

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Tuesday, October 9, 2012

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

Present: Planning Commissioners Robin Reid, V. Reid, Charles Nolan and John Anderson.

Absent: Randy Foote, Kent Williams and Kathleen Martin

Also Present: City Planner Dusty Finke, Planning Assistant Debra Peterson, and NAC Consultant Nate Sparks.

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

No public comments.

3. **Update from City Council proceedings**

Finke 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 September 11, 2012 Draft Planning Commission meeting minutes.**

Motion by V. Reid, seconded by R. Reid, to approve the September 11, 2012 minutes as written. Motion carried unanimously. (Absent: Foote, Martin and Williams)

6. **Public Hearing - Toll Brothers, Inc. - Requests Concept Plan Review of 125 single family residential homes on an 80 acre parcel located east of County Road 116 and south of Hackamore Road known as the Gorman Farm property (PID 01-118-23-21-0004).**

Finke presented the application describing the application to have Single family homes and zoned R-1, Single Family Residential. He further explained all the processes the applicant would have to go through as part of the Preliminary Plat, such as Wetland impacts subject to WCA, tree replacement/landscape plans, parks and trails.

Finke explained the Comprehensive Plan for a park within a half a mile of each household. Anderson asked why the Park Commission decided against requiring a

park for this development. Finke said because surrounding developments have private amenities, he didn't feel it was necessary.

Nolan asked about trees to be removed. Finke said a significant amount of trees would be removed as part of grading the site and to provide drainage needed. R. Reid asked why all the trees weren't shown on the concept plan at the Northwest corner/lot line. Nolan asked staff to make sure this information is shown in the future. Anderson said the applicant is proposing 125 single family homes and asked if there was any discussion of townhomes. Finke said not that he is aware of, but he could ask the applicant.

Nolan asked about the one access point for the property to the north accessed out onto 116. Finke said that staff would not be recommending direct access out onto 116.

Nolan asked about the proposed filling of wetlands. Finke said at this stage the applicant has talked about purchasing credits, but would have to go through the technical process with the watershed. Nolan said the areas of that impact would be three wetlands. Finke concurred. Nolan said the plan (C4.01) with the grading lines appears to have a lot of encroachments within the buffer and was curious about it. Finke explained restoration and planning of all wetlands would be necessary as part of the platting process. He concurs it appears to have encroachments.

V. Reid asked Finke to define the outline of the wetland area. Anderson asked Finke to reference on the map where the Park Commission disagreed concerning trail location. Finke showed a trail along the internal roadway and woods. He said the Park Commission was in favor of trails along Hackamore.

Alex Martin of Toll Brothers gave their company background and the six locations they are currently located. Toll Brothers is a National builder but they predominantly deal with the high end luxury group. He said it would be similar to the Wild Meadows South, except for the stormwater management. They are a custom builder and keep a keen eye on streetscape with continuity and aesthetics. He explained the plans before the Commission are not Engineer drawn. He said they held a neighborhood meeting last week and is working with approximately 30 people, though over 400 people were notified of the project.

Nolan asked the applicant about stormwater and he explained. Anderson asked if they owned the property or if under contract. Martin said it's under contract.

Anderson asked if the applicant had considered townhomes. Martin said the Wayzata school district has done well over the downturn in the market. He said homes are selling in the Single family residences and they gear their plans based on the market.

V. Reid asked if they had developments that just had open space rather than park amenities. Martin said yes they have done such. Martin said they look at developing communities rather than just homes.

R. Reid said her other concern is traffic and understands a study would be required. She asked how they deal with the study. Martin explained they would complete a study involving all necessary agencies. Also, trips per household are also considered.

He said a lot of it is a Partnership, and then blindly going with what they think is right.

R. Reid asked why the northwest corner stand of trees isn't shown on the concept plan. Martin said he wasn't sure. Martin said the seclusion of the trees is wonderful and to preserve the trees is important.

Martin said the site doesn't work for townhomes based on market, location, and price points.

Nolan asked about the 500 year flood location. Finke explained it appears that the location isn't accurate and said the City doesn't regulate the 500 year floodplain.

R. Reid said we have a few concepts of the exterior elevations and wondered if they will have a variety of homes. Martin said they would provide more styles than what is shown. He said in Eden Prairie they have five styles with five additional exterior appearances. He said custom fronts are important and they don't allow the same floor plan and exterior elevation next to each other or across the street. Nolan asked if they would be actively marketing five different floor plans.

Public Hearing opened at 7:58 p.m.

Derek Hayes, 295 Calamus Circle in Wild Meadows, said what attracted many of us was the nature preserve, so they bought 120-150 acres around their development. He feels it is a true asset to both Wild Meadows owners and the City. He feels taking away almost 50 feet of trees along property lines would take away their privacy and investment they've put into the area. They want to be able to maintain their privacy. They are also interested in understanding the water plan for this development. Many of them have invested substantial amounts of dollars to make drainage work correctly and drain tiles were built approximately five years ago along the tree lines which have since resolved their drainage and flooding issues.

Bob Kroll of 315 Calamus Circle said the association had to run a major drain tile in the wooded area along the east property line of the proposed development. He said they had problems with flooding in their back yards, but now are not having issues since drain tiles were installed. He said the proposed trail goes right into his back yard without any potential for a connection. He disagrees with putting in a trail for the future that leads to nowhere. He is opposed to cutting trees down for such a trail. He is also worried about the safety of others with such a trail since it will only attract teenagers, especially if it dead ends.

Anderson asked about when the flooding occurred. Bob said about five years ago and flooding came close to their homes and was killing out some of the trees, which were reduced about 50% due to that flooding and then to take out more trees now would be considerable.

Nolan asked where the natural drainage flows. Finke said it appears to flow towards the wetlands, but would be better clarified once engineering plans are provided.

Kirby Johnson of 320 Calamus Circle said he's getting a lot of input from neighbors. He is concerned with the possible trail and that Wild Meadows North has recently paid \$120,000 to put limestone on their trails which are "private." He said the applicant appears to be marketing a joint neighborhood with them and they are "private." He said he thinks the new development will need a place to walk their dogs so that they don't think they can come into Wild Meadows trails which are posted, but could lead to complaints and police calls. He thinks the new development should have its own trail system.

Joe Cavanaugh has a 10 acre piece just north of the development. He said he gave Finke a new design of the land and wanted to say he supports the project.

Jill Voltin of 630 Shawnee Woods Trail said one of their concerns is if the park doesn't happen would more homes be constructed? Martin said if the park goes away then they would be below the minimum density and they would have to build homes. She said they have a very high water table and some of their homes have sump pumps constantly running. She said the water is holding in the woods. Voltin also asked if a hydrologist report had been done. Alex Martin said soils tests have been done and he said once it's complete they would submit the report to the City and it would become public record.

Eric Voltin of 630 Shawnee Woods Road said that he wondered if the fact that Wild Meadows flooding got better around the same time that his neighborhood started having more issues were related. He said every time it happens they continue to lose trees. He said the way the homes are shown now along the southern property lines they'd be cutting very close to the lot line when cutting trees. He asked if it would be possible to save the trees, or offer the strip of tree line to sell to the people along the south side to save them. He said the Open House said Toll has standards on silt fence around tree lines and asked if the City had separate standards.

Steven Theesfeld of 600 Shawnee Woods Trail said his property sits where the trail is proposed to end. He said he knows you can't stop development, but most of them bought these properties years ago because of the rural nature and preservation of the trees. He said he likes the idea of the City giving the developer a park credit since it could help preserve the wooded area along their property lines. He further explained it is his property that the trail dead ends at, which is right next to his septic mound. He said he envisions kids playing on his property, since the trail dead ends there and said they bought into the neighborhood for privacy so therefore the idea isn't appealing. He said his deed doesn't show an easement for a trail. Theesfeld also brought up concerns with the bus stop along 116 and cars not stopping for busses. He said the road really isn't ready for another development. It seems our quest for development is ahead of us being ready. He said he remembers the Swanson proposal in the past was told by the County, "no more access points on 116." He is also concerned about the kids getting on the bus at that stop. Theesfeld asked the Commission to take the time to give the County time to address issues. He invited anyone that was interested to come to his home to see the water issues, woods, and location of dead end trail proposal.

Nolan asked about access onto 116 and Hackamore. Finke said a traffic study would be done.

Heather Czech of 660 Shawnee Woods Road said her concern is drainage, trees, road access, 116, and privacy. She said their taxes have doubled, but they love the Wayzata schools and the community. She agrees development marches on and feels the unique nature is the high water table. She said it's the excavation that will impact the drainage and tree lines. Czech asked if it would be possible to have deeper lots along the southern south side. A letter was submitted with all neighborhood signatures.

Nolan encouraged the applicant to work with neighbors.

Jim Burkstrand of 4475 Maple Leaf Court resides in Foxberry Farms development. He said he was the 5th home constructed in Foxberry Farms and lives on Maple Leaf Court and explained that if the proper protection is put in around the trees they could be saved. He said the trees in his yard when under construction were done properly and they didn't lose any trees; so if the builder pays attention to it they'll be fine. He said his main concern is County Road 116 and the Fields of Medina development to the west. He said this can't be discussed as a single issue. He thinks the speed limit should be reduced and an additional stop light put in.

Weir said the City doesn't have jurisdiction over speed limits.

Dale and Judy Gronberg of 565 Hackamore Road were in attendance. He said he was unable to attend the neighborhood meeting and hasn't been part of any development talks. He is wondering how this is going to affect him in the future. He discussed further concerning road improvements and water, with his main concern being possible assessments. He is currently on a well and septic and is wondering if they would have to put a lift station on the east end. He feels like the odd man out since there is no real plan for development along Hackamore Road. He feels he is at a disadvantage based on sewer and water. He asked about the trail and Finke explained the City would meet with property owners when the time comes. Gronberg also wondered if this new development would change his ability to build a new home on his property and feels it could. He is located on the second lot to the west of the entrance along Hackamore. He said he gets substantial drainage from Wild Meadows since they made their improvements. He once had ducks nesting in his yard but then the City installed culverts which he paid for and it has since resolved his drainage issues.

Nolan asked the applicant if they approached the property owner along Hackamore between the proposed park and entrance into the development. The property owner, Marilyn Larson said was never approached.

Denny of 625 Hackamore Road asked if a study determines an upgrade is needed on Hackamore who would pay for it. Finke said another significant development across from Hackamore to the north in Corcoran is also being considered and a traffic study would consider both. Denny asked if Toll Brothers would be required to install a lift station. Finke said the goal would be to hold it as deep as possible through gravity so there would be no need for a lift station.

Matt Denault the Civil Engineer for Toll Brothers explained he's done a preliminary analysis on whether a lift station would be needed and thinks they won't need one. Their intent is to run a gravity sewer, with potential to serve others outside of the development.

Harry Denny of 625 Hackamore Road asked if a lift station was planned. The Engineer for Toll said they were going to try and run the lines deep enough to get gravity so they wouldn't need a lift station. Denny asked if the proposed development would stop them from being able to put a new septic system in on their property. Finke said current properties can continue to maintain and install new septic systems. They explained they want to sell their property now as a five acre parcel and wondered if they would be able to put in a new septic. Finke said the property can have the house torn down and rebuilt. He explained the Toll application wouldn't preclude him from any of his rights or selling his property.

Marilyn Larson of 435 Hackamore said her concern is the drainage. She said drainage has come from the Wild Meadows development and the City hasn't done anything about it. The ditches aren't deep enough. She likes the park along the side of her property. Nolan explained if the issue is from Wild Meadows then it's a private issue. He said sometimes there are ways of alleviating the problem by talking to the developer.

Martin said the Gorman property is one of the higher points.

Jeff Pederson of 710 Shawnee Woods Road said he echoes what his neighbors are concerned with and he has a road at the back of his property. He said he's 50 feet from the back property line and asked if the developer would consider a fence.

Public Hearing closed at 8:56 p.m.

Nolan explained this is a conceptual plan to provide the City with feedback. There is no real formal vote tonight.

V. Reid said it is clear that there is a major drainage problem. She stated that the applicant needs to save more trees and that she would support credit for a private park and a larger play area. She said that the park doesn't need to have amenities, but just an area to run and play. She said she is the only one on the Commission that lives in a planned development. She said she has four sons that like to play soccer and thinks that kids should not have to cross County Road 116 and should have their own play area. She thinks there should be a comp plan amendment to allow for higher density. She stated that traffic is a major problem on County Road 116 now and will only get worse increasing households with Hwy 55 so close. She said it is faster to go to County Road 116 even if there are major backups.

Anderson agrees with V. Reid and with the drainage. She said hearing from all the neighbors provides evidence and appears to be an issue which needs to be addressed. Martin said he feels all parties need to come together to discuss drainage problems. The owner between the park and the entrance said she's been here since 1979 and the field used to be planted and now it isn't.

Finke suggested the attendees contact their Commissioner to help with stop lights and road improvements and get organized.

R. Reid asked the purpose of the ghost plat of the property to the north near 116. Finke said to look into the future. Would like to see the streets curve a little more and it has a long straight away. Alex Martin said it was his first comment to want the same. R. Reid explained that the City wants to preserve trees. Martin said that is what they want also. R. Reid asked the name of the development in Eden Prairie and was told it was "Eden Prairie Woods."

Nolan said he tends to favor the Commission and their recommendations such as the Park Commission, because they've studied it more regionally. He said the Planning Commissioners typically tend to also lean that way. He said as far as the trail is concerned, if the Park Commission doesn't see value in it then more than likely they wouldn't favor it. He would like to see more creativity as a general rule. A serpentine road is more desirable and he would like the applicant to think outside of the box a little more. He also isn't sure about the multifamily part of it. He's only partially sympathetic since the City would like to see a little more variety of housing types. He explained the Metropolitan Council regulates density, so if the City allows lesser density then we would have to see it made up somewhere else. He said he would still like the applicant to look at a variety of housing with higher density in at least one area.

Pederson's main concern is the road location and is studying it on his own and Nolan felt would be better.

Nolan was concerned with the length of the southern road. He also mentioned the issue of the traffic and asked Finke about it and how much the City would coordinate that. Finke said they don't have any pending applications, but he has started conversations with Corcoran.

Nolan asked the applicant to look at the water from more of a regional perspective. The City should encourage the neighbors and applicant to get involved in resolving the drainage issues.

V. Reid said she wants to reiterate her support for a park which she feels builds a community. She doesn't like the location on the plan for a park, but would rather have it as an area that serves the kids.

Alex Martin said they would have another Neighborhood Open House that will be hosted on-site and encouraged attendance. He said they want to be good neighbors. Finke said the application would go to the City Council next Tuesday.

7. Public Hearing – Jacob Moser – Requests Variances to construct a new home in the Urban Residential (UR) zoning district along Ardmore Avenue (PID 18-118-23-24-0154).

No Quorum, so item was not heard. The Commission discussed a Special meeting on October 24, 2012 if a quorum could be met,

otherwise it would be heard at the Planning Commission's regular November meeting. The new date to hear the application would be emailed to those individuals providing their email address and all property owners within required distance for notification.

Motion by Anderson, seconded by V. Reid, to postpone the public hearing. Motion carried unanimously. (Absent: Foote, Martin and Williams)

Dusty will be sending an email to the Planning Commission concerning options for a Special meeting date which will work for at least four of the commissioners.

8. Public Hearing – Ordinance Amendment to Chapter 8, Section 825, of the Medina City Code related to Variances.

Finke presented the application and explained that the ordinance would be bringing our existing ordinance in line with State Statute. He said the language is similar to State Statute, but has included further description beyond the reasonable test. He said the City can determine who is the City Board of Adjustments and Appeals makes the decision. Weir said it is most appropriate to have it be the City Council, since they are the elected body.

Nolan asked about a legal answer to what “the plight of the landowner is due to circumstances unique to the property, not created by the landowner” means.

Weir asked about the “hearing” change on top of page two of the recommended draft ordinance. Agreed to keep “hearing” and not change to “public hearing.”

Public Hearing opened at 9:46 p.m.

Public Hearing closed at 9:47 p.m.

Motion by R. Reid, seconded by V. Reid, to recommend approval of the Ordinance Amendment with noted changes. Motion carried unanimously. (Absent: Foote, Martin and Williams)

9. Public Hearing - Ordinance Amendment to Chapter 8, Section 833, of the Medina City Code related to Public Buildings in the Industrial Park District.

Finke presented application. Anderson asked if under certain circumstances other businesses should be allowed.

V. Reid asked if the idea came from the Council. Finke said there was some interest by Council to find less expensive alternatives.

V. Reid doesn't like the idea at all, but does have concern about the cost. She would like to know what the screening is going to look like, such as huge pine trees. She recommended that language be added to the ordinance. If tightened up, language would support it.

Public Hearing opened at 10:02 p.m.

Public Hearing closed at 10:02 p.m.

Motion by Anderson, seconded by R. Reid, to recommend approval of the Ordinance Amendment with changes noted, specifically related to screening. Motion carried unanimously. (Absent: Foote, Martin, and Williams)

10. Council Meeting Schedule

R. Reid agreed to attend the October 16th City Council meeting

11. Adjourn

Motion by Anderson, seconded by V. Reid, to adjourn at 10:05 p.m. Motion carried unanimously. (Absent: Foote, Martin, & Williams)