

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday April 11, 2017

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

Present: Planning Commissioners Todd Albers, Chris Barry, Dino DesLauriers, Kim Murrin, Robin Reid and Janet White.

Absent: Laurie Rengel.

Also Present: City Planner Dusty Finke.

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

No comments made.

3. **Update from City Council Proceedings**

Anderson reported that the Council met the previous week to consider an application by LJP, noting that it was a difficult decision because even though the Council supports the facility that would be proposed for memory care, the Council did not feel the timing was right with the draft Comprehensive Plan out for review. He stated that the Council feels that while the draft Plan is out for review, the existing Comprehensive Plan should not be amended. He stated that the Council encouraged LJP to come back with a similar or the same plans in one year once the draft Comprehensive Plan has been through the review process. He stated that the Council also considered the CUP amendment for Three Rivers Park for the We Can Ride program. He stated that there were discussions regarding the horses, care for the horses and facility, and size of the paddocks, with the Council ultimately supporting the request.

Murrin noted that the Commission discussed two memory care concept plans and asked the direction the Council took on the other request.

Finke replied that both reviews were concept plans and therefore no formal action was taken, noting that the second application has not moved further along in the process.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of the March 20, 2017 Draft Planning Commission Meeting Minutes.**

Motion by Murrin, seconded by Albers, to approve the March 20, 2017, Planning Commission minutes with the noted corrections. Motion carries unanimously. (Absent: Rengel)

6. **Public Hearing – Elim Care, Inc. – Concept Plan Review for Development of an Approximately 134 Unit Assisted Living, Nursing Home, and Independent Living Facility at the Northeast Corner of Highway 12 and County Road 29**

Finke presented the concept plan review for property located at the northeast corner of Highway 12 and County Road 29, noting that formal action is not required and the Commission is simply to provide input. He stated that the facility would contain a mixture of assisted living nursing home and independent living units. He reviewed the size of the property and the current guiding of the property in the existing land use and within the draft Comprehensive Plan. He stated that the zoning, while similar, would not be the right fit and ultimately the subject property would need to be rezoned or the R-4 zoning district would need to be amended. He stated that the City has nine months after the adoption of the Comprehensive Plan in order to ensure the ordinances and zoning regulations are in compliance with the newly adopted Plan. He reviewed the adjacent property uses. He stated that the proposed building would be three stories in height, noting that the height would not be consistent in each wing and some have less height. He stated that the applicant is proposing to develop next year, noting that staff has discussed the timing with the adoption of the draft Comprehensive Plan. He stated that the applicant and staff continue to have conversations on what activities could take place before the draft Comprehensive Plan is adopted and which items would not be allowed. He noted that staff has identified some elements that would not be in compliance with the R-4 zoning district. He displayed the concept plan, noting that the applicant proposed to cut the property in half. He noted that access would be proposed to the north and west to County Road 29. He displayed conceptual renderings provided by the applicant along with example photographs. He highlighted comments that would need review to ensure consistency with the R-4 zoning district. He noted that this area was identified for high density residential because of its location near transit. He stated that staff believes that the use fits well in the land use, but this property takes up the majority of the property identified for high density land use and there should be discussion over whether the City would be okay with only this use on the property. He noted that the footprint overall would not be the same as a typical high density housing because of the decreased need for parking and the smaller size of the housing units and there should be discussion whether a higher number of units would be allowed for this type of housing product.

Reid asked how this housing products counts within the density requirements of the City.

Finke replied that the City needs to address the zoning regulations in conjunction with the adoption of the draft Comprehensive Plan. He stated that the zoning district allows for the use as a conditional use, but does not specify that a number of independent living units be included to meet the minimum density requirements.

Reid stated that it appears only the independent living units would count towards density requirements and asked how the Metropolitan Council defines living units.

Finke explained that the density requirement of the City is a requirement within the Comprehensive Plan and further explained how the information interacts with the Metropolitan Council requirements.

Andrew Centanni, the applicant, stated that everyone in the room is aware of the implications the City of Medina is under with the Comprehensive Plan process. He stated that they do not own the subject property and explained that they are in the process of working out details. He stated that Elim is a faith based organization and they oversee properties in four different states. He stated that the vision is to build a full continuum in Medina. He identified a current property they acquired three years ago in Maple Plain where they are looking to upgrade and noted that those residents would be moved to this facility. He stated that they would like to provide all levels of care from independent living to memory care. He acknowledged that many of those types of services do not count towards the unit count under

the Metropolitan Council, but noted that 60 of the total units would count towards the units. He stated that many continuums provide services in separate buildings, requiring residents to go into a new building when they escalate in the level of care needed, while the intent for this facility would be to provide those products all in one building. He stated that phase one would bring an additional 75 employees, with an additional 75 existing staff members transferring from the Maple Plain site. He stated that they would like to break ground in spring of 2018 and in order to do that they would need to start construction documents in August of 2017. He stated that he did not see any conditions of concern from the engineering comments, but would be apprehensive to making those changes without knowing first how to best proceed.

Albers referenced lot two, with the proposed high density living, and asked if that would be a series of apartment buildings or elderly residents.

Centanni replied that the site is very difficult because although the site is slightly over 14 acres, the wetland impacts take the buildable land to nine acres. He stated that they schematically determined what could be done on the other portion of the site. He stated that if the demand was there, they would bring in an independent living facility to that property.

Barry asked how many underground parking stalls would be included.

Centanni replied that they can fit 25 parking stalls under the building. He referenced the arm on the east side noting that is the only section proposed for underground parking. He noted that if additional stalls are needed, they could excavate under the other wings to create more parking.

Barry asked for clarifications on the proposed parking.

Finke explained that there is flexibility in the code and noted that the parking requirement is based on the mix of living units proposed by the applicant.

White asked what type of signage would be proposed with the application.

Centanni referenced an example photograph that was provided for a facility they own in North Dakota. He stated that typically they have a monument sign at the curb, but they do not have signage on the building as you would not typically put signage on a home and this is intended to be home for the residents.

Chair White opened the public hearing at 7:36 p.m.

Larry Palm, Baker Park Road property owner, stated that they whole heartedly support the use from a development perspective. He stated that mechanically he has concerns with a setback and the access road that is maintained as a private drive. He asked how that road would then be managed with this use as he would not want to be responsible for the damage to the road that occurs from construction traffic. He stated that he would also like an understanding on the loop that would be created and how the expense would be shared. He stated that the sewer and water for his site will need to come from the retail site, across this site to reach his property.

Chair White closed the public hearing at 7:38 p.m.

Finke referenced the timing, noting that the expectation is that the draft Comprehensive Plan will be in place in early 2018 and the City will have nine months to bring the official controls

into compliance with the newly adopted Plan. He stated that he has spoken with the applicants about starting some of the work this summer, as large expenditures would be needed to initiate the project in order to begin construction next year. He stated that staff believes it is appropriate to start making the necessary changes with the official controls early to ensure that the applicants could then make the decision whether they would like to begin their design plans. He stated that staff has recommended that the City not approve any land use applications until the new controls are in place, but noted that the review process could occur while the Comprehensive Plan is being reviewed and adopted. He noted that the City will need to make a decision concerning whether nursing home units would be an appropriate use in the high-density zoning district.

Barry noted that the north side seems a little tight and perhaps the development could be slid down on the site slightly. He stated that he agrees with the staff comments as well, but was concerned with the setback on the north side.

DesLauriers stated that he likes the plan and type of facility, but noted that his concern is how this could be accounted for in the draft Comprehensive Plan.

Murrin stated that as long as the applicant works with staff on the details, such as parking, that she supported the plan. She noted that the application would most likely be delayed until the new Comprehensive Plan is adopted based on Council's previous action on a similar application. She stated that she would want to ensure that the applicant is aware of the timing, but she supports the request.

DesLauriers stated that he would also like to have discussion on R-4 zoning districts and whether the units would be appropriate during the official controls update.

Albers asked how a kitchen is defined by the Metropolitan Council.

Finke explained what details would be required for it to be considered a living unit.

White stated that while the Commission is supportive of the request, the Commission will need to discuss whether they would like to allow this type of living unit to be within the R-4 zoning district. She noted that although the Commission would support this type of product, she would just want to ensure that the Commission would be okay with this property being developed in this manner. She noted that this property was chosen for high density housing because of the proximity to the retail and transit.

Finke stated that this property and the property adjacent is the majority of the land identified for high density housing. He noted that there are other opportunities for high density housing, but this is a significant portion of the land identified for that land use.

Murrin stated that it is her understanding that the City must identify land that could be developed in high density or affordable housing, but does not need to ensure that development of those options come to fruition. She asked then if the City has met the requirements of the Metropolitan Council by approving with this land use as the opportunity was provided and the owner of the land has chosen to do something else.

Albers noted that the City would ultimately not reach the number of high density housing units.

Murrin stated that the City does not need to ultimately build those units, but simply provide an opportunity for those units to be built.

Finke agreed, but noted that what is unknown is the impact it could have on future forecasts from the Metropolitan Council.

Reid stated that she would prefer that this type of use be a conditional use, as each site would need to be determined whether it is appropriate.

Finke stated that there would need to be a set list of criteria by which to review CUPs.

7. **Public Hearing – Peter Rechelbacher – 1822 Homestead Trail – Ordinance Amendment to City Zoning Code Related to Regulations for Solar Equipment and Conditional Use Permit for Installation of Ground Mounted Solar Energy Array**

Finke noted that there are two separate requests packaged together from the same applicant. He noted that the first is to consider an amendment to the ordinance regarding solar equipment and the second would be a request for a Conditional Use Permit to install solar equipment. He noted that the existing zoning ordinance limits the use of ground mounted solar panels to 1,000 square feet within the rural zoning districts. He stated that the applicant is looking to construct a 2,800-kilowatt solar array on their property. He stated that the City allows building mounted solar equipment within all zoning districts, while ground mounted equipment is only permitted in the commercial and industrial zoning district at up to 20 percent of the property size or one acre. He noted that rural residential districts also allow ground mounted arrays but in a much smaller array. He stated that the applicant is proposing an array of 1,430 square feet. He noted that the solar equipment ordinance is a newer ordinance that was developed within the past few years. He noted that the intent was for the panels to be an accessory to the structure and not provide energy for sale. He stated that staff recognizes that the average home size in Medina is larger than the average home in Minnesota and therefore would use more energy. He stated that staff recommends approval of the increased size for a solar array based on that information. He stated that the applicant is stating that this array would supply 50 percent of the annual energy used by the home. He noted that staff would suggest that these requests be reviewed on a case by case basis, but noted that a maximum square footage should be identified. He reviewed some of the parameters recommended by staff. He noted that staff would ultimately recommend a larger maximum size allowed than what was being proposed by the applicant.

Albers asked how the array size is determined; whether that includes the cement pad or just the solar equipment.

Finke stated that it would be determined using a two-dimensional overhead view of the array.

Murrin asked how 1,000 square feet would be compared to an acre.

Finke replied that it would be 1/40 of an acre.

Murrin asked if this change would apply to other residential districts or simply the rural residential zoning district. She asked whether a CUP would be necessary.

Finke stated that this would only be proposed for the rural residential district. He stated that if anyone would like to exceed 1000 square feet that would require a CUP. He stated that his recommendation would be that requests of this nature would not need to come before the Commission and Council as a CUP and instead be allowed administratively if the restrictions are met.

Murrin stated that if the language requirements are clear, this should not be something the Commission and Council would need to review and therefore could be permitted administratively.

Barry asked where the north property line lies.

Finke replied that the property line is identified in black, 100 feet to the north of the proposed solar array. He provided clarification on the required setbacks for the different zoning districts.

Chair White opened the public hearing at 8:13 p.m.

Mindy Rechelbacher, 1242 Hunter Drive, stated that she and her husband purchased this property two years ago and are building their dream house in attempt to be as environmentally friendly as possible. She noted that solar would be part of the litany included in the home. She stated that they would like to have a ground mounted solar array and currently the square footage allowed under the regulation is lower than their proposed size. She noted that the proposed solar array would supply about 50 percent of the energy for their home.

Nick Nelson, All Energy Solar, appreciated the time of the Commission in reviewing this in a pragmatic matter. He stated that generally most residential homes that use solar energy, with a size of one to three acres, would require a 15-20 kilowatt solar system which would be a 700 to 1,500 square foot solar system. He stated that this array would be very minimal on a lot size of five acres and above and therefore it would be more pragmatic to allow a larger system for a larger home. He stated that lots with five acres or more that have a large home and other structures, such as a horse barn, use a lot of energy and therefore require a larger solar array to have any impact on their energy use. He noted that some of the language used in the proposed ordinance is very subjective.

Murrin asked if there is a reason the equipment is proposed for the ground rather than mounted equipment.

Rechelbacher stated that they would prefer to not have the equipment attached to the roof for maintenance purposes and they would like to avoid the risk of attaching things to the roof.

Chris Peterson, 4130 Feske Drive, stated that he lives on a small lot that would probably never be allowed to have ground mounted solar. He stated that the Tesla stock is at the highest price now because electric cars are becoming more popular. He stated that the applicants are going to have a very big house. He noted that electric cars are going to drive the nighttime use higher overall for homes and therefore the average peak times are going to change. He stated that the City should attempt to lead the pack in environmental friendly matters and should follow the path of the State. He stated that if people are willing to make the financial commitment, even with the long payback time, that is a commitment that will help to bring the cost of solar equipment down.

Mouli Vaidyanahau, solar company owner in Eagan, stated that they do have a system in Greenfield. He stated that one reason people put solar on the ground is because the roof orientation may not be appropriate to generate solar energy and because they do not want holes on the roof. He noted that his company offers a product that goes onto a roof but does not create holes. He stated that he is present to support solar energy and the ability for more people to use solar energy. He stated that when a person generates solar energy on their property there is zero transmission loss, noting that the solar garden in Monticello has a 30 to

40 percent transmission loss by the time it reaches Medina. He stated that net metering has become a measurement of the past and explained the measurement that is commonly used now, with 120 percent of the consumed energy for the property.

Reid asked for the implied limitation in size of a solar array.

Finke provided additional details.

Reid stated that there is a 100-foot setback for the 1,000-square setup and asked if a larger setback should be required if the size of the array is being increased.

Barry noted that landscaping and screening would be required and if that cannot fit within the setback, the array would then need to be moved back further.

Finke stated that the 100-foot setback is already double the usual setback required for an accessory structure.

Chair White closed the public hearing at 8:30 p.m.

White confirmed the consensus of the Commission; that there should be a threshold identified that would not require a CUP and the consensus agreement with the thresholds identified in the staff report.

Barry stated that he would agree in increasing the maximum size allowed in order to support the necessary size to provide benefit to an average home size in Medina. He stated that he supports the ground mounted equipment as the lifespan of the roof is often not as long as the lifespan of solar equipment and therefore when maintenance of the roof is needed you would need to uninstall and reinstall the solar equipment.

Murrin noted that there have not been many applications that have come forward and therefore she would prefer to start smaller in case additional tweaking of the ordinance is needed.

Nelson stated that the cost of a CUP in Medina is expensive and therefore adds to the time needed to obtain a return on the investment. He stated that these are rural parcels in Medina that would be high energy users. He stated that increasing the administrative approval threshold process to 1,500 square feet would be helpful for those homeowners.

DesLauriers stated that although he agreed with Murrin's comments, after hearing that argument he would support 1,500 square feet and confirmed the consensus of the Commission.

Motion by Murrin, seconded by Reid, to recommend approval of the ordinance regarding Solar Equipment Subdivision 2, B.11 changing 1,000 square feet to 1,500 square feet and Subdivision 2, B.6 directing staff to add more structure to the landscaping language. Motion carries unanimously. (Absent: Rengel)

Finke stated that the Commission should now review the CUP with the assumption that the Council does not approve the ordinance amendment.

Chair White opened the public hearing at 8:48 p.m.

No comments made.

Chair White closed the public hearing at 8:49 p.m.

Motion by Reid, seconded by DesLauriers, to recommend approval of the Conditional Use Permit based upon the findings and subject to the conditions described in the staff report. Motion carries unanimously. (Absent: Rengel)

Finke stated that he intends to present this to the City Council at their meeting the following Tuesday.

8. **Joseph Molde – 4035 Apache Drive – Variance from 150 Foot Animal Structure Setback for a Proposed Chicken Coop**

Finke presented a request for a variance to the 150-foot animal structure setback for a proposed chicken coop. He stated that because of the shape and right-of-way included on the property, there is no location on the site that would meet the required setback. He identified the proposed chicken coop location. He reviewed the criteria that must be considered when reviewing a variance criteria. He noted that this is a unique property because of the smaller size, as the lot was created before the five-acre minimum for rural residential lots and because of the wetland locations. He stated that staff does not oppose the variance and also had discussion on whether this was an appropriate setback for a chicken coop. He provided additional details on how the maximum number of chickens was calculated.

Murrin asked for clarification on how the maximum number of chickens would be calculated.

Finke provided additional details.

Reid stated that it certainly meets the variance criteria as the situation is unique to the property. She noted that the property to the north is quite wooded and therefore there will not be a visual impact.

Barry asked if there would be a pen or whether the chickens would be free range.

The applicant replied that the chickens would be free range, but there would be a pen around the area.

Motion by Reid, seconded by Albers, to recommend approval of the variance based upon the findings noted in the staff report and subject to the conditions recommended by staff. Motion carries unanimously. (Absent: Rengel)

9. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday.

Murrin volunteered to attend the meeting in representation of the Planning Commission.

10. **Adjourn**

Motion by Murrin, seconded by Reid, to adjourn the meeting at 9:03 p.m. Motion carried unanimously.