

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday, June 11, 2013

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

Present: Planning Commissioners Charles Nolan, Robin Reid, Mark Osmanski, Victoria Reid, and Kent Williams.

Absent: Commissioners Randy Foote and Robert Mitchell (arrived at 8 p.m.)

Also Present: City Councilmember Kathleen Martin, 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**

Martin 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 May 14, 2013 Draft Planning Commission meeting minutes.**

Motion by R Reid, seconded by Osmanski, to approve the May 14, 2013 as presented. Motion carried unanimously. (Absent: Foote and Mitchell)

6. **Money Tree Holdings, LLC — PID 01-118-23-22-0006 (east of County Road 116, south of Hackamore Road) — Preliminary Plat for 13-lot subdivision on 10 acres (5.72 buildable acres) and Rezoning to the R1-Single Family zoning district. TO BE CONTINUED TO FUTURE DATE**

7. **Complete Eye Care of Medina – 170 Westfalen Trail (PID 12-118-23-41-0117) – Site Plan Review for construction of new commercial building.**

Finke presented the staff report and stated the applicant proposed a 4400 sq. ft., 2-story building at Hamel Station development at Hwy 55 & Sioux Drive. Overall development of Hamel Station received variances and site plan review approvals in 2007, but this is an amendment to that site plan review with additional standards from the current zoning district.

Finke noted that the site received a variance to exceed 25% hardcover allowed adjacent to Elm Creek, and that staff recommends that the same amount or less

hardcover be considered for this site as shown for the coffee shop on the 2007 approval. The proposed building is larger than the coffee shop, but the lack of drive thru and patio seating offsets this difference. Proposed to use existing stormwater improvements from 2007 which City Engineer estimates will meet rate control and nutrient reduction, but not volume control/filtration requirements. Ordinance allows for waiver for plans approved prior to ordinance. The development will be served by a shared drive off of Westfalen which will continue west when property develops, and parking is also proposed to be shared. The subject site is under-parked, which is made up by extra parking on western lot. The applicant proposes to construct some of the parking on the western lot along with the building. Staff recommends cross-easements and maintenance agreements.

Finke concluded that staff recommends approval with conditions noted in staff report.

Williams asked if stormwater management could be improved by additional landscaping. Finke stated full volume control would be difficult with the space available but some filtration could be achieved, perhaps within a larger landscaping island in the parking lot.

Nolan asked how the overall hardcover was being tracked with consideration of the final phase. Finke said staff measured the approved coffee shop site and compared it to current proposal. Staff does not recommend "borrowing" hardcover from the other lots. Nolan asked why the landscaping was being reduced. Finke stated that the main reduction was plantings which were proposed in the coffee shop patio area. Nolan asked how the applicant was going to reduce the hardcover. Finke responded that that the drive aisles could be reduced to 22 feet in width and the sidewalk could be removed from the east side of the building, since there is an existing sidewalk on the east side of the access drive and also one between the buildings to the west.

Joe Gearen of Zeller Realty, representing the applicant, stated the building is bigger than the coffee shop but some of the space is 2nd level storage. He stated that Dr. Wesley is concerned about parking because the current site does not have enough.

Dr. Gina Wesley, applicant, said there are two doctors that will be on site and that parking is necessary for both staff and customers. Nolan asked if it is a shared parking situation. Finke stated it was and that the applicant is building some of the parking stalls for the west lot and that an agreement was required for all lots.

V. Reid asked about aesthetics from Hwy 55, noting that fewer trees were proposed than required by Ordinance. Finke said there are restrictions on the property to the north because of Met Council sewer improvements, but there was more flexibility to the east. There is a fair amount of vegetation on the site and the willows are coming back.

Nolan asked Finke what could be done regarding the landscaping and stormwater improvements. Finke said there is a good possibility to combine both stormwater management concepts and landscaping with the reduction in the drive aisle.

Williams said that he believes the applicant should provide for filtration in the landscaping.

Mitchell arrived at 8 pm.

Approval with conditions in Staff report, and have Staff work with applicant on mitigating stormwater affects through landscaping design from the proposed development consistent with the applicant's desired goal to keep as much parking as possible.

Motion by Williams, seconded by R. Reid, to recommend approval of the Site Plan Review for the construction of a new commercial building with the conditions noted in the staff report and an additional condition that stormwater filtration be provided, keeping in mind the applicant's desire to keep as much parking as possible. Motion carries (Abstain: Mitchell; Absent: Foote).

8. Ned Sorley – 4200 Hillview Lane (PID 06-118-23-41-0002) – Comprehensive Plan Amendment to extend the Metropolitan Urban Service Area to include property to permit existing lot to connect to municipal sanitary sewer system.

Sparks presented the request. He noted the property is located in Medina, adjacent to the City of Loretto and the existing home is being demolished to construct a new home on the lot. The owner has requested to connect the new home to Loretto's sewer system, which would require the City of Medina to amend its Comp Plan to include the property within the Metropolitan Urban Service Area (MUSA). He noted that the existing home is served by a septic system which is partially located on the neighboring property within an easement, and that the applicant has stated that there is not a suitable location near the proposed home site to locate a septic system. Sparks stated that indications were that a system could be located on the western portion of the site, but this is a long distance from where the applicant is choosing to construct the home.

Sparks noted that the acreage of the property would be counted against the City's density calculations, which are at the minimum of 3.0 units/acre. Sparks noted that, when calculating density, the Met Council requires the City to assume that every future development will be at the absolute minimum density, but that some of the developments which have been approved have been slightly above the minimum. This means that the City has a little leeway in terms of density; essentially a "bank" of extra units. However, staff believes the City should have a policy to determine which MUSA expansions are acceptable because it is unlikely that the City could allow all residential properties adjacent to sewer to be included within the MUSA and

still meet density. He mentioned that the City has expanded sewer service in the past to bail out failing septic systems when there were no practical alternatives to replace the system on the property. However, this is not the case for the current request.

Osmanski inquired if the applicant has explored the potential to amend the easement to allow for the septic system to be expanded.

Sparks stated that the applicant did not provide information related to that option.

Ned Sorely, the applicant, stated that it seemed to him that hooking up to the sewer just makes sense and should be a win-win for everybody. His neighbor could get a septic off his property, Loretto gains a customer, and Medina should be happy to abandon a middle-age septic system. However, after speaking with City staff, he understood the complications to something that makes so much sense. Hooking to the sewer is better for the environment. Sorely stated that he understands the density issue, but the staff report clearly shows that the extra density in the existing development would cover his property being included, and would cover other property as well.

Sorely noted that if the City did not permit the property to be connected to the sewer system, they would probably re-design the house so that it would be possible to re-use the existing septic system. He stated that they have not priced out a new septic system on the portion of the property which could support a septic system.

Williams inquired if the density issue could be dealt with by subdividing around the house and putting the rest of the property into a separate lot. Finke said that would be inconsistent with the policies for rural lots. Williams stated that if the MUSA expansion was solely for the convenience or cost-saving of the property owner, he would not support it.

Steve Duncan (4155 Chippewa Circle) stated that in 2001 the neighbors were selling their house and they placed the replacement system on their property. He stated they came up with an agreement with the previous owner. The system could remain for 10 years, so long as no repairs would need to occur. He said when he saw the notice; he said hip-hip-hooray. It makes sense and is a win-win to hook up to Loretto. He stated that he does not want the septic on his property, they could lose a sale.

Williams stated that it sounds like they could require the Sorelys to get the septic system off of the property already, regardless of the City's actions.

Duncan stated that this is true.

Mitchell stated that he did not believe the request was ready for review. He believed more information related to the septic easement should be provided. He asked if the easement ended after 10 years.

Finke stated that the easement which is of record did not end in 10 years. However, the easement does require the removal of the system when a new one is constructed.

Mitchell stated that it is troubling to let people hook up contrary to the staging plan. He wondered if the City allowed the property owner to hook up, and should they pay the connection fees for the 15-units that are expected to occur in the future. He noted that there is not an emergency health concern, and that there are potentially other alternatives which could suffice.

Nolan noted that he is more cut-and-dry from a policy standpoint. The Comp Plan is supposed to be a strong document and should only be amended if there is an extremely compelling case to do so. He noted that developers always want to put in lower density, and that the “bank” of units might be used to save environmentally sensitive areas. Nolan stated that policies are set in general terms, and that when applied to a specific case, seems like it doesn’t make sense. But when you look at precedent and other cases, you have to say “sorry” to the specific.

R. Reid stated it was a numbers issue, and she is hesitate to open the door because there will almost certainly be others. She noted that this was a very logical thing to request, but the math doesn’t let the City approve of the MUSA expansion.

V. Reid noted that she sympathizes with the applicant but still recommends against the Amendment.

Motion by Mitchell, seconded by Osmani, to recommend denial of the Comprehensive Plan Amendment to extend the Metropolitan Urban Service Area upon the findings that: 1) the Comp Plan does not allow for the provision of urban services in the Development Post-2030 land use designation; and 2) the required offset of density is not in the public interest and could negatively impact the City’s ability to meet its density requirements while serving other objectives such as natural resource preservation. Motion carries unanimously (Absent: Foote).

10. **Council Meeting Schedule**

Victoria Reid agreed to attend and present at the June 18th, 2013 Council meeting.

11. **Adjourn**

Motion by R. Reid, seconded by V. Reid, to adjourn at 8:58 p.m. Motion carried unanimously. (Absent: Foote)