

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday September 11, 2018

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

Present: Planning Commissioners Kerby Nester, Cindy Piper, Robin Reid, and Janet White.

Absent: Planning Commissioner Todd Albers, Aaron Amic, and Rashmi Williams.

Also Present: Council Member Lorie Cousineau, Planning Director Dusty Finke.

White welcomed the newest appointed member of the Commission, Cindy Piper, who will be completing the term previously held by DesLauriers.

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

No comments made.

3. **Update from City Council Proceedings**

Cousineau stated that Medina Celebration Day will take place this Saturday from 4:00 to 8:00 p.m. and invited everyone to attend. She reported that recently the Council met and approved the preliminary tax levy and general fund budget. She provided additional details on the discussion of the parks maintenance fund, noting that the Council consensus thus far has been to earmark \$14,000 from the tax levy at this time with the option to contribute \$30,000 into the fund from the reserves in the future. She stated that the Council also considered a request to eliminate the residency request for the Planning Commission, noting that the consensus of the Council was to reduce the requirement from three years to two years. She stated that Finke reviewed the Comprehensive Plan of Corcoran and the Council provided input on the response letter drafted by staff, noting that the projected growth of that community will have an impact on Medina. She noted that the Council also approved a transfer of a Development Agreement from Toll Brothers to Pulte Homes.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Ordinance Amendment – Chapter 8 of the City Code Related to Regulations of the Mixed Residential Zoning District**

Finke stated that the Commission held a public hearing on this topic at the August meeting, at which time the ordinance was tabled and staff was directed to incorporate changes suggested by the Commission. He stated that the Comprehensive Plan has now been approved by the Metropolitan Council and designates certain properties at Mixed Residential, which will contribute towards the minimum number of high-density units mandated by the Metropolitan Council. He stated that the Mixed Residential properties are not staged for development until 2025, but the controls of the City must be updated within nine months following the approval of the Comprehensive Plan. He identified the properties proposed to be guided as Mixed Residential. He summarized the comments that were received by the public, noting that the

majority of comments were in regard to the land use designation itself and the properties proposed to be guided, which are both elements of the approved Comprehensive Plan. He reviewed the comments made by the Commission that have been incorporated into the proposed ordinance. He recommended that the Planning Commission reopen the public hearing in case there are additional comments to be received.

White reopened the public hearing at 7:16 p.m.

No comments made.

White closed the public hearing at 7:16 p.m.

Nester stated that she is happy with the increased lot width next to adjacent existing development.

Motion by Reid, seconded by Nester, to recommend approval of the ordinance regarding the Mixed Residential Zoning District. Motion carries unanimously. (Absent: Albers, Amic, and Williams)

6. **Public Hearing – Open Systems International (OSI) – PID 03-118-23-41-0005 – Rezoning to Business, Preliminary Plat, and Site Plan Review for the Construction of a Two-Story Office – North of 4101 Arrowhead Drive**

Finke presented a request from OSI to construct a 125,500 square foot building, to be predominantly office with a smaller warehouse and training portion. He stated that this action would require three land use approvals, presented in the order in which staff suggests they be considered as some actions are contingent upon others – rezoning, subdivision followed by the Site Plan review. He stated that staff is asking the Commission to focus on the rezoning request, as changes will be made to the Site Plan and Preliminary Plat. He stated that the site layout is based on the requirements of the Business District and therefore the remaining actions will be contingent upon the rezoning. He identified the subject site, north of the existing OSI facility, and reviewed the surrounding land uses. He stated that the subject property is guided for business in the 2020-2040 Comprehensive Plan and was previously designated for mixed use. He stated that because of the previous designation, the property is zoned mixed use. He stated that mixed use zoning would be inconsistent with the recently approved Comprehensive Plan and therefore absent the request from the applicant, the City would need to rezone the parcel to Business or Business Park within the next nine months. He reviewed similarities and differences between the different business districts. He stated that the applicant is requesting the Business District for Lot 1 and did not request a zoning district for the outlot. He stated that staff would recommend the Business Park District for the outlot. He stated that the City has a good deal of discretion when rezoning properties and either the Business or Business Park zoning would match the approved Comprehensive Plan.

Piper asked the current height of the existing OSI building.

Finke stated that he did not calculate that but noted that it is a two-story building with some exposed lower level, which is similar to the proposal.

Steve Oliver, representing the applicant, stated that the floor heights of building one and two would be matched.

Finke stated that the zoning for the existing building would allow up to 45 feet for height. He provided details on the Preliminary Plat, which would propose to divide the outlot into two, one lot which would include the proposed building and a remaining smaller outlot to the north. He reviewed the comments from Engineering which included comments on transportation and utility infrastructure. He noted that the Park Commission will discuss park dedication but believed that cash in lieu would be recommended as there are not plans for parks in this area. He reviewed the details of the Site Plan and noted that the training area would be utilized by employees already within buildings one and two. He provided additional details on the proposed parking and proof of parking. He stated that the proposed building design appears to meet the design standards within the proposed zoning district. He stated that staff only recommends action on the rezoning as changes are still being made to the applicant's plan.

Nester asked if there is a reason the entire site could not be zoned Business Park.

Finke responded that either Business or Business Park can be used to implement the Business land use, depending on which the Planning Commission and Council find consistent with the objectives of the land use and the purpose of the district.

White opened the public hearing at 7:33 p.m.

Tracy Lamberty, 4250 Arrowhead Drive, stated that she owns one of the two homes that will be most impacted by this project. She stated that lighting is one of her biggest concerns as the lighting will be coming closer to her home. She asked if the lighting has to be on 24 hours per day.

Finke stated that the Code would not require 24-hour lighting and has requirements for the lighting measured at the edge of the property.

Ms. Lamberty asked that the City require high berms on the residential border to provide a buffer between the use and the adjacent residential property. She asked if the training facility would not have use 24 hours per day. She referenced the traffic increase on Arrowhead and the high speeds of the traffic under existing conditions. She stated that the additional turn lane would increase the impact of the roadway to the adjacent residential development. She asked the location of the driveway for the new facility.

Mr. Oliver replied the training would be generally during business hours and that the stakes on the property mark the potential access point.

Ms. Lamberty asked if there would be a requirement for a second access.

Finke replied a second access serves circulation and emergency access functions.

Ms. Lamberty asked if the building is going to sit on the hill as that would increase the height.

Mr. Oliver replied that the building would be constructed into the hill to lessen the visual impact.

White explained that the action tonight would simply address the rezoning and the Site Plan will come forward at a future date and will include some of the more detailed information the resident is looking for.

Keith Mueller, 4495 Bluebell Trail S, stated that he has been through other requests where the enjoyment and monetary value of his property have been impacted. He stated that when you purchase a home there is a lot of public information available to a buyer about the zoning, which helps the buyer to make the right investment in their future. He stated that when someone looks at a home in Bridgewater they drive by two signs that say proposed land development, which has an impact on potential buyers. He stated that he is not sure of the change to the Comprehensive Plan that designates the future use of the property as business. He stated that it appears that the locomotive is already out of the gate and it would be hard to slow this down. He commented that his best result would for the rezoning to not be approved, even though he recognized that the change in zoning is identified in the long-range plan of the City. He recognized that this request would most likely not impact the enjoyment or value of his property directly but would impact the properties of the neighbors to the subject property, which in turn would have an impact on the comparable values for real estate. He stated that if his wish to deny the rezoning could not be granted, he would like to see it minimized to the extent possible. He noted that this development will impact his commute. He stated that he is empathetic with a business that would like to continue to thrive and grow but noted that he purchased his business within a Business District and therefore does not have to infringe on residential properties abutting the property.

Ron Ingram, an owner of OSI, stated that he hears the concerns that people are describing and stated that they will do everything they can to address. He noted that the Comprehensive Plan guides this property for business. He asked the residents the type of business that they would like in their neighborhood and believed that his business is the right fit. He stated that if it is not OSI, it is unknown to the type of business that could come in.

Mr. Mueller stated that OSI could be a good neighbor but recognized that businesses sometimes change hands and then it would be unknown what would happen.

White closed the public hearing at 7:47 p.m.

Piper asked if the applicant could show how far into the property the new building would go.

Finke identified the proposed location of the building on the site as well as the proposed parking area in relation to the property line.

Piper asked the location of the access.

Finke replied that would be on the north end of the lot and the outlot would remain north of that.

Piper asked how big the outlot may be.

Finke was unsure of the exact size of the outlot following the changes, but likely would not change significantly.

Reid noted that the northern outlot would remain undeveloped until a future date.

Nester commented that she believes that the entire site should be Business Park as that would fit in better with the residential as it would lower the height of the building and require the berming.

Finke replied that under Business Park the maximum height would be 35 while the proposed height of the building is 42 feet. He stated that the way that building height is calculated, the

overall height would not need to be lowered because of the way the building will be situated in the hill. He noted that the building length could be increased, or additional lower level could be buried to lower the building height. He noted that there is already a 70 percent requirement for opaque screening along Arrowhead.

Piper asked and received confirmation that the proposed building height would not be higher than the existing building height.

White stated that it appears that the applicant is attempting to incorporate the design of the existing building to ensure a cohesive look. She stated that with the original building there was a lot of pressure for the applicant to create a prairie style that blends into the environment and is happy to see that continuing and therefore is not concerned with the building height.

Reid asked if the parking lot lights are on 24 hours per day.

Mike Kuklok, OSI, replied that there are employees at the facility 24 hours per day and therefore it is desired to have lighting in the parking lot for safety. He stated that they are looking at available technologies and would use downcast lighting. He stated that the newer LED lighting allows the light fixtures to be lowered.

White reviewed the staff memorandum, noting that the site has been guided for Business under the approved Comprehensive Plan. She felt that due to the proximity of Arrowhead Drive, it would be appropriate to have the zoning be Business based on the objectives outlined. She commented that the outlot could be zoned for Business Park.

Nester stated that it will be business either way, the decision will be whether it is Business or Business Park. She believed that Business Park would be preferable because of the proximity to residential property and Business Park would provide better opportunities for buffering and screening.

Finke stated that the buffering requirement is the same for both districts.

Nester noted that the main difference would be the height difference of ten feet.

Reid commented that would result in a larger building footprint. She noted that a future building to come on the outlot would need to be a lower height. She commented that OSI has been a great addition to Medina and has been a great business, therefore she is inclined to support the Business District. She stated that it would help the applicant to consider lighting, berming, and screening when refining the Site Plan to be a good neighbor to the residential properties. She also agreed that the outlot should be Business Park, as that would provide transition.

Piper asked the number of additional employees.

Mr. Ingram confirmed that there would be additional employees hired, noting that it would be mostly engineers and professionals. He estimated that perhaps 100 additional employees would be hired in the beginning and over the next few years more staff would be hired. He estimated that the building would be filled within five years and at that time OSI would look at the outlot.

Finke stated that the proposal is the same comparative height as the existing building, but because more of the top level is exposed that impacts overall height calculation.

Mr. Oliver stated that one of the reasons the site is designed in this way is because the site has a fall of about 20 feet. He stated that they are taking advantage of the natural fall rather than attempting to bury the site against the wetland. He stated that from the south and north the site will read as a two-story building.

Finke stated that the outlot is not included as part of the request from the applicant and therefore the City would need to rezone the outlot in the future.

Motion by Reid, seconded by Piper, to recommend approval of the rezoning of Lot 1, Block 1, Cavanaugh's Meadowwoods Park to the Business Zoning District. Motion carries 3-1 (Nester opposed). (Absent: Albers, Amic, and Williams)

Nester noted that she is opposed because she believes that Business Park would be a better zoning.

White noted that the Plat and Site Plan review would be considered at a future meeting.

Nester noted that there are trails marked future and she would like to see those included because of the higher number of pedestrians in the area.

White asked that the applicant considers the public comments and noted that any improvements to lighting, landscaping and berming would be appreciated.

Motion by Piper, seconded by Reid, to table consideration of the Preliminary Plat and Site Plan review to allow the applicant to update plans. Motion carries unanimously. (Absent: Albers, Amic, and Williams)

Finke stated that the City Council is scheduled to review the rezoning request at their meeting next Tuesday and the remainder of the requests will be brought back to the Planning Commission at the next meeting.

7. **Public Hearing – Robert Griffin – 2820 Co Rd 24 – Conditional Use Permit to Exceed 5,000 Square Feet of Accessory Building on One Lot**

Finke presented a request for a Conditional Use Permit (CUP) which will replace a previously existing accessory building on the property, noting that the previous building was recently demolished. He explained that the zoning district requires a CUP for over 5,000 square feet of accessory buildings. He stated that the property is 27 acres in size and the proposed location from the accessory building is not visible from the roadway and difficult to see from surrounding properties. He noted that the closest neighboring property is also owned by the applicant. He reviewed the proposed design elements and stated that the tree removal proposed is within the removal allowed by City Code. He noted that a stormwater BMP would be required and advised that the applicant would propose a reduction in hardcover elsewhere on the site. He provided additional information on the BMP triggers and noted that the general regulations would not trigger a BMP but because this is a conditional use, the BMP is required. He stated that staff believes that the criteria for a CUP are met through this request.

Nester asked for clarification on stormwater BMPs, inquiring if staff would not require erosion control if there was no additional hardcover.

Finke clarified that temporary erosion control would be required, but staff supported not requiring a permanent feature such as a pond, if hardcover was removed so that there was no net increase.

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

Robert Griffin, 2820 Co Rd 24, stated that this is replacement of a 35-year-old shed next to the barn. He stated that because the barn is large, any shed will place them over the 5,000 square feet. He stated that because the site is well under the overall hardcover requirement for the site, he believes it to be onerous to remove existing hardcover to offset this but noted that they are willing to do that. He stated that the shed will help to store equipment and protect the animals.

White stated that she would assume that the applicant is familiar with BMPs of manure management because of the horse ownership.

Mr. Griffin confirmed that they are very aware and familiar with BMP's, noting that they do not just own 27 acres but a total of almost 80 acres.

Reid stated that she believes these parcels to be two of the most beautiful in Medina and did not have any problems with the request.

Nester stated that there also seems to be support from the neighbors.

Piper noted that she actually lived in the barn for six months in 1994 and therefore knows the property well and knows how bad the shed was.

Finke submitted a written comment received by Matt Hoffman, 2622 Co Rd 24, in general support of the project.

White closed the public hearing at 8:17 p.m.

Motion by Piper, seconded by Reid, to recommend approval of the Conditional Use Permit subject to the conditions noted in the staff report. Motion carries unanimously. (Absent: Albers, Amic, and Williams)

Finke stated that this will be considered by the City Council at the October 2, 2018 meeting.

8. **Approval of the August 8, 2018 Draft Planning Commission Meeting Minutes.**

Motion by Nester, seconded by Reid, to approve the August 8, 2018, Planning Commission minutes as presented. Motion carries unanimously. (Absent: Albers, Amic, and Williams)

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.

10. **Adjourn**

Motion by Piper, seconded by Nester, to adjourn the meeting at 8:21 p.m. Motion carried unanimously.