

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, January 10, 2012

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

Present: Planning Commissioners John Anderson, Victoria Reid (arrived at 7:05), Kent Williams, Charles Nolan, and Robin Reid

Absent: Kathleen Martin

Also Present: City Council member Elizabeth Weir, City Planner Dusty Finke, and Associate City Planner Dale Cooney

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

No public comments.

3. **Update from City Council proceedings**

Council member Elizabeth Weir presented a report of recent activities and decisions by the City Council. Weir mentioned the Private Kennel License, Stormwater Taxing District, and Fee Schedule Updates, and the Rezoning request to R2 zoning for Lot 2 located at 805 Hamel Road.

4. **Planning Department Report**

Finke provided an update of upcoming Planning projects. Finke mentioned an upcoming concept plan for a Lennar project on Brockton Lane.

5. **Approval of the December 13, 2011 Draft Planning Commission meeting minutes.**

Motion by R Reid, seconded by Anderson, to approve the December 13, 2011 minutes with a revision to line 40 on page six changing language “to maximum height for all signs.” Motion carried unanimously. (Absent: Martin)

6. **Wallace Marx – Planned Unit Development (PUD) Concept Plan for a Conservation Design subdivision of four contiguous parcels totaling 109.58 acres.**

Finke presented the staff report regarding the changes to the subdivision concept plan.

Nolan asked about Lot 5 building site and routing of the driveway. He further asked about the relative value of having the house on the lake front versus having it up

higher. Finke replied that staff is recommending the building pad be moved up the slope and the septic location for that pad moved near the garden area. This change he said would disturb less soils. Staff sketched an access point that follows an old existing road bed to reduce new impacts to wetlands. Finke said it may seem contrary to take away some conservation areas, but moving the house up the slope on Lot 5 would reduce impacts for installation of septic systems. He added that the septic system designer said the soils along the lake front were disturbed to a point that a system would not be possible in this area.

Anderson asked about how long of a run it would be for the septic system for Lot 5. Finke said it would be 800-1000 feet depending on how far they put the house up the hillside. Finke explained the current plan is proposed to have a longer run than the recommended change of 800-1000 feet to the septic.

Anderson asked how much of the run goes through wetland areas.

Finke: You can route it around the wetlands, but you can route it a number of ways.

V. Reid asked if there are rules on School Lake about how many trees you can cut, and would the house have a view? Finke replied that there is the tree preservation ordinance and City Shoreland Ordinance (shore impact zone).

Nolan replied that 50 feet of the shoreland zone would be too shallow to prevent tree cutting along the lakeshore. Nolan asked if putting the zone in a conservation area would protect the trees more. Finke replied that it would.

V. Reid asked about the number of properties allowed under existing zoning. Finke replied that the lots could be rearranged, but additional lots could not be gained and the total would be seven lots.

Williams asked about how the lots would lay out. Finke showed on an aerial where the lots would fall. Williams asked about Agricultural Preserve. Finke replied that Agricultural Preserve could have one house per 40 acres.

Williams asked Finke about the letter from the neighboring property owner and the Agricultural Preserve restriction. Finke replied the applicant had initiated the request to get out of the Agricultural Preserve which would allow the applicant to reguide/rezone the property to Rural Residential in the future (2016?).

Nolan asked if only concept approval could be achieved at this point. Finke stated yes.

Williams asked about the base units being four under zoning. Finke clarified that the small southern parcel is an existing lot and doesn't count toward base density. Staff interprets a maximum density of three lots doubled to six, plus the existing lot to the south.

Nolan asked about the seventh lot, saying that it is outside of the discussion. Finke stated that staff encourages its inclusion since it has significant conservation value and that it helps meet City conservation goals.

Williams asked about the area preserved, versus the conservation benefits, and how it relates to the density decision. Anderson asked how much buildable would be otherwise preserved. Finke said that it all could be developed except for the setbacks.

Nolan mentioned letters sent by interested parties related to the application for inclusion into the minutes.

Nolan asked about the area with nine oak trees noted on the plans. Finke said there are large trees there, but it had been disturbed.

Nolan asked about environmental issues and the City's liability in approving a subdivision with potential environmental issues. Finke noted it was part of the conditions. Nolan mentioned that perhaps there should be something stronger, such as a chain of title, and doesn't want it to get lost in the process and become a legal problem.

Anderson asked if the overall quality of the property that would go into conservation was ranked as moderate. Finke replied moderate to good would be more accurate.

Wally Marx, applicant, made a presentation to the Commission. Marx mentioned that he had reduced the lots he is asking for to 8 lots. Marx went on to describe the property and the location of the proposed lots. Marx mentioned nine oaks were very large oaks in the 100-125 year old range. Marx said he was asking for one additional lot for each PID number.

Marx showed an aerial photo of the property and spoke to the improvements he has made and several of the important features on the lot.

Marx invited Jim Lane to discuss some legal issues. Jim Lane spoke as Marx's special counsel. Lane stated that he believes the plan conforms to the City's CD-PUD ordinance and should be ready for decision by the City. He also mentioned the density issue is up to the Council. He also mentioned the environmental condition of the property and any assessment of the property should be limited to the former mink farm on the property of about 40 acres. He stated costs for more could be problematic. Mr. Lane mentioned the importance of the trail around the lake and its value to local residents. He referenced the Cindy Piper letter submitted to the Council.

Williams asked if he supported the 200% cap. Lane agreed with the 200%. Williams pointed to the code language relating to suitable soils. Lane agreed that there were only 15 acres of suitable soil.

Marx returned to the podium to speak. Marx reiterated the quality of the 20 acre lot in question that doesn't contain five contiguous acres. Marx showed a brief video with photographs of the property.

Michael Pressman came to the podium to speak. He mentioned that he was not serving in any capacity with the Nature Conservancy. He mentioned the property meets the objectives of the CD-PUD. He mentioned that Medina has only 17% of its land covered by forested area even though the City was once known as "the big woods." He also mentioned the significant and unique characteristics of the Tamarack swamp on the lower 20 acres.

Williams asked if the current framework would protect the land. Pressman stated that they are not, since they are subject to change with the political landscape. Marx mentioned that legislature changes and priorities change.

Pressman went on to mention the diversity of natural features and that taken as a whole; the property is unique for preservation. Pressman also pointed to its adjacency to Baker Park. Pressman reemphasized the importance of conservation areas over zoning/planning, since conservation will protect against future changes, but planning/zoning will change with them.

Jean Coleman from CR Planning came to the podium to speak. Jean handed out copies of her memo. She mentioned that the level of preservation is extremely high. She spoke to the wetlands conservation act, and that it does allow grading and filling of wetlands. She also mentioned encroachment by third parties is also an issue. She has skepticism about the long term functionality of the WCA, since it is likely to be degraded through litigation over time.

Williams asked Coleman if she thought five lots on the lakeshore were better than one. Colman stated that in some ways it could be better since it might be regulated. Coleman also went on to state that the property met the threshold and the value of the ordinance.

Mark Gronberg went to the podium to speak. He spoke about the preserved areas that are "buildable" and that some steep slopes are "buildable," but not by the City's calculations. He also went into other design considerations relating to septic systems.

In closing remarks, Marx mentioned Lauren Kohnen's memos in the staff report. He also mentioned several council members' comments from the last City Council meeting.

Nolan asked about the horse trail, and if the future trail would be similar to what exists now. Marx replied that it was his intent.

V. Reid asked about the timing issue. Marx replied that theoretically two houses could be allowed under the Agricultural Preserve ordinance. He replied that the timing issue is an applicant and Council issue, not a planning issue.

V. Reid asked about staff's seven lot suggestion. Marx mentioned that parts of staff's recommendation would be unfeasible and costly.

Williams asked about staff's plan. Finke mentioned that it was his goal to put the majority of the lakefront in conservation. Williams asked Marx what he thought about lakeshore conservation. Marx said he believed in private ownership and protection.

V. Reid asked about the potential Homeowners Association and how it would be managed. Marx mentioned that the process was still in the works.

Nolan entertained public comments on the application.

Mark Whitmer of 2930 Parkview advocated not adding any lots and that the impacts of the development would be negative. Higher density development would be detrimental and the benefit to the City is marginal.

Dan Johnson spoke about his concerns of the proposal as presented. He also spoke to lower density. He asked what the setbacks would be in this case.

Nolan asked if the bonus wasn't in and of itself the definition of density. Johnson replied that the land isn't buildable and shouldn't be allowed to have increased density.

Richard Haberman of 2782 Parkview Drive spoke against the development and the impacts it would have on him. Haberman asked about the septic systems being used. He expressed concerns about increased traffic as well.

Councilmember Weir paraphrased Mayor Crosby's comments and how he had envisioned clustering around disturbed areas rather than what has been presented.

Discussion was closed.

Nolan spoke to the benefits and value of the property. He also spoke about the maximum value being 200%. He believes that there is a maximum density of seven lots. He spoke against the lack of preservation initiative along the lakeshore. He mentioned that the lakeshore is much more of a community asset and much more visible than other preserved areas. Nolan stated he would like to see more emphasis put on preserving the lakeshore. He supported staff's recommendation to move lot 5 up the hill and remove the septic up the lake. He would like more woods put in the conservation easement and more attention to School Lake.

Williams agreed and added the existing development allows for four lots. He doesn't see any reason for a 200 percent bonus. Williams said the applicant proposed minimum conservation and seeks maximum density bonus.

Anderson said that the density bonus cannot be assumed. Anderson said he would support six lots.

Robin Reid mentioned the environmental assessment. Nolan mentioned that the assessment should be on the "disturbed area" which is yet to be defined.

R. Reid said the decision is precedent setting because this area was identified as important open space. She said she would be supportive of seven lots because many of the areas proposed to be conserved are identified as priorities in the City's Open Space report.

V. Reid supported staff's general position of seven lots. V. Reid said that she felt the lots could still be on the lakeshore, but with restrictions.

Nolan reiterated his comments about sensitivity to the lake.

Finke added that economic considerations should be part of the conversation, since the CD-PUD is a development option which presumes economics.

Nolan mentions he favors six lots since he believes the precedent of seven lots would be problematic.

All Commissioners agreed that some bonus incentive would be appropriate, but they disagreed on the maximum number to be allowed. One Commissioner felt one additional density bonus should be allowed, two Commissioners felt two bonuses should be allowed, and two Commissioners felt three bonuses should be given.

The Commission discussed their desire to reduce the impacts of the septic systems in the wooded areas.

The Commission generally agreed that using a shared drive through the south wooded area and widening of the conservation corridor was good.

Motion by R. Reid, seconded by V. Reid, to recommend approval of the Concept Plan for a Conservation Design Subdivision with changes, and the Council to undertake the issue of density. Motion carried unanimously. (Absent: Martin)

Public Hearing – Text Amendment to Chapter 8 of the Medina City Code to modify and add Street Setback regulations.

Cooney presented the staff report.

R. Reid commented that the language pertaining to the 50 foot setback shall be present tense.

Anderson asked if the City should look at reclassifying Hamel Road west of Pinto Drive since it is 30 mph in that area. Finke explained Hamel Road is a County Road and Planning and Zoning doesn't get involved in speed limits, but we can classify the road for setback purposes.

Williams recommended the language on the last page under Subd 3.d. states "public or private streets shall be as follows, based on the classification of the street" since the recommended language was unclear.

Public Hearing opened at 10:10 p.m.

Public Hearing closed at 10:11 p.m.

Motion by Williams, seconded by Anderson, to recommend approval of the proposed ordinance amendment with the changes recommended on the record. Motion carried unanimously. (Absent: Martin)

7. Election of the 2012 Planning Commission Chair

Williams nominated Charles Nolan as Chair.

Charles Nolan was chosen as Chair by unanimous consent of the Commission.

8. Election of the 2012 Planning Commission Vice Chair

Anderson nominated Robin Reid as the Vice Chair.

Robin Reid was chosen as Vice Chair by unanimous consent of the Commission.

9. City Council Meeting Schedule

John Anderson agreed to attend the January 17 meeting.

10. Adjourn

Motion by Williams, seconded by V. Reid, to adjourn at 10:14 p.m. Motion carried unanimously. (Absent: Anderson)