

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday May 9, 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 prior week to consider several items that the Planning Commission had previously recommended action on. He stated that for the Molde public hearing, the Council approved the variance request for a chicken coop. He stated that the Council consider the Elim Care concept plan and noted that similar to the Palm project, this was a terrific project, but the timing is not right because of the review of the draft Comprehensive Plan. He stated that the Council deemed it an inappropriate time to consider the application and hopefully bring the project back in one year when the draft Comprehensive Plan has been adopted. He stated that the Council approved the three road improvement projects as presented.

Murrin referenced the Elim Care concept plan and said that the applicant had stated that they were going to ask for a pre-approval so they would be ready to build when the Comprehensive Plan takes effect. She asked if the applicant brought that idea forward and the thoughts of the Council.

Anderson stated that topic was discussed and he believed the consensus of the Council was to not take any action that would require a vote recorded in public record in the event that it could be scrutinized and come back to bite the City. He stated that the parcel could then be considered unavailable for the draft Comprehensive Plan which would create more issues.

4. **Planning Department Report**

Finke provided an update. He noted that Commissioner Rengel has submitted her resignation from the Planning Commission.

5. **Approval of the April 11, 2017 Draft Planning Commission Meeting Minutes.**

Motion by Albers, seconded by Reid, to approve the April 11, 2017, Planning Commission minutes with the noted corrections. Motion carries unanimously. (Absent: Rengel)

6. **Public Hearing – Robin Johnson – Conditional Use Permit Request for an Accessory Dwelling Unit and Accessory Structures in Excess of 5,000 Square Feet at 1325 Tamarack Drive**

Finke presented a request for a Conditional Use Permit (CUP), noting that it is actually two requests. He stated that the first is having accessory structures in excess of 5,000 square feet and the second for an accessory dwelling unit. He noted that the request is unique, as the applicant is going to build a single-family home and the existing structures would then become the accessory structures; therefore, the applicant is asking for the necessary approvals before moving forward. He provided background information on the existing accessory structures currently on the parcel, noting that the accessory dwelling structure would be used while the applicants build a new single family home. He noted that currently the proposed accessory dwelling structure is the main dwelling accessory structure on the property. He reviewed the adjacent parcels uses and displayed an older aerial photograph. He noted that the previous home has been demolished. He stated that there are specific standards used to review the elements of a CUP and briefly reviewed those elements and how they apply to the request. He stated that staff does recommend approval subject to the conditions noted in the staff report.

Robin Johnson, 1325 Tamarack Drive, stated that she and her partner are happy to be in the position to open the barn. She stated that they are planning to be a very small animal sanctuary for abused and neglected animals. She noted that the accessory structure would be used for their mothers to stay when they come visit and the other barn would be used for the animals.

White opened the public hearing at 7:18 p.m.

No comments made.

White closed the public hearing at 7:18 p.m.

Reid stated that it is pretty clear that the applicant meets all the conditions for both CUP requests.

Albers asked the number of animals that the applicants would be able to have on the property.

Finke replied that there is no request to exceed the general standards for animal units on the property and therefore the manure condition is just applied for these types of uses. He stated that the applicant would have approximately 15 grazable acres.

Ms. Johnson replied that there are seven stalls in the barn.

DesLauriers referenced condition three in the staff report which addresses the primary residence. He asked what would happen if the applicant's primary residence was in Florida and they lived at this property in the summer.

Finke stated that is the requirement language for dwelling units. He noted that even if the applicant spent six months and one day at this dwelling that would qualify as the primary residence.

Motion by Murrin, seconded by Albers, to recommend approval of the Conditional Use Permit for an accessory dwelling unit and accessory structures in excess of 5,000 square feet at 1325 Tamarack Drive, subject to the conditions noted in the staff report. Motion carries unanimously. (Absent: Rengel)

7. **Public Hearing – Ordinance Amendment to Chapter 8 of the City Zoning Code Related to Regulations for Conservation Design**

Finke stated that this is a request by the City Council for the Commission to review the Conservation Design PUD Ordinance in response to the requests the City has considered in the past years. He provided background information on the ordinance. He stated that there has been some concern raised by the Council related to the density allowed under this ordinance. He stated that the Council would like a direct link to the density and the conservation design elements and to make the language clearer that the objectives must be well met in order to justify the density and flexibility. He stated that staff amended the language in that manner in the proposed ordinance. He stated that the density bonus may have caused pause because of the sheer scale of the request that was approved and that may be a unique request in that there were 22 base lots to begin with. He noted that there are very few properties that would have that level of base density to begin with in the rural residential zoning district.

Reid referenced page four of the draft ordinance which includes reference of an open space composite map but believed that should be moved.

Albers stated that the one project that was approved was unique because of the scale. He asked how many other parcels of land would have that same opportunity.

Finke stated that he did not have the exact number, but noted that a 40-acre minimum would be required; however, the door would be open for a 20-acre parcel. He stated that in the rural residential zoning district there are about 200 parcels that have 20 acres, but noted that the number becomes smaller at 40 acres.

White noted that you would also need to consider how many of those parcels would have elements that would qualify for conservation.

Albers stated that he is curious to see how many other 40-acre lots could be split and would qualify in terms of natural resources that would be worth protecting. He acknowledged that may be a lot of additional work for staff.

Finke replied that it would be relatively easy to do because you could overlay the natural resources map over the City and identify 40-acre lots. He stated that you would be hard pressed to find any lot of that size that does not have some resource, as technically maybe all of the 40-acre lots would qualify but some might have higher quality resources.

Reid reminded the Commission that the Stonegate development was reached through litigation and therefore is not the normal request.

Murrin asked if this would be more flexible.

Albers stated that this draft would be more restrictive than the current language.

Reid stated that this language correlates the resources preserved and conservation efforts to the density bonus available.

Murrin stated that she believes this language is better because it does require higher quality resources to preserve, rather than just allowing a prairie to be the main element.

Finke stated that this ordinance is an incentive to the property owner to choose this option over regular development, as this would conserve 30 percent of the buildable land. He noted that incentives need to be built into the ordinance, but the discretion should be left to the City. He stated that there are about 40 properties in the rural residential district that are above 40

acres and about 200 20 acre properties. He noted that the minimum requirement is 40 acres but there is an exception for 20 acres if there is something exceptional for protection.

White opened the public hearing at 7:39 p.m.

No comments made.

White closed the public hearing at 7:39 p.m.

DesLauriers stated that “at the discretion of the City” is mentioned multiple times throughout the ordinance and therefore felt that it was clear. He referenced another time period that refers to four years and asked for more information on that time period.

Finke replied that four or five years is a pretty typical timeframe for restoration efforts and ensures that the activity begins with development. He provided additional information on the escrow that is required and noted that it would be hard for a developer to fund that in perpetuity and therefore the timeframe was identified.

Albers referenced the language regarding street trees and suggested striking a portion of the sentence which states “but are not required.”

Motion by Reid, seconded by Albers, to recommend approval of the Ordinance related to Conservation design with the direction to staff to move the open space composite map to another section of the ordinance. Motion carries unanimously. (Absent: Rengel)

8. **Public Hearing – Ordinance Amendment to Chapter 8 of the City Zoning Code Related to the R-4, Limited High-Density Residential Zoning District**

Finke stated that this is one of many zoning requests that the Commission will review in the next year. He stated that following the adoption of the draft Comprehensive Plan the City controls need to be brought into compliance with the plan. He stated that this ordinance was seen as an opportunity to begin with because of the requests the City has seen in the past few months in this specific zoning district. He stated that the thought is to have this language updated and in place prior to the plan becoming effective. He reviewed the density range included in the draft Comprehensive Plan and noted that amendment is needed, as the current zoning districts do not allow for that density. He stated that staff is recommending that the R-5 district be deleted. He noted that the current Comprehensive Plan has a higher range of densities and the draft Comprehensive Plan has a smaller range for density; therefore, the highest range can be eliminated. He noted that there are only three properties in the City, all adjacent to each other, that are within the zoning district and therefore only one category is needed for high density housing. He stated that elements have been added which are meant to address the actual or perceived problems with overcrowding of residential units. He provided examples of extra screening or additional amenities. He noted that another element would be to consider the conditional use of nursing homes or assisted living facilities and whether that should continue to be allowed. He stated that the concept plans that have come forward have identified the high-density parcels near Maple Plain for nursing home/assisted living facilities. He noted that there has been discussion on whether that property would be better suited for multi-family residential. He stated that the City currently allows nursing home and assisted living in the business zoning district. He stated that dwellings have not been projected for the business district, but noted that nursing home/assisted living/independent living facilities could be built in that zoning district. He stated that the mixed-use zoning district would be another option, as that zoning district is new and does not have stipulations at this point. He noted that property would be similar to medium to high

density zoning and therefore perhaps a portion of that property would be eligible for nursing home/assisted living facilities. He stated that in the mixed-use zoning district the market would dictate that the majority of the site would be developed with single family homes and perhaps one third of the property would be developed in a higher density product.

Murrin asked if there is a potential for more homes to be developed by combining the R-4 and R-5 zoning districts.

Finke explained that they are not adding anything and are actually deleting the higher range of density allowed in the R-5 zoning district. He noted that the entire smaller range would be contained in the R-4 district.

Murrin asked if the ordinance changes would have an impact on affordable housing.

Finke explained that this zoning does not have an impact on affordable housing. He stated that in reality affordable housing could be constructed in any residential zoning district, but the market dictates that it would be a higher density product.

Barry asked and received confirmation that the parking would be addressed in another area. He used the example of nursing home/assisted living and how they would use less parking than typical high density housing.

Finke stated that the parking elements are addressed in another ordinance and confirmed that nursing homes/assisted living facilities do have less parking requirements.

White opened the public hearing at 8:00 p.m.

Larry Palm, 1432 County Road 29, referenced memory care and the limit of 15 units per acre and asked for additional discussion on that element. He stated that he has a large concern with the architectural requirements set forth in the ordinance on page 12, subsection 3.d. He stated that his concern is that the hard surfaces that are laid out in the ordinance lend themselves to an institutional feel and the trend is to have the facility feel more like a home. He stated that people like the residential feel and want to feel like that is their home and the language needs to be able to have that flexibility. He stated that the language is dated for the intended use and encouraged the Commission to review that language. He stated that there are very durable materials that have a good aesthetic and long lifespan and are not brick or stone.

Finke stated that staff has built in a reduction of the required land for nursing home and memory care facilities of effectively 50 percent, which would raise the allowed density to 30 per acre.

White closed the public hearing at 8:06 p.m.

Reid asked if traditional wooden siding is prohibited for the zoning district.

Finke stated that this is the original language regarding materials and the language is intended to be commercial scale building materials.

Murrin asked why they wanted to have commercial building products rather than residential.

Finke stated that these were seen as more commercial uses rather than residential. He noted that apartment buildings have their own requirements, but noted that those are less

commercial. He stated that there is still a requirement that 50 percent of the materials are not combustible. He noted that something similar could be allowed for nursing home/assisted living facilities. He stated that they have been making similar changes to some commercial development to make it feel more residential. He stated that generally the thought is less aesthetic than it is longevity and durability of products.

Murrin stated that would fall to the owner of the property that they would need to maintain the property sooner rather than later. She acknowledged that the other option would be that the property could become blighted.

Finke explained that regulating enforcement is very difficult and therefore this language was seen as a method to prevent blights. He stated that it would put some constraints on design and noted that the ordinance has not kept up on the changes in material.

DesLauriers stated that perhaps there is a compromise between the commercial and residential, noting the long lifespan of fiber cement lap siding.

Albers asked the threshold that would make something would seem more residential.

Murrin asked if the City could approve variations in materials if desired.

Finke stated that there would not be a variance and therefore a PUD would be the only option for that allowance, but noted that there is an additional cost and process that would have a risk to the developer. He stated that it is more likely that a developer will find a way within development standards rather than pursue a PUD. He stated that glass could also play a factor in the standards.

Albers asked if moving the percentage for those other materials to 40 percent rather than 20 percent would help create a residential feel.

Finke stated that raising the class two materials percentage would probably still constrain the design as using that material as your primary material. He did not feel that the residential feel would change by simply increasing the percentage. He stated that if the Commission likes that material they should simply allow the material.

Barry stated that perhaps the fiber cement lap siding should be allowed for nursing home/assisted living facilities. He stated that would help to create the residential feel that people want.

Albers stated that he would be interested in increasing the percentage to 60 percent for class two materials.

Mr. Palm stated that apartment buildings allow the materials at 50 percent, while nursing homes/assisted living is only allowed at 20 percent. He stated that people live in both types of housing and should at least be equal.

Finke noted that vinyl siding is allowed as a material for apartment buildings.

Murrin asked if vinyl siding should be eliminated for apartment buildings.

Finke stated that would drive up the cost of building an apartment building.

Murrin stated that perhaps that is the right path, as it states the City only wants to see development of a higher standard.

Finke noted that there are standards within the ordinance that relate the building materials to the allowable materials in order to provide incentive.

White confirmed the consensus of the Commission to direct staff to amend the language regarding allowable materials for nursing home/assisted living facilities.

He stated that in reviewing the concept plans the City has recently considered, the Palm concept plan would meet the density outlined in the proposed ordinance. He noted that Elim Care would not meet the density standards and some sections of their proposal would exceed the allowable density.

Motion by Barry, seconded by DesLauriers, to recommend approval of the Ordinance related to the R-3, R-4, and R-5 Zoning Districts. Motion carries unanimously. (Absent: Rengel)

9. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday and Reid volunteered to attend in representation of the Commission.

Albers volunteered to attend the June meeting.

10. **Adjourn**

Motion by Albers, seconded by Murrin, to adjourn the meeting at 8:22 p.m. Motion carried unanimously.