

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday December 8, 2015

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

Present: Planning Commissioners Todd Albers, Randy Foote, Kim Murrin, Victoria Reid, Janet White, and Kent Williams.

Absent: Chairperson Charles Nolan.

Also Present: Planning Consultant Nate Sparks and City Planner Dusty Finke.

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

There were none.

3. **Update from City Council Proceedings**

Finke provided updates on the October and November proceedings of the City Council, which included approval of the mini storage facility on Highway 55 as recommended by the Planning Commission, approval of amendments regarding dog regulations, approval of amendments to parking regulations, and adoption of the 2016 budget.

4. **Planning Department Report**

Finke provided an update.

5. **Approval of the October 13, 2015 Draft Planning Commission Meeting Minutes.**

Motion by Williams, seconded by Albers, to approve the October 13, 2015, Planning Commission minutes with changes as noted. Motion carries unanimously. (Absent: Nolan)

6. **Bradford Creek Addition – Preliminary/Final Plat to Plat Property into Two Lots (2872 Ardmore Avenue) – Public Hearing**

Finke presented a request for a Preliminary Plat, noting that the request also includes Final Plat and vacation of right-of-way, but advised that those approvals go before the City Council and therefore the Commission will only consider the Preliminary Plat. He stated that this request would reconfigure eight substandard lots into two conforming lots. He noted that the right-of-way requested to be vacated would be divided into the two lots. He advised that historically there had been one single-family home on the eight substandard lots and provided additional details on the lots and zoning. He stated that the eight lots would be split in half, divided equally into two lots. He stated that a conceptual grading plan has been provided to demonstrate how a building pad for the homes could fit into the property. He stated that there are no existing improvements in the right-of-way requested to be vacated. He explained that even though the Council will hold the hearing and make the decision on that request, the item is included in the Preliminary Plat because the land would be combined with the two lots. He stated that staff believes that the northern half of the right-of-way could serve any future needs the City may have, and therefore does not oppose the vacation. He stated that the two lots as laid out appear to meet the zoning requirements of the urban residential and shoreland

overlay district. He provided additional information regarding the tree replacement policy and noted that there would be additional options should the trees required not fit on the lot. He stated that Ardmore Avenue is a 22-foot road within a 44-foot right-of-way and is under the City minimum and therefore staff recommends that additional right-of-way be dedicated in case the road is improved in the future. He stated that the stormwater requirements are not triggered through this reconfiguration and that is why there are no requirements of that nature. He stated that staff recommends approval, subject to the conditions included in the staff report.

Murrin asked, and received confirmation, that the right-of-way is currently 60 feet and the applicant is requesting that be reduced to 30 feet. She asked if the previous home was one of the eight lots.

Finke explained that the home straddled the four lots in the center and the detached garage straddled two of the other lots.

Murrin asked why the applicant would want to vacate right-of-way on Palm and then dedicate additional right-of-way on Ardmore.

Finke explained that the City Engineer's recommendation is for the additional right-of-way on Ardmore in order to accommodate future road improvements for that roadway. He explained that the City would have requested the additional right-of-way regardless.

Murrin asked why the applicant would want the additional area off Palm.

Finke stated that the property would be counted into the lot area and therefore would provide additional square footage and flexibility for construction.

Murrin asked if there would be any negative tax ramifications to vacating the right-of-way.

Finke stated that the City would actually gain taxable area, but noted that it would be a very small difference.

Williams referenced the City-owned lot north of the property and asked if that would be a candidate for plantings should the applicant not be able to accommodate the necessary replantings required under the tree replacement policy.

Finke stated that area is already pretty wooded so there would be limited opportunities on that property.

White referenced the driveway configuration to Ardmore and asked if that could change to Brook Avenue.

Finke stated that it is a public right-of-way and the person building on lot two would have that choice, although lot one would have to access Ardmore.

Reid referenced the northern parcel owned by the City and asked if public access to the property would be lost if the Palm Street right-of-way is vacated.

Finke stated that there would still be 30 feet of right-of-way that could be used to access the property. He noted that there are a lot of parcels owned by the City in this area that have been gained through tax forfeiture.

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

Sue Prodahl stated that the property was her father's property and the home was demolished when he passed away. She believed the highest and best use for the property would be to divide the property into two buildable lots which would generate additional income for the City through taxes and building permits. She confirmed that the vacated right-of-way would provide more flexibility for builders.

Williams asked if the soil conditions have been verified for the lots.

Craig Westman, platting surveyor, stated that a soils analysis was discussed, but was not part of the requirements. He stated that he included that in the plan in order to not lead on potential purchasers as certain house types could not be done without further verification. He noted that it would be the due diligence of the potential buyer/builder to ensure that the type of home they want to build would be appropriate for the soils on the lot. He noted that footings and drain tiles would most likely be required because of the heavy soils on the lots.

Williams asked if these lots would have septic.

Finke advised that the lots would be connected to sewer and water.

Westman referenced the conditions regarding the development agreement and sewer and water and asked if that should be discussed with the Commission or Council.

Finke stated that the timing for that could be discussed at the City Council.

Reid closed the public hearing at 7:32 p.m.

White stated that she does not have any problem with the application as she feels that it will fit well with the neighborhood.

Finke stated that a neighbor to the northeast had concerns with the tree removal that may be required to fit two homes and the impact that could have on the lake.

Foote asked if direction would need to be given on tree removal.

Finke stated the applicant is on notice and a permit would be required for removal, noting that the ultimate design of the home would dictate the amount of tree removal. He advised that the intent would be to remove the smallest amount of trees possible.

White asked for details on the replacement trees that would be required.

Finke replied that inch per inch replacement would be required.

Williams stated that he reviewed the review criteria and he did not think that those items were triggered with the exception of the soils statement. He asked staff if the notice provided to potential buyers would be sufficient. He stated that the conditions proposed by staff would address any other concerns that he may have had.

Albers stated that he does not see any problems with the application.

Reid stated that the only thing she was bothered by was the random public nature preserve owned by the City to north, but noted that would be the concern of the Park Commission.

Foote stated that he would support the application.

Murrin confirmed that the position of staff is that the right-of-way is not needed in the current amount and 30 feet would be sufficient for future road plans.

Motion by Williams, seconded by Albers, to recommend approval of the Bradford Creek Addition Preliminary Plat, Final Plat and right-of-way vacation, subject to the conditions noted in the staff report. Motion carries unanimously. (Absent: Nolan)

7. **Kal Point – Planned Unit Development General Plan and Site Plan Review for Construction of a Restaurant and Office (340 Clydesdale Trail) – Public Hearing**

Murrin asked if she would have a conflict because she lives adjacent to the property.

Finke stated that technically there would not be a conflict because she does not have a financial interest, but noted that the question would be whether she could remain objective to the application.

Murrin stated that she could and would then take part in the review of this item.

Sparks presented a request for an amendment to the Planned Unit Development (PUD) General Plan and for a Site Plan review for the construction of a restaurant and office space. He stated that the entire development was approved as a PUD in 2005 and this parcel was identified as retail use. He explained that an amendment would be needed for the PUD, as this desired use is not the original intended use. He noted that from a use point of view, both a restaurant and office space would be allowable uses. He provided details on the two-story building that would include a restaurant on the first floor and office space on the second floor. He displayed a sketch of the proposed site with the building as proposed, providing additional details and noted that the plan is consistent with the general concept for the development. He referenced parking and advised that a restaurant of this size would require 40 spaces and the office space would require 15. He stated that this site has 36 stalls and the applicant is proposing to fill the remaining balance with shared parking from the adjacent Target site. He advised that the Target site does have extra space but noted there is a bit of distance between the site and the proposed shared parking. He noted that the trail system could be extended towards that area to provide pedestrian access. He stated that the restaurant is titled as a bar and grill, which usually has more business at night, noting that time frame could work well with the shared parking of a retail site. He stated that if the shared parking is going to be allowed, a written agreement would be needed. He identified a crosshatch area in the center of the lot that is proposed to be constructed with pervious pavement. He provided additional details on the proposed retaining wall and recommended fencing. He advised that the PUD requires four-sided architecture and provided additional details on the proposed building materials and design. He provided additional details on the proposed access point but noted that if the recommendations from the City Engineer cannot be worked into the plans, the access would remain as it is. He noted that additional details are needed on the existing tree species and regarding the landscaping plan. He stated that staff does not have concern with the parking because of the excess parking nearby, but noted that a written agreement would be needed. He noted that staff recommends approval as proposed with the conditions and recommendations in the staff report.

White referenced the original PUD, noting that restaurant and office space are approved uses, and asked if combining the two uses into one building were mentioned in the PUD.

Sparks stated that the original PUD designated certain uses for certain spaces. He noted that over the years, items have come in that differ slightly but have still been accepted as long as the uses are allowed in the PUD.

White asked if office space had been designated for any sites in the original PUD.

Sparks stated that the original PUD specified uses, but also deferred to the uses allowed in the urban commercial district as well.

White asked if the original PUD addressed having a two-story building, as she believed the other buildings are one story.

Sparks stated that the PUD did not prohibit a two-story building, but confirmed that there are no other two-story buildings.

White asked concerning the heights of the other buildings.

Sparks stated that a 35-foot building would be allowed if sprinkled and noted that this building would be 26 feet and would come in under the sprinkling requirement.

White asked what the square footage would need to be in order to fit with the available number of parking stalls.

Sparks stated that restaurant parking requirements are not based off square footage and provided additional details on the calculations used for that type of use.

Williams referenced parking and stated that the applicant proposes to have an agreement with the Target site and asked how realistic it would be since there would be parking available at Wells Fargo which is closer and that building closes at 5:00 p.m. He asked if the applicant considered sharing parking with Wells Fargo instead.

Sparks stated that there have been discussions with the applicant regarding the shared parking and the applicant has been working with Target because of the available amount of excess parking spaces.

Albers asked for additional information on the pedestrian access recommended by staff.

Sparks highlighted the path that would take.

Williams asked if the restaurant would be using the office space or whether they would be using the space themselves.

Sparks believed that the applicant is going to use the office space for themselves. He provided additional details on the storm water management and noted that providing the adjustments recommended by the City Engineer, the proposed plans would be sufficient.

Albers asked if additional maintenance would be required for pervious pavement.

Sparks stated that there is some maintenance and that is why the additional conditions were added.

Albers referenced the fence and asked if the fence would run the entirety of the retaining wall or just in the sections two feet above grade level.

Sparks stated that the recommendation is for the fence to run the entirety of the retaining wall.

Murrin referenced the setback and received confirmation that the City would be okay with the zero foot front yard setback. She referenced the building finish and asked if there is a corresponding condition for approval. She referenced the drive aisles and was unsure that widths were mentioned.

Sparks confirmed that a condition was in place related to the building materials and noted that drive aisle widths would meet the City Code.

Murrin referenced condition 17 and confirmed that would be Metro West.

Foote referenced the parking and asked if the parking in the back of the building is normal sizes or whether those are smaller spaces.

Sparks noted that the stalls meet the City requirements.

Foote asked how people would know to park in the Target parking lot if the original lot is full.

Sparks noted that signage could be installed.

Foote stated that he was concerned with the distance between this site and the Target site.

Reid asked about available parking spaces at the Goddard site, as that site is not open on the weekend.

The owner of Goddard stated that they are not interested in shared parking.

Reid asked how many of the parking spaces would be for the patio seating.

Sparks stated that five stalls would be equal to the patio parking.

Reid noted that for three seasons of the year the patio seating would not be used. She noted that the office use within the building would most likely have different use than the restaurant and therefore with that consideration and the patio, the parking calculation may be higher than actually needed. She referenced the sump pump and asked if it is less than desirable for the applicant to have the pervious pavement.

Finke stated that pervious pavement takes more maintenance than regular pavement and is an allowable treatment. He noted that the applicant is requesting a waiver from the full requirements and that is why additional recommendations had been made.

Albers asked if the west curb cut would align with the Goddard entrance.

Sparks stated that the curb cuts were installed before the sites were developed.

Finke confirmed that they do line up.

Kal Vempaty, the applicant, provided details on the application which would include the restaurant on the first floor and office space on the second floor. He stated that the office

space would accommodate seven to 10 employees. He asked that the project architect is also present to address any questions.

Greg Dahling, project architect, stated that the restaurant use for parking calculations would be 40 stalls and noted that the restaurant use would be evenings and weekends. He stated that the office use would be normal daytime business hours during weekdays so those uses would not have much overlap. He stated that the applicant has also been working with Target to obtain the shared parking document.

Kal Vempaty said that the owner of the development has stated that shared parking could occur for any of the uses and the document will be further modified to allow for the shared parking of nearby uses. He stated that there are additional maintenance charges that they would contribute to in order to have access to the shared parking.

Finke stated that there is shared parking allowed throughout the site, but each site should provide its own parking for its space as well. He noted that the amendment would be necessary to allow for the shared parking with Target, as this site would not have sufficient parking for its requirement.

Williams confirmed that the applicant would be buying their way out of the self-sufficient parking requirement with the Target agreement. He asked and received confirmation that the office space would not be leased and would be used for his business use.

Greg Dahling stated that they will work with staff to ensure the right combination of materials. He stated that they would prefer to avoid the fence on the retaining wall and only place the fence on the areas above 30 inches, as specified in City Code.

Williams stated that for aesthetic purposes perhaps the whole area should be fenced.

Greg Dahling stated that would be reviewed, but noted that they would not want to obstruct the view from Clydesdale. He referenced the eastern side of the property near Wells Fargo and stated that they would be requesting inward access of the site from Wells Fargo and not from Clydesdale. He stated that delivery vehicles could use that path in order to make deliveries. He clarified that they are not asking for access from Clydesdale, but simply from the Wells Fargo lot.

Reid stated that she visited the site on 5:00 p.m. on a Sunday night and was surprised with the level of traffic in that area.

Kal Vempaty stated that Target has supported the design of this proposal as well.

Murrin asked for additional information on the office space use.

Kal Vempaty stated that he owns other businesses and the office space would be used for his office use. He provided additional information on the IT services his business provides.

Murrin referenced the business signage and asked if all three signs would be illuminated.

Kal Vempaty confirmed that the three signs would be lit.

Murrin asked if there would be live music or bands.

Kal Vempaty stated that they do not have live music or bands and would be a similar atmosphere to Applebee's.

Reid asked how the size of the restaurant space was chosen.

Kal Vempaty provided details on the calculations they used to determine the size of the building including population, nearby residents, and business polling.

Reid stated that she likes the design standards to make the site pedestrian friendly. She stated that it makes sense to have the door at the back to have people easily come in, but believed that it would cut the building off from the remainder of the site for walkability. She asked if the building could be reversed.

Kal Vempaty stated that was his first proposal, to have the grand entrance at the front, but there would be space lost if that option was chosen. He stated that the patio location would also have an impact, as customers would rather sit front side rather than at the back of the building.

Reid stated that a lot of restaurants have patios and entrances in the front of the building.

Greg Dahling stated that could be reviewed during the design phase. He noted that additional controllability will be reviewed during the liquor license discussion and therefore he was hesitant to confirm access through the patio at this time.

Reid asked, and received confirmation, that the application would be in agreement with bicycle racks. She referenced the recommended landscaping plan and noted that she would like to see additional landscaping in the front. She stated that the front looks very office and not like a restaurant and therefore she would like to see additional landscaping in the front to make it more welcoming.

Greg Dahling stated that the drawing of the building is not an accurate landscaping plan.

Sparks noted that the landscaping plan was provided in the Commission packet.

Kal Vempaty asked if the Commission desires an entrance in the front.

Reid stated that the item will be discussed, as others may have another point of view.

Greg Dahling stated that the reason there is not a secondary door is for controllability, where management would have to watch a front and back door, but noted that could be accommodated if needed.

Reid opened the public hearing at 8:44 p.m.

Aaron Amic, Medina resident and business owner of Goddard School, stated that he will support this restaurant but also has some concerns. He stated that the curb cuts do align and he has concern that if the parking lot is full, people will spill over into his lot. He stated that he is not interested in sharing parking with the restaurant as he does not receive funding from the maintenance account for the development. He stated that the agreement for his property was clear that there would be no cross usage and his biggest concern is that people would still park in his lot. He was also concerned with the flow of the traffic.

Williams asked if there is typically parking occurring at night or on weekends.

Amic stated that there is cleaning staff that use the parking during the off hours.

Williams stated that signage could be posted directing people to Target for overflow parking.

Murrin asked if the parking lot for Goddard School is part of the shared parking in the development agreement.

Amic stated that his parking is separate from the shared agreement. He was unsure of the answer but agreed that signage could assist. He asked for written assurance from the applicant on how the issue would be addressed if patrons park in his lot. He stated that his hope is that the restaurant is very successful and noted that if the site is successful, the parking will overflow and they will spill into his lot because it is closer than Target.

Williams stated that perhaps signage stating 'Goddard School only' could be installed if it becomes a problem.

Rand Lillie stated that he is opposed to the restaurant use, as this will increase traffic and noise. He stated that they already hear the disturbance of the traffic and use of the site and would like the Commission to consider the noise that an additional use could add. He was also concerned with the safety of the pond, as the neighborhood side had been fenced to prevent children from having accidents.

Williams stated that in the past, walls had been installed to assist in preventing the spread of noise and asked if that would be appropriate in the loading area.

Sparks noted that there were conditions added to prevent additional noise disturbance, including the trash being inside and the landscaping that will assist with screening of light and noise.

Albers referenced snow removal and asked if that was handled by individual property owners or the management company, as stalls will be lost when snow is stored on the property.

Sparks identified an area occupied by landscaping in the northwest corner that could be used for snow storage.

Finke stated that staff would look into that with the shared parking agreement.

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

Reid stated that the issues identified were traffic and circulation, parking, entrance to the building, drainage, and landscaping. She referenced traffic and circulation and the request to make the Wells Fargo a one way through.

Williams stated that would be up to Wells Fargo as to whether or not to allow that, and advised that if they choose to not allow that, the delivery trucks would need to access through Clydesdale. He agreed that proof of parking needs to be provided through a shared parking agreement and believed that signage should be installed to direct overflow traffic to the Target lot. He also believed a statement should be added that if there is evidence that people are parking at the Goddard School, a sign would be installed at the applicant's expense stating 'no parking in the Goddard lot.'

Murrin stated that the overflow parking could be directed to any area other than Goddard School. She stated that it would be clearer to install a sign that says you cannot park at the Goddard School rather than direct people to every other business.

Finke stated that staff will figure out the technicalities and language for signage.

Reid asked for input on the entrance to the building and whether that should be orientated more towards the rest of the marketplace community.

Williams agreed that there should be a front entrance, but did not want the traffic to go through the patio area.

Reid stated that she would like the front entrance to function and act as the main entrance.

Greg Dahling stated that in regard to making the main entrance on the front, the majority of people would be coming from the back parking area and therefore an entrance could be made on the front, but that would be the secondary access and the main entrance would be in the back.

Williams stated that the entrance on the front will be functioning, but will not be the main entrance.

Reid stated that she would like to see the front entrance be the main entrance with the inside setup however the applicant desires.

Murrin referenced the landscaping and suggested that additional trees be planted in the back and perhaps the sign on that side not be lit to prevent disturbance to the neighborhood.

Williams stated that there is an Ordinance and PUD that would deal with light pollution in addition to the evergreen trees that will be planted in the back.

Murrin stated that if you are in the parking lot you would not need a lighted sign to find the building.

Williams stated that he is not convinced that this would rise to the level the Commission needs to address, as the existing regulations would govern that.

Finke noted that this would be the closest sign to the residential development.

Reid asked if the applicant would be comfortable with that request or perhaps a smaller sign, or placed lower.

Kal Vempaty stated that they are placing signs on three sides of the building and he would be fine not placing a sign on the back side of the building at this time.

Greg Dahling stated that perhaps limitations be placed on a sign for the back side of the building should the applicant wish to add that in the future.

Finke stated that staff could work on the language prior to the review by the Council.

Murrin asked if a height minimum should be specified for the decorative fence on the retaining wall.

Reid did not think that additional limitations should be placed at this time on the fencing.

Williams noted that specifications are provided in the City Code. He asked what would happen if the pervious pavement would not be maintained.

Finke stated that the water would still ultimately filter down and noted that records of maintenance would also need to be provided.

Motion by Murrin, seconded by Albers, to recommend approval of the PUD General Plan and Site Plan for the construction of a restaurant and office at 340 Clydesdale Trail, Kal Point, subject to the conditions noted in the staff report, with the addition that signs should be installed directing patrons to the shared parking areas, if the signage does not work the applicant shall work with staff to direct patrons away from the Goddard School; the grand main entrance shall be in the front, off of Clydesdale; and lighted signs are allowed on three sides of the building, but not the north side of the building. Motion approved unanimously. (Absent: Nolan)

Finke noted that all of the items considered tonight, if approved, would be considered at the January 5, 2016 City Council meeting.

8. **Just for Kix – Rezoning from UH-2, Uptown Hamel-2 to CH-RR, Commercial-Highway/Railroad (45 State Highway 55) – Public Hearing**

Finke stated that the applicant is presenting this rezoning request in anticipation of a future commercial development request. He stated that the request is complicated because the property straddles the line between Medina and Plymouth. He noted that the applicant is going through the process of rezoning in both cities and will bring a development request back in the future. He stated that this is the last remaining Uptown Hamel parcel on the hill. He stated that the Concept Plan was provided as an informative measure. He stated the Uptown Hamel zoning district is not in tune with larger commercial use and that is why the commercial-highway/railroad district is being requested. He stated that the property is guided for a mixed use business land use in the Comprehensive Plan, as was the Aldi site neighboring this property. He stated that staff believes that this rezoning would still be in tune with the land use identified in the Comprehensive Plan. He provided examples of similar rezoning requests within other zoning districts, but the same land use. He stated that staff recommends approval of the request subject to the condition in the staff report.

Williams asked the zoning of the property to the east in Plymouth.

Finke stated that the property is guided commercial. He stated that staff recommends that the entire building be located within the boundary of Medina to prevent other problems in the future.

Murrin asked if the access would still be made available from Highway 55 or whether the back access would be the only access.

Finke stated that would be part of the application review at that time and the zoning would have nothing to do with that access.

Reid asked if the rezoning would limit the number of stories further than currently allowed.

Finke stated that the commercial district would actually allow three stories, which is one less than currently allowed in the Uptown Hamel district.

Andy Brandel, ISG, spoke in representation of the applicant and stated that they have been working with both Medina and Plymouth staff in order to coordinate the process and the client can make their decision on whether or not to move forward.

Reid opened the public hearing at 9:34 p.m.

Jim Taylor spoke in representation of the Arnt property, noting that they support the request. He noted that Just for Kix would be a dance school for children and would be a good fit for the community. He asked that the Commission support the request.

Reid closed the public hearing at 9:36 p.m.

Williams stated that this request makes sense and would fit with the zoning of all the other properties in that area.

Motion by Albers, seconded by Williams, to recommend approval of a rezoning from UH-2, Uptown Hamel-2 to CH-RR, Commercial-Highway/Railroad for the property at 45 State Highway 55. Motion approved unanimously. (Absent: Nolan)

9. **Woodland Hill Preserve Sign Setback Variance (696 Woodland Hill Court)**

Sparks presented a variance request for the location of an entrance sign for a subdivision. He stated that in the subdivision plans the entrance sign was located on the west side, but the applicant determined that the site would not work for the sign and therefore is requesting to move the sign to the east side, which would require a variance from the ten foot setback from property lines. He stated that one of the setbacks impacted would be an outlot and therefore that would be less impactful to other property owners. He noted that to the east there is a significant tree that would obstruct the view of the sign. He stated that if the sign would have been proposed for the east side when the application was reviewed originally there most likely would not have been any issues. He displayed photographs of the proposed location with stakes that would identify the proposed location. He stated that after reviewing the variance request against the criteria, staff did not feel that the zero lot line for the front would be justified. He stated that the variance from the south would not be concerning because of the outlot location. He stated that staff recommends approval of the request for the side yard setback but not the front yard setback.

Albers asked if there would be issues if the sign was on the other side of the road.

Sparks stated that there would be issues with drainage and utilities on the other side of the road and provided additional details on the proposed location and visibility.

Albers asked if there would be landscaping proposed around the sign or whether this would just be the sign.

Finke noted that landscaping would be required per the Ordinance.

Justin Bannwarth, representing Gonyea Development, the applicant, stated that they initially planned to place the sign on the west side of the road, but there were challenges because of grading and retaining walls that will be installed in the future. He stated that when the location on the eastern side was identified their concern was encroachment on the neighboring property owner's lot and a large tree in the view corridor. He stated that any help they could receive to increase the visibility would be appreciated. He stated that typically there would be up lighting cast onto the sign and landscaping would be provided. Murrin asked the number of lots in the development.

Bannwarth replied that there would be 15 lots total.

Williams asked if this location would exist within the drainage and utility easement.

Finke stated that a portion of the easement would be utilized.

Bannwarth stated that they would be willing to enter into an encroachment agreement if desired, stating that the City would not have liability to landscaping or those type of elements.

Reid asked if there were any public comments.

Grant Bender stated that he lives in the Toll Development and there is a challenge for this development to have their own identification. He stated that he supports the request.

Reid stated that one criteria for the variance is that the plight of the landowner is unique and not created by the landowner. She did not feel that this is unique and felt that bringing the sign closer to the outlot would be fine. She stated that she would recommend denial of the portion going into the easement.

Williams agreed that this would not rise to the level of justification to interfere with the easement.

Foote agreed with the comments made by Williams.

White agreed that this would not meet the standards of the variance request.

Reid stated that she would be fine with the sign being moved closer to the Outlot.

Motion by White, seconded by Reid, to recommend denial of the Woodland Hill Preserve sign front yard setback variance and recommend approval of the side yard setback variance. Motion approved unanimously. (Absent: Nolan)

10. **Council Meeting Schedule**

Finke advised that the Council will be meeting on Tuesday, December 15th, and White volunteered to represent the Planning Commission.

11. **Adjourn**

Motion by Albers, seconded by Williams, to adjourn the meeting at 10:04 p.m. Motion carried unanimously.