

**CITY OF MEDINA**  
**PLANNING COMMISSION**  
Meeting Minutes  
Tuesday, December 11, 2012

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

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

Absent: Charles Nolan

Also Present: City Councilmember Elizabeth Weir, City Planner Dusty Finke, and Nate Sparks of NAC

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 November 13, 2012 Draft Planning Commission meeting minutes.**

**Motion by Anderson, seconded by Martin,** to approve the November 13, 2012 minutes with the changes noted. Motion carried unanimously. Absent: Nolan

6. **Continued Public Hearing – Jacob Moser – Requests Variances to construct a new home in the Urban Residential (UR) zoning district along Ardmore Avenue (PID 18-118-23-24-0154).**

Commissioner R. Reid recused herself from the discussion.

Commissioner V. Reid chaired this portion of the meeting.

Sparks presented the updated request. He stated that the updated plan is a one-story walkout, as opposed to the two-story walkout reviewed in October. The plan has been updated with a two-car garage rather than three-car. The footprint of the home

is approximately 10% larger in order to provide additional living space with the reduction of a story of the home. The driveway is proposed off of Ardmore instead of utilizing the Palm Street right-of-way. The home was also pushed back further in the lot, increasing the front setback, but decreasing the setback to the lake and the upland buffer.

Variances required include: 1) Front setback (30 feet to 22 feet); 2) Palm Street right-of-way (30 feet to 15 feet); 3) Setback from ordinary high water level of Lake Ardmore (75 feet to 48 feet); 4) Setback from upland buffer (15 feet to 2 feet); 5) lot size (20,000 square feet to 18,520 square feet).

Sparks summarized the criteria by which the City reviews variances.

V. Reid inquired about the buffer variance. Sparks stated that the upland buffer proposed by the applicant meets ordinance standards. However, the ordinance also requires a 15-foot setback from the buffer to provide some yard for homes adjacent to buffers, which the applicant has requested a variance for.

Foote inquired about the signage requirement. Finke replied that the sign is an 8x10 sign on a 4x4 post. The minimum requirement is one sign per 200 feet, but the Commission could add a condition for extra signage since a variance is being requested for the setback from the buffer.

Public Hearing opened at 7:39 p.m.

Brian McCool (on behalf of Stacy and Don Brown of 2935 Ardmore) stated that his clients appreciate the improvements in the plan but unfortunately are still opposed. He stated that they had provided a written letter, but summarized the points as follows: 1) House is too large for the lot, extra garage in the rear; 2) Impact on Lake Ardmore and the wetland; Setback variance is very significant (from 15 feet to 2). The averaging of the buffer is also problematic. The area adjacent to the hardcover has a buffer of 25 feet instead of the average 35 feet. 3) Fill and grading/drainage impacts.

Ann Brader (2942 Ardmore) stated that they preferred the new proposal to the old one. She stated that their main concern is the proximity to the lake, and they want to make sure that treatment is provided for extra hardcover.

James Leviton (2945 Ardmore) presented a powerpoint presentation. He stated that they were opposed to the request for variances. The updated plan requires the same or even greater variances and increases threats to Lake Ardmore. The house is not much smaller; it is just rearranged and still requires 250 square feet of fill to create a walkout. He stated this is a standard house on a substandard lot. The lake setbacks and buffers were determined by the DNR and City as the minimum distance for development. He stated this would set an unfortunate precedent. He stated that he believed it is still a three car garage. He noted that the changes proposed have

increased the variance requirements and that the variances are unusually large, since variances are usually under 10 feet. He stated the comparisons in the report are not valid because none of the other lots have wetlands within their boundaries and all of the other houses pre-date the wetland buffer ordinance. The lot was known to be problematic and was purchased for a small amount as a result. With reasonable variances, a small home could be constructed. He stated that the proposal is contrary to the Comp Plan objectives of protecting water resources and that it does not meet the criteria for variances because the need for the variances was created by the property owner's desire to have too large of a house for the lot.

Pat Wulff (2865 Lakeshore, LICA member) stated that the project would impact the runoff and drainage into Lake Ardmore. The City is devoted and a partner for the protection of wetlands and the Lake. Once a house is built, a property owner is guaranteed access to the lake and they can forge a 15 wide path down to the Lake. Other variances have been issued in the neighborhood, many of which have been bad for the Lake and the neighborhood and were costly mistakes.

Dave Raskob (2864 Ardmore) noted that most of the points made were different than the City staff made in the staff report. He stated that he believed that the house should be built and that there is a lot of good that can come out of it. He stated that a few things have been said by neighbors that are incorrect. He noted that there are other walkouts along Lake Ardmore and that the garage is a two-car garage with an extra 10x12 area. The house is as small as they could accomplish and still make for a reasonable sized house. If you look up the street it is the same distance from the lake and the same distance from the street. All of the runoff will be directed to the widest parts of the buffer by rain gutter. He stated that there are select few who oppose any concessions and, although they don't say it, do not want any house there period.

Stacy Brown (2945 Ardmore) stated that the applicant is asking for many variances while other neighbors have struggled to get even one variance for a small addition. She stated that if this is granted, it is clearly a special privilege. She said that the applicant made a careless investment by buying a substandard lot and now they are trying to get the City to bail them out.

Randy Schlecht (2992 Ardmore) stated that his house is the one which received all of the similar variances and was compared to down the street. He noted that, unlike what other people had stated at the meeting, their house is a walkout, which improved drainage and actually required less fill. He stated that about 10 years ago, they went through the variance process, everything worked out well, they built a nice house, everyone got along and welcomed them as neighbors, and he doesn't see why it shouldn't be the same for this applicant.

Public Hearing closed at 8:08.

Williams noted that there were also a number of emails and letters to enter into the record. V. Reid stated that they were so entered.

Martin stated that she appreciates the concessions which were made. She feels that the applicant has tried to follow the direction of the Commission and the neighborhood. She stated that she would be open to recommending approval to the Council with two additional conditions: 1) extra buffer signage left to discretion of staff; and 2) gutters required to be pointed towards the widest portion of the buffer.

Footo inquired about the letter requesting an environmental impact statement, and what the threshold for that would be. Finke stated that he didn't know the exact numbers, but that he believed an EAW would be optional for the City for a 100 lot subdivision which requires a comp plan amendment. Footo stated that while the house still seems large for the lot, there is no allowable size of house that could fit within the setbacks, which leaves no reasonable use without variances.

Williams stated that he is concerned with the northeast corner of the house and the proximity to the wetland and lake. He stated that he would not recommend approval in its current form. He would recommend shaving off some of the width in order to increase the setback from the lake and wetland, although he stated he wouldn't require that the full setback be met.

Anderson asked staff about the off-site runoff. Finke responded that the proposed grading does significantly change the drainage coming down Balsam. He also noted that staff has discussed working with the applicant on options to treat the off-site drainage similar to the Janet White variance. Anderson stated that after looking at the floorplans and the size of the rooms in the home, this really is not a large home and that he would echo the comments made by Commissioners Martin and Footo.

V. Reid stated that she believes the larger footprint is a result of the Commission's direction to reduce the height. She stated that she concurred with the majority of the Commissioners.

Motion by Martin, seconded by Footo to recommend approval of the requested variances upon a finding that the requested variances meet the criteria for granting of variances and to recommend that approval be subject to the conditions described in the staff report plus the additional conditions that extra signs be installed along the buffer at direction of staff and that rain gutters be directed towards the wider portions of the buffer. Motion carries (Opposed: Williams; Abstained: R. Reid; Absent: Nolan).

Anderson stated that even though this is a contentious hearing, he hopes everyone in the neighborhood can get together following the decision by the City Council.

**7. Public Hearing - Ordinance Amendment to Chapter 8 of the Medina City Code relating to the Subdivision Regulations.**

Finke introduced the topic, stating that it was a sneak peek into the subdivision ordinance, which will be reviewed in depth by the Commission at a future date because it was written in 1980, and the development process has changed significantly since that time. However, staff believed that some matters in the ordinance required earlier action before the City was prepared to review the ordinance in its entirety.

Finke stated that one of the proposed amendments makes explicit the requirement that private roads be located within outlots. This merely codifies a City practice which has been followed for the past few decades. He noted that having private roads in outlots affect contiguous soils calculations in rural subdivisions because this area would not count towards required areas.

Finke described the proposed section related to Premature Subdivisions. Subdivision ordinances commonly include this type clause, which are usually crafted in one of two ways. If a subdivision is premature because of inadequate streets, roads, utilities, or other infrastructure, cities either state that they can deny a subdivision, or that they can require the subdivider to provide the infrastructure. As drafted, the ordinance requires the construction of off-site infrastructure to some minimum standard. If the subdivider is unwilling or unable to provide the improvements, the ordinance allows the City to deny a subdivision. For example, the ordinance requires that any subdivision, including a lot split, needs to provide a road at least equivalent to a “fire lane” sufficient for emergency vehicle access. Three or more lots require a street built to city standards.

Foote inquired about the minimum private street width of 20 feet, and stated that he would rather see 24 foot wide for townhomes. Finke replied that staff tried to make the ordinance flexible, in case there would be a scenario that the City would like to allow 20 feet in width, perhaps in a 4-plex or a one-way street. The ordinance allows a range and allows the City to make the determination on required width.

Martin stated that the street types mentioned in the table should all have definitions and be consistent with the chart. Williams agreed.

Williams noted that the definition of outlot was poorly constructed, and stated that the language “may contain common elements...” did not seem appropriate for a definition. Finke stated that the City commonly requires outlots for common improvements, which is not the practice by all cities.

Williams suggested removing the clause in the private street definition regarding the private road agreement.

Williams mentioned that in Subdivision 10 something should be reworded regarding how the Planning Commission and City Council are required to deny subdivisions. Martin noted that it should say the City instead.

Martin stated that the requirement for publicly opened and dedicated street should read just opened, because not all streets are dedicated on a plat. She also questioned whether the required standard for streets should be limited to emergency vehicles, or if it should consider garbage trucks, school buses, and the like. Finke stated that the language was limited to emergency vehicles because this the City provides this service. Martin questioned why “Adequate water supply” doesn’t mention wells for subdivisions not on city water. Finke stated that the City does not have substantial jurisdiction over well water for individual residences. Martin questioned if the language in the “Adequate wastewater” should allow for shared septic.

Williams asked if “premature subdivision” clauses could lead to sprawl, because the city would allow people to develop so long as they installed improvements. Finke stated this would be covered by a reference to the Comprehensive Plan.

V. Reid questioned the clause that discourages through traffic on minor streets. She wondered if this could lead to more traffic congestion. Sparks stated that this is common language in rural/suburban subdivision ordinances from the 1980’s. Finke stated that the language is not supportive of urban-form development and should be considered when the City reviews the entire subdivision ordinance. Williams suggested that, in the meantime, maybe the text could be amended to say it is discouraged “when appropriate.”

Public Hearing Opened at 8:59 by R. Reid. Closed at 9:00.

Motion by Anderson, seconded by Martin to recommend approval of the ordinance by Council as amended by Commission discussion. Motion carries unanimously (Absent: Nolan).

8. **Council Meeting Schedule**

Commissioner Anderson agreed to attend the Council meeting on December 18, 2012.

9. **Adjourn**

Motion by V. Reid, seconded by Martin, to adjourn at 9:02 p.m. Motion carried unanimously. (Absent: Nolan)