

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, July 10, 2012

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

Present: Planning Commissioners Charles Nolan, Robin Reid, Randy Foote, Kathleen Martin, Kent Williams and Victoria Reid.

Absent: John Anderson

Also Present: City Councilmember Elizabeth Weir and City Planner Dusty Finke.

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 June 12, 2012 Draft Planning Commission meeting minutes.**

Motion by Martin, seconded by R. Reid, to approve the June 12, 2012 minutes with noted corrections. Motion carried unanimously. (Absent: Anderson)

6. **Public Hearing – Richard Cavanaugh requests a Concept Plan Review for a potential residential subdivision on 22.86 acres located north of Highway 55 and east of Arrowhead Drive.**

Finke presented the application. He explained the applicant would prefer 75 foot wide lots, which would equate to approximately 3.12 units per acre. He explained that it would not meet the minimum density requirements per the Comprehensive Plan. Finke reviewed the surrounding zoning and their standards with the Commission. He explained the Comprehensive Plan mandates the City to maintain an average of 3-5 units per acre for the MUSA.

Williams asked the applicant if they wanted to avoid a Planned Unit Development (PUD). He further asked if the development would need a mix of housing when they developed. Finke said yes.

Finke identified the area at the NW corner of the parcel and said it was heavily wooded. He asked the Commission if putting this area into preservation would be something they would be interested in doing. Finke suggested that maybe by placing this area into preservation, in addition to the park land being dedicated; they could be allowed to develop smaller lots.

Finke said the project will go to the Park Commission for feedback. He said the applicant shows 2.2 acres dedicated to park. The same family owns additional land to the south and they have stated they would be willing to discuss additional land to the south to be dedicated. He said the Park Commission discussed this area in the past for a possible ten acre park site.

Nolan asked Finke about how the Park Commission came to the decision of wanting a 10 acre park in this area. Finke said area calculations were done based on what the Park Commission thought would be needed or wanted in that area. He said the Park Commission had originally looked at this area and thought it needed broader area amenities. More recently the Park Commission has been thinking they may need a lot more than 10 acres for the type of amenities they were thinking for the area. V. Reid said there are a lot of people within walking distance to this location that could utilize a park in this location.

R. Reid asked what the implications would be for filling in a small wetland. Finke said the applicant would have to go through the Conservation Wetland Act, which would mean they would need to purchase wetland credits or mitigating. She said she sees a large number of the lots having wetlands and hadn't recalled seeing that type of layout before. Finke said with the Lennar project the City required most of the wetland areas to be in an Outlot.

Foote asked about the conservation area staff was thinking for the NW corner of the lot. Finke explained how in the Lennar project the City was able to save a 10 acre area as a trade for change of density and lot sizes and thought that this could be similar.

Martin asked what type of trees were on the property. Finke said he wasn't sure. Martin asked if there was a creek bed running from the southeast corner of the lot. Finke said there was and that delineation had been done, but that area wasn't classified as a wetland under the wetland conservation act.

Applicant Joe Cavanaugh of 275 Lakeview Road in Medina spoke before the Commission. He said they would like to stick with selling their property for single family home construction. He said all the developers that have looked at the property are not interested in constructing townhomes. He added that they would like to run utilities south along the westerly property line to provide development opportunities for property to the west and east. He said by running the utilities to the south rather than the west it would reduce the impacts on large portions of wetlands along Meander Drive. Cavanaugh said to go back and impact wetlands would be difficult

and said the biggest benefit for the City would be for the road connection to be made from their property to Juberts to Arrowhead Road.

Nolan asked about connecting sewer to the south and Finke said tonight was the first he had heard of their request. Foote asked if an 8" line was adequate and Finke said a 12" would be necessary to get west of Arrowhead Drive. Cavanaugh said he wanted to connect utilities to the south to avoid the wetland, which would be a shorter distance and provides future development potential to the south. He said if they installed the utilities along Meander to Arrowhead Drive it would be for no other purpose than for their development.

R. Reid asked if anyone had inquired why Meander was put there. Finke said it was because of reduced road accesses along highway 55.

V. Reid asked if the applicant wanted a PUD when they came in for approval. Cavanaugh said they weren't sure at this time. He said he is just looking for feedback from the Commission so that he can guide interested buyers in the right direction as to what the City is looking for development wise.

Dave Nash of 4610 Bluebell Trail South in Medina, representing the applicant, said the only reason the property needed a PUD was for smaller lots. He said he could probably figure out a design without a PUD.

Williams asked for clarification on what Nash considered a townhome. Joe Cavanaugh said he wouldn't be the builder, since they are only the owners and want to sell to a builder/developer. He said they have gotten consistent feedback that single family homes are the only thing developers are interested in constructing. Williams asked if they had done any exploring to do anything other than townhomes such as twin homes, duplexes, or apartments. Nash said they haven't explored anything other than single family since all builders have wanted absolutely nothing other than single family homes. Cavanaugh said since the City is very high on the SAC fees it makes developing townhomes or multiple family homes more difficult due to the cost per unit. Nash said in Plymouth the SAC fees are charged per acre rather than per unit, so that is why townhomes are being built there rather than in Medina.

R. Reid asked about the proposed street design. Cavanaugh said they have not spent any time on design, since a builder will want their own design and what they are showing is only conceptual. Nash said the more flexibility the City gives them, the more amenities and improvements they can incorporate into the project.

R. Reid said the City rezoned the subject property to a zoning classification that the owners wanted and is trying to understand why now they needed flexibility. Cavanaugh said he is just asking for some flexibility on the density, but still wants it to be residential.

Martin asked what the applicant's objective was to make it work. She asked who would be installing the infrastructure. She said it all seems premature. Cavanaugh said they are before the Commission to get a feeling of what the Commission and Council would consider. He said no one has been willing to purchase without knowing what the City would like to see on the property.

Martin said she is hesitant to say anything about reduction of density without seeing what the development would look like first.

R. Reid said she doesn't think the math works out right to get the number of units they are looking to get.

The Commission discussed in general terms possible amenities that could benefit the development and what would provide flexibility to the applicant. One of the ideas would be to preserve the woodland area in the northwest corner of the lot.

Public Hearing opened at 8:00 p.m.

Public Hearing closed at 8:01p.m.

Nolan said when he thinks about the density he looks at it as a City wide issue. He said in order for him to be in favor of reducing density he would have to see some benefit to the City. He said if preservation of the woodland area was needed or made sense then he would be supportive. Preservation of an area would be an incentive that would compel him to make it worth dropping the density requirements.

Nolan said the Comprehensive Plan says we want to see a mix of housing types. When he hears the townhome market isn't there now it's hard to have City policy follow market trends. He said it's bad City policy to govern by the markets of today. He said density is important and if an applicant wants flexibility they are open to it if they can show what they can give/do for the City to make them an exception. The conservation part of it is very high on the City's list, so the applicant needs to show cause and how they would preserve the woods. He said if they needed a PUD to accomplish preservation of the woods and reduced lot sizes then he would be supportive of using a PUD process. He said the challenge is that the parcel is only 20 some acres with challenges such as wetlands and woods. Based on the current concept plans he would have a hard time lowering density.

Cavanaugh said in order to meet density they could put in eight townhomes and wouldn't be saving the trees. Nolan said it's up to the developer to come up with a design showing why the City should lower the density.

Cavanaugh asked if they could preserve the trees rather than add to the park to the east. Nolan said it has to be a benefit to the City to justify the flexibility. "Best advice is to look at the Comp Plan and explain what City objectives you've accomplished within your development proposal."

No action needed by the Commission.

7. 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 provided background as to why the ordinance was before them. He said the Council had enacted a moratorium and directed staff to study existing regulations on June 5, 2012. As a result staff drafted an ordinance for the Commission and Council to review.

Finke explained what other communities allowed with varied. He said the one consistency with researching other communities was the issue of “noise” and where the sound comes from. He explained the studies he’d reviewed and touched on topics such as shadow flicker, visual impacts and wildlife impacts. He said it was difficult to quantify impacts.

Finke requested direction from the Commission on Policy Questions such as:

- Types of WECS – allow only large turbines; allow only smaller turbines
- Where to allow – Rural and Commercial areas
- Noise – State Rules, setbacks, “New Standard”

Finke said the ordinance recommended a more inclusive ordinance so that zoning districts could be deleted if the Commission felt it wouldn’t be appropriate in a particular district. Incorporating height of WECS based on acreage of property and a setback formula based on height of the wind turbine. He also reviewed noise and design limitations.

Williams asked when the Orono or Corcoran ordinances were adopted. Finke said he wasn’t sure when their ordinances were adopted. The Commission asked Finke if he was aware that they didn’t allow wind turbines and Finke said he wasn’t. Weir said Orono had a person build a monopole and a cease and desist order was given and the property owners were asked to remove the monopole.

Public Hearing opened at 8:40 p.m.

Clarkson Lindley of 1588 Homestead Trail said his wife Nancy and I chose the lot because it had very little height intrusion and from their home they see no other homes from 360 degrees. He said he likes the six decibel over the ambient noise rule. He said their home was very quiet and suggested Medina not allow wind turbines at all.

Dave Eid, representative for Renewable Energy SD customers. He said he’s heard a lot of concern about noise. He said they now have a new air foil design which has a lot higher efficiency than previous. He said the noise from the Council Chambers

clock is the only noise their wind turbine would make if it was a 160 feet in height turbine. Mike Woodley, of Renewable Energy SD said the wind turbine they produce would be like an air conditioner on a monopole. Nolan asked if they felt the ordinance should be modified to separate residential and commercial regulations and he said they would like to see the city use the model ordinance.

Nolan said a lot of towers are less than 200 feet in height. Eid said a lot of providers try and sell 80-100 foot in height turbines but have issues in communities with a lot of trees at that height range which then pushes the height up higher in communities like Medina. Nolan asked how the height was measured and Eid said the height is to the tip of the blade.

Finke explained the various ways the model ordinance worked as it related to setbacks. He said the model ordinance would require properties to have a minimum of nine acres and would need certain width requirements which would more than likely require the turbine to be in the middle of the lot. Martin asked if there was any correlation between the height and noise. Eid said the higher the wind turbine is the quieter it would be.

Eid said their product doesn't produce flicker with three blades and allows lower RPM's. He said Carver County has a wind turbine they could take a look at for comparison to what they are proposing for their client on Homestead Trail. Martin asked for directions to the wind turbine in Carver. V. Reid asked about how long it takes for a payoff of a turbine. Eid said it typically takes 10 years. Martin asked for useful life and Eid said 20 years would be fairly conservative and it comes with a 5 year warranty and they also offer extended warranties.

R. Reid asked Eid if they could live with the proposed regulations. Woodley said an air conditioner at 100 feet is generally a minimum of 50 decibels.

Woodley said the technology has changed and this technology is real. They ask for some sort of clear measurement.

R. Reid asked if proposed ordinance would limit other companies from applying. Eid said the current ordinance satisfies it today because of requiring a certified engineer. He said their tower design consists of 160 foot lattice tower for the skyline visual since it reduces the visual mass. They said the visual impact and blend ability of the lattice tower is what attracted them to the lattice style versus the monopole style. They pointed out that if the City require it to have a specific color and has to be painted, it would be difficult to repaint.

Nolan said maintenance should be required to prevent the sound from increasing.

Public Hearing closed at 9:18 p.m.

Martin said she was having trouble weighing the nuisance of the noise versus the wind energy it provides. Williams said he feels similar to Martin and would have to see one. He feels inclined to disallow since the two communities to the north do not allow turbines. Foote said he doesn't see the practical application in the rural residential areas though possibly in commercial and industrial areas. Williams said if we want to keep our rural character the wind turbines aren't appealing. He said he had concerns with maintenance of wind towers and the implications of expense and future development of the parcel. Nolan said it's really the noise that concerns him.

Nolan said they almost have to determine if there is a nuisance. Williams said there are two different types of nuisances which are visual and noise.

R. Reid asked how large the wind turbine was in Maple Grove. Representative said 300 feet and Finke said he thought it was lower and around 200 feet. R. Reid said she would like to see a difference in regulations between residential and commercial.

V. Reid said when the Hennepin county application came up and then saw the wind turbine in Northfield and that it was located near suburban homes and people she felt it's a good public policy issue to allow them somewhere. She said she lives within approx. a mile and a half from the railroad and highway 55. She said now people would be upset and no idea what the ambient noise is from them but feels the city shouldn't be afraid of something new. She could really see the lattice style to fit on a farm. Require some sort of yearly maintenance and doesn't see it as intrusive in terms of noise.

Nolan said that the Commission should visit the Carver County site and other residential sites before a decision is decided. Finke said a van could be arranged.

Motion to table by Martin then Williams.

Motion carried unanimously. (Absent: Anderson)

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

9. Public Hearing – Ordinance Amendment to Chapter 8 of the Medina City Code related to uses permitted in commercial zoning districts.

Finke presented application explaining how motels and hotels are only allowed in the business districts and that we have a motel in the commercial highway district, which isn't allowed there. The motel is for sale and the owners have an interested party that would like to expand it. He said he's not sure if it was an oversight during the zoning changes, but he didn't think not allowing motels in that district was the intent. He also explained that daycare was allowed in all residential districts and in all business districts yet not allowed in the commercial districts, and he wasn't sure if

they were meant to be excluded. The Commission discussed and they determined they didn't want to allow daycare in the commercial zoning districts.

Martin said she always thought religious institutions were only permitted conditionally. She asked why religious institutions wouldn't be a permitted use rather than a conditional use. Finke explained they are more commonly in residential districts which would require conditions. Martin said she doesn't see them any different than a big box user.

Public Hearing opened at 9:49 p.m.

Public Hearing closed at 9:50 p.m.

Motion by V. Reid, seconded by Foote, to recommend approval of the ordinance amendment, with the exception of excluding daycare uses from the commercial district. **Nays – Martin**. Martin said she voted against the ordinance amendment because she doesn't see a reason why a daycare facility couldn't be in a commercial zoning district. (Absent: Anderson)

10. Council Meeting Schedule

Commission discussed the monthly updates to the Council and its need.
Next Tuesday Williams.

11. Adjourn

Motion by R. Reid, seconded by V. Reid, to adjourn at 9:56 p.m. **Motion carried unanimously**. (Absent: Anderson)