

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes
Tuesday March 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**

No comments made.

3. **Update from City Council Proceedings**

Albers reported that the Council met the previous week to consider an easement variance request, approving the request. He stated that the Council reviewed the Commercial-Neighborhood zoning district, approving the ordinance amendment as recommended by the Planning Commission. He stated that the Council reviewed the rezonings for consistency with the 2040 Comprehensive Plan, which was approved with the exception that parcels 31, 32, and 34 were all zoned to R-4. He reported that the Council also reviewed and approved the accessory structure request in excess of 5,000 square feet and the change in setback for the RR1 district.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Wally and Bridget Marx – 2800 Parkview Drive – Amended Conservation Design-Planned Unit Development (CD-PUD) General Plan of Development and Preliminary Plat to Replat the Lot and the Adjacent Outlot**

Finke stated that each of the applications tonight have been previously reviewed by the Planning Commission and three of them were approved in some manner by the City Council. He stated that the School Lake CD-PUD was approved by the City Council and improvements have been constructed on the site, noting that homes have not yet been constructed. He stated that this request would adjust one lot in order to pivot the lot as shown on the plans. He explained that it would be proposed to shift one-half acre from the conservation area into the lot and one-half acre being shifted from the lot to the conservation area in order to accommodate a building pad on the lot. He stated that the conservation design objectives were thoroughly reviewed during the original request and resulted in three additional lots above the three allowed as a base density in return for the conservation provided. He stated that Minnehaha Creek Watershed District is the conservation holder and does not have an objection to this request. He stated that staff recommends approval subject to the conditions noted in the staff report. He stated that the applicant is requesting to remove

condition four, as they will proceed with the grading when the best location is found. He noted that staff also supports that request.

Nielsen asked if it would be likely that there is not an area for the grading found.

Finke stated that the original grading plan was reviewed and could be achieved, although there was some concern with tree and drainage easement location.

Kent Williams, 1632 Homestead Trail, spoke in representation of the applicants. He stated that the applicants did go to the easement holder, Minnehaha Creek Watershed District, and they agreed that it would make sense to complete this shift to increase the building pad and conserve additional trees. He acknowledged the 200-foot buffer from School Lake and noted that would remain intact. He stated that the applicants believe that this shift is important to conserve additional trees and better align with the shore of the lake.

Williams asked the applicant's reason for eliminating condition four.

Finke stated that the original approval included that condition and the concern is that the applicant would like to move forward with the plat without slowing down the progress for the trailhead.

Reid opened the public hearing at 7:20 p.m.

No comments made.

Reid closed the public hearing at 7:20 p.m.

Motion by Nester, seconded by Williams, to recommend approval of the amendment to the CD-PUD and preliminary plat, subject to the conditions noted in the staff report, minus condition four. Motion carries unanimously.

6. **Maxxon – 920 Hamel Road – Amended Site Plan Review and Variance to Exceed 25% Hardcover Limitation within the Shoreland Overlay District of Elm Creek**

Finke stated that this Site Plan was approved on February 20, 2018 through a series of applications. He stated that the amended Site Plan would result in additional hardcover, which would exceed the 25 percent hardcover limitation within the Shoreland Overlay District as the site is already at 50 percent hardcover. He stated that the original request included replacement of some of the parking area with grass pavers which would result in no net increase for the hardcover. He noted that the City has also moved forward on stormwater improvements in conjunction with the road project that is sized to accommodate the drainage area for the site. He stated that the previously approved request had the drainage going directly to Elm Creek and with this request, staff has asked the site to be regraded to direct the water to the City pond. He stated that the loading docks will not be expanded, which will allow the driveway to be reduced to help reduce the variance. He reviewed the criteria that should be considered when weighing a variance request. He stated that if this request is approved, the old approval would be replaced with this approval. He stated that if the variance is approved, staff believes that the site plan approval would be appropriate as well. He noted that this is not a public hearing and advised that the City Council will hold the public hearing when they consider the request.

Reid asked if the Elm Creek Watershed reviewed the request.

Finke stated that the organization did receive notice of the request and did not have comments. He stated that the organization more broadly supports capturing more water and routing it to the stormwater project.

Galzki asked if there would be new curb and gutter along the back edge of the parking lot to route the water, or whether that would be done through grading only on the east parking lot.

Finke stated that the intent is that the final plans would be submitted to the City Engineer in compliance with the staff comments to capture the water. He stated that when the parking lot is redone, the intent would be to have curb and gutter.

Piper referenced the site plan and proposed addition, asking if that was an empty space or whether it connects.

Finke provided additional details noting that the two buildings are connected via skyway with empty space and patio in between.

Nester commented that it would be good to route the water away from the creek.

Motion by Nielsen, seconded by Galzki, to recommend approval of the variance and amended site plan review subject to the conditions noted in the staff report. Motion carries unanimously.

Finke stated that he intends to present this to the City Council at their meeting the following week.

7. **Public Hearing – PID 05-118-23-21-0011 and the North 875 Feet of the Following Parcels: 4695 Highway 55, 4455 County Road 19, PID 06-118-23-11-001, PID 05-118-23-22-0005 – Rezoning from Rural Business Holding to the Rural Residential-Urban Reserve Zoning District**

Finke stated that this is a continuation of hearings that were held by the Commission in December and February, related to rezoning of 35 properties for consistency with the Comprehensive Plan. He noted that 30 of the properties have been rezoned through the ordinance and five properties remain in the northwest corner of the City. He noted that the properties are proposed to be rezoned to Rural Residential-Urban Reserve (RR-UR). He noted that staff received a written comment from the property owner west of parcel 33 who commented that for business development, larger tracts of property are preferred. He stated that the property owner did not oppose the Rural Business Holding (RBH) and would prefer to have business rather than placing the land in RR-UR in the interim. He stated that all five properties front onto Highway 55, while some properties are also on other rural roadways in the City. He stated that the properties are currently zoned RBH, which allows for limited business development. He stated that staff does not recommend that the RBH zoning remain for properties that have frontage on non-commercial roadways. He stated that if the City wants to encourage rural business development, RBH would be appropriate.

Galzki asked if the rezoning would limit the property owner's rights to enjoy the ownership of their property and the ability to make money. He asked if RR-UR would limit the type of improvements that could be made on a property, such as storage sheds and reinvestment in that property.

Finke stated that if a property is RR-UR commercial activity would not be allowed. He stated that there is allowance for some subdivision until sewer and water is brought to the property in the future.

Piper asked if there are restrictions to entrances and exits onto Highway 55, or whether each of those properties could have a driveway in and out of their property.

Finke stated that it would depend on the ability to provide access. He stated that if the property only has frontage onto Highway 55, there would be no other option. He noted that some of those properties have frontage onto other rural roadways that could provide access.

Reid opened the public hearing at 7:44 p.m.

Joe Cavanaugh, 275 Lakeview Road, stated that his property has had access from Highway 55 for the past 50 years. He stated that they have been running a storage business and the prior owners ran a trucking business on the property, therefore there has been commercial activity on the site. He stated that in the long-term he does not believe that the City would want residential fronting onto Highway 55. He stated that the parcel has been business oriented for over 15 years and the future of the property is business orientated. He stated that this is not an extremely intense use and they would simply like to continue their storage, and boat storage business. He asked that his parcel remain Rural Business.

John __ stated that there are curb cuts on the Cavanaugh property already. He stated that parcel 33 has a curb cut/farm access, but the other properties in discussion do not have curb cuts on Highway 55. He stated that the use/intensity will not change on this parcel. He noted that the adjacent development in Corcoran is also commercial. He stated that changing the zoning to residential would mean that they would be chopping up their lot into five acre lots that would front onto Highway 55 in an area of commercial development. It was clarified that the Cavanaugh parcel is 29.

Nielsen asked what the most intense use the property could see if the zoning were left as RBH.

Finke replied that warehouse or storage is the lowest water use per foot.

Cavanaugh provided details on the type of adjacent development.

Reid asked if the Steering Committee was intending for this area to be developed into residential.

Finke replied that the Steering Committee did not discuss intended development, as it was going to be placed into a holding district.

Nielsen asked the amount of traffic that would be generated from an allowed warehouse on the parcel.

Finke estimated a 12,000 square foot warehouse could possibly be developed on the parcel and provided comparable uses. He stated that is a small building that would have limited use.

Reid closed the public hearing at 7:54 p.m.

Reid asked if the main objection from staff to leaving this as RBH would be road access.

Finke stated that generally the City has not encouraged rural business development.

Nester stated that there is no way to control the way the road is improved, should it need to be improved.

Finke explained that if there is an allowed use, there is less enforceability on those types of improvements.

Reid asked if the alternative would be to have the property owner come back with a rezoning request that would include traffic analysis.

Nester stated that she could see the argument that Townline Road could deteriorate from commercial activity.

Amic stated that if there is a 12,000 square foot building, that would not hold a large amount of RV's and boats. He stated that there would be an increased traffic count of about 60 vehicles per year, which does not seem like a problem.

Reid stated that she would feel more comfortable if there was a specific request for boat storage.

Nielsen stated that the property owner already has access to Highway 55.

Cavanaugh explained that it is an expensive process to request rezoning when the activity is already occurring.

Williams asked if the current activity on the property is allowed.

Cavanaugh replied that the use is allowed because the property is currently zoned for that activity.

Galzki asked and confirmed consensus that the Commission agrees that parcels 33, 28 and 27 would make sense to be RR-UR.

Nester stated that from a planning perspective it would not make sense to have one parcel zoned differently.

Galzki stated that parcel 26 would make sense to remain RBH as it has access to CR 19 and is adjacent to light industrial/commercial businesses and also believed that it would make sense to leave parcel 29 RBH.

Piper stated that the properties are currently zoned RBH and asked if the Steering Committee made the decision to change that.

Finke explained that the development staging has been delayed more into the future, longer than 20 years, and that is the reason for changing the zoning.

Piper asked if the properties could be left RBH.

Finke stated that if that is not considered to be inconsistent with the Comprehensive Plan, the properties could be left RBH.

Williams stated that while she gets the idea of not zoning one property differently, this is a unique parcel and it would seem that it would need to come back for rezoning in the future.

Reid asked if there was a problem leaving this as RBH because this will eventually be business anyway.

Finke stated that it would be a matter of whether the Commission wants to encourage rural business. He stated that if the Commission favors encouraging rural business development, there would not be a problem.

Nielsen stated that this property was already zoned RBH and therefore there was support for that activity in the past.

Galzki asked if the City should limit a property with the potential to do something years down the road or continue to allow the property owner to continue to do what they are already doing.

Nester stated that she would support the recommendation of staff to change the zoning to RR-UR. She believed that there is an issue of safety allowing people to access from Highway 55 and changing the zoning could make the development disjointed.

Amic stated that he would support changing parcels 33, 28 and 27 to RR-UR and leaving parcels 26 and 29 as RBH. He stated that this is a light industrial/business use, and these are structures that can easily be knocked down in the future when another business use is perhaps developed.

Nielsen stated that she could support leaving all the parcels as RBH. She stated that she could also support changing 33, 28 and 27 to RR-UR and leaving 26 and 29 as RBH. She noted that she could also support changing all the parcels to RR-UR. She was not concerned with traffic impacts because of the low use.

Williams stated that she agrees with Amic and would support changing the three parcels to RR-UR and leaving 26 and 29 as RBH.

Galzki also agreed to leave 26 and 29 as RBH and changing the other three parcels to RR-UR. He stated that he would have a hard time limiting the use of a property because of a future potential.

Piper stated that she is not as informed on the issue of spot zoning. She stated that it would make more sense to her to split the parcels as proposed by the other Commissioners, leaving two parcels RBH and changing the other three.

Reid agreed that this seems to be a practical solution and she would also support leaving 26 and 29 as RBH.

Finke provided an updated estimate of the warehouse size that could possibly be developed on parcel 29.

John ___ provided input on the buildable area on the site.

Galzki explained that this activity could have occurred for years and leaving the property RBH will not change anything.

Motion by Amic, seconded by Williams, to recommend adoption of the ordinance amending the official zoning map to rezone properties to the Rural Residential-Urban Reserve zoning district, excluding parcels 26 and 29 which will be left Rural Business Holding. Motion carried 6- 1 (Nester opposed).

8. **Arrowhead Holdings, LLC; OSI – PID 03-118-23-41-0005 – Amended Site Plan Review for Construction of a 107,000 Square Foot Building with 17,000 Square Feet of Potential Future Additions**

Finke stated that this was approved by the City Council on November 7, 2018. He stated that the site plan included a 123,000 square foot addition. He noted that the applicant is planning a smaller addition, with additional parking lot improvements. He stated that the addition would be 107,000 square feet with the potential for 17,000 square feet in potential future addition. He recommended that the future addition be approved at this time as well if constructed within five years, since the total square footage had been approved previously. He described the changes to the parking area, noting that the minimum landscaping measures would still be met. He displayed the updated architectural rendering. He recommended approval subject to the conditions noted in the staff report.

Nester asked if the building is getting taller.

Finke replied that the building will be shorter than originally proposed.

Nielsen asked the type of non-employee activity that would occur in the training area. It was noted that clients could also be in that area.

Motion by Galzki, seconded by Amic, to recommend approval of the amended site plan subject to the conditions noted in the staff report. Motion carries unanimously.

9. **Approval of the February 12, 2019 Draft Planning Commission Meeting Minutes.**

Motion by Williams, seconded by Galzki, to approve the February 12, 2019, Planning Commission minutes with the noted changes. Motion carries unanimously.

10. **Approval of the February 19, 2019 Special Planning Commission Meeting Minutes.**

Motion by Piper, seconded by Nielsen, to approve the February 19, 2019, Special Planning Commission minutes as presented. Motion carries unanimously.

11. **Council Meeting Schedule**

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

12. **Adjourn**

Motion by Williams, seconded by Piper to adjourn the meeting at 8:31 p.m. Motion carried unanimously.