

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday June 13, 2017

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

Present: Planning Commissioners Todd Albers, Aaron Amic, Dino DesLauriers, Kim Murrin, Kerby Nester, Robin Reid, and Janet White.

Absent: None.

Also Present: City Planner Dusty Finke.

2. **Introduction of New Members: Aaron Amic and Kerby Nester**

White welcomed the new members of the Commission and invited them to introduce themselves.

Nester stated that she lives in the Bridgewater neighborhood and is a civil engineer.

Amic stated that he lives in the Enclave neighborhood and is also a small business owner in Medina.

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

No comments made.

4. **Update from City Council Proceedings**

Anderson welcomed the newest members of the Commission. He reported that the Council met the previous week to consider a number of items. He stated that public hearings were held to consider three road projects, noting that all projects were approved. He advised that two additional items, a wetland setback variance and Conditional Use Permit were approved also. He stated that the Council has also begun discussing amendments to the high-density zoning district in preparation for the adoption of the draft Comprehensive Plan. He stated that the Council also enacted a moratorium to further research LED lighting.

5. **Planning Department Report**

Finke provided an update.

6. **Approval of the May 9, 2017 Draft Planning Commission Meeting Minutes.**

Motion by Murrin, seconded by Albers, to approve the May 9, 2017, Planning Commission minutes with the noted corrections. Motion carried unanimously.

7. **Toll MN L.P. – PID #01-118-23-24-0010 – PUD Concept Plan Review for Phase II of the Reserve of Medina**

Finke stated that this is a request to review a planned unit concept plan related to phase II of the Reserve of Medina development. He noted that this process is simply to provide input

and no formal action is requested at this time. He stated that there are 75 lots within the Reserve of Medina project that have not been platted and developed. He stated that the applicant is requesting slightly smaller lots in order to reach the number of approved lots (75) and accommodate a four-acre City park parcel within that development. He stated that the applicant is proposing lots with a combination of lot widths including 97 feet, 90 feet and 85 feet wide lots. He noted that the setbacks are also proposed to be reduced. He displayed the proposed concept plan and the approved preliminary plat for comparison purposes. He noted that the developer would be able to carry out with a similar plat to the preliminary plat. He explained that the difference would be that the six lots removed to make the park parcel would be redistributed within the development. He stated that the requirement for lot width is 90 feet, so the 97 foot lots exceeded that requirement. He noted that staff suggested maintaining a 90-foot-wide minimum lot width in order to retain the expected R-1 lot width along the exterior of the site. He stated that this process is not typical because the PUD request would come half way through the development. He reviewed the criteria used to evaluate a PUD request and noted that staff provided input within the Commission packet. He noted that the main purpose for this request would be to accommodate the future City park while still retaining the same number of lots and providing a variety of housing products. He noted that if the applicant moves this forward as a formal PUD request and if that were not approved, the developer could still carry on with the approved plat.

Reid asked and received additional clarification on the lot widths and setbacks.

DesLauriers asked if a price has been determined for the park land.

Finke explained that the amount would be credited back towards the park dedication that would be owed.

DesLauriers asked what would happen with the pocket park on Outlot C.

Finke stated that the City already has possession of that land. He stated that Outlot C is an open space and not an active park, noting the wet conditions. He noted that area links to open space areas that have been dedicated to the City through adjacent development.

Murrin asked if the City requested this park land, or how this request came about.

Finke stated that after the subdivision was approved and the City determined not to take land, the City did consider looking for park land in this general area. He stated that when Toll was looking at development options, staff did bring up the idea of wanting future park land.

Murrin asked how the timing would work for constructing the park and whether that would be available in the budget.

Finke replied that the park would not be immediate and would wait for more of the subject property to be developed before investing in that park. He noted that the Park Commission would make a recommendation to the Council. He noted that a park was identified in this area within the Comprehensive Plan.

Murrin asked the average lot size for the smaller lots.

Finke replied that the average lot size would exceed the minimum lot size for the R-1 district, which would be a quarter acre lot.

Albers asked if staff has talked to the applicant about maintaining the minimum lot width or whether it would be too much to sacrifice 1.5 lots in the process.

Finke stated that one of the applicant's main interests is to maintain the same number of lots.

Reid asked the price point on the homes in the existing portion of the development.

John Hensen, Assistant Vice President with Toll Brothers replied that the homes within the current phase begins at \$825,000 to \$850,000. He confirmed that the new product would begin at \$675,000 while still maintaining the higher value desires.

White opened the public hearing at 7:25 p.m.

Ave Bopray, 545 Hackamore Road, stated that her property is adjacent to the proposed park land. She stated that in a public park forum they would ask the City to think about where the traffic is. She stated that Hackamore already has bad traffic conditions and asked the type of consideration that would be given to that situation in regard to accessing that City park.

Ryan Lindel, 565 Hackamore Road, stated that he has lived at his home for three years and Hackamore Road continues to get busier. He stated that traffic is horrendous and even the patrols and speed trailer do not seem to help. He stated that there is also development in the neighboring community that continues to add traffic. He stated that there are also problems with drainage from Wild Meadows that spill onto their property. He stated that the sloping of the land caused the water problems and he would be interested to know how the water would be managed with the increased impervious surface.

White closed the public hearing at 7:29 p.m.

White asked how access would occur for a future park.

Finke stated that staff has not yet discussed the best option for access. He noted that there is a future trail connection to Hackamore. He referenced an alternative access that could be gained. He stated that road connection to the future park from Hackamore is not a given.

White noted that The Fields of Medina is a ten-acre park, which is why parking was provided. She asked if parking would be needed for a four-acre park.

Finke stated that parking would be provided to some extent, but agreed that it was a different type of park. He stated that although it would not incur the same type of activity as The Fields of Medina, they would still want it to be convenient for people to drive to the park.

Albers asked if there are any plans for parks in the southern development of Corcoran.

Finke stated that he has not been made aware of plans for parks in that area, but noted that there is land that has been sold for development in that area. He hoped that the cities would be able to work together in planning for that type of amenity.

Murrin stated that there seems to be two issues; first the lot width sizes and second being the location of a future park. She stated that she is not a big fan of the smaller lot sizes. She stated that she drives along Hackamore and does not believe there is space for on-street parking. She also did not think a four-acre size park would have sufficient space to create a parking lot. She stated that it seems that this would be the City funding a park that would mostly be used by Corcoran residents.

DesLauriers stated that he spent four years on the Park Commission and provided input on the Fields of Medina plans. He agreed that placing a park in that location would be at the expense of the City for only the benefit of the residents in that portion of the development and the residents of Corcoran. He stated that if the developer wants a park for their residents they could supply that.

Reid asked if a developer typically funds a park on their development.

Finke replied that if the City chooses to take land, there is not much left in park dedication funds to fund equipment. He noted that each circumstance is unique.

Reid stated that she likes the variety in housing product and the changes to the plat seem to be minor. She noted that there was a time when the City regretted not taking park land from this development. She agreed that this park would benefit residents in the development. She noted that at Bridgewater, they installed four parking spaces and that was sufficient. She noted that there would not be an impact to traffic because there are already the same number of residents and daily trips.

Finke stated that if the Commission would be supportive in the variety of lot width and park, but not in this location, that would be helpful to know.

Albers asked, and received confirmation that this addition of the project would have access to the amenities such as the pool. He stated that if the City needs another park in this part of the City, he would like to see it more accessible than what is proposed here. He was unsure if he could support the PUD as designed, with the smaller lot widths. He stated that it appears too crowded and would be big houses on little lots.

Nester stated that she does not like the quarter acre lot size, but that may be what the market demands. She stated that she would like a more centrally located parcel for the park. She noted that if the park were placed closer to the pool that could be shared parking.

White stated that she agrees with the comments of Albers. She noted that it was overlooked to request a park in this area and appreciates the willingness of the developer to consider the option at this time. She stated that this would be awkward placement for a park and would basically serve this development only. She stated that she did not see a large benefit to the park in return for the smaller lot sizes. She stated that if the park were to be somewhere else, perhaps there would be a better tradeoff for the smaller lot sizes.

Hensen stated that the park did come up through negotiations and shortly thereafter the market began to change. He stated that they are trying to sell more homes in the current market conditions and that is the driving factor. He stated that they have invested a lot in the park and pool that they currently have and therefore do not need another park. He stated that homes in other developments are selling at a much higher rate because that is what the market wants. He stated that they are attempting to react to the market, provide homes that people want to buy, maintain the lot count and provide the land to the City in the process. He stated that if this is not approved, they would simply build the smaller homes on larger lots. He provided additional examples of issues they have encountered with the setbacks as a custom builder. He noted that people want more space in the back of the home compared to the front yard. He stated that they did look at other locations for park land but noted that it did not make sense because they are not attempting or needing another park.

8. **Public Hearing – Wallace and Bridget Marx – 2700-2900 Parkview Dr. – Preliminary Plat and Planned Unit Development (PUD) General Plan for Conservation Design Subdivision**

Finke presented a request for a PUD general plan and preliminary plat for the property at 270—2900 Parkview Drive. He stated that earlier this year the Commission and Council reviewed a concept plan review for this proposed development. He stated that the applicant is proposing to have 70 acres of land placed into conservation, while 11.75 acres of the conserved area would be buildable. He provided details on the looped public trail and that individual homeowners would own the adjacent lots that would fall under the easement. He provided an aerial photograph of the site with an overlay of the applicant’s plan. He stated that there are wetlands throughout the property, the largest on the southwest portion of the site and has been rated as a good quality natural resource. He identified other resources which have also been identified as good quality. He displayed the proposed plan, noting the proposed conservation areas. He stated that the land is guided for agricultural or rural residential similar to the adjacent parcels. He stated the conservation design ordinance allows a property to develop in a more flexible manner in order to preserve property through permanent conservation. He stated that the primary piece of flexibility that is provided through the ordinance is the bonus density that would allow up to double the base density of the site. He stated that ultimately the flexibility is fully at the discretion of the City and provided details on the criteria that are used to determine the value of the conserved areas. He stated that the applicant is proposing 40 percent of the buildable area to be conserved, while that encompasses more than 77 percent of the entire site. He noted that staff would give more consideration to the steep slope wooded area that is not as protected under City regulations. He noted that wetland buffer and buffer areas would already be conserved in the standard ordinance. He stated that there are six lots proposed and displayed the different lot sizes, which range up to 6.5 acres in size. He noted that all sites proposed would incorporate primary and secondary septic sites within the lots. He provided additional details on the proposed access and rankings for the conserved areas within the natural resources report. He stated that the applicant has proposed a public trail throughout the conservation area on the site. He noted that the Park Commission had mentioned providing a connection to the property to the east. He stated that the applicant seems to be in agreement with providing that connection. He stated that staff does believe that this parcel would be a good opportunity for conservation design, noting that some level of flexibility is required if the City is going to provide this option to developers. He stated that the main discussion would be to weigh the conservation value being provided against the flexibility requested. He stated that staff has supplied a number of conditions that they would recommend should the Commission be in agreement with the conservation design.

Reid asked if the City is obtaining 11.75 acres in land that they would not have received in exchange for the three bonus homes. She noted that the wetlands and swamp would be protected under current regulations.

Finke replied that the 11.75 acres are shown in yellow and three additional acres of wooded steep slope areas would also be protected. He noted that the other areas are pockets near wetlands or laying within setbacks. He noted that a total of 20 acres additional would be provided outside of the wetland and buffers. He noted that the City would also be given the permanent conservation of those areas, regardless of buildable/unbuildable and protected/unprotected.

Kent Williams addressed the Commission on behalf of the applicant and introduced the members of the team that are present including Wally Marx. He identified the proposed locations for the lots and the criteria that are used to evaluate requests under the conservation

design ordinance. He provided a comparison of this request to the only approved conservation design development, Stonegate (Deerhill Preserve). He identified the different natural resource elements that would be included in the conservation area that are ranked as good quality. He noted that School Lake is a hidden lake and views of the lake and other resources would be given to the public through the looped trail. He noted that an east/west connection would also be provided and there would be public access to each of the conserved elements on the property. He noted that there is not a high percentage of buildable land on the property, but this request would conserve 40 percent of the buildable land.

Albers asked if there are plans to provide access to the lake, such as a boat landing or dock.

Williams replied that it would simply be viewing access.

Michael Pressman, Conservation Solutions, stated that he was introduced to the Marx property 13 years ago when he was working with a local watershed. He noted that the natural resources report of the City of Medina also identified elements on this property. He identified the amount and quality of the natural resources on the property, noting that conventional development would protect 49 acres, while this request would provide 70 acres of conserved land. He referenced the old growth maple-basswood forest, noting that many of the trees exceed 40 inches in diameter. He stated that this type of asset is rare and would be protected, and the public would also be given access to that resource. He stated that this tamarack bog resource was also identified as a rare element that should be protected under the City's natural resources report and also by Hennepin County. He described the protections along the lakeshore that would be included through this request compared to the typical clearing of trees and maintenance of turf grass that typically occurs for lakeshore property. He stated that this property is a great combination of elements that come together for a great opportunity to conserve land and provide habitat for wildlife and vegetation. He noted that the location next to Baker Park also provides an opportunity for connectivity. He stated that in western Hennepin County, large complexes of natural resources are the best that they have to offer in terms of opportunities for preservation. He referenced different reports that identify this area as a high priority for conservation, including the City, County, DNR, and local Watershed. He stated that a lot of communities pay landowners for conservation easements. He stated that the leaders in Medina created this conservation easement ordinance to allow the City to obtain these conservation easements for free in return for flexibility with development.

White referenced the water quality of School Lake, noting that many lakes in Medina are impaired.

Laura Domyancich, Minnehaha Creek Watershed District, stated that School Lake has not been considered impaired. She noted that water quality testing and aquatic invasive species testing has recently occurred. She stated that Minnehaha Creek Watershed District (MCWD) was approached as a proposed easement holder for the property. She stated that in a practical sense MCWD would do periodic inspection of the site and a land stewardship plan would maintain the conservation areas over time. She noted that there are techniques for restoration and additional options for homeowners to improve the value of the conservation elements. She stated that the development team engaged the MCWD early in the process to ensure that the necessary elements would be addressed and protected. She stated that the MCWD has a history of holding easements.

Williams stated that there is an existing bridle path that goes around School Lake, noting that it is a quasi-private trail open to School Lake residents and their guests and could be ended at any time. He stated that some of the neighboring properties along School Lake have stated

that they would pull out from the bridle path if it were made public. He noted that they took great pain to keep the public trail loop separate from the private bridle path. He reviewed the different criteria found within the ordinance, comparing the criteria to each of the resources protected under the conservation (high quality/old growth forest, wetlands, etc.) and to what would occur under conventional development. He stated that rather than having an HOA for six homes, the landowners would become responsible for maintaining the easement which would be easier to enforce. He noted that under normal development you could remove trees and fill wetlands, and the level of protection required is less than what would be provided in the proposal. He noted that the site currently has habitat corridors that would be protected, which would not be protected under normal development. He noted that the impacts proposed for the driveway and mound system would be minimal to wildlife. He noted that the private bridle path would be preserved and two public trails that currently do not exist would be added to the site which would provide public access to the elements conserved. He stated that 70 acres of property would be conserved and public trails would be provided. He provided pictures of existing homes along School Lake that have cleared trees and installed turf grass that is mowed right up to the shoreline. He noted that this proposal would preserve that shoreline and would also provide public access to view areas of the property that contain valuable assets. He stated that this property is within the 2040 long-term sewer area for the Metropolitan Council and if that happens, the density for the property will increase to up to 140 lots and the lakeshore density could increase to 7 to 14 lots. He stated that under this proposal, this land would remain with only 6 lots. He stated that the density is not out of character with the neighboring properties. He compared the proposal to the only approved conservation design subdivision, noting that this request exceeds all elements of that development in terms of conservation and natural resource value. He stated that this property is exceptional and the circumstances are exceptional; and he is asking that the Commission approve the request with the full density bonus.

Albers asked if there is duck hunting allowed on School Lake.

Wally Marx replied that no one duck hunts on School Lake.

White asked if any of the home construction would impact the lake.

Williams replied that they would take steps to prevent that from occurring.

White asked if there are currently erosion issues on the shoreline. It was replied that there were not any known issues.

White asked if the looped public trail would be woodchipped.

Williams stated that while it would not be a paved trail, the materials for the trail were not specified. He noted that they would be open to suggestion. He noted that the Park Commission wanted a nature trail for the east/west connection and provided information on the possible location, which would run along the southside of the driveway and woods. He stated that the east/west trail could be placed in the north, but they wanted to avoid the private property and bridle path. He noted that the southern trail connection would not be constructed at this time because there is nothing to connect to. He noted that Councilmember Martin suggested a looped trail and advised that the trail connection could be constructed in the beginning to provide that connection. He noted that signage would be installed to keep people on the trail. He stated that parking was mentioned and would be an issue, as he was unsure of how the trail would be used. He noted that even if just a few people drive to the trail, the only place for parking would be across the street at Baker Park and they would have to cross Parkview.

White asked if that would be an appropriate use of the Baker Park parking lot.

Williams stated that they could look into it. He noted that it is a public use lot. He noted that people could also ride their bicycles, but noted that the trail is meant for walking and not biking.

DesLauriers asked the logic for waiving the park fees.

Williams stated that this is not a conventional development and they will be preserving 70 acres through conservation easement and providing public access through trails, and therefore that should perhaps justify the waiving of park dedication.

White opened the public hearing at 8:52 p.m.

Charlie Schroder, 2910 Parkview, stated that he is the immediate property owner to the north. He appreciated the work that Wally Marx and his team have invested in a great project. He stated that they moved to the area because it is zoned rural residential. He acknowledged that this would be similar density to the area he lives. He stated that for the trail, it would be difficult for public members to access the trail. He did not believe it was practical for people to park at Baker Park. He stated that a large portion of his property is under conservation easement and likes that element. He stated that his main concern was the density.

Reid asked if the resident would be satisfied with additional screening between his property and lot one.

Schroder stated that his preference would be for one lot rather than two, but agreed that screening would be helpful.

DesLauriers asked the setback of the homes.

Schroder stated that he is probably 50 feet from the lot line on his side and the proposed home on lot one would be setback 50 feet as well.

Williams stated that under conventional development that is where a home on lot one would be built. He noted that under any scenario the Schrodgers will see a home in that location. He noted that the Schrodgers would most likely not even be able to see the home on lot two.

White closed the public hearing at 8:55 p.m.

Murrin stated that she liked the presentation and found it helpful that the parameters were all laid out. She stated that for all the reasons mentioned she is in favor of the request as it is a beautiful property that is worth preserving. She did not think that adding three homes would be a huge detriment for the area in return for what the City will receive.

Reid stated that she was on the Open Space Committee and there was a map of what they theoretically wanted to protect. She stated that the odds of being able to obtain the private properties was slim to none. She agreed that this property is of high value and is worth protecting. She stated that additional screening could assist with buffering the neighboring property owner. She stated that because of the greenway corridor and assets that would be preserved, she will be supporting the request.

DesLauriers stated that his dad built the original home on the property 40 years ago and appreciates the history of the property. He referenced the staff comment regarding enforcement difficulties and asked what those concerns were.

Finke stated that from an enforcement standpoint there are two sides, one is a homeowner that would understand the easement and the other that would violate terms of an easement because they own the property and feel like they can do what they want. He noted that details of the ongoing maintenance for the easements are still being determined.

DesLauriers stated that in regard to the park fees he could see that there is ongoing maintenance of the trails that would be needed for the public trail.

Albers stated that this request seems to make a lot of sense.

Nester stated that to ask for only five future homes would be a multiplier of 1.66 and that would not justify what the City is receiving in return. She believed this to be a reasonable request that she would support.

White stated that this request meets the objectives of the ordinance and the amount of quality of the resources conserved would equate to the full density bonus and would still provide a rural residential feeling. She stated that she fully supports the full density bonus.

Motion by Reid, seconded by Albers, to recommend approval of the Marx proposal with the conditions listed by City staff. Motion carries unanimously.

White stated that she would have liked to see what the lake view would be from the looped trail and perhaps that would be helpful for the City Council presentation.

Finke noted that the City Council will consider this application on July 5th.

9. **Public Hearing – Brian Fragodt – Ordinance Amendment to Chapter 8 of the City Code to the MR, Multi-Family Residential District to Reduce the Setback Adjacent to Open Space or Common Area**

Finke stated that the request is to amend the multi-family residential rear setback in order to allow for a reduction in the rear setback if adjacent to an open space or common area, from 40 feet to 20 feet. He noted that this language is present in other zoning districts as the purpose of the setback is to set back from another structure or element that does not exist in open space situations. He identified the two sections of multi-family residential district that would fall adjacent to open space or common areas. He noted that staff would support the amendment as it is used in other zoning districts, would have a limited application and would be consistent with what is commonly done in the City.

White asked the size of the applicant's deck.

Finke replied and noted that while that is applicable to the one situation, this would apply to other properties in the City as well. He noted that in the case that the property is adjacent to a wetland, the wetland buffer would still remain in place.

White opened the public hearing at 9:09 p.m.

No comments made.

White closed the public hearing at 9:09 p.m.

Reid noted that this would only impact a small number of properties and there would still be 20 feet of setback, so she would support the request.

Murrin stated that she would oppose this request as she would like to preserve as much green space as possible.

Nester stated that she would be okay with the request. She noted that a wetland buffer would still trump the reduced setback.

Motion by DesLauriers, seconded by Albers, to recommend approval of the ordinance regarding rear yard setbacks abutting open space in the Multi-Family Residential Zoning District. Motion carries 6-1. (Nay: Murrin)

10. **Council Meeting Schedule**

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

11. **Adjourn**

Motion by Murrin, seconded by Reid, to adjourn the meeting at 9:13 p.m. Motion carried unanimously.