

## **CITY OF MEDINA PLANNING COMMISSION**

### Meeting Minutes

Tuesday, July 14, 2009

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

Present: Planning Commissioners, Charles Nolan, Robin Reid, Victoria Reid, Michele Litts, and Beth Nielsen.

Absent: Jim Simons and Mary Verbick

Also Present: Associate Planner Dusty Finke, and Planning Assistant Debra Peterson-Dufresne

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

No public comments.

**3. Update from City Council Proceedings:**

Liz Weir updated the Commission with the following:

- The Council passed the Rural Public/Semi Public zoning ordinance which removes churches and public buildings as conditional uses from the Rural Residential zoning districts and places them in a Rural Public/Semi Public district. The new ordinance places intensity-of-use-restrictions on existing uses within the Rural Residential zoning district as follows: institutional buildings may have a footprint of 35,000 square feet and a total floor space of 40,000 square feet; parking is limited to 300 stalls; the maximum seating of an assembly chamber or sanctuary is 500, and the maximum number of people allowed in the building is twice the size of that chamber;
- Approved the rezoning of three institutional properties to the new district, Medina City Hall, First Apostolic Lutheran Church and Woodridge Church; directed staff to draft an ordinance to lift the moratorium on the new Rural Public/Semi Public zoning district;
- Heard an annual report from Hamel Fire Department Chief Brandon Guest. The department added six new fire fighters and now has 26 volunteer fire fighters. Calls increased from the previous year with average response time within Medina 6.38 minutes. The Hamel and Loretto Fire Departments continue to make progress towards an eventual merger;
- Accepted the resignation of the Parks Commissioner Brian Kingsley and appointed William Waytas to replace him;
- Approved three resolutions for Wrangler's Restaurant in Uptown Hamel to move forward with all the conditions of the PC;
- Amended Medina's public nuisance ordinance to include long, unmowed grass and weeds on properties that are not being cared for;

- Gratefully accepted a Centerpoint Energy Grant for \$2,500 for police to purchase a Search and Find Emergency Responder device;
- Directed staff to alter the planned sequence for ordinance rewrites that will support the Comprehensive Plan and accelerate the General Business ordinance to the September Planning Commission meeting.
- Learned that it will cost a minimum of \$10,000 to bring City Hall's trash enclosure into compliance with code by building an enclosure to contain it.

#### **4. Planning Department Report:**

Finke updated the Commission on future projects and ordinances.

#### **5. Approval of June 9, 2009 Planning Commission Minutes:**

**Motion by R. Reid, seconded by Litts** to approve the June 9, 2009 minutes with recommended changes. Motion carried unanimously. (Absent: Simons and Verbick)

#### **6. Public Hearing - Hamel Legion Field House – City of Medina (PID 12-118-23-44-0017) – Conditional Use Permit for the construction of two buildings for Concessions and Storage.**

Peterson-Dufresne presented the application to the Commission. She specifically reviewed location, site area details, accessibility, relocation of trees, emergency access, plantings, LID and Sustainable Design Initiatives, and exterior building materials.

Nolan inquired what would be stored in the accessory structure.

McIlwan of Hagen, Christensen & McIlwan Architects summarized the process as to how the Task Force arrived at the design. He explained the concession building included restrooms and storage on the main level and above. The storage building is intended for field maintenance equipment. The storage building would have attic joists for a future ceiling which could provide storage above. Constructing two separate buildings rather than one allows for less expensive construction, and it creates a plaza space. The overhangs on the roof of the concessions building will provide coverage from rain and sun. The arbor between the two buildings will provide shade and will tie the two buildings together aesthetically.

R. Reid said the first thing the City had to do after constructing the Community Building was to put gutters on. She asked if either of the buildings proposed would need gutters.

McIlwan said water would sheet off the roof far enough away from the building and shouldn't cause an issue with maintenance. He said downspouts are often damaged in high traffic areas and described the ultimate plan to divert stormwater run-off to the pond and then to irrigate.

Weir stated she would strongly recommend discussing alternatives with the Fire Marshal to reduce the hardcover on-site.

Public Hearing was opened at 7:38 p.m.

Nolan stated even though the City is the applicant in this case, it is important the Commission review the application with the same care as any other application, and similar conditions be applied.

Public Hearing was closed at 7:40 p.m.

R. Reid said perennial plantings were preferable.

V. Reid said native plantings should be planted so they are easier to maintain and then watering wouldn't be as much of an issue.

The Commission directed staff to discuss the width of the emergency drive with the fire marshal to reduce on-site hardcover.

McIlwan stated planter pots were originally proposed since in-ground plantings tend to be trampled and never last in this type of environment.

The consensus of the Commission was to recommend the exterior building materials and colors be approved as designed on the plan by Hagen, Christensen & McIlwan Architects.

R. Reid recommended approval subject to native perennial plantings and reducing the width of the emergency drive if possible, and removing the first sentence of condition 3.

**Motion by R. Reid, Seconded by Litts** to approve the Conditional Use Permit with recommendations and conditions specified. (Absent: Simons and Verbick)

**7. Public Hearing - Ordinance Amendment to Chapter 8, Section 826 of the City Code - Pertaining to the Creation of new zoning regulations for future residential development within the area of the City to be served by municipal sewer and water infrastructure.**

Finke presented the ordinance amendment to the Commission. He explained the need for zoning regulations for future residential developments within the area of City municipal sewer and water infrastructure. He informed the Commission that buffering between districts was raised as a concern at the open house held in late June.

Finke explained exterior building materials in the district. He said at least 20 percent of a building would be required to have accent materials for facades facing a street. Multiple family homes, excluding townhomes, would be required to have 50 percent noncombustible materials.

The Commission raised concern with garage doors facing a street and the possibility of providing a credit for garages having habitable space above them.

Building modulation/articulation was also discussed and the Commission felt a multiple family building would need to have variations at a minimum of every 60 feet when facing a street.

Finke informed the Commission the ordinance required townhomes to have a minimum two car attached garage. Multiple family construction was recommended to require one enclosed parking space in the building.

Finke reviewed the design/development standards for the R-3, R-4, and R-5 districts such as:

- Buffer yards between properties
- Landscaping requirements
- Parking lot landscaping

R. Reid asked how common the regulation was requiring side loaded garages rather than garage doors facing the street. Finke explained it was not that common of a requirement.

The Commission asked why the building height was recommended higher. Finke explained building height is due to fire safety (eave height) and aesthetics. Further explaining how building height is measured at mid point of roof and the current code is 30 feet for a residential home. Staff recommended to increase the height based on comments received from builders that the City is too restrictive.

Nolan raised concern with properties having more than one zoning district. He asked at what level would each lot get rezoned and asked if it was the developer making the request at the time of development. Finke explained the City would decide which district the lot would be zoned and would initiate the next step for each lot.

Nolan asked for clarification on how existing residential districts would be handled if their zoning changed. Finke explained if a lot was created prior to the new ordinance the property could follow the old standards. If a house burnt down it could be rebuilt under the old standards. Finke explained that existing homes are currently zoned appropriately. He said the properties on the map not in color would stay under their current zoning district.

V. Reid asked for clarification of buffer yards. Finke explained buffering with the use of setbacks and landscaping. V. Reid raised concern with how to buffer a multifamily building since some of the buildings are taller and would not be able to be screened with landscaping. Finke clarified the recommended ordinance and said it may be a good idea to look at building height as a trigger for buffering.

V. Reid asked why attached garages in the multifamily districts were recommended, and if it was only for aesthetic reasons. She said detached garages can have more of an urban design.

Nielsen asked about bonus rooms above a garage and how a credit would apply. Finke clarified.

Nielsen further asked for clarification on daycare uses. Finke reviewed the chart within the staff report.

R. Reid asked if the tree preservation and wetland ordinances applied city wide. Finke said the wetland ordinance applies in the instance of the proposed residential ordinances. Public Hearing was opened at 8:28 p.m.

Bob Kroll of 315 Calamus Circle asked for clarification on the density proposed for the property to the west of Wild Meadows North. He said there are no real trees in the area and had concerns with future development and wanted to see greater setbacks/buffering implemented. He asked when the property to the west of Wild Meadows North Addition develops something adequate is established between them.

Nolan explained the process and how the City was mandated to have a minimum density. He also explained the City selected where the density should be established. He explained the Commission is concerned with the regulations pertaining to buffering rather than looking at a specific development to determine the regulations. Nolan explained the next step and that when a development comes to the City it would be at that time the City would look at a specific property and apply the standards. Kroll clarified that adequate buffering was the main concern of his neighbors.

Paul Robinson of RGN Development had comments related to the R-1 and R-2 districts:

Buffers:

- Requiring a two year guarantee for landscaping seemed fair, but more than that makes it difficult since the builder is typically no longer involved.
- Concern with maximum 60 percent impervious coverage.
- He said building height of 35 feet is standard and it seems to be what people are wanting out there.
- He suggested garage fronts should only pertain to R-3 districts.
- He suggested R-2 districts constructed with side load garages have a lesser front yard setback and front loads would trigger a greater setback. He thought the City should allow flexibility to front yard setbacks for side loading garages.
- He raised concern with the fact that there are not a lot of builders out there to review the recommended ordinance, since there is not a lot of building activity. Once activity picks up again, contractors may raise concern with the ordinance. Overall he felt the ordinance was fair.

Finke explained the intention of credits and that they would be located within the landscape ordinance. He clarified the front yard setback was recently reduced to 25 feet. He felt the side load garages with reduced setbacks was an interesting concept and asked the Commission to further discuss. His main concern was providing sufficient space for a vehicle to park in a driveway.

Nielsen asked if contractors continue to be responsible for tree replacement and after 2-3 years what happens if the trees die. Finke explained the responsibility continues to be held by the contractor. Robinson clarified the issues of tree care.

Mark Lamberty of 4250 Arrowhead Drive raised concern with medium density recommended near his home. He informed the Commission that he spoke with Finke during the open house and asked how the City designated density. Nolan explained a group was formed by the City to determine where certain densities should be located. The process took over 2 years. He

explained it was a culmination of factors which determined zoning on a lot. Lamberty raised concern with the inability to develop his land without additional properties. He explained when the City previously talked about the districts he wasn't aware of the potential requirements and the impacts they would have on developing his lot.

Robinson said he had a vacant lot that he personally planted trees on and asked if he would have to replace a percentage of them if he removed them for development. Finke explained if an owner can prove they planted trees on their lot, they would not be required to replace.

Luann Sawochka of 4268 Arrowhead Drive encouraged the Commission to allow credits for "green" practices.

Nolan asked if staff could provide a visual of what an R-1 district would look like.

Finke explained at the open house people wanted less density and buffer yards. He further explained the objectives of the comprehensive plan which is to get a diversity of densities; Examples of densities: Wild Meadows North is one unit per acre or larger; Wild Meadows South is approximately two units per acre; Foxberry is 1.5-1.6 units per net acre; Cherry Hill is approximately 2.6 units per net acre; Highlands is approximately 3.1 units per acre which are twin homes; Gramercy is 10 units per acre; 705 Hamel Road (3 unit building) was approved for 7.5 units per acre, but is not constructed and Argent Park exceeds 20 units per acre.

Litts asked if during the Comprehensive Plan process the Commission discussed transition of zoning.

R. Reid asked if the City would rezone specific properties. Finke explained that traditionally properties would be in a holding district such as RR-UR until they are ready to be developed or are close to being able to be developed with City services. He further explained the staging plan of the MUSA.

Nolan asked if density should be divided down further for lower density districts. Finke explained it's common to have a variety of single family districts with different lot size standards. V. Reid asked if the ordinance would allow flexibility. Nolan asked if the concern was not meeting the density standards. He would like flexibility since the City has a lot of wetlands.

Robinson asked what is taken out to determine net density. Finke said wetland buffers/right-of-way for collector and arterial roadways, conservation easements, and parks. Finke clarified that the Commission's consensus was to take out maximum lot size and use the comprehensive plan as a guide. V. Reid suggested to only apply standards to each development and not the City overall.

Nolan summarized the Commission's comments on roof height. Finke explained the issues staff had experienced within the Bridgewater development with grades and comments from contractors.

Weir asked if open space would be gained by adding height to 35 feet. Finke said he didn't think an increase in height would trigger additional open space.

Building height was heavily debated and R. Reid recommended the Commission's comments be provided to the Council and to let them make the decision.

Garage facades were discussed by the Commission. R. Reid felt houses with three garage doors facing the street look bad. Terry Pernsteiner of Pernsteiner Design prefers turned garages from a design perspective, which is better for empty nesters but more expensive.

The Commission asked staff to figure out ways to provide incentives to turn garages such as reduced setbacks.

Robinson clarified a minimum of three car garages are needed on homes for storage of boats, trailers, and RV's. He pointed out if sufficient enclosed space is not provided, the storage would be visible outside.

The Commission discussed giving credit for habitable space above garages.

Bill Coffman commented that bonus rooms above garages are really selling well, and often dormers are installed for aesthetics.

Nolan raised concern with an incentive for a bonus room above a garage. The consensus of the Commission was to not give credit.

Finke explained conditional uses have a separate set of conditions under the district. Weir asked if the City will meet residential densities mandated by the metropolitan council. Finke said the ordinance will not hurt the density standards. Nolan asked about daycare requirements. Finke explained he took the Daycare standards from the state standards.

Commission concluded to establish a maximum floor area for R-1 and R-2, and not for balance of districts.

Impervious surface – Finke explained if someone installed a pervious driveway it wouldn't count towards the maximum impervious surface percentage. He suggested if an applicant integrated stormwater treatment, rain gardens or other LID practices on an individual lot, credits should be given.

Nolan asked if it would be appropriate to attach something to each of the districts or have separate low impact design standards. Finke felt it would be more appropriate within each zoning district. A strong consensus by the Commission to provide credits for LID efforts.

Pernsteiner suggested Frank Svoboda as a great resource for integrated stormwater treatment.

Finke explained the City can give other incentives such as reduced fees.

The Commission reviewed density bonuses and Weir suggested requiring two bonus points be granted for one underground parking space for multi-family. Finke said he would add the requirement.

The Commission requested a better definition for “common open space”. The Commission requested staff to better define or clarify landscape buffers and potential credits. Finke explained buffer yards were not included in the R-3 zoning district, but a requirement could be added. The Commission agreed to add requirements to R-3 district. The Commission also agreed to provide a credit for shared driveways on twin homes.

Nolan suggested all commercial and R-3 zoned properties go through a Site Plan Review process for approval.

V. Reid asked if all commercial buildings have to go through a Site Plan Review. Nolan explained it is a requirement.

Finke explained the recommended ordinance exceeds other community’s regulations as it relates to abutting other single family properties. Nolan raised concern with the sensitivity of single family properties abutting multifamily developments. Finke said the overall regulations are of higher standards, which should satisfy his concern.

Summary:

1. Building modulation shall be reduced to 50 feet.
2. Discussed not allowing detached garages.
3. Removal of maximum acreage for the R-1 and R-2 zoning districts.
4. Building height shall be determined by City Council.
5. Site plan review shall be required for zoning districts R-3 through R-5.
6. Newly planted trees shall be transferred to homeowners associations with a maximum of 4 years responsibility.
7. Credits shall be given for low impact development.
8. Reduced setback for side load garages.
9. Garage fronts shall have recessed areas if front load.

Public Hearing closed at 10:38 p.m.

Motion by Nielsen, seconded by R. Reid to approve the ordinance with the changes recommended. (Absent: Simons and Verbick)

**8. City Council Meeting Schedule:** Staff requested the Commission sign up to attend the City Council meetings in up-coming months.

**9. Adjourn:** Motion by V. Reid, seconded by Nielsen to adjourn at 10:40 p.m. Motion carried unanimously (Absent: Simons and Verbick).