useful life expires. He said he didn't know the cost to tear one down and that it must also require some sort of inspection process to decommission. Again, he asks the Commission if it's all worth it. He said he doesn't get the payoff. Finke said the draft ordinance requires the owner keep records of the usage, which may help answer that question after the fact.

Anderson said he doesn't want the City to strictly prohibit wind turbines. Williams asked if Finke could draft requirements with a 750 foot setback minimum. Anderson asked if it was possible for staff to draft the recommended revised regulations. Finke said yes.

R. Reid asked if the other Commissioners were ruling out residential and the rural areas. Anderson said if Three Rivers wanted to do something for their own power that it could possibly work. He said he could see certain areas working. Foote said he wants to close the door to rural residential zoning districts since it would impact land values and ability for resale of homes near a turbine.

Finke asked the Commission's opinion on micro-wind and helices and the Commission asked for more information. Finke said they are the type that is attached to the home and could provide additional information for review.

Foote and Anderson felt the lattice style has more curb appeal than the monopole. Finke said the lattice towers are substantially less expensive than the monopoles.

Finke said he intends to turn the ordinance around to the next meeting. Williams asked about what the bond amount would be and Finke said staff would get quotes at the time of an application.

Williams asked if the ordinance should be brought straight to the Council and Finke said three of the Commissioners aren't present. The Commissioners discussed and concluded that it would be better to bring back to get additional feedback from the Commissioners not present.

Closed Public Hearing closed at 7:56 p.m.

Motion to Table the Ordinance, and have staff redraft the Ordinance and provide additional research.

7. **Public Hearing – Ordinance Amendment to Chapter 8 of the Medina City Code related to signs and outdoor lighting.**

Finke presented the ordinance explaining:

Off-Premise Signs – He said the ordinance wouldn't allow a freestanding sign if you have one on another property. Finke said in practical reality it's unlikely in a multi-tenant building that they would give up all their signage. R. Reid asked if we would need to get involved. Finke said its content neutral in that it wouldn't matter whose property the sign was on, the property would only get a certain amount of square feet. Finke said his biggest fear is empty space on a sign, which isn't really bad.

Williams liked the 2x the area regulation.

Foote asked about NIT limitation on dynamic displays and where the 500 night time and 5000 daytime limitation came from and if fairly consistent with other communities. Finke said the 500 night/5000 day standard is almost universal in Minnesota, but that communities in other states had more restrictive standards. Finke stated that with regards to non-dynamic LED signs, that staff recommends the City continue to enforce its ordinance. He stated that researching LED light sources and making significant changes would be a very time consuming, and likely expensive venture. He inquired if it was something the City wanted to tackle. He said the City of Bloomington is spending time on these issues outside the dynamic display and suggested to wait to see what they draft and possibly take a look at it again in the future.

R. Reid asked if the main concern about the lighting was commercial next to residential areas. Finke stated that this situation tends to create more concerns, and reminded commissioners said that recent brightness complaints weren't related to dynamic displays but rather the other issues.

Public Hearing opened at 8:14 p.m.

Michael Cronin, Representative for Holiday Station Stores, said that if the blue lights are in violation at the property lines that they need to be adjusted. He said he doesn't know how to comment on it and would like to continue to work with the City and somehow make them compatible. Cronin said the blue sign pointed towards Gramercy has been turned off ever since the last time it was discussed that they were too bright.

Cronin said he didn't think the changes staff recommended for dynamic displays were appropriate. He said that the Commission and Council were supportive of earlier drafts and they were surprised and disappointed by the new changes. He asked that the changes Finke is presenting tonight not be adopted.

Cronin said the ordinance would be difficult for the person trying to review signage and that they would have to find the square root which isn't the best measure. He suggested the important thing is what you look at from 100 feet out. He said it is the same way with the ambient light. He said there is a big difference between 500 -5000 NITS and asked the Commission to stay with the tried and true requirements used by other Minnesota communities. He said he had been in Big Lake recently when the sky went black and they were at a Holiday Station there and they had an electronic message board that was getting dimmer and dimmer, yet the City of Big Lake had a message board that was staying bright.

Foote asked what the blue lights were originally set at that made them too bright. Cronin said the blue lights can be measured by footcandles. They would install a dimmer system for the blue lights. Foote asked if the main issue was the blue lights.

R. Reid asked if the blue lights were in violation when they were on. Finke stated that the overall footcandle reading on one of the sites was certainly in violation. Staff was unable to determine if the light output from the fixtures were also in violation because the property owner did not submit specs for review as required by ordinance. He stated that staff believes the lighting should only be permitted if they can be shown to be operating at 2000 lumens or less. Cronin said they are looking forward to moving forward. R. Reid asked if it is possible to lower light level on blue light. Cronin said they can dim it.

Event Signage – Finke explained signs not requiring a permit specifically for small events. It was asked if a permit was required for the Hamel Rodeo and Finke said yes, they get one each year.

Finke explained that the City Council asked that the length of time a message could be displayed be changed from five minutes to one minute. Anderson asked if it was at the owner's discretion to increase time longer than one minute. Finke said yes.

Williams said he liked the square root method for calculating signage and suggested changing the lighting from 5000 NITS to 500 NITS.

Finke explained on page 29 it was mostly cleanup of language, but did add LED lights to Neon. He said under Subd.2. a) staff clarified the language related to signs with white backgrounds.

Public Hearing closed at 8:43p.m.

Motion by Williams, seconded by Anderson, to recommend approval of the ordinance amendment with recommended changes. (Absent: Nolan, Martin, and V. Reid)

10. Council Meeting Schedule

Williams will present at the August 21, 2012.

11. Adjourn

Motion by Anderson, seconded by Williams, to adjourn at 8:46 p.m. **Motion carried unanimously.** (Absent: Nolan, Martin, and V. Reid)