

# CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes  
Tuesday December 11, 2018

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

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

Absent: Planning Commissioners Cindy Piper and Janet White.

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

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

No comments made.

3. **Update from City Council Proceedings**

Cousineau reported that this is her last meeting and stated that it has been an honor to serve on the City Council. She stated that in November the Council conducted the semi-annual business tours. She reported that the Brockton Lane project will begin in the spring in partnership with the City of Plymouth. She stated that the Council approved the 3<sup>rd</sup> Addition of the Deerhill Preserve development, approving the request from the developer to remove one lot in order to create a private park. She reported that the general fund budget and levy were approved at the last City Council meeting. She stated that the Council also approved a conduit bond, explaining that the City was able to charge a fee for providing a bond for a school in Minneapolis. She stated that there would not be any risk to Medina as the host city. She noted that the proceeds from that fee will be used to fund Medina Celebration Day and will also be disbursed into the park maintenance fee. She stated that the Planning Commission does have a few vacant positions and the residency requirement has been reduced from three years to two years. She noted that there are also vacant positions on the Park Commission.

Albers thanked Cousineau for her service to the City Council for the past four years and for acting as the Council Liaison to the Planning Commission.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Ordinance Amending the Official Zoning Map to Rezone Various Properties for Consistency with the 2040 Comprehensive Plan**

Finke stated that there are 35 proposed rezonings of property in order to bring those properties into consistency with the adopted 2040 Comprehensive Plan. He reviewed the thorough Comprehensive Plan process, which included numerous public input opportunities, that the City undertook over a number of years. He stated that the plan identifies a primary goal of preserving the open space and natural resources of the City, which allowing some opportunities for the City to continue to grow while still maintaining the visions and goals of the City. He stated that through that process the anticipated uses for the next 20 years were reviewed and then a more thorough review was done to plan for infrastructure and amenities, such as parks. He stated that the plan identifies the future land use, identifying areas of the

City that are anticipated for future commercial or residential development, and at what density. He stated that a staging plan was also identified to plan for future development and residential growth. He stated that the City's plan is required to be in compliance with the regional systems and system statements from the Metropolitan Council. He stated that because the plan has been approved by the Metropolitan Council and has been adopted by Medina, the City now has nine months to update the internal controls of the City to be consistent with the Comprehensive Plan. He stated that staff reviewed the current zoning to identify areas where changes were made in use in the 2040 Comprehensive Plan, and more broadly to identify any issues of inconsistency. He stated that a map and table were provided in the Commission packet detailing the 35 properties identified for rezoning. He provided additional details on the properties proposed for rezoning, broken down by areas of the City, reviewing the current zoning and proposed zoning. He noted that the use, such as residential, commercial, or rural, is determined by the Comprehensive Plan. The zoning implements this designation.

Reid referenced parcels 15 and 19, which are proposed to be changed from mixed use business to commercial highway and asked for details.

Finke replied that the mixed used business designation in the old plan allowed for a combination of commercial and high-density residential. The rezoning was proposed because the City guided the property for commercial use in the updated Comp Plan, and residential uses would not be anticipated within a commercial land use.

Reid asked for the previous zoning of those parcels prior to 2010.

Finke stated that those parcels were zoned for business development going back to 2000.

Williams asked the desired action from the Commission tonight.

Finke explained that staff is looking for a recommendation on the proposed rezonings, using the Comprehensive Plan as a guide.

Albers asked for additional details on the commercial highway and mixed-use business.

Finke clarified that one is a zoning district while the other is a land use.

Nester asked if the zoning could be changed to commercial neighborhood and still remain consistent with the Comprehensive Plan.

Finke stated that is the less intensive district and could be an option.

Albers opened the public hearing at 7:41 p.m.

Finke noted that staff received comments electronically which were provided to the Commission and will be entered as a part of the record.

Amic stated that they are on the Planning Commission because they love the City, just like everyone else, and are serving as volunteers to do the best they can for the future of the City.

Jennifer Palm, 1432 County Road 29, stated that she would like to request additional discussion regarding the zoning on their property. She stated that they have been attempting to develop on this property for 2.5 years for a senior care facility and now Elim Care is developing across the street as they were able to gain approval from Maple Plain. She stated

that in order to build the number of units specified for their parcel, with the required parking, they would need five stories. She stated that due to the market changes, developing 24 units on two acres would be extremely difficult. She stated that she has correspondence from the City and Metropolitan Council which suggested seven to 12 units per acre, which she believed would be more developable.

Larry Palm stated that they also own 1400 Baker Park Road and developed the retail center. He stated that they paid for the utilities to be brought to the property which will then be used for the property at 1472 Baker Park Road. He stated that he and that that property owner came forward within the last year or two with development proposals. He stated that he spends the money bringing the utilities services to an area that City is not approving for development and is not designating appropriate zoning which would allow for development. He stated that he continues to pay taxes on property that cannot be developed.

Mrs. Palm noted that they own additional properties in Medina that they pay taxes on and maintain.

Reid stated that perhaps it would make sense to review the proposed zoning for those parcels.

Finke stated that the density requirements were identified in the Comprehensive Plan and the proposed zoning mirrors that density. He stated that if the question is density, that would be a question of the Comprehensive Plan and not the zoning. He stated that the City can look at amending the Comprehensive Plan, perhaps to eight units per acre. He noted that on a two-acre site, that would not have a large impact on the City's density requirements, however, changing the density for all high density sites would likely cause problems. He stated that perhaps the City could carve out a lower high-density range.

Amic asked the perfect use for the land owned by the Palms, as the memory care unit is no longer an option.

Mr. Palm replied that it would depend upon what the market will allow. He stated that he has previous attempted retail/commercial and townhomes and there was not interest. He stated that to place a 12 unit per acre minimum on a two-acre parcel does not mechanically work. He stated that a comment was made in the past that their parcel would be tied to the neighboring parcel to allow a larger project. He stated that if a developer has to go through an additional step of rezoning, the developer moves on.

Mrs. Palm stated that happened on this site as they had previous brought forward a request for a memory care facility on this site which the Council did not approve because of the process of updating the Comprehensive Plan, and Elim Care went right across the street and built in Maple Plain.

Greg Hoglund, 19220 Hackamore Road, asked for clarification on the process. He stated that he has been a part of many of the Comprehensive Plan discussions and asked the purpose of the meeting tonight.

Finke stated that the Metropolitan Council and City Council have approved and adopted the plan and now staff is going through the process of identifying inconsistencies between the existing zoning and the adopted Comprehensive Plan to bring those properties into compliance prior to the nine-month deadline specified by the Metropolitan Council. He stated that there were land use changes under the Comprehensive Plan and the zoning needs to be updated.

Mr. Hoglund asked if some or all of the 35 could be approved or eliminated from this request.

Finke stated that while some properties could be eliminated from the discussion tonight, there would still need to be a different rezoning considered and applied prior to the nine-month deadline.

Mr. Hoglund asked if additional property could be rezoned that is not included on the list.

Finke confirmed that additional properties that are identified as inconsistent with the Comprehensive Plan could be added and rezoned. He stated that a property owner can always request a rezoning of their property at any time.

Mr. Hoglund stated that he owns land on Brockton Lane which abuts the City of Plymouth and would think the nature of progress would allow for that land to continue to develop in a similar way to the property in Plymouth. He stated that his property is not even included for development in the 2040 Comprehensive Plan.

Finke stated that the Comprehensive Plan is reviewed, and updates are made every ten years.

Albers stated that he was part of the Comprehensive Plan Steering Committee and the comment was made that residents wanted to ensure that residential development is shared across the community rather than focusing that development in one area. He stated that the property referenced by Mr. Hoglund is not included in the MUSA, even though there are municipal utilities in Plymouth. He explained that the City planned for the minimum number of units required by the Metropolitan Council system statements.

Mr. Hoglund asked if a developer wished to develop the parcel, the development would then require five-acre+ homes sites, rather than a denser suburban style development. He asked that someone look at that parcel again as it would logically develop in a similar manner to the property in Plymouth. He noted that the utilities are available on the neighboring parcel and is astounded that development is not planned for the next 20 years.

Finke confirmed that the property could be developed with rural lots.

James Peterson, 812 Meander Road, stated that he has lived happily in Medina for 33 years. He stated that the plan as proposed would change the zoning of his property to make his property unsaleable. He stated that his health is not in the best condition and he is worried about the prospect of his home if his wife is left alone as she would be stuck. He stated that if the property remains as currently zoned, the property could always be developed in some area and his property could be developed. He believed that the proposed rezoning would take away the value of his property. He stated that over the years his property has been chipped into by roadway, his neighbors across the road have been taken away and he would like the City to stop and just leave his property as it is.

Susan Nordstrom, 4200 Foxberry Court, stated that she is adjacent to parcel 15, which abuts Mr. Peterson's property. She stated that she received the notification because of the proximity to their property. She stated that when she went to the City website to find more information, six months of meeting notes were missing, that have since been posted. She stated that she attempted to learn the difference between mixed use and commercial highway. She stated that the takeaway for her would be that mixed use would have a maximum height of two stories while commercial highway would have 3.5 units. She stated that she also believed that commercial highway property was all adjacent to Highway 55, whereas this parcel is not along Highway 55. She stated that she never thought she would have

commercial property right behind her home. She stated that she works from home and all her windows face parcel 15. She asked where the traffic from a commercial development would go in that area. She stated that she has met a lot of great neighbors through this process and appreciated the ability for the public to provide input tonight. She asked the Commission to think about what they would want in their own backyards.

Tom Rocco, 4235 Foxberry Court, stated that he moved to his property in May of 2018 and was pretty stunned to receive a letter that commercial highway development would be going in behind his home. He stated that he began to do research and all of the other commercial highway property is located on Highway 55. He stated that this parcel proposed for commercial highway is in the middle of residential properties and was unsure why commercial highway zoning would be appropriate for that property. He stated that he reached out to land development experts who stated that this was an example of extremely poor land management. He stated that he was disappointed that while he only had ten days to prepare for this meeting, he went to the Planning Commission website and was not able to find minutes from any time after he moved to Medina in May. He recognized that Finke was able to post those minutes once alerted to the issue. He asked if the Planning Commission would want commercial development behind their homes.

Bill Ciora, 915 Sunset Court, stated that his property is north of the Peterson property and his property extends into the wetlands. He stated that he moved to his property in 1997 and was involved in the development of the 2000 Comprehensive Plan, attending every meeting as a resident to provide input. He stated that at that time the desire was to keep the area rural and low density but noted that over time changes were made. He stated that a few years ago the City Council was pushing for townhomes on Clydesdale, and even with objections from residents, the City Council allowed that development to go in. He stated that now the City wants to take property surrounded by residential properties and push in a gas station or similar commercial development. He noted that the site is also surrounded by wetland and asked the amount of buildable area that would be available on that property. He stated that filling in wetlands to allow commercial development would ruin the character of the area. He stated that every public hearing he has attended has been a public hearing where it has been said that things have already been done. He was unsure the point of a public hearing at that point. He stated that some of these changes will devalue properties, using the example of the Peterson property. He asked the Commission to rethink this plan.

Eric Dahmer, 4470 Shorewood Trail, stated that he sits on the HOA Board for Foxberry Farms and noted that he is speaking tonight on his own behalf. He stated that he is hearing concern with the proposed zoning of commercial highway for lots 19 and 15. He stated that within his neighborhood is 138 homes, representing up to 800 residents. He stated that if you add the other two neighborhoods that would be about one fifth of the population of the City of Medina. He stated that the people are concerned because of the nature, feel and density of the proposed zoning compared to the zoning that surrounds the properties. He stated that the commercial development that exists is similar to a home office that has minimal traffic during the daytime. He stated that the concern is with the activity that is allowed within the commercial highway zoning district, such as a gas station or fast food restaurant. He stated that there are lower intensity zoning districts that would ease the minds of some residents. He stated that he would feel a little better with the neighborhood commercial zoning, as that will keep the intensity of the parcel to a much more manageable level.

Craig Theis, 900 Fox Path Court, stated that his family moved to Medina four years ago to a family friendly neighborhood. He stated that they bike around the neighborhood and the thought of a 3.5 story building on that property seems totally out of place. He stated that he also sits on the HOA Board for Foxberry Farms and there is a lot of concern from the

residents in that neighborhood. He asked the Commission to think of a different zoning for that parcel. He stated that commercial highway zoning off the highway does not make sense.

Kristin Toste, 4650 Foxberry Drive, stated that 20 years ago she and her husband built a home in an open area. She stated that seven years ago her child was involved in an accident at Hackamore and she campaigned to get the stoplight put in. She referenced the high number of accidents at that intersection. She stated that her concern is CR 116 and the additional traffic that a commercial highway development would bring to the area. She believed that the traffic counts are already maxed out and the City does not have any control because it is a County road. She believed that the plan should be amended to move that commercial highway parcel because 116 cannot handle that additional traffic.

David Wain, 4442 Bluebell Trail S, referenced parcel 20 and asked for details on the purple area below that parcel.

Finke clarified that parcel 20 was subject to a subdivision a few months prior and there has been preliminary approval to divide the property as shown. He stated that the business park designation is a lower intensity designation and therefore would apply to the north parcel. He reviewed the permitted uses within the business park designation.

Joe Cavanaugh stated that his family has been farming the land for over 60 years and owns parcel 29, which is a big investment on their part. He stated that when they purchased the property it was zoned for development in 2025. He acknowledged that development has been pushed out. He stated that if the property remained as rural commercial holding it would allow for something in the mean time before the property could be developed with utilities, rather than changing the property to rural residential. He requested to keep the property as rural commercial holding which would allow, they to do something in the interim.

Mary Beth Demott, 3075 Wild Flower Trail, stated that her concern is with the properties within the eastern portion of the City. She stated that her concern is with the congestion in that part of Medina. She stated that Plymouth has also developed a large number of homes on that border and asked that those properties not be rezoned to rural residential. She stated that perhaps those properties to moved across Medina Road along Holy Name Road. She asked that the property be left as farmland.

Albers closed the public hearing at 8:29 p.m.

Albers reviewed the options for the Planning Commission, noting that a recommendation could be made to the City Council or the Commission could ask staff to review the comments made tonight to determine if there are changes that should be made.

Williams asked how the overall planning would be impacted if some parcels are removed tonight.

Finke explained that the City has until May to determine the official zoning controls that bring the properties into compliance with the Comprehensive Plan and therefore action does not have to occur tonight. He stated that there are properties in the City that are already zoned within these specific zoning districts and therefore adjusting the zoning districts themselves would have ramifications on those other properties. He stated that the Comprehensive Plan is adopted and if a change is proposed to that plan, an amendment would need to be made to the plan. He stated that the Metropolitan Council would review the amendment based on their system statement and mandates for the City. He stated that there could be implications depending upon the changes that are made.

Nester stated that she would like to have more discussion related to the commercial highway parcels and the parcel requiring 24 units on two acres providing the parcel numbers 15, 19, 32, and 34.

Reid agreed with the comments made by Nester. She referenced parcels 15 and 19 which has an office building across the street. She asked the zoning of that parcel.

Finke replied that parcel was developed under a PUD with business park as the underlying designation.

Reid stated that perhaps parcels 15 and 19 are zoned to business park which would have a lower intensity use.

Finke stated that business and commercial are separate designations within the Comprehensive Plan, with different objectives for each. He reviewed the types of uses that would be allowed under a business use compared to commercial use.

Reid asked if there has been communication with the owners of parcel.

Finke stated that the property owner called with questions but not with interest in construction.

Reid stated that business park seems like it may be a better fit because of the adjacent uses and asked if an amendment would be needed to the Comprehensive Plan.

Finke agreed that an amendment would be needed but noted that would be straightforward and would not impact the system statements and projections of the City. He stated that business would allow warehouse and industrial. He stated that another option would be neighborhood commercial which would lower the intensity of the use.

Reid stated that she is also concerned with the properties on Baker Park Road as there needs to be practical guidance as to what can be done on the property. She believed that the City owes the property owners some discussion of what could be done and what would need to change.

Amic stated that the discussion tonight has focused on parcels 15, 19, 32, 34, and 29 and the parcels off Medina Road. He stated that the parcels on Medina Road were previously discussed and believed that removing that would have major implications. He stated that there were stipulations on buffers and development requirements and therefore he feels confident with the parcels on Medina Road remaining as designated. He referenced parcel 29 and was unsure if there are implications that would result from the request.

Finke replied that he did not think there would be implications to the overall Comprehensive Plan if the City considered commercial uses in the Future Development Area as requested by the property owner of parcel 29. He stated that the future development area does not designate a use and those properties have continued to remain as rural until the MUSA extends to that area. He stated that there have not been a lot of businesses on septic and wells. He stated that if the Commission or Council are interested in looking at properties in the long-range plan to open certain properties up for business, he did not believe it would not be inconsistent with the future development area. He commented that the individual property should be reviewed to ensure that the property would be able to support commercial traffic.

He stated that there have been failures for businesses that have used septic and well in the past.

Amic echoed the comments that he wants to understand if the City is giving a property owner math they cannot work with. He stated that he would ask to pull property 29 for further review. He stated that parcels 15 and 19 are difficult because of how they are currently zoned. He asked what would happen if the parcels were left as designated as mixed use.

Finke stated that the current mixed-use district would not match the commercial designation and therefore one of those would need to change. He stated that when the property was designated as mixed use back in 2010, there were surrounding properties also designated mixed use. Collectively, these parcels could be viewed as having provided a mix of uses. The other parcels all developed with residential uses. The remaining parcels may prove difficult to plan a mix of uses on one acre. He stated that an existing lot can continue to be used as such, the zoning only impacts the redevelopment should the property owner be interested in selling for the purpose of redevelopment rather than the continued use.

Amic stated that he would support the comment that perhaps an office park would be more appropriate for those parcels.

Albers stated that the comments have all stated that they would like the property to remain as currently zoned. He stated that under the current zoning, there would be a commercial use on the property because of the residential property that was already developed on the broader portion of the overall mixed-use site.

Williams asked if there are things that can be done with approvals that would specify buffering and lighting requirements to minimize the impacts on the adjacent residential properties.

Finke stated that he believes the City does a good job of enacting such requirements. He stated that there are different requirements in the different zoning districts, providing examples from neighborhood commercial.

Williams agreed with the comments that have been made regarding 29, 32, and 34. She stated that in regard to parcels 15 and 19, she understands the concerns with traffic in that area. She asked if there is a way to work with the HOA to limit what could be built on that property or to allow additional input from the HOA.

Finke agreed that is part of the reason the Commission holds a public hearing. He stated that staff can continue to have conversations with individuals, but the zoning would have the tools to limit what could be constructed.

Williams stated that she would be leaning more towards neighborhood commercial, as that would seem less intensive and match the comments that were made by a resident regarding the hours of operation and low traffic.

Finke stated that if the parcels are not to be planned for commercial development, one would need to decide what use the parcel would be planned for. If residential, what density would be developed, recognizing it is at the intersection of an arterial and collector roadway, adjacent to office uses.

Nester stated that it seems that the parcel is a continuation of the business across the road because of the separation of the wetland between the residential and the busy road.

Amic agreed that a continuation of a low intensity commercial use would be appropriate.

Finke stated that the commercial neighborhood district is not applied to any other properties in the City, and therefore making changes to the zoning district would not have impacts on any other properties in the City, therefore additional restrictions could be made to that zoning district if desired. He stated that there may be additional opportunities to use commercial neighborhood in the future.

Albers thanked everyone for attending the meeting and providing input tonight. He stated that the job of the Commission is to make a recommendation for the City Council to consider. He stated that he is leaning towards approving the amendment removing parcels 15, 19, 32 and 29 to have further discussion at a future meeting.

Nester asked if commercial neighborhood could be recommended for 15 and 19 as that zoning district could be tweaked in the future.

Reid stated that she does not feel that she knows enough at this time to make that recommendation and therefore would support removing the parcels mentioned for further discussion.

Albers noted that another option would be to table the amendment entirely to continue the discussion while the other option would be to recommend adoption of the amendment except for the parcels mentioned (15, 19, 29, 32, and 34). He stated that he would prefer recommending the parcels as proposed, holding back parcels 15, 19, 29, 32, and 34.

Finke stated that if the City is going to review 32 and 34, those are similar to two other properties that are proposed to be similarly zoned, noting parcels 6, 8, 9, and 10. He stated that while those property owners did not make comment, it would be a similar issue and logic.

Amic asked if the request from the property owner of parcel 29 could be approved without implications.

Albers stated that could probably be done for the entire strip.

There was a comment from a resident that stated that he is happy with the designation of rural residential for the properties near him, parcels 27 and 28. He stated that he does not oppose the change for parcel 29.

Finke stated that because there are similar circumstances, he would advocate looking at all the parcels and not just the property owners that spoke. He stated that the Commission can continue discussion on the entire ordinance, with the discussion focused on the input received tonight, as there is not a rushed need for a decision. He stated that it seemed that the Planning Commission is open to a neighborhood commercial zoning for parcels 15 and 19. He stated that it might be helpful if the public is interested in providing input on a possible designation of neighborhood commercial.

There was a comment that Mr. Peterson could sell his home and the property could remain as a home. He was unsure if a buyer would be able to purchase the property and remain in the home. He asked what could be built on that pad without the properties developing in conjunction, noting that it would need to be a small business as the buildable area of the site is limited.

Amic agreed that whatever commercial use would need to be a smaller less intensive use.

Finke stated that there are interim uses allowed for uses that exist prior to the change in zoning. He stated that the home could remain and continue as the use, regardless of the zoning. He stated that protections are built in for transitional zoning changes, he stated that the home would be a permitted use and would not become nonconforming.

The resident asked if Mr. Peterson sold his home, could the buyer then remodel and change the home.

Finke confirmed that those protections are built into the transitional zoning district.

Another resident commented that parcel 19 is owned by an LLC and is unsure of the buildable space on parcel 19. He stated that normally someone would fill the wetland, but it has been stated that cannot be done and perhaps the LLC is waiting for Mr. Peterson to sell his property in order to construct a project in conjunction.

Finke agreed that it would be a reasonable assumption that the properties would be developed together.

The resident stated that while people have made comments that the property could be developed as a gas station or fast food restaurant, that is unlikely because of the site layout and buildable area.

It was asked and confirmed that the City would not allow an access to that property from CR 116, the access would need to be provided from Meander.

A comment was made that commercial highway would not make sense as Medina's definition of commercial highway is property along Highway 55.

Williams stated that it would be helpful to know the amount of buildable land to determine what could potentially be built on the commercial property.

**Motion by Amic, seconded by Williams,** to table the ordinance amending the official zoning map to rezone various properties for consistency with the 2040 Comprehensive Plan, requesting additional information on the parcels discussed in detail 15, 19, 29, 32, 34 and other similar properties. Motion carries unanimously. (Absent: Piper and White)

6. **Approval of the October 9, 2018 Draft Planning Commission Meeting Minutes.** **Motion by Reid, seconded by Williams,** to approve the October 9, 2018, Planning Commission minutes as presented. Motion carries unanimously. (Absent: Piper and White)
  
7. **Council Meeting Schedule**  
Finke advised that the Council will be meeting the following Tuesday and Albers volunteered to attend in representation of the Commission.
  
8. **Adjourn**  
**Motion by Williams, seconded by Amic,** to adjourn the meeting at 9:17 p.m. Motion carried unanimously.