

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday July 14, 2020

1. **Call to Order:** Chairperson Reid called the meeting to order at 7:03 p.m.

Present: Planning Commissioners Theresa Couri, Peter Galzki, Ron Grajczyk, Beth Nielsen, Kerby Nester, Cindy Piper, and Robin Reid.

Absent: None.

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

Reid stated that this is the last meeting for Nester and the Commission will miss her contributions. She introduced new member Couri.

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

No comments made.

3. **Update from City Council Proceedings**

Albers thanked Nester for her dedication and contributions to the Planning Commission over the past several years. He also welcomed Couri to the Commission. He reported that the Council met the previous week to consider an ordinance amendment related to building materials in the commercial, business, and industrial districts. He advised that the Council approved the ordinance amendment with a unanimous vote.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing - Lennar (US Home Corporation) – North of Hwy 55, South of Meander Road, ¼ mile West of CR 116 (11-118-23-12-0004) - Preliminary Plat and Rezoning for Development of 125 Townhomes on Approximately 20 Net Acres**

Finke presented a request from Lennar for a 125-unit townhome development on the subject property. He stated that the development proposes 27 buildings on 20 net acres with a density of 6.25 units per acre. He stated that the land use requests include a rezoning and preliminary plat. He identified the subject site and adjacent uses. He stated that the proposed density falls within the range identified within the Comprehensive Plan and is allotted for development within the current staging period. He provided details on the proposed access for the development. He stated that this parcel was planned for townhome development, noting that the medium density land use in the Comprehensive Plan. He stated that the City received and reviewed a concept plan a few months prior that included a PUD and following the direction of the Commission and Council, the applicant has returned with a plan that meets the guidelines of the zoning district rather than requesting flexibility under a PUD. He suggested that the Commission review the rezoning request, as the plat would be contingent upon the rezoning of the property. He provided details on the requested rezoning from

RRUR to R3 and stated that staff recommends approval as the zoning district was anticipated to be used for medium density residential. He provided details on the preliminary plat and site plan for the 125-unit row townhome development noting that the proposed plan meets the required dimensional standards of the R3 zoning district. He reviewed details related to density, architectural design, proposed private roads within the development, transportation, and the related Tamarack Drive Study. He stated that staff recommends approval of both requests subject to the conditions noted within the staff report.

Nielsen asked for details related to the roundabout on Tamarack Drive.

Finke provided additional details on the Tamarack Drive Study and noted that at this time, the roundabout is the preferred intersection control.

Nielsen asked if shifting the roundabout east would impact the number of townhomes able to be built on the site.

Paul Tabone, Lennar, stated that they previously presented a concept to staff with 157 townhomes, which was reduced to 138 when previously presented to the Commission. He stated that following the input received related to buffering and noise, additional revisions were made to the concept. He stated that they worked with engineering and believe that the comments expressed by the Commission and Council during the concept review have been addressed. He stated that there was discussion related to making the trail public along the right-of-way, but a change was made to make that more interior and maintained by the HOA. He stated that the biggest unanswered question they have is what Tamarack Drive will ultimately look like and what the City's goals will be to have that constructed. He noted that they will continue to work with staff throughout that process.

Nielsen referenced the center of the development and commented that it seems one unit really sticks out and looks into another unit.

Tabone stated that the overall footprint is shown inside the plat line. He noted that the view looks into the open space rather than into the next building.

Nielsen stated that she has some reservations related to Tamarack and asked if the developer has any concerns, specifically whether it would impact the development if the roundabout were shifted to the east.

Tabone replied that the grades in that area could cause problems. He stated that they are already dedicating half of the right-of-way for that area. He explained that they are incorporating screening, a trail, and some space for water runoff in that area and therefore shifting the road would impact those elements. He stated that they have been in contact with staff and will continue to work with staff as the study continues to go forward.

Reid asked why Nielsen has concern with the roundabout placement.

Nielsen commented that as proposed she interprets it as the City providing more space for Lennar to build townhomes and taking more land from the property owners to the west.

Piper asked if there is access off Highway 55 currently to go north on Tamarack.

Finke replied that Tamarack does not exist in that location currently. He stated the section shown in green would occur over time.

Piper asked if all access for this development would be provided from 116 and Meander Road.

Finke confirmed that to be true.

Piper stated that is a lot of construction traffic to occur on those roads that already are busy.

Tabone commented that they could also take Arrowhead to Meander.

Piper asked if the sewer connection would come down Meander from 116.

Finke stated that sewer connection exists on the northeast corner of the site and water to the northwest corner.

Piper asked if Meander is adequate as it exists or whether improvements would be needed to add this volume.

Finke replied that part of the Tamarack Drive Study was attempting to thread the needle between when it would be likely that the City would be able to receive approval for that connection without impacting surrounding roadways.

Piper asked the anticipation as to when Tamarack might move forward.

Finke stated that the construction of Tamarack will be largely based on when development in that area occurs, specifically when the 3,100 trips would be triggered, and the connection would be warranted by MnDOT.

Grajczyk stated that since the last review, the applicant reduced the number of units proposed and made changes to the layout based on the comments from the residents, Commission, and Council. He asked for clarification on the trail alignment.

Tabone stated that the trail was adjacent to the right-of-way in the concept review and in this configuration, they pulled the trail back from the right-of-way to accommodate for a berm, swale, and landscaping.

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

Eric Miller, representing the Cavanaughs, stated that they understand there is a lot of coordination in the Tamarack Drive Study and they are seeking additional time to refine and better define the road improvements. He stated that they are looking for a solution that would provide a more equal allocation to all property owners related to the road alignment. He stated that they would like to see the cul-de-sac shift slightly to the east and north, to create greater separation from Highway 55. He stated that they have land boundaries in play and would like better alignment with those boundaries. He stated that they would like to work with the applicant to consolidate the two access points onto Tamarack into one access point. He stated that the Cavanaughs would like to understand the scope of the improvements and how the costs will be addressed. He stated that they would like additional time to work through these issues and come to consensus that could be supported by all the parties involved.

Reid commented that it seems those concerns are more reflective of the Tamarack Drive Study and hopefully will be addressed through that process.

Dion read aloud a letter submitted via email from Chris Larson at 1125 Jubert Trail; the letter will become part of the record for the meeting.

Finke provided details on the traffic study that was completed as a part of the Tamarack Drive Study, noting that because the City completed that study, an additional study was not required of the applicant.

Chris Larson, 1125 Jubert Trail, asked whether the Tamarack Drive segment would be constructed before or after the construction of the townhomes.

Finke stated that Tamarack would not be constructed before or in conjunction with the townhome project because the warrants for the intersection would not yet be met. He stated that adding the townhomes will increase traffic on Meander until Tamarack can be constructed, but the system should still function with that additional traffic until Tamarack can be constructed.

Mr. Larson commented that he does not believe the traffic currently functions well and is concerned with the additional impact that this would have on traffic.

Joe Cavanaugh, 275 Lakeview, stated that any changes to Tamarack would impact the southwestern portion of this plat. He stated that he believes it can be done with minimal impacts to the plat. He stated that they are concerned with the alignment of Tamarack and therefore are asking the Commission to table this decision until additional discussion can occur.

Carol Schinmick, member of the Jubert family, stated that if the City moves forward with Tamarack Drive as proposed, the alignment should be moved to be more equal for all property owners.

Grajczyk asked and received confirmation that there is currently not an intersection control at 116 and Meander. He asked if the concern of the resident was that intersection control or whether the resident was simply concerned with an increased number of vehicles on the road.

Mr. Larson stated that he is concerned that there is not intersection control at Meander and 116, which he believes is a safety concern for both vehicles and pedestrians.

Reid asked if Public Works could follow up on the concerns with visibility.

Finke confirmed that could be done.

Grajczyk asked how long Lennar would project that it would take to build this area out, whether that would be done in phases.

Tabone replied that they would most likely look at two phases. He stated that they would still need to come back for final approvals, after securing preliminary approvals. He estimated that it would take about three phases to build the entire development out. He stated that if they were able to start grading this fall, they would look to perhaps start with a model, but the majority of the homes would not come in until next year.

Reid closed the public hearing at 8:02 p.m.

Galzki stated that aside from the Tamarack Drive discussion he felt that both the rezoning and preliminary plat were fairly straightforward. He stated that it sounds like there are still

undecided items related to Tamarack Drive, which would be his only concern with this moving forward. He stated that he would not want this to lock in if Tamarack Drive is not locked in. He stated that he appreciates the effort from Lennar to incorporate the changes brought forward in the concept review. He asked for input from staff as to whether changes to the Tamarack Drive alignment would be substantial enough to impact this plat.

Finke commented that the difference would be feet, not hundreds of feet. He stated that in terms of equalizing the right-of-way, that could be relatively straightforward as most of the right-of-way is at the Highway 55 intersection. He stated that there could be more impacts if the roundabout were moved. He stated that the intent would be to have the Tamarack Drive Study finalized prior to acting on the preliminary plat.

Galzki stated that he then does not see any issues with the rezoning or approval of the preliminary plat.

Nielsen stated that she appreciates the changes that Lennar has made since the last discussions. She stated that there are concerns with traffic on Meander and is not thrilled with the Tamarack Drive alignment, noting that she would prefer a more equal alignment. She stated that more time should be allowed for the property owners to work together and develop a more equitable solution.

Nester echoed the concern related to traffic from Meander turning northbound on 116. She stated that she would support any way the Tamarack project could be coordinated with this effort. She stated that she would support a more equitable split of the right-of-way but also recognized that the alignment may have been chosen to avoid wetland impacts.

Piper asked if staff stated that the Tamarack issues would be worked out before preliminary approval is given to Lennar.

Finke confirmed that the intent is to finalize the discussions on the Tamarack alignment so that could be incorporated into the preliminary plat. He stated that if that is the outstanding issue, the Commission could move this ahead to the City Council and the project can continue to move forward to meet the statutory review timelines.

Reid commented that the recommendation of the Commission tonight would be related to the plat and not the Tamarack Drive Study.

Finke stated that the alignment could impact the plat if the road alignment were moved significantly to the east. He noted that there is a condition that states the applicant shall provide the right-of-way for Tamarack Drive. He anticipated that the issues related to the Tamarack Drive alignment would be worked out prior to the City Council review.

Piper asked if the Commission could include language in its motion that the Commission wants to be apprised of that intent and timing. She stated that she is concerned that coming to a solution on the road alignment could take longer than Lennar would like.

Finke commented that the conditions will handle that, given that the Tamarack Drive Study is in place at the time the preliminary plat is reviewed by the Council. He stated that if the Tamarack Drive Study is delayed, the language could be adjusted, depending on the feedback of the City Council. He stated that Lennar could provide input on their timeline and whether they would be open to an extension.

Tabone stated that conditions five through seven address Tamarack Drive. He stated that they certainly want to know the final alignment for Tamarack Drive prior to the approval of their preliminary plat. He stated that they would also want to be clear on the obligations of the improvements. He stated that they are comfortable moving forward with the intention that they will continue to work with staff and will receive a final copy of the Tamarack Drive Study prior to the City Council review. He stated that they would still have to come back for final plat approval and any necessary changes would need to be incorporated prior to that time. He stated that they are aware that there will continue to be opportunities to work with staff and the City Council.

Reid asked when this case would move forward to the City Council.

Finke replied that the plat is tentatively planned to move to the City Council at its first meeting in August. He stated that the Tamarack Drive Study is being presented to the Council at its meeting next Tuesday. He stated that the issue therefore may be settled before the Council reviews the plat. He stated that there is some ability to push back the plat review at the Council level and explained that because the Commission only meets once per month there is a lack of flexibility in the Commission reviewing this again.

Grajczyk stated that he does not have an issue with the proposed rezoning or preliminary plat as proposed. He stated that he would be comfortable moving forward because of the conditions listed related to Tamarack Drive and the other checks and balances in place at the staff and Council level.

Couri stated that she does not have an issue with the rezoning or preliminary plat. She noted that the approval of the Council could be withheld if the Tamarack Drive Study does not resolve the concerns.

Reid stated that she appreciates that Lennar incorporated the comments from the concept review related to screening. She stated that the rezoning makes sense and she would be comfortable moving the preliminary plat forward because of the actions that will take place at the Council level. She stated that it is in the best interest of Lennar to ensure the Tamarack Drive Study is finalized prior to Council review of their plan.

Motion by Galzki, seconded by Grajczyk, to recommend approval of the rezoning and preliminary plat subject to the conditions noted in the staff report.

A roll call vote was performed:

Nester	aye
Nielsen	aye
Galzki	aye
Piper	aye
Grajczyk	aye
Couri	aye
Reid	aye

Motion carries unanimously.

Finke noted that this is tentatively scheduled to move forward for City Council review at the August 4, 2020 meeting, dependent upon the results of the Tamarack Drive Study.

6. **Public Hearing – Ordinance Amendment – Chapter 8 of the City Code Related to Setback and Other Requirements for Residential Accessory Structures**

Finke stated that the Commission previously discussed and recommended approval related to this at its May meeting. He provided a brief summary of the previous discussion of the Commission and by the City Council. He stated that there are a number of neighborhoods in Medina that have limitations on any property having accessory structures, through the use of HOA covenants. He stated that Martin pointed out that covenants of that nature expire after 30 years, if there is not activity to keep it active, therefore the City could not rely on neighborhoods prohibiting those structures.

Reid stated that she is not the best with visualizing the size of things and therefore was not too concerned during the previous discussion. She stated that since that time she reviewed the size of her shed, which is 80 square feet (8 feet by 10 feet) and she considers that large. She stated that she is no longer comfortable increasing the size to 200 square feet for those structures allowed to be five feet from the property line.

Grajczyk asked if the main concern of the Council was the square footage of the structures.

Finke stated that the discussion was wider ranging and not focused specifically on size. He stated that increasing the size of a shed permitted to be five feet from property lines was in line with the broader concerns that were raised by the Council.

Grajczyk stated that 200 square feet could be called a detached garage and could turn into something other than a shed or accessory building for storage. He stated that he likes the idea of looking at things in a broader range to take into account square footage, height, and setbacks. He commented that he liked the idea of using a sliding scale related to those elements.

Galzki stated he has a smaller property at a quarter acre size. He commented that a 200 square foot shed on that size property would be quite large and therefore the idea of a sliding scale seems to make sense. He stated that perhaps the size of the allowed accessory building would be related to the size of the lot, providing examples of different sized lots that could support different sized accessory buildings. He stated that he would want to ensure that everything is kept to scale to the lot size.

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

No comments made.

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

Nester stated that she was okay in the previous discussion increasing the size of the allowable accessory structure to 200 feet as long as the structure did not seem looming on the property line. She stated that now that she knows that the HOA covenants expire after 30 years, she does have more concern, as the HOA covenants restrict the activity on the smaller lots. She stated that with that knowledge she would not support the increase to 200 square feet.

Nielsen stated that the HOA covenants expire but asked if those associations could renew their covenants prior to the 30-year expiration.

Finke stated that provisions can be enacted to rebuild those covenants.

Grajczyk stated that he is an HOA President and they are currently working to update their covenants as they are reaching the 30-year date. He stated that it is a more complicated process and they did have to hire a lawyer to assist.

Nielsen stated that she would think that most of the HOAs in Medina would work to reup their covenants. She stated that people with smaller lots will most likely not want to build a large accessory structure because it would not look good on their property and therefore would support 200 square feet.

Galzki stated that his neighborhood does not have an HOA and therefore there is not a covenant governing those actions. He stated that if allowed by Code, people in his neighborhood could build accessory structures of that size if desired.

Reid stated that while she agrees that most people would not choose to do that, someone could.

Couri stated that she favors the earlier recommendation related to the sliding scale. She stated that the rules are in place not just to protect property owner rights but also the rights of the neighbors. She stated that the sliding scale would seem to protect property owners with both small and large lots.

Piper asked if the discussion began because a resident wanted to build a bigger accessory structure than allowed.

Finke stated that the discussion is not necessarily related to the specific request but that the point was brought forward that many suburban lots could not meet the required setbacks to support an accessory structure larger than 120 square feet.

Reid stated that perhaps those smaller lots should not be building anything larger than 120 square feet. She stated that she also likes the sliding scale idea.

Piper stated that if someone has a reason to store items in a shed, you will try to build it large enough to accommodate the materials that you would like to store. She stated that she also supports the idea of a sliding scale. She asked if staff would prepare that concept for the Commission to review at the next meeting.

Finke confirmed that if the Commission wants to look at a sliding scale rather than a straightforward requirement, that would not have to be developed tonight and could come back for review at a future meeting. He asked if the lot size should be the controlling factor, or whether the link would be between the size of the accessory structure and the setbacks.

Grajczyk commented that there could be four links between square footage of the accessory building, height, setback, and lot size.

Nielsen stated that most of the Commissioners supported the previous increase to 200 square feet and asked whether the sliding scale would only go to 200 square feet, or whether larger lots could have a structure of a larger size. She stated that if the top limit is still 200 square feet, the height limit of 12 feet could remain for all lot sizes.

Galzki stated that seems to make sense. He noted that there are large sized properties that build barns as accessory structures. He stated that it would make sense to leave the limit at 200 square feet with a maximum height of 12 feet for the structures that do not require a building permit.

Grajczyk asked the size of an accessory structure that would trigger a building permit.

Finke replied that a structure under 200 square feet would not require a building permit but would still need to meet the zoning requirements.

Nielsen asked how staff would review structures that they do not know exist, as a building permit is not required.

Finke confirmed that is why the limit was set at 200 square feet.

The consensus of the Commission was to table the matter to the August meeting.

7. **Approval of the June 9, 2020 Draft Planning Commission Meeting Minutes.**

Motion by Piper, seconded by Nielsen, to approve the June 9, 2020, Planning Commission minutes as presented. Motion carries unanimously.

8. **Council Meeting Schedule**

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

9. **Adjourn**

Motion by Nielsen, seconded by Piper, to adjourn the meeting at 8:58 p.m. Motion carried unanimously.