

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes
Wednesday, August 15, 2018

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

Present: Planning Commissioners Todd Albers, Aaron Amic, Kerby Nester, Robin Reid, Janet White, and Rashmi Williams.

Absent: None

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

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

No comments made.

3. **Update from City Council Proceedings**

Cousineau reported that it was with great sadness that the Council heard that Mayor Mitchell had passed since the last update and will be missed. She stated that Kathleen Martin was appointed as the Acting Mayor for 2018 and it was the decision of the Council to appoint Martin as the Mayor for the remainder of the term. She stated that Dino DesLauriers was then appointed to fill the vacancy on the Council and complete the remainder of the term previously held by Martin. She stated that the Council has recently approved the Final Plat, wetland replacement and Development Agreement for the Woods of Medina. She noted that the Council also approved a lot combination in Independence Beach. She explained that although the new lot will still not be compliant, it creates a better situation than the two separate lots. She stated that the Council has also discussed the Municipal Park Fund as there is a need to fund maintenance and repairs of park equipment. She noted that will be an ongoing discussion on how to fund that needed action. She stated that the Council also approved the stormwater ordinance updates as recommended by the Planning Commission.

4. **Planning Department Report**

Finke provided an update.

Reid stated that she has noticed that Elim is going into Maple Plain rather than Medina and asked if that is because of the development timing of Medina.

Finke confirmed that Elim wanted to move more quickly than Medina could allow because of the timing of the Comprehensive Plan.

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

Finke stated that this is a continuation of the work to implement the draft Comprehensive Plan and update the official controls. He reviewed the thorough process the City went through, including public participation, to develop the draft Comprehensive Plan which is currently under review by the Metropolitan Council. He provided additional information on

the mandates from the Metropolitan Council that the City had to incorporate into the draft plan.

Albers noted that the mandate for growth from the Metropolitan Council system statements had been reduced from the previous projections.

Finke noted that the primary vision of the Comp Plan was to continue to protect the rural and open space areas and scale back the planned development to meet, but not exceed, the minimum projections from the Metropolitan Council. He reviewed the two locations for the mixed residential land use and noted that the use partially meets the high-density residential requirements from the Metropolitan Council.

Finke stated that the City is required to enact zoning regulations that are consistent with the draft plan. He provided information on the planned density for the mixed residential zoning district and flexibility within for different types of housing units. He stated that both mixed residential properties are staged for development in 2025, and therefore the regulations are being updated to be consistent with the requirements of the Comprehensive Plan, not in anticipation of imminent development.

Finke stated that the City held an open house for the property owners of the mixed residential parcels and residents close to those areas. He noted that a summary of the discussions was included in the Commission packet and provided a brief review of the comments. He reviewed the different standards, which are based on standards within other zoning districts in the City. He provided details on the flexibility which would be provided through the ordinance in return for incorporating additional development features. He stated that a draft ordinance was created by staff in attempt to meet the standards of the draft Comprehensive Plan. He provided examples of how the flexibility could be used and highlighted topics for the Commission to provide additional input on.

Reid stated that it seems unrealistic that this type of density could also protect open space/natural features.

Finke provided additional clarification, noting that the City could allow less units in order to permit the opportunity to preserve open space. He explained that smaller lots or increased density in the high-density portion of the site could also allow for a reduction of the footprint, which could preserve open space.

Reid asked for clarification on a multiple family structure.

Finke replied that could be an apartment building, a structure with common internal structure.

Reid stated that the Wayzata School District is purchasing a portion of one of these parcels and asked what impact that will have.

Finke replied that the minimums of the standards would be looked at for that parcel and provided an example. He stated that there would still be an expectation of 60 high density units within the 60-acre parcel. He noted that there are other non-residential uses which are allowed uses within the zoning district.

Reid asked the difference between the front yard setback and street setback.

Finke stated that generally the front yard would be along the street but noted that the difference is provided for corner lots.

White opened the public hearing at 7:38 p.m.

Anay Bedi, 3011 Wild Flower Trail, asked for clarification on which property the zone would apply and if any had been purchased by the City for development.

Finke replied that all of the property south of the Enclave at Brockton to Medina Road would be guided for mixed residential. He stated that the City does not develop property and that the property is not staged for development until 2025.

Mr. Bedi stated that this land is then being planned with the assumption that the land would be sold to developers.

Finke stated that this would provide the opportunity for that property to develop in that manner in the future but noted that there would need to be a willing seller and developer.

Mr. Bedi stated that his home directly faces what would be high density housing. He asked if this was presented to the builders of the homes in his development.

Finke stated that any and all were invited to participate in the draft Comprehensive Plan process and provide input as the City looked at all properties within the City.

Mr. Bedi asked if it was communicated directly to the builders that there would be an opportunity for the farmers to sell their land.

Finke stated that a builder who owned property would have received the same notifications of all property owners in the City.

Mr. Bedi stated that he received the invitation to the open house but was unable to attend. He noted that the row of homes on the south of the Enclave that has not yet been built will not have an opportunity to provide input. He noted that in speaking with his neighbor, his neighbor said that he would not have purchased his home if he knew that high density housing would be built adjacent. He noted that the homes in his neighborhood are in excess of \$600,000 and does not believe that it would be appropriate to put a four-story apartment building adjacent to those homes. He stated that these sorts of plans should be very transparent to the builders and the builders should be transparent with the potential home owners. He asked if the current path forward would be to expect that builder selling these homes will continue to not be transparent. He asked if there is any way to change the plan.

White stated that the City had to go through the Comprehensive Plan process, which is required by the Metropolitan Council. She stated that planning for the mixed residential zoning district is part of meeting mandate from the Metropolitan Council. She noted that there have been many public meetings and notification has been provided to residents and property owners to allow involvement. She stated that development of the draft plan has been completed and is under review by the Metropolitan Council and that part is done. She explained that the City is now working to develop the rules of the mixed residential zoning district and that is what is being discussed tonight. She stated feedback from the Open House was used to create this draft ordinance being reviewed tonight. She stated that in her opinion there has been transparency, as there were numerous open houses and notifications throughout the Comprehensive Plan process in many different formats. She stated that the City has no concept on these properties, of specific builders or developers, and has simply designated these properties to be guided. She stated that these properties may not ever be

developed but the City has to have the plan in place in the instance that they are developed and in order to accommodate the mandates of the Metropolitan Council.

Albers stated that this property is not staged for development until after 2025. He stated that there are a lot of things that would need to happen for the land to even be developed and this simply puts rules into place for possible future development.

Mr. Bedi asked if there is any way to make sure that there is open space incorporated as this area would be the backyard of some of the adjacent properties.

White confirmed that there would be transitioning required.

Mr. Bedi asked if there is any way to ensure that the adjacent properties are made aware of these discussions.

White confirmed that is a part of the City process. She noted that property owners within 350 feet of any development request are notified of requests and public meetings.

Mr. Bedi stated that some of the homes have not even been sold yet and therefore those future property owners do not have an opportunity to comment.

White asked how those future property owners would be consulted as they do not currently live there.

Mr. Bedi replied that perhaps the City should wait until those homes are sold to allow future property owners to comment.

Williams noted that perhaps those homes are not sold for another year and then the City process would be stalled in anticipation of people purchasing homes. She explained that it would not be feasible to work on assumptions.

Reid stated that it would be up to the developer/builder to tell the future home owners and not the obligation of the City. She stated that the City has to set the land aside and before future development could occur the potential developer would need to speak with the property owners and have an agreement to purchase the properties before coming to the City with a development request. She noted that the land may never develop in this manner, the City simply needs to provide the opportunity to meet the mandate of the Metropolitan Council.

Amic noted that the City does not take it easy on developers when reviewing potential requests and there would be a thorough review of any potential development request.

Reid noted that buffer zones are required to provide transition between uses.

Finke stated that the intent of the City has been to be transparent throughout the entire planning process for the draft Comprehensive Plan. He noted that information was readily available in different formats and was shared with anyone requesting information.

Denny Morrow, 3022 Basswood Road, stated that he sits on the Board for the Enclave Association but is present to speak personally tonight. He thanked the Commission for their time and commitment to the City as volunteers. He stated that in speaking with his neighbors, they would love to see an increase in villa homes from a market standpoint. He stated that there were 23 homes in the Enclave that were sold within two-years. He stated that the homes on the east side of Brockton are also in high demand. He stated that he would

like to encourage the addition of the villa product in more areas of the city that would be attractive to the 55 plus community.

Finke stated that senior housing would be a permitted use within the District as well as assisted living, nursing facilities and memory care.

Leona Maccabee, speaking in representation of the owner of Delcroft Farms, stated that Delcroft owns property west of Arrowhead Drive and has been before the City three times requesting rezoning of the property and provided background information on the previous requests. She stated that the Delcroft property is ideal for higher density use. She stated that the property owner does not oppose the mixed residential use but believes that the parcel is superior for the use.

Mary Beth Demott, 3075 Wild Flower Trail, stated that she also sits on the Board of the Enclave HOA but is also here to speak personally. She referenced the development that has occurred in Plymouth and asked if that has been taken into consideration. She stated that in the past year she has lived in her home, the development in Plymouth has exploded. She explained that she, along with her neighbors, paid a premium for their homes because of the unobstructed view from the backyard. She stated that would change drastically if a four-story apartment building is constructed. She referenced 70 plus acres that is for sale on Holy Name Drive and asked what will happen when that is developed, as Brockton Lane is a small country road with limited access. She stated that if something has to happen she would encourage as little density as possible with as little impact to the wetlands as possible. She noted that she purchased her home because she prefers the rural character.

Finke stated that when the Metropolitan Council creates its forecast, it would include the development in Plymouth for the system statements for Plymouth and would not impact Medina's forecasted growth.

Albers stated that he represented the Planning Commission on the Comprehensive Plan Steering Committee and stated that beginning with the first public input meeting the message from residents was clear requesting that the additional growth be spread throughout the city rather than focusing on just one corridor. He noted that there was opportunity to move some of the development west along Highway 55. He stated that the decreased growth forecasted for the City also took some development opportunities off the table and postponed that development opportunity to slow the growth of the community as desired by the residents of Medina. He noted that this property has options for access and within the City water and sewer area, that made this parcel ideal for mixed residential. He stated that high density can be limited in size and number of stories to ensure a smooth transition to neighboring single-family homes.

Tim Sedabres, 3169 Cyprus Circle South, also thanked the Commission members for volunteering and serving the City in the manner that they do. He stated that he is a 26-day resident to the City of Medina and chose Medina because of its rural character. He stated that he requested the future land use plan and received the copy approved as of 2016. He stated that the draft Comprehensive Plan has not yet been approved by the Metropolitan Council and therefore the new zoning is not yet official, and the parcel is still zoned rural residential. He stated that it seems in reviewing information that this site was not as ideal as another location along Highway 55. He cautioned the City not to use the Metropolitan Council as an excuse as the Met Council does not designate which parcels are designated as mixed residential and that is the sole job of the City. He asked how many of the Commission members live within one quarter mile of either of the properties slated for mixed residential.

He stated that he is not a supporter of ruining the rural residential zoning that is in place at Medina and Brockton.

Kristin Tollison, representing Wayzata Schools, stated that the school district does have a signed purchase agreement for some of the parcels in discussion tonight and are excited to be a part of the community. She stated that the school district does not have the need for a school at this time but always plans to have land available in the case that a school is needed. She explained that the school district does not build schools in advance and would only likely need an educational facility in the location should the increased growth in Medina demand that need. She stated that if the school district determines a need, there is a process the school district would follow which would include having demand, submitting a request to the Department of Education, and then submitting a request for a referendum to the voters. She explained that schools are built to capacity and not to forecast future growth.

White asked what the school district does with land it acquires while it awaits determination of need.

Tollison replied that the school district would demolish any existing buildings, to prevent vandalism, and maintain the land. She stated that the school district is not allowed to make a profit on land it acquires because it does not pay property tax and therefore would leave land as is. She confirmed that the school district does not own any other land in Medina.

Dan Dugan, 4125 Brockton Lane, stated that he has no intention of selling his property. He stated that both of his neighbors are interested in selling their properties but he does not believe a developer could do much without acquiring his property. He asked if the parcel on Hamel Road, included in the housing requirements is not to be developed as it will be acquired by the school district.

Finke stated that as the ordinance has been laid out, any master plan would need to meet the minimum standards. He stated that the entire mixed residential parcel would need to be master planned for and 60 units of high density housing would need to be planned for, with the remainder of the site available for other uses.

Mr. Dugan asked if the Delcroft Farms parcel is proposed to be included in the mixed residential district.

Finke stated that the Delcroft Farms parcel is proposed to remain rural residential under the draft plan. He stated that the draft Comprehensive Plan is slated to be approved by the Metropolitan Council in a few weeks. He noted that once the draft plan is approved, an applicant could request an amendment to the Comprehensive Plan but would still be subject to the minimum standards.

Mr. Dugan stated that he is aware that the City must submit a Comprehensive Plan by a certain deadline but asked if the City is required to execute the Comprehensive Plan.

Finke explained that the City must adopt the plan and update its official controls to match the Comprehensive Plan within nine months.

Mr. Dugan asked if there is a mandate which could force him to sell his property.

Finke confirmed there is no such mandate that would force a property owner to sell.

Mr. Dugan asked how the City would then achieve its plan if a property that is guided for a different use is not interested in selling.

Finke stated that the City plans land uses but does not force development. He stated that the Comprehensive Plan is updated every 10 years in conjunction with system statements generated from the Metropolitan Council.

Mr. Dugan stated that when the Enclave was built, he received a lot of pressure to sell his property. He enjoyed when that property was rural before the Enclave was developed, but stated he was not interested in selling at that time and is still not interested.

White stated that the City is doing what the Metropolitan Council requires the City to do in terms of planning. She stated that the process tonight provides transparency and an opportunity to educate residents. She stated that the City is doing the minimum of what is required by the Metropolitan Council, noting that this last update of the Comprehensive Plan allowed the City to reduce its projected rate of growth and delay staging of development. She stated that the discussion tonight is to focus on the ordinance for the zoning district.

Reid stated that the City does not drive development and the Metropolitan Council cannot force development.

Mr. Dugan referenced Brockton Lane, which changed from a gravel road to pavement noting that he was assessed double when that occurred. He stated that the road is in disrepair and was unsure how improvement of that road would occur because of the need to coordinate with Plymouth. He asked if there are known plans for the improvement of that road, whether it would include a path for pedestrians and how that improvement would be funded.

Finke stated that the City Council recently approved a contract for a Feasibility Report in cooperation with the City of Plymouth to determine those details. He stated that if a street is improved in conjunction with development, that improvement would be funded partially by that development. He noted that the cost would be split between the developer (Lennar) and the City.

Mr. Dugan stated that he has a large home. He asked if there is flexibility in the way that the zoning district is laid out. He noted that if a developer were purchasing the property with the intent of demolishing the home, the value would be less. He suggested that perhaps the area near his home be slated for larger single-family homes with denser development on the other end of the parcels.

Finke stated that the ordinance establishes minimum lot requirements and therefore presumably if a developer could meet those numbers, areas could be reserved for very low-density development otherwise. He used the example of a high-density development on ten acres of a 40-acre site with single family homes on the remainder of the property.

Finke advised of a written comment received from Lisa Delang, an Enclave resident that encourages low-density development.

White closed the public hearing at 8:35 p.m.

Williams stated that a lot of the comment cards received from the public open house requested no section eight subsidized housing and did not believe the City could prohibit that type of housing.

Finke confirmed that it would not be advisable for the City to discriminate on the type of housing in this way.

White referenced the proposed density flexibility and suggested that the Commission provide input on that topic.

Finke provided additional details on what a developer would be required to provide in return for density flexibility.

Albers stated that he would not want to allow more than ten percent.

White suggested using -10 percent to +five percent as the range. She noted that the chances of hitting ten percent would be remote and therefore did not see including that high of a range. She stated that developers often come in with requests to meet the highest measure of density flexibility, but the City rarely believes that the developer has achieved that measure.

Finke stated that if a deviation to the negative is allowed there should also be a deviation to the positive. He noted that setting the high range at five percent would still be fine with a -10 as the low range of flexibility. He provided additional details on what would be required to request a percentage above the four units per acre.

Albers referenced the language “to protect natural features” and asked the test that would be used or what would be considered a natural feature.

Finke stated that would be the discretion of the Planning Commission and City Council. He noted that the language could be made more detailed if desired.

Albers asked if staff could provide an example of how the flexibility would apply to the Brockton parcel.

Finke stated that if it is assumed to be 35 buildable acres, 3.5-4 units an acre would require 123 to 140 units. Flexibility from +/- 10% would allow 111 to 154 units and flexibility of -10% and +5% would allow 111 to 147.

Reid noted that neither of the properties guided for mixed residential development have any major natural features that she is aware of.

Finke explained that a developer could do restoration or include open space.

Albers stated that if that language is left in there should be standards or examples of natural features.

White agreed that additional clarification should be added as otherwise it would be up to interpretation. She agreed that there could be a large range of natural features.

Finke asked for input from the Commission on whether the flexibility should be solely available for preservation of natural features and open space (after clarified) or whether the Commission would be interested in keeping the proposed language that would allow flexibility for exceeding other standards. He confirmed the consensus of the Commission to leave the flexibility of other things to be considered and noted that he would strengthen the language as desired by the Commission and decrease the flexibility range to -10 to +5%.

White moved to the topic of building height.

Williams asked what other communities are doing.

Finke stated that other communities allow significantly higher building height for high-density housing. He noted that Medina Ridge Condos (formerly Gramercy) was 3 ½ stories and Argent Parc in Hamel was 4 stories. .

Nester asked the allowed height for a single-family home.

Finke replied that a single-family home maximum height is 35 feet. He stated that as proposed the height for the multi-family product within the mixed residential match the allowed height in the high-density zoning district.

White confirmed the consensus of the Commission to allow 3.5 stories as the maximum height for multi-family housing within the mixed residential zoning district.

Finke moved to the topic of establishing minimum lot size for higher density. He stated that the minimum lot size would be tied to the number of units and therefore to create more units on less land, higher design standards would need to be enacted. He provided examples of higher design standards that would equate to additional units per acre. He noted that as proposed that would not be limited and therefore a number of the higher design standards could be combined to continue to increase the number of units per acre.

White stated that she would be concerned with an apartment building that came in with double the number of units that would be expected and would not be to the standard that would be wanted in Medina as the units would be smaller.

Nester stated that perhaps there is a limit on the number of additional units that could be gained.

Finke stated that at the public house meeting he had picture examples of what each number of units would look like. He stated that in order to reach 15 units per acre a developer would almost need to have four stories. He stated that if more density is allowed in the high-density portion of the site, you could have lower density on the remainder of site, noting that it is a balancing act on the overall site.

Amic stated that if you allowed higher density on the high-density portion of the site, that would allow for lower density on the other portion of the site that may border existing single-family homes.

White stated that it would be nice to have leniency as different housing products have different needs.

Finke moved to the topic related to single-family standards noting that there is a minimum lot width and size included in the proposed ordinance. He noted that villas typically have smaller lot width and size and therefore perhaps the Commission would be interested in reducing those thresholds.

Nester stated that she does not believe the thresholds should be lowered. She noted that an applicant could always go through the PUD process.

Finke stated that if villas are created on smaller lots, that could provide an opportunity for open space on the site as the maximum number of units for the overall site is set.

Amic stated that if you are attempting to have larger yards and homes bordering the Enclave then perhaps you would want the minimum lot sizes and widths as proposed.

Finke stated that if you wanted to encourage villas, there could be additional language stating that villas need to be buffered away from existing single-family homes to the extent practical.

Nester asked language could be added requiring equivalent or less density when abutting existing residential development.

Finke stated perhaps additional language could be developed but noted that would not be possible when bordering rural residential property. He stated that in this instance there are two sites and only one developed neighborhood adjacent and therefore he could include that language.

White stated that she would be willing to provide additional density if the developer were to provide that transition of equivalent or less density when abutting existing residential development.

Finke stated that there are subdistricts within the mixed residential district and noted that a lower density subdistrict could be added requiring a 60-foot lot and then lower the width in another subdistrict to allow for the creation of villas, specifying that villas could not border existing low density residential.

Amic stated that seems very similar to the Enclave now and would be appropriate.

Finke stated that if there is less flexibility in the single-family portion of the mixed residential, there would need to be additional flexibility in the other housing products to accommodate the ultimate overall density needed for the parcel. He stated that he would suggest making the changes as discussed by the Commission and bringing the proposed ordinance back to the Commission to review.

Reid stated that staff has done an excellent job and commended staff for the effort that they put into the document.

Albers asked if there is a standard definition of a two-car garage.

Finke provided the dimensions of a two-car garage included in the definition.

Motion by Albers seconded by Williams, to direct staff to incorporate the changes to the Mixed Residential District ordinance suggested by the Planning Commission. Motion carries unanimously.

Finke noted that the Planning Commission will consider the ordinance again on September 11th.

White thanked the members of the public that attended tonight to provide input. She noted that at the September meeting the Commission will focus on the changes suggested tonight.

6. **Approval of the May 15, 2018 Draft Planning Commission Meeting Minutes (Concurrent with City Council).**

Motion by Reid, seconded by Nester, to approve the May 15, 2018, Planning Commission minutes (concurrent with City Council) as presented. Motion carries unanimously.

7. **Approval of the July 10, 2018 Draft Planning Commission Meeting Minutes.**

Motion by Albers, seconded by Reid, to approve the July 10, 2018, Planning Commission minutes with noted change. Motion carries unanimously.

8. **Council Meeting Schedule**

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

9. **Adjourn**

Motion by Amic, seconded by Williams, to adjourn the meeting at 9:17 p.m. Motion carried unanimously.