

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday November 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, and Robin Reid.

Absent: Planning Commissioner Rashmi Williams.

Also Present: City Planning Director Dusty Finke and City Planner Deb Dion.

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 the Mark of Excellence Comprehensive Plan amendment and PUD Concept Plan. He noted that the Council reviewed the request and the comments provided by the Planning Commission but did not make a decision. He stated that the Council instructed the developer to engage with residents in the Bridgewater neighborhood. He advised that the Council also considered a rezoning of property on Pinto Drive from Commercial Highway to Commercial General and reported that the Council denied the request as it did not feel that the storage building proposed fit into the desire for that location.

Nielsen asked if there was a timeframe given for the interaction with the residents in Bridgewater.

Albers replied that there was not a time frame provided.

Piper asked if the item would return to the City Council or to the Planning Commission.

Albers believed that the item would return to the City Council.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Jan Har, LLC (Adam’s Pest Control) – Rezoning, Preliminary Plat, Site Plan Review, Conditional Use Permit – PIDs 04-118-23-21-0001 and 04-118-23-24-0001 – North of Hwy 55, West of Willow Drive**

Finke presented a request from Jan Har, LLC (Adam’s Pest Control) to develop a piece of vacant property north of Highway 55 and west of Willow Drive to build a 43,000 square foot building. He noted that part of the building would contain a bar/restaurant while the accessory building would house a 1,300 square foot shop/warehouse/vehicle building for Adam’s Pest Control use. He suggested that the Commission review the requests in the

following order: rezoning request, Preliminary Plat, Site Plan, and Conditional Use Permit. He displayed the subject site which is 43 acres in size and noted that the northern area would remain for potential future development. He referenced the eagle's nest on the site, noting that would not be disturbed by this project. He reviewed the surrounding land use and zoning. He displayed the elevation for the office building and accessory building. He explained that a rezoning of this site would be expected upon development and noted that the site is within the current staging period. He explained the differences between the Business and Business Park zoning districts. He stated that staff believes that business would be appropriate for both the southern and northern portions of the property. He provided details on the proposed access which would construct a road connecting to Willow Drive for full access with a temporary right-in only from Highway 55 for three years to allow the business to become established. He stated that staff also recommends approval of the Preliminary Plat subject to the conditions noted in the staff report. He provided details on the proposed building and some adjustments that would be needed to the driveway and stormwater management plan. He stated that there would be a shared parking proposal between the office and restaurant use. He provided details on the proposed building elevations and architectural modulation. He stated that the applicant would move forward with the office building first and would like a longer time period to begin construction of the restaurant and noted that staff would recommend allowing four years for that to occur.

Piper asked if the property is currently owned by the applicant or whether the sale of the property would be conditional upon approval by the City.

Finke replied that the applicant owns the property.

Reid asked where the division of the property would occur.

Finke identified the proposed division of the property.

Andrea Doop, of Adam's Pest Control, introduced her architect to provide additional information to the Commission.

Steve Kleineman, architect representing the applicant, stated that if the site were divided vertically in half the left side of the property is virtually all wetland. He stated that when the design of the project began it started as one building, but the grade is quite high on the eastern side of the property and slopes to the west. He stated that because the office function is not as connected to the warehouse function, it made sense to push the warehouse building to the east to be more out of site. He stated that on the west side the office and restaurant were oriented to take advantage of the wetland views. He provided details on the proposed building elevations, materials, and building layout. He stated that their goal is to create an attractive and interesting building as it would be visible from Highway 55.

Amic asked the distance of the three-story building from Highway 55. It was estimated at least 200 feet.

Reid asked why the applicant would want the northern half of the property to be zoned as business rather than business park, noting the adjacent residential property.

Kleineman replied that they are unsure what would be developed on that northern portion and therefore the business use would allow the most flexibility at this time.

Amic asked the location of the eagle nest in the finished project.

Kleineman replied that it would be found in the grouping of trees to the west of the restaurant.

Piper asked for details on the access proposed.

Kleineman replied that the right-in only from Highway 55 would be proposed temporarily in order to make the restaurant viable. He explained that it would be difficult for customers to find the access from Willow Drive when seeing the restaurant from Highway 55. He stated that once on the site people would exit onto Willow Drive and therefore after that length of time people would become familiar with the Willow access.

Reid opened the public hearing at 7:34 p.m.

Donald Jeszewski, 6215 Willow Drive, referenced the access on Mohawk which does not allow a left-turn and advised that many vehicles still turn left. He asked how the property to the north would have access once divided.

Finke explained that both the northern and southern portions would have the same access using the street to Willow.

Jeszewski referenced language in the staff report related to an easement and received clarification that would not include property that he owns. He asked about paving. He asked why a four-story apartment building would be allowed on the northern portion of the property adjacent to existing residential.

Finke stated that while it was mentioned that may be of interest, it has not been proposed at this time.

Jeszewski stated that he enjoys the privacy and seclusion of his home and would be opposed to a large four-story apartment building. He stated that his driveway has been under water for the past few years and did not believe the stormwater ponds are large enough in that area. He did not believe the culvert under Highway 55 is large enough.

Finke explained that the request would be subject to stormwater management requirements.

Tim Broadhead, operating officer at Rockler, stated that his business has concern with traffic. He asked if the applicant is asking the City to pay for some of the infrastructure or whether those improvements would be funded by the applicant. He stated that they would be happy to have additional businesses along Highway 55.

Finke explained that all of the improvements for the development, outside of the public right-of-way, would be funded by the applicant. He stated that one unique element for the subject site and properties to the east is that a sanitary lift station has been identified as a need for the properties in this area and would be funded through the City's capital funds along with partial fees from the properties that would receive benefit. He stated that there may be improvements to a portion of Willow Drive.

Broadhead asked if the sanitary lift station would impact Rockler.

Finke did not believe that the business would be impacted.

Broadhead stated that they would welcome development on the site and simply wanted clarification of the financial elements.

Finke advised of two written comments from Jim Reader and David Kozlak that were received and distributed to the Commission and provided a summary of those comments related to safety, access on Highway 55, lighting, and potential impacts on hunting. He noted that the resident does support the development with those concerns identified.

Additional details were provided on the proposed outdoor seating.

Reid closed the public hearing at 7:50 p.m.

Reid suggested that the Commission begin with the proposed rezoning as the other elements would be dependent upon that change.

Nester stated that she is not opposed to rezoning both parcels as business as that would be less restrictive.

Finke stated that the request is to rezone the subject site as a whole.

Reid suggested that a separate motion be made for the zoning change.

Motion by Galzki, seconded by Nielsen, to recommend approval of the rezoning. Motion carries unanimously. (Absent: Williams)

Reid stated that it seems there are a lot of questions about the traffic flow.

Nester noted that contingencies are already written in.

Finke provided additional clarity, noting that staff would desire additional details to be worked out before this moves to the City Council.

Piper asked the definition of frontage road.

Finke identified the area proposed for the road and provided additional details.

Reid asked where the right-in only from Highway 55 would be.

Finke noted that it would essentially be where the field road exists today and would connect to the parking lot.

Galzki stated that the sharper right-in only seems to make sense to prevent people from turning left. He stated that it would seem feasible to have that temporary right-in only option as long as the frontage road to Willow Drive is provided. He noted that the conditions seem appropriate to address any concerns.

Piper stated that she can see the desire for the right-in only access but believes that it would be a problem for drivers. She felt strongly that the right-in only should only be allowed temporarily.

Nester stated that if the right-in only is allowed for three years and the restaurant is not constructed for four years, that would seem to miss the point of having that access.

Piper asked if the applicant would move forward with the project if the right-in only is not allowed.

Kleineman stated that Adam's Pest Control would not need the access onto Highway 55, but the owner felt was important to help the restaurant become established.

Piper asked if the Highway 55 access would require MnDOT approval.

Finke confirmed that the applicant and City have been working with MnDOT and the property owner to the east and at this point MnDOT has indicated that they would support the temporary three year right-in only access.

Nester asked if the three years would begin after approval or after the restaurant is opened.

Finke stated that the three years would begin once the initial building is constructed. He clarified that if the restaurant is not built during that time period that would simply be a missed opportunity for the restaurant to utilize the right-in only.

Galzki commented that if there is adequate wayfinding signage that would alleviate any issues with people finding the right access.

Piper asked what would happen with the signage rules.

Reid stated that the applicant would need to follow the sign regulations. She believed that there would need to be large signage needed.

Finke stated that once the right-in only is closed it would be apparent that Willow would be the way to access the business.

Galzki stated that people will find the way into their restaurant and did not see any issues with that.

Finke stated that the condition would specify the frontage road and the right-in only. He noted that the Commission could clarify that it wants the applicant to update the plans to show that. He stated that a portion of the shoulder would be converted to a turn lane for the temporary right-in only.

Nielsen stated that she does not oppose the right-in only and would not have a problem with that remaining open indefinitely.

Amic agreed that he also did not have a problem with the right-in only. He noted that GPS will bring people to the restaurant. He stated that he would also support an indefinite right-in only.

Piper stated that perhaps a condition could be made that would review the right-in only every year or few years.

Finke stated that as proposed the right-in only would close after three years. He noted that ultimately that would be a MnDOT decision.

Dave Kozlak, 4545 Wichita Trail, commented that he would like to see that right-in only reviewed yearly noting the number of accidents on that stretch of Highway 55 and near Wichita.

Galzki commented that this is a great development and matches the desires of the City for this area through the Comprehensive Plan. He stated that there are adequate conditions in the staff report that address the necessary coordination that is needed with other regulatory agencies. He believed that this request should continue to move forward subject to the conditions in the staff report.

Reid asked if there are additional comments or questions related to the Preliminary Plat, Site Plan or CUP.

Nester referenced the eagle nest on the property and asked if the U.S. Fish and Wildlife have been notified or if that would occur when the permit is obtained.

Kleineman provided additional details on that process.

Amic noted that the eagle does not seem to have problems with noise as the nest is along Highway 55.

Motion by Galzki, seconded by Amic, to recommend approval of preliminary plat, site plan review and CUP. Motion carries unanimously. (Absent: Williams)

Finke noted that it would be proposed to bring this forward to the City Council at its December 3rd meeting.

6. **David B. Raskob – 4585 Balsam Street – Variance to Exceed 25% Hardcover Limitation within Shoreland Overlay District**

Reid recused herself from the discussion.

Dion reported that the applicants are requesting a variance to exceed the 25 percent impervious surface maximum in the Shoreland Overlay district to construct a home. She noted that the property is currently vacant and is zoned Urban Residential. She stated that all properties in this area are similarly zoned. She reviewed the proximity of Lake Independence and Lake Ardmore and the restrictions for properties within 1,000 feet of lakeshore. She reviewed the size of the property, which is smaller than the required lot size in the Shoreland Overlay district. She reviewed the total amount of hardcover proposed on the site of 2,917 square feet of impervious which would be 30.78 percent. She provided details regarding a deck, noting that staff would like input from the Commission. She reviewed the variance criteria that must be considered.

Nester asked if the proposed home would fall under the 25 percent requirement if the lot were correctly sized.

Dion confirmed that to be true.

Nester asked if the home would meet setbacks.

Dion confirmed that all setback requirements would be met.

Galzki commented that it would seem the deck would be a small area and asked how much of the deck would be the pervious material.

Dion confirmed that material would be proposed for the entire deck. She noted that there would still be an issue under the deck and there would still need to be a step out.

The applicant provided additional details, noting that there would be gutters under the deck to collect the rainwater and direct that to a downspout.

Nester noted that could be made a condition.

Finke stated that the variance as requested would not allow for a deck unless it is pervious.

Nester stated that this seems to be a unique situation because of the small lot size.

Dion provided additional details on the French drain and culvert proposed by the applicant that would capture drainage from this property as well as the water that comes onto the site from other properties.

Galzki asked if the existing stormwater structure that would connect to the French drain would be adequately designed to handle that water.

Dion stated that originally an eight-inch pipe was proposed but the City Engineer recommended a 12-inch pipe, which will flow underground to the pond near Ardmore.

Finke stated that for a variance the City Council will hold a public hearing, but the Commission can accept public input.

Dave Raskob, 2864 Ardmore Avenue, stated that he and his wife run a small construction business and build homes. He stated that they have owned this lot since 2005 and they are trying to do something with the lot. He noted that they have had several different plans and ideas for what could be done, and they feel that this would be the best fit. He noted that the home will partially be built into a hill as they will be using insulated concrete form which will have less impact on the neighbor to the west. He asked the Commission to recommend approval so that they can develop something on the lot. He noted that Reid is the neighbor to the east and they are trying to develop something that will not negatively impact the neighbors.

Matt Larson, neighbor to the west, asked for information on the height and it was confirmed that the home would be a rambler style. He asked if there would be an opportunity to increase the setback near the garage.

Mr. Raskob stated that Mr. Larson's home also has a ten-foot setback and they would like to have sufficient space on the other side as well.

Mrs. Raskob provided additional details on the space requirements for the French drain system.

Mr. Raskob noted that there would not be windows on that side of the garage.

Robin Reid, 2945 Ardmore, stated that all the water from this lot, the Larson lot and her lot ends up in her yard. She commented on the wet conditions in her yard all summer. She hoped that this plan would help alleviate the problem she experiences. She stated that she and her husband are not opposed to this development as it seems this would be a win/win for everyone. She asked and received confirmation that certain large trees would remain on the lot. She asked for input on who assisted with the drainage plan and it was confirmed that the City Engineer provided input along with the project engineer. She asked if the water would run down Balsam or whether there would be a trench.

Mr. Raskob explained that the water would be piped underground to the storm pond.

Motion by Galzki, seconded by Nielsen, to recommend approval of the variance request for the construction of a home at 4585 Balsam Street subject to the conditions noted by staff. Motion carries unanimously. (Absent: Williams)

Reid rejoined the Commission.

7. **Approval of the October 8, 2019 Draft Planning Commission Meeting Minutes.**

Motion by Nielsen, seconded by Galzki, to approve the October 8, 2019, Planning Commission minutes with the noted correction. Motion carries unanimously. (Absent: Williams)

8. **Council Meeting Schedule**

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

9. **Adjourn**

Motion by Piper, seconded by Nielsen, to adjourn the meeting at 8:42 p.m. Motion carried unanimously.