

CITY OF MEDINA PLANNING COMMISSION
Meeting Minutes
Tuesday, September 8, 2009

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

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

Absent: None

Also Present: City Planner Dusty Finke and Planning Assistant Debra Peterson-Dufresne

2. Public Comments on Items not on the Agenda:

No public comments.

3. Update from City Council Proceedings:

Weir presented the update that the Council:

- heard a presentation from Hennepin County and the City of Minneapolis on making Economic Development Revenue Bonds available to owner-occupied manufacturing and industrial businesses that seek to locate in Medina and to give them access to tax exempt bonds at no cost to the City. The program's purpose is to retain jobs in Hennepin County;
- reviewed in detail the new R 1 - 5 sewered residential zoning ordinance, and followed the lead of the Planning Commission to add more flexibility to requirements and to used the recommendations of the Commission;
- directed staff to make some changes to the proposed Uptown Hamel Monument sign and bring it back for final approval;
- accepted Mary Verbick's resignation with regret and directed staff to draw up a resolution of appreciation for close to nine years of service to Medina;
- is pleased to appoint Kent Williams to the PC to fill out Mary's term. Kent is an attorney who lives on Homestead Trail and who is interest in land use issues;
- contracted with NAC Consulting to assist staff with ordinance writing to support the 2030 Comprehensive Plan;
- directed staff to simplify the Concept Plan Review process to make it less expensive for developers to bring before the City;
- heard a presentation from Ehlers and Associates on the three mechanisms available to cities to finance construction of public buildings such as a proposed new Medina Public Works facility. Medina's Public Works is so undersized that much expensive equipment has to be stored outside, there is no room for expansion, it does not meet safety standards, and its heavy use is inappropriate in a rural residential area;
- awarded a contract for the new Field House in Hamel Legion Park;

- approved a preliminary one percent tax levy;
- reviewed a driveway waiver request for a built 30' driveway that exceeds the allowed driveway width by eight feet and directed staff to research and recommend a reasonable driveway width standard for Medina;
- approved the changes to the sign ordinance as recommended by the PC in public/semi-public and residential zoning districts, adding further tweaks;
- made minor technical changes to update the Tobacco Ordinance;
- eliminated the requirement that no liquor licenses can be granted to properties within 300 feet of a church.

4. Planning Department Report:

Finke updated the Commission that the City does not have a land use application for the next PC meeting in October. NAC, a Planning Consultant firm, was hired to assist in ordinance writing.

Nolan asked if Woodridge Church would be coming back. Finke explained the application is closed and staff is not aware of any future plans by the Church to proceed. He also informed the Commission that since Woodridge Church has withdrawn their application they would have to resubmit a new land use application.

5. Approval of August 11, 2009 Planning Commission Minutes:

Motion by Simons, seconded by R. Reid to approve the August 11, 2009 minutes with recommended changes. Motion carried unanimously. (Absent: None)

6. Public Hearing – Ordinance Amendment – Chapter 8 of Medina’s City Code Pertaining to regulations of the Business Park zoning district and regulations related to the General Business land use identified in the City’s draft 2010-2030 Comprehensive Plan.

Finke presented the application and explained the proposed changes and objectives of the Comprehensive Plan. He further explained the breakdown of the Business Park and Business District and the subsection relating to design/development standards which apply to both districts. He reviewed permitted, conditional, accessory, and interim uses. He explained changes in lot standards, setbacks were reduced and new uses were added. Impervious surface was increased. Building height was limited to 35 feet for the BP district and 45 feet in the Business district.

Nolan asked for clarification of how to review the draft ordinance and if the Commission should look at the Comprehensive Plan for guidance. Finke explained the City could adopt a moratorium if staff chose to do so and the City has nine months to make ordinance revisions. He said the Commission should be looking at the Comprehensive Plan for guidance.

Public Hearing was opened at 7:25 p.m.

Paul Chamberlain, representative of property owner Richard Burke, raised concern with the accelerated process and the negative impact it may have on residential properties i.e. change in uses, lot width, lot sizes, setbacks, conditional uses, as well as setback reduction from 500 to 100 feet when adjacent to rural residential districts. He voiced his opposition on behalf of Burke that allowing such changes could have impacts to his client's properties. He said City staff's draft ordinance has a generally global change with uses and business hours. The current uses would typically have business hours of 9-5 p.m. and he has concern with the change of uses extending business hours later into the evening. The change would impact adjacent residential uses.

Williams asked where his client's property was located. Chamberlain explained the properties are located in the general areas of Pioneer-Hamel-Tomahawk Road.

Finke continued his presentation explaining design and development standards. Examples of design modulation were provided of the Polaris Building (one modulation per 90+ feet) and the Target Building (one modulation per 53 feet). He explained the preservation of the natural environment, natural drainage, changes in landscaping requirements adjacent to buildings, trees required based on the linear footage of a lot, and parking lot landscaping. He further added the currently adopted tree preservation and wetland protection ordinances would continue to apply to both districts.

Finke explained utilities/mechanical equipment and storage of service vehicles. Loading dock regulations were changed at the request of the applicant such as:

- Maximum area of loading docks
- Location
- Screening

Rose Lorsung, applicant provided background of why development had not occurred in the area. She also commented on:

- senior housing
- institutional uses within business park district
- the use of EIFS material in moderation
- an increase in building height to 40-45 feet

She said she liked the creativity of the district and is excited with the changes within the BP district. She concluded her presentation by stating she was very pleased with staff's changes to their recommended ordinance application.

Nolan asked Lorsung about incorporating senior housing within the BP district. Lorsung explained how senior housing was compatible with commercial uses and how they are handled in other communities.

Nolan suggested the Commission start the discussion with uses. Finke explained the BP district was more inclusive.

Williams asked for clarification of the Business Park and General Business district properties and their objectives.

Finke explained staff's assumption that land division would occur with the larger parcels. Finke explained how a development would start the process and how zoning would be applied to the property.

Nolan asked for clarification of the two commercial districts and what the difference was between them. Finke explained.

Litts brought up the use of laboratories in the BP district and suggested narrowing down types of laboratories to be allowed. Finke explained laboratories are currently allowed in the City's existing zoning ordinance. Litts said some labs are beautiful and others may not be wanted within the proposed district. Williams suggested they be placed as a conditional use. Nolan asked if laboratories should be more clearly defined with conditions. R. Reid asked if certain laboratories could be permitted uses. Finke explained staff would research into it further.

R. Reid asked for clarification of "Asphalt and Concrete Recycling". Finke explained the use was put in for an existing use. R. Reid said a new user could start up in the district if allowed under the proposed ordinance. It was recommended the use be placed as an IUP to avoid nonconformity. Nolan suggested taking this type of use out of the district. The Commission suggested eliminating Interim Use Permit's.

Williams said he understands the Business Park district has uses with lesser impacts. He thinks of a Post Office or FEDEX business having a lot of trucks and people coming and going. He suggested some of the uses be placed as CUP's with increased setbacks.

The Commission recommended Adult establishments be taken out of BP district.

Simons asked where noise and lighting regulations were located within the zoning ordinance. Finke explained lighting limitations are placed within the zoning ordinance but noise regulations are controlled by the MPCA.

Williams asked if conditions could be added during the site plan review process. Finke explained new developments require site plan reviews and conditions can be placed on the application. Nolan asked if the City could control hours of operation. Finke explained the City couldn't control hours of operation under a site plan review but could control layout and design for businesses such as banks, financial institutions, medical offices, post office, public services, physical fitness clubs.

Finke explained the request to have more permitted uses rather than so many conditional uses was a recommendation through public comments during the City's open house on the district.

Nolan suggested businesses operating 24 hours a day should be a CUP. He further asked if staff could think of a different way to accomplish the objective.

Litts said existing commercial uses currently abut residential and they are more intensive in hours of operation. V. Reid raised concern with regulating a use by hours of operation since it's not real manageable. Simons sees physical fitness clubs as standing out from other uses. He asked what happens outside of 9-5 p.m. The Commission asked to exclude urgent cares from medical clinics as permitted uses and physical fitness clubs to be a CUP.

Staff was asked to research the distance a business district should be from highway 55.

Accessory uses - Finke explained when the Commission discussed general business land uses the thought was to allow warehousing as an accessory use up to 30% and anything over 30% would require a CUP in the business districts.

Finke explained residential uses being accessory uses and that it could be allowed under CUP or PUD. Lorsung suggested residential uses be allowed as an accessory use. Finke explained this change would trigger a need for a policy change.

Lorsung stated vacant properties zoned business adjacent to rural residential are not as marketable for all businesses. R. Reid asked if it's more a mixed use. Lorsung stated the entire area would not be needed for office and it would have a need for residential.

R. Reid said she recalls a high density residential use near rural residential and concern was raised about the higher density near rural residential. The Commission concluded to not add a residential component at this time.

V. Reid asked for another column to be added incorporating existing regulations pertaining to lot width, size, and depth.

Litts explained staff's examples aren't adjacent to hobby farms like in Medina. She said Medina is unique with its rural areas. She informed the Commission that no matter what is done within the business districts it would be difficult due to all the rural residential neighboring properties.

Finke explained lot sizes were reduced as a recommendation of staff, not the applicant.

Nolan said if lots were required to have a 3 acre minimum it would eliminate a lot of uses to be able to develop. Finke explained why subdividing is necessary. Nolan advocated a lesser acreage minimum.

Williams interprets the minimum acreage a mandate to develop. He said sometimes the goals can be incompatible and suggested the lot size be reduced. Litts said she was more concerned with setbacks.

Finke stated impervious surface was recommended to stay the same. Weir asked the Commission if they wished to put a cap on the maximum impervious surface. The Commission suggested 80 percent be the maximum coverage for the BP district and 85 percent for the B district.

Finke explained two ways to look at a property if a lot has wetlands. He said the idea is to avoid paving all upland property.

R. Reid asked if a setback was necessary for a 3 story building. Weir commented if it faced residential it could be appropriate. Finke clarified to remove a 3rd story setback.

The Commission concluded outside storage as recommended was sufficient.

Doug Dickerson of 2625 Pioneer Trail asked the Commission if they knew the height of the fire department ladder. Finke explained the ladder goes to the eave of a 3rd story building. Finke explained Gramercy is three stories and the fire department was actively involved in the process for accessibility.

The Commission discussed building materials and Lorsung requested EIFS to be allowed. Williams said he was familiar with EIFS and explained issues relating to installation and building codes. The Commission asked for more research to be done by staff for the City Council to review the material as a possible accent material.

The Commission discussed building modulation. R. Reid said 40 foot modulation requirements would make a building appear cluttered. Nolan suggested changing the standards to so many feet or a percentage (25% of length of wall – scale of wall – no wall greater than 100 feet long).

The Commission concluded windows as recommended was sufficient.

The Commission concluded multi-sided façade as recommended was sufficient.

The Commission concluded rooftop equipment as recommended was sufficient.

V. Reid questioned the side yard of loading docks and the Commission discussed. No change recommended.

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

Summary of recommended changes or research to be completed by staff:

1. Correct page 20 of ordinance to require animal waste to be picked up “daily” plus the language regarding 2000 square feet be taken out.
2. Laboratories as conditional uses
3. Add contractor services to BP district
4. Eliminate all IUP’s
5. Move physical fitness clubs to CUP in BP district
6. Add a condition under the B district to require a 300-500 foot limitation to the highway 55 corridor for uses listed as CUP’s
7. Review lot depths and lot widths
8. Add warehouse as CUP in BP district
9. Eliminate Adult establishments

10. Define more medical offices/in patient - urgent cares as CUP
11. Change semi-conductor definition on page 2 to manufacture and assembly electronic components
12. Item 14 – clerical typo regarding products
13. Revise lot standards for BP district to 3 acres and 1-1/2 acres for B district
14. Research the use of EIFS as an accent design material and verify the Fire Marshal's position on the use of EIFS
15. Revise building modulation language (percentage of linear wall space)

Motion by R. Reid, seconded by Nielsen to approve the ordinance amendment with recommended changes. (Absent: None)

7. City Council Meeting Schedule: Litts may be able to attend next meeting, otherwise Williams.

8. Adjourn: Motion by Simons, seconded by Nielsen to adjourn at 10:00 p.m. Motion carried unanimously. (Absent: None)