

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, October 13, 2009

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

Present: Planning Commissioners, Jim Simons, Robin Reid, Victoria Reid, Michele Litts, Charles Nolan, and Kent Williams.

Absent: Beth Nielsen

Also Present: City Planner Dusty Finke, Planning Assistant Debra Peterson-Dufresne, and Stephen Gritman of Northwest Associated Consultants, Inc.

2. Public Comments on Items not on the Agenda:

No public comments.

3. Update from City Council Proceedings:

Weir presented the update that the Council:

The Council:

- approved a final draft of the Local Surface Water Management Plan;
- approved the five sections of the sewer residential ordinance, as recommended by the Planning Commission, and adding EIFS as an accent material, increasing the possible pitch of roofs up to 35 feet if there is sprinkling, as long as the eave height is no greater than 32 feet, and reduced the setback to the side yard buffer to 10 feet in R 4 and 5;
- reviewed the letter that will go to all residents, regarding the 2010 budget, that proposes a one percent tax levy increase;
- directed staff to draw up a resolution for a two-year delay of the closure of access to the Ace in-line shops across the median strip on County Road 101;
- approved a landscaping master plan for Hamel Legion Park;
- directed staff to prepare a contract for construction of the Uptown Hamel monument sign;
- had an initial overview of the Business Park Zoning Ordinance and discussed increasing the minimum lot size back to five acres in BP, with a three acre minimum in integrated development;
- increased the maximum driveway width at the curb from 22 feet to 24 feet, with 28 foot flair at the property line. All non-conforming driveways will be grandfathered in;
- gratefully recognized the many Medina Celebration Day volunteers and contributors, and the Field House Task Force volunteers.

4. Planning Department Report:

Finke updated the Commission on possible land use projects forthcoming and ordinance amendments they can expect to see this year.

5. Approval of September 8, 2009 Planning Commission Minutes:

Motion by R. Reid, seconded by Williams to approve the September 8, 2009 minutes with recommended changes. Motion carried unanimously. (Absent: Nielsen)

6. Public Hearing – Ordinance Amendment – Chapter 8 of Medina’s City Code creating new zoning regulations for future development on property identified in the Mixed Use land use in the City’s 2010-2030 Comprehensive Plan.

Gritman provided background in the shaping of the Mixed Use District and how some existing zoning regulations were imported into the proposed draft ordinance. Buffering standards were incorporated, differing from the City’s existing buffering requirements. The Mixed Use District is proposed to be lateral rather than vertical in design. He further explained the process requiring the following three stages:

Stage I Plan Establishes:

- land use patterns
- developable land
- development capacities
- public uses
- infrastructure
- vehicle pedestrian circulation
- other generalized site analysis
- conceptual development parameters
- recordable document

Stage II Plan Establishes:

- recordable plat
- recordable development agreement
- provides development details

Stage III Plan establishes a staff level review of final plans from Stage II development documents, which requires recording.

R. Reid asked if the mixed use district was residential, commercial, or both. Finke and Gritman both explained the mixed use business would accommodate both residential and business.

V. Reid asked for clarification of flexibility within the mixed use district. Gritman explained the flexibility aspect meant it would allow a variety of uses and developers would be able to

respond to market demands. The Comprehensive Plan has certain expectations related to housing that would need to be followed. Williams asked if residential was proposed to have a minimum of 50 percent within a land use application. Grittmann concurred. Williams asked for an explanation of the difference between a Planned Unit Development (PUD) and the proposed mixed use district. Williams asked if the process would be less flexible yet provide more certainty to a developer. Grittmann said from a procedural aspect it would be similar to a PUD. The specifics of the proposed ordinance relate more to the internal requirements of the district. For example if a project was proposed under the ordinance the underlying use would have to follow the specific regulations for the use. If it were PUD the developer could request to not meet certain ordinance requirements and provide something to the City in exchange.

V. Reid asked if vertical development was part of the district. Grittmann explained vertical is not the intention.

R. Reid asked about coffee shops and retail uses. Finke clarified retail type uses would be allowed even though they aren't specifically listed.

Public Hearing was opened at 7:44 p.m.

John Raskob of 345 Comanche Trail spoke before the Commission voicing concern of density and future process within the proposed district. He explained his past experience with the City has been costly without approvals. He wanted to make sure whatever is adopted will be developer friendly and provide guidance. Grittmann explained density would range from 3.5-6.99 units per acre as a residential component.

Rascob is concerned with storm water run-off on his property. He asked if the issue would be resolved on his property specifically. Nolan clarified the purpose of the ordinance. Rascob asked if bonuses would be allowed for residential density.

Weir explained the bonuses wouldn't take the density above seven units per acre.

Nolan explained by doing the right/better design the density would be allowed to be increased, yet not exceed 7 units per acre.

Rascob provided a scenario of an eight acre parcel with one acre being utilized for storm water. He asked if the one acre providing storm water would count towards density units per acre. Finke explained the storm water pond area would not be taken away from net density acreage to determine total overall density for the site, though seven units per acre maximum would be the maximum with any credits that may be applied to the project.

Jerry Jubert of 2440 St. Albans St. N., Roseville, MN owns acreage in Medina. Jubert asked what determines a buffer. Nolan explained the language within the ordinance regarding buffering and that it is determined by vegetation and distance.

Rascob asked for clarification of uses allowed within the proposed draft ordinance. Nolan explained the structure of the ordinance and that some uses are not spelled out specifically, rather

identified more broadly so that each type of use would not have to be listed and have the potential of missing a use that may be intended to be allowed.

Nolan said he thinks of a mixed use district as a transitional use and would like further language added to the purpose statement to reflect it.

V. Reid asked if the ordinance has a ceiling for commercial or a maximum percentage. Finke explained the ordinance does not have a cap on residential, but commercial uses have a maximum of fifty percent.

Public Hearing was closed at 9:45 p.m.

The Commission discussed the possibility of transit within the district and asked staff if it should be mentioned in the purpose statement. Finke explained transit is extremely limited in the mixed use district.

Finke explained they may want to add uses from the Commercial Highway District rather than just using the Commercial General District uses. The Commission concluded to not reinvent the wheel, and utilizing existing language from other districts would be appropriate.

Gritman explained the purpose of Stage I is to use it as a tool to make sure it clearly identifies the guidelines of density and layout. V. Reid asked about five foot side yard setbacks in residential portions of the district if they should be increased to ten feet. Finke explained the reason for setbacks so close is it's the only way to achieve more density. He further explained Cherry Hill had 5 and 10 foot side yard setbacks which required a minimum of 15 feet between homes within the side yard.

Weir asked for clarification on daycare facilities serving 16 or fewer persons within the district. She felt the ordinance limited who could provide daycare because of the distance from Highway 55 requirement. Finke explained it is only to apply to multi-family density.

Finke raised concern with the two trees in the front yard requirement. He said it would be difficult on a 60 foot lot in which the driveway takes up 28 feet of the width of the lot. Concern is it would not provide sufficient space for two trees to survive. Finke recommended a minimum of one tree in the front yard.

Finke explained building modulation within the recommended zoning district. Nolan suggested consistency amongst districts.

Finke explained building height is limited to a maximum of 35 feet under the commercial design standards. The Commission concluded higher buildings along highway 55 would be more appropriate and would buffer any residential that may be adjacent to commercial.

The Commission discussed loading docks and asked Gritman of his experience in other communities. Gritman explained some ordinances don't allow loading docks to abut residential. The Commission asked staff to look back at the General Business District and how loading

docks were handled adjacent to residential districts/housing. Finke asked if the mixed use district needed separation from loading docks. R. Reid said some residential neighborhoods may expect some commercial adjacent to them.

R. Reid stated outdoor speakers in the outdoor dining and/drinking areas didn't seem appropriate. The Commission discussed the rationale behind allowing speakers and the distance of 200 feet and why abutting loading docks was only 100 feet in the general business district. Peterson-Dufresne commented that additional distance for outdoor dining and drinking areas is due to constant noise, rather than the periodic noise from trucks in loading areas.

V. Reid raised concern with taller buildings being adjacent to residential yards such as office buildings peering down on residential yards. Nolan suggested transitional language added to avoid a three story office building being constructed next to residential homes.

Nolan suggested a paragraph be written explaining transitioning of uses and physical factors.

Finke brought up the use of outside storage within the mixed use district. He explained Highway Commercial and Commercial General allowed outside storage. He suggested revisions in setbacks. Gritman suggested outdoor storage not be permitted adjacent to residential.

The Commission discussed the Stage III requirements and finalizing of documents. The Commission concluded that they did not want the project to expire after six months as written if the developer has "good cause" why they need more time.

Nolan recommended material sample boards be required for projects. Finke explained that it is currently required under a Site Plan Review and not a CUP.

Motion by R. Reid, seconded by Simons to keep the public hearing open and request recommended changes to be made for Planning Commission review. (Absent: Nielsen)

7. Public Hearing - Ordinance Amendment of Chapter 8, Section 825 of Medina's City Code, pertaining to the procedures for Concept Plan Review applications.

Finke explained the Concept Plan Review process and what could be expected of the ordinance. He said not all communities have concept plan reviews, sketch plan reviews or public hearing requirements. Nolan asked about notification and distance from proposed projects. Finke explained a public hearing notice would be required unless the Commission recommended otherwise. Williams and Simons said they'd like to keep notices and public hearing mailings the same. Weir requested clarification from Finke of distance for public hearings. Finke explained it was 2000 feet for rural residential districts. Weir said she did not want the distance to be reduced at the public hearing. Nolan felt it's important to have all notifications consistent so developers would be aware of all concerns up front before they invest a lot of money into a project.

The Commission concluded consistency with notification, having flexibility with the information submitted for review with a basic level of information necessary, a general level of building

design provided, and identification of natural resources would be necessary during a Concept Plan Review. Weir said there is support from the Council to have the distance of notification expanded.

Two things added within the requirements for submittal:

1. natural resources information on the property
2. building design

Public Hearing was opened at 9:54 p.m.

John Rascob of 345 Comanche Trail commented on past Concept Plans submitted and issues he has had in the past with dealing with the City. He said builders and developers should not have to spend thousands of dollars on a Concept Plan. Nolan explained what his vision was of the Concept Plan process and how plans providing issues such as grading or wetlands could be reviewed and commented on by staff early on through the Concept process. The applicant would then be aware of potential costs or changes needed for the property.

In summary the Commission discussed the expectation of concept plans. Nolan explained the more specific a plan provided the better the feedback an applicant would get back from City staff, Commission and Council. He further explained some properties may be more difficult than others. If a property has more issues such as wetlands or drainage the applicant should provide details of those issues up front.

Public Hearing was closed at 10:07 p.m.

Motion by V. Reid, seconded by Litts to approve the ordinance amendment with recommended changes. (Absent: Nielsen)

8. City Council Meeting Schedule:

9. Adjourn: Motion by Williams, seconded by V. Reid to adjourn at 10:15 p.m. Motion carried unanimously. (Absent: Nielsen)