

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday February 12, 2019

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

Present: Planning Commissioners Aaron Amic, Peter Galzki, Beth Nielsen, Kerby Nester, Cindy Piper, Robin Reid, and Rashmi Williams.

Absent: None.

Also Present: City Planning Director Dusty Finke.

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

Jeff Cates, 2400 Cates Ranch Drive, stated that he has been a landowner in Medina that has three preapproved land splits for development within the Medina development corridor along Highway 55. He stated that he would like to object to the Comprehensive Plan which puts his property into a staging area for sewer and water. He stated that the rezoning proposed tonight would make his property rural, even though there is available sewer and water 30 feet from the properties. He stated that his family has provided land to the City to relocate Chippewa Drive and was assessed for the signal on Willow. He stated that there are no other large properties along the Highway 55 corridor for development and he is unsure why his property was left out of the development staging.

Reid commented that the Comprehensive Plan update was a two-year process with numerous public hearings. She explained that the Metropolitan Council has already approved the Comprehensive Plan and the rezoning will be discussed under agenda item six tonight. She stated that nothing can be done to change the planning designation as the plan has already been approved.

Rose Lorsung, on behalf of Mr. Cates, stated that Mr. Cates did not feel informed of the process of the Comprehensive Plan and is confused by the staging of the property as this is the only property that would accommodate office/light industrial development within the Highway 55 corridor. She noted that he has had interest on the site.

Finke stated that the Comprehensive Plan process was a long process and generally speaking, the primary interest in the Comprehensive Plan was to grow only as much as projected by the Metropolitan Council and therefore staging on numerous properties were delayed into the future. He stated that property was discussed specifically during the process. He stated that a property owner can request a Comprehensive Plan amendment in connection with a development.

Mr. Cates stated that when his family provided the free land to the City for the relocation of Chippewa Road there was a verbal agreement that would allow his land to be available for development purposes. He stated that they would not have provided that land for free if they were not to get something in return.

Finke stated that throughout the 2010 Comprehensive Plan process that property was staged for development.

Reid suggested that Mr. Cates and his representative speak with staff if they would like to discuss additional options.

3. **Update from City Council Proceedings**

Finke reported that the Council has conducted procedural items, naming liaisons and setting work plan priorities for the year.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Ordinance Amendment – Related to the Requirements of the Commercial-Neighborhood Zoning District**

Finke stated that this agenda item arose out of the discussion in December related to the rezoning of properties within the City for consistency with the Comprehensive Plan, specifically related to the properties at 116 and Meander Road proposed for Commercial-Highway zoning. He stated that the suggestion was made to change that zoning to Commercial-Neighborhood. He explained that there currently are no properties zoned Commercial-Neighborhood and therefore proposed changes to that zoning district would not impact other existing properties. He stated that in the next agenda item, the Commission will consider adding the two parcels at 116 and Meander to Commercial-Neighborhood. He reviewed the proposed changes to the zoning district which would include removing auto repair, allowing an expansion of an existing single-family home on commercial property (which would protect the rights of the existing home on the property), and to require additional buffer requirements in the rear yard of a Commercial-Neighborhood property adjacent to residential development.

Nielsen asked if there is a reason this district has not been used before in Medina.

Finke replied that there has not been much new commercial development adjacent to residential since the district was created in 2008.

Nielsen asked if there would be other areas in the City where this district may be used in the future.

Finke replied that there could be opportunities to use this district in the future and provided another location in the City that could be a possibility.

Williams asked if the proposed amendments would cover any potential concerns that could arise for the other land mentioned that could be rezoned to this district in the future.

Finke confirmed that these changes would not have a negative impact on other parcels that could potentially be rezoned into this district.

Reid opened the public hearing at 7:17 p.m.

Bill Ciora, 915 Sunset Court, asked what the setbacks were, side and rear, and specifically whether there are any changes between the two districts.

Finke stated that the setback from residential property would be 40 feet with a buffer yard requirement for the rear setback which requires a screen of 50 percent opacity. He stated that the district is designed to be less intense as it is known that it will be near residential property. He stated that if there are massive setbacks there would not be much left for development on the site, therefore lowering the intensity in use and increasing the buffer requirement seemed to be a better fit than requiring a larger setback without screening.

Tom Roco, 4235 Foxberry Court, stated that his property is directly adjacent to the property in discussion. He believed that this proposal is a drastic improvement from Commercial-Highway and would be much more appropriate as the land is adjacent to residential development.

Finke stated that the setback from residential for Mixed-Use is 50 feet and Commercial-Highway has a setback of 40 feet from residential.

Amic stated that it seems that this would be an improvement as the current zoning is Mixed-Use with a 50-foot setback while the new designation would have a setback of 40 feet but would require 50 percent opacity screening.

Finke explained that the Mixed-Use district required 40 percent opacity, therefore this is an increased buffer requirement in return for a ten-foot reduction in the setback.

Motion by Nielsen, seconded by Amic, to recommend adoption of the ordinance amending the requirements of the Commercial-Neighborhood zoning district. Motion carries unanimously.

6. **Rezoning of 35 Properties in the City to Make Zoning Consistent with the City's 2040 Comprehensive Plan**

Finke stated that at the last public hearing all 35 properties were discussed, and three areas were discussed more in depth including the proposed Commercial-Highway zoning for the properties at 116 and Meander. He believed that has been addressed with the previous agenda item and would now be proposed for Commercial-Neighborhood zoning. He stated that the second area of discussion was related to the northwest corner of the City, for properties designated for Rural Residential Urban Reserve (RRUR) until future development. He noted that one property owner asked to remain in Rural Business Holding (RBH), which would allow for limited business development on that property. He stated that the third subject related to the R-4 zoning district, as there were concerns raised as to whether the density could be achieved based on the requirement of that district. He identified the properties in the northwest corner of the City identified for future development, and highlighted property 29, which was interested in RBH rather than RRUR. He stated that staff does not believe that would be inconsistent with the Comprehensive Plan, but there would be concerns with which properties are allowed to have commercial development as some roads in that area would not be conducive to business development because of road restrictions. He stated that staff is not recommending any property to be RBH and would continue to recommend RRUR. He moved to the southwest corner of the City and highlighted the properties proposed to be zoned R-4 and stated that staff sketched out a plan which would accommodate 13 to 14 units per acre on a two-acre site. He stated that the property owner also consulted with an architect that stated that a higher density could even be achieved on the property. He stated that staff had discussion with the property owner, who expressed an interest in developing at a lower density than the 12-15 units per acre. He stated that staff would recommend rezoning to that district to be consistent with the Comprehensive Plan. He noted that even though the density range is 12 to 15 units in the Comprehensive Plan,

additional flexibility of -10 percent or +20 percent could be considered in order to encourage other objectives of the City. He stated that the City has a good deal of discretion when rezoning properties, but it should be consistent with the Comprehensive Plan, noting that the City has until May to make properties consistent in zoning with the Comprehensive Plan.

Amic asked the process of a property owner in the RRUR district if they would like to consider a business that would be allowed under RBH.

Finke stated that a property owner could request a rezoning of the property. He stated that the RBH district would lower the types of businesses that would be allowed because of the limited access to water.

Galzki asked if there has been any interest from other property owners in that area related to changing the designation.

Finke stated that he has not received any similar requests. He stated that an adjoining property owner to parcel 29, would prefer to have RRUR.

Reid opened the public hearing at 7:36 p.m.

Joe Cavanaugh provided a photograph of his property and the other four properties considered for rezoning as well as other properties in the vicinity that have access to Highway 55. He stated that 15 years ago his property was changed to Rural Commercial. He stated that development has slowed, and it will now be another 15 to 20 years before development could occur. He stated that he would prefer his property to remain Rural Commercial which would allow for some type of development to occur while the land remains in holding status. He stated that there are buildings on his property already, one which is used for an office and will be used for pot making, barns that are used for boat storage, and a home that is being rented for residential use. He noted that his property does have access to Highway 55. He stated that if they were to change the use, they would most likely add another building for additional boat storage. He stated that the other properties that would also be included do not have any commercial activity currently. He stated that the other photographs are across from these properties proposed to be rezoned and have a much more intense commercial use that he would be proposing. He noted that he would be proposing light commercial development if they were to make changes. He explained that he is simply looking for cash flow options until the property can be developed in the future. He confirmed that he would only be looking to utilize the access off Highway 55.

Williams stated that there is a box marked on the picture marked 26 with multiple vehicles and asked for details.

Finke stated that is the old Loretto towing and is not included for rezoning.

Cavanaugh stated that there is another property, the old saloon, which also has access to Highway 55. He stated that they have a building and direct access to Highway 55 and would just like to be able to continue to do what they are doing.

Finke stated that there is relatively recent commercial activity but noted that it has not been reviewed by staff recently. He stated that previously there were three residential homes on the property being used by family members.

Finke provided details on what would type of activity that would be allowed under RBH, noting that it would be based off water usage.

Cavanaugh noted that there are things on his property which could be cleaned up. He stated that the RBH zoning would allow another barn to be constructed which would allow them to clean up other dilapidated structures on the property.

Reid asked if just the one property could be rezoned to RBH, rather than all the properties being rezoned.

Finke stated that he has had discussions with the property owner on this subject as this process has gone along. He stated that a solar garden or solar panels was mentioned as a possibility and would be allowed in the RRUR district, which would also provide some opportunities and less intensive traffic use.

Cavanaugh stated that after checking into it further, Xcel limits the amount of solar garden activity and being that there is a large location across the street, the capacity is taken for the area.

Reid stated that she believes the request by the Cavanaughs is reasonable.

Larry Palm stated that it appears that his property has been separated in zoning from the other neighboring properties.

Finke stated that there are improvement homes on 32 and 34, and therefore those would be proposed for the R-4 district as they are connected to sewer and water. He noted that 31 is not connected to sewer and water and is vacant and therefore would be proposed for RRUR until the staging time when it would be changed to R-4.

Palm stated that 34 is not connected to sewer and water. He stated that he paid for the sewer and water connection to come over to the area, but it does not connect to the north currently. He stated that his tenant moved out and the home is in such disrepair that it is no longer habitable.

Finke stated that staff would not be opposed to a zoning of RRUR for 34 but is unsure that is what Mr. Palm would want.

Palm stated that the City and the Metropolitan Council are now acting as developers to determine how his property will be developed. He believes that the apartment/condo market will bubble out in two years and his property cannot be developed until that time, which will mean that he will continue to sit on a property that he has already sat on for ten years. He stated that he is not asking for a change in zoning, noting that his zoning has continued to change throughout the time he has owned the property which has limited his ability to do anything with the property. He stated that he continues to pay taxes on a property that is not developable. He stated that 12 to 15 units with a ten percent variable does nothing for him.

Amic asked the perfect scenario for Mr. Palm.

Palm stated that he would like a low range residential. He stated that he would not want one single-home but would not want to be forced into an apartment complex. He stated that his ideal use would be whatever he can market the property for. He stated that previously he invested a lot of money in a potential senior development, which went across the street because of problems with the City process.

Finke stated that he believes that the question would be more of a Comprehensive Plan question rather than a zoning question as the zoning would need to match the density of the Comprehensive Plan. He stated that if there were a project, the project could move forward in 2021 and noted the process that would be necessary for approvals.

Palm stated that he is asking for the marketing opportunities to be expanded within the residential market.

Finke stated that the minimum units per acre that he City receives credit for is eight units per acre, but the City chose to use the higher density range during the Comprehensive Plan process. He stated that if the density were lowered on smaller properties, two acres in size, the density mandates of the Metropolitan Council would still be met.

Palm stated that his neighbor to the north is zoned with the same requirements but is sitting on half an acre. He stated that eight units per acre would still be a challenge.

Piper asked if a Comprehensive Plan amendment would be required to change the minimum density of the site to eight units and whether that would impact other densities in the City.

Finke stated that these two properties could be changed to eight units per acre without impacting other properties.

Nester asked if the Comprehensive Plan amendment process would need to start now.

Finke stated that by May, the property should be zoned consistent with the Comprehensive Plan. He stated that a Comprehensive Plan amendment would take four to six months, which is beyond this timeline.

Reid stated that she is not comfortable with what has been done to this property and asked if staff could talk to the property owner to find a solution.

Finke stated that the City could talk with the property owner about a potential Comprehensive Plan amendment.

Amic stated that he would recommend that the City Council consider a Comprehensive Plan amendment in this case for properties 32 and 34.

Reid asked if the other property owner has interest in working with this property owner.

Palm replied that property owner is not interested in working with him.

Reid stated that two acres zoned for high density is a bit baffling.

Finke stated that this is not the only two-acre site zoned for high density residential.

Williams stated that she would also recommend an amendment to the Comprehensive Plan for parcels 32 and 34.

Piper asked if the Commission would want to recommend an amendment until they know what they would recommend.

Finke stated that he can follow up with the Metropolitan Council in attempt to gain additional input on the amendment process.

Reid stated that she is uncomfortable with the two issues and suggested taking action tonight only on the Commercial-Neighborhood properties to allow further discussion on the other two issues.

Finke stated that R-4 would be the appropriate zoning for these properties and the property or City could initiate a Comprehensive Plan amendment following that as the properties need to be consistent with the Comprehensive Plan prior to May.

Reid stated that the Commission could approve the rezonings as proposed, and those property owners could then come forward with zoning changes or Comprehensive Plan amendments.

Piper stated that she would support the City making the recommendation for a Comprehensive Plan amendment, rather than placing that burden on the property owner.

Williams asked if parcel 29 would require a Comprehensive Plan amendment.

Finke stated that property could be left off at this time, as that would simply be a zoning change. He noted that perhaps the Commission should consider the other four parcels for similar zoning.

Amic stated that those property owners could have shown up. He stated that those other folks have therefore lost their turn and, in his opinion, he would like to move on the properties that do not have questions.

Reid closed the public hearing at 8:13 p.m.

Williams stated that property 29 seems to be the only property giving the Commission pause.

Finke suggested holding 26, 27, 28, 29 and 33 back as they would all be zoned similarly. He noted that RBH is still consistent with the Comprehensive Plan and therefore a decision would not need to be made on those properties prior to May.

Motion by Williams, seconded by Nielsen, to recommend adoption of the ordinance amending the official zoning map to rezone various properties for consistency with the 2040 Comprehensive Plan, excluding properties 26, 27, 28, 29, and 33 and recommending that the City file a Comprehensive Plan amendment for parcels 32 and 34. Motion carries unanimously.

Finke stated that the intent would be to present the Commercial-Neighborhood zoning district and the rezoning to the City Council at the March 5th City Council meeting.

7. **Public Hearing – Scott and Chantelle Theisen – 3325 County Road 24 – Conditional Use Permit for Construction of Four Accessory Structures with an Aggregate Footprint in Excess of 5,000 Square Feet**

Finke presented a request for accessory structures at 3325 County Road 24. He reviewed the current allocations for accessory structures on this type of property. He noted that currently the property is vacant, and the home is proposed to be constructed at the same time as the barn and riding structures, with plans for two additional lean-to buildings. He reviewed the adjacent zoning and uses, noting that this site is 19 acres in size with a wetland on the northern portion of the site. He stated that the property is proposed to be accessed with a shared driveway with the property to the west, which was a condition of the property split.

He stated that for a Conditional Use Permit there are specific standards that would need to be met including architectural measures and stormwater management measures. He reviewed the details on how the site would meet the stormwater management requirements and provided details on the architectural details of the site. He stated that the site has 15 grazable acres which would allow 14 animal units, while the applicant proposes having eight horses. He stated that staff recommends approval of the CUP subject to the conditions included in the staff report.

Galzki asked what the lean-to buildings would be used for.

Finke replied that those would be loafing sheds for animals.

Piper referenced a property at CR 6 and Game Farm Road, noting that would be a very similar property. She stated that this would be a great addition to the community and is impressed with the planning for this beautiful site.

Nielsen asked if the manure removal plan of every three months would be adequate to ensure that neighbors are not bothered by that.

Galzki stated that one of the conditions addresses that item and staff did not believe that would be an issue because of the number of animals and location of manure storage.

Reid opened the public hearing at 8:25 p.m.

Paul Beck, attorney representing the Wakefield Family Partnership, owner of vacant property to the east (3235 County Road 24), stated that the Partnership recognizes that the proposed use is allowed through a Conditional Use Permit and that the City's discretion is limited. However, he suggested that the Commission consider certain conditions to limit the impact of the use upon property to the east. The potential home location on the Wakefield land is located to the northeast of the barn and sits at a higher elevation and so will be looking down on the large, grey-white roof. They suggest that the applicant consider a more neutral color which fits into the surroundings. Beck also suggested landscaping to break up the mass of the structure and noted that they were concerned with lighting coming out the windows along the eastern facade.

Williams asked if Beck's property has the same zoning as the subject property. Finke noted that both were the same.

Nielsen noted Beck would only have a view of the northeast corner of the building.

Piper stated that landscaping would be one option suggested by Beck while changing the colors would be another option.

Galzki asked if the paint is reflective.

Reid suggested that the applicant be allowed to respond.

Scott Theisen, stated that they had purchased the property from the Wakefield family and were now surprised that they are raising concerns after the closing.

Amic asked the thoughts of the applicant on adding trees.

Theisen replied that he would prefer not to add trees or change the colors.

Nielsen stated that if Beck would like additional screening, the appropriate location would be on his property as it has a higher elevation.

Reid closed the public hearing at 8:38 p.m.

Piper stated that she could see requiring trees, as that could solve the problem. She stated that as for the color of the roof perhaps there is a reason related to heat absorption.

Rollie Radtke, RAM Builders stated that all of the colors are meant to be energy efficient and there really is not much of a difference. He noted that the colored steel is not reflective like old galvanized steel.

Reid stated that the screening and landscaping would be addressed when the next house is built rather than requiring that with this request.

Motion by Galzki, seconded by Piper, to recommend approval of the Conditional Use Permit subject to the conditions recommended by staff. Motion carries unanimously.

8. **Public Hearing – Ordinance Amendment – Related to the Minimum Side Setback Requirements of the Rural Residential-1 (RR1) Zoning District**

Finke stated that this request is for a text change to the City ordinance to reduce the side setback of the Rural Residential 1 (RR1) zoning district for parcels over five acres in size from 50 feet to 20 feet. He stated that only three parcels in the neighborhood are over five acres in size and therefore the other homes in that neighborhood already have a 20-foot setback and the change would only apply to those three properties. He stated that some of the larger properties are similar width to the smaller properties in the neighborhood, the only difference is that the property extends further into the wetland. He stated that staff supports this amendment as it will only apply to three properties within the neighborhood and noted that driving through the neighborhood you would most likely not be able to identify the properties that have five acres.

Reid opened the public hearing at 8:48 p.m.

No comments made.

Reid closed the public hearing at 8:48 p.m.

Galzki stated that this seems to be something that will bring the three properties into consistency with the other properties in the neighborhood.

Motion by Nester, seconded by Piper, to recommend adoption of the ordinance amending the side setback requirement of the Rural Residential 1 Zoning District. Motion carries unanimously.

9. **Call Special Meeting – Tuesday, February 19, 2019 at 6:00 p.m.**

Finke stated that there may be chance that more than four of the Planning Commissioners may be present at the City Council meeting related to the open meeting law and therefore it would make sense to call a special meeting of the Planning Commission as well. He noted that the Hamel open house is the following night and at that meeting, the Commissioners that

may choose to attend would not be acting as the Commission and therefore a meeting would not be necessary for that open house.

Motion by Nielsen, seconded by Galzki, to call for a special meeting of the Planning Commission on Tuesday, February 19th at 6:00 p.m. Motion carries unanimously.

Reid stated that she received a comment card from a resident that should have been heard under agenda item two.

Rolland Aberg stated that he had additional comment on a matter which wasn't on the agenda. He urged that the Planning Commission look into regulations about exterior lighting, including street lighting, to support darker skies. He noted that the streetlights in the Deer Hill Preserve development glare straight out rather than being downcast. He offered to help provide information for the City to create more dark skies compliant regulations.

Reid stated that the new structures have requirements for downward facing lighting but acknowledged that it is not the only problem mentioned. She stated that the standards apply to commercial buildings and parking lots and was unsure if those apply to residential properties.

Finke stated that the power company operates the street lights and the City does not have standards for that type of lighting.

Reid stated that residential lighting has caused light pollution in Medina.

Finke stated that the City had a process prior regarding private property lighting, where a consultant was brought in to provide input, and the decision was made erring on the side of private property rights and not to regulate that activity. He stated that the City made the decision to concentrate on commercial lighting. He stated that it would be worth investigating whether the City could work with power companies on street lights.

Amic stated that perhaps that item could be added to a future meeting that has a lighter agenda.

Piper stated that perhaps there could be regulations on the timing of lighting on residential properties.

Reid stated that perhaps rather than setting rules, this should be done as an informational campaign to residents in order to try to gain compliance.

10. **Approval of the January 8, 2019 Draft Planning Commission Meeting Minutes.**

Motion by Piper, seconded by Nielsen, to approve the January 8, 2019, Planning Commission minutes as presented. Motion carries unanimously.

11. **Council Meeting Schedule**

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

12. **Adjourn**

Motion by Piper, seconded by Nester, to adjourn the meeting at 9:04 p.m. Motion carried unanimously.