

CITY OF MEDINA
PLANNING COMMISSION

Meeting Minutes
Tuesday December 8, 2020

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

Reid read a statement explaining that the meeting is being held virtually and provided information on how members of the public can participate.

Present: Planning Commissioners Theresa Couri, Peter Galzki, Ron Grajczyk, Cindy Piper, Justin Popp, and Robin Reid.

Absent: Planning Commissioner Beth Nielsen.

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**

Finke reported that the Council recently met and reviewed some of the land use items previously reviewed by the Commission and provided an update, noting that the Council approved the items as recommended by the Commission. He stated that the City received a grant to complete a study related to fire and emergency response coverage for the City and noted that the Council is looking to work with neighboring communities and the fire departments in an attempt to regionalize fire and rescue services. He also provided information on refinancing bonds and the adopted budget and levy for 2021.

4. **Planning Department Report**

Finke provided an update. He advised of upcoming vacancies on the Commission.

5. **Public Hearing – Ordinance Amendment – Chapter 8 of the City Code – Pertaining to Density and Net Area per Dwelling in the Residential-Mid Density (R3), Residential Multiple Family (R4), Mixed Use (MU), and Mixed Residential (MXR) Zoning Districts**

Finke provided background on the density regulations within residential districts, noting that bonuses can be earned by incorporating optional design elements. He stated that one of those optional provisions was a provision that incorporated sound suppression that goes above the State standard. He stated that comments were received from the Minnesota Department of Labor and Industry (MDLI) requesting that the City remove that provision as it was seen to be inconsistent with the State Building Code. He stated that the position of the City is that it is not a required element, but because legal action has been threatened, staff is looking to remove that provision from the Code. He stated that staff reviewed the ordinance more broadly when reviewing this amendment and reviewed the two suggestions. He stated that one of the amendments would be to incorporate an allowance for additional density to be earned by incorporating additional architectural and landscaping elements. He stated that one

of the provisions allows for additional density if there are oversized garages or lockable storage units. He noted that the sizing varies throughout the different residential districts and stated that staff suggested better alignment with those sizes and reviewed that recommendation. He reviewed the items on which he would like input from the Commission including the allowable density bonus range.

Galzki asked if there has been talk about pursuing this issue further before making the ordinance change. He recognized the threat of legal action from the MDLI and asked if there has been input from the City Attorney.

Finke reported that staff engaged in discussions with the MDLI and that group was not open to compromise. He stated that there was consultation from the City Attorney and while the Council agreed that method should be encouraged, the issue should not be pursued. He stated that the other reality is that within a townhome development, that additional sound suppression would most likely be provided through building practices. He noted that there are other methods which can be utilized to achieve the bonus density if desired.

Grajczyk asked for clarification on the changes to the storage size.

Finke reviewed the current storage size and the recommendation of staff related to the range for bonus density.

Grajczyk asked for clarification on the sound suppression and related unit size.

Finke clarified how the sound suppression bonus related to unit size and noted that the provision is proposed to be removed.

Grajczyk stated that he recognizes the concerns of the City. He asked for more information on the opinion of MDLI.

Finke stated that MDLI threatened to move forward with legal proceedings against the City.

Grajczyk asked for clarification on the differences between the R3 and R4 districts.

Finke explained the differences between R3 and R4 and the related allowed bonuses.

Grajczyk stated that R3 seems to be more popular. He asked if the R4 developments are more popular in neighboring communities.

Finke replied that it would be difficult to compare to neighboring communities because of the available land designated for the higher densities within Medina. He replied that there is not a significant amount of medium density development in Medina outside of the townhome development which is under construction. He stated that there is one 15-acre parcel designated for R4, while the other lots are only a few acres, therefore there is not a lot of opportunity for R4 development. He stated that there are more opportunities for mixed use but noted that only a small portion of that development would be likely to develop at high densities.

Couri asked how often developers invoke this provision in order to achieve bonus density and whether there would be a significant impact to removing the provision.

Finke replied that there have been two townhome developments within the R3 district that utilized the sound suppression provision in order to achieve a density bonus.

Couri agreed that it does not seem that it would be worth engaging in litigation and would support removing the provision.

Popp stated that this amendment would remove the provision related to sound suppression but then enhance the provision related to the oversized garage/storage units. He asked if the garage/storage bonus option would be enough to offset the removal of the sound suppression provision. He referenced the LEED provision has been utilized by developers to achieve bonus density.

Finke replied that provision has not been utilized as of yet. He stated that the City also has not had an apartment or multi-family development come through since that provision has been added.

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

No comments made.

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

Galzki commented that while he does not agree with removing the sound suppression provision, he also understands that the City does not want to go forward with legal proceedings. He agreed that the easiest way to move forward would be to remove that provision related to sound suppression and agreed that it would make sense to add the provision related to additional architectural design and landscaping. He stated that he also supports the changes to the provision related to garage/storage units. He stated that he also agrees with the allowance of up to 20 percent for R4. He stated that he would not support bonus density for smaller lots and would be fine leaving that language as currently written.

Piper commented that staff has done a tremendous job in this sticky situation. She stated that this amendment seems well thought out.

Grajczyk echoed the comments of Galzki and agreed that staff did an excellent job addressing this situation.

Couri agreed with the staff recommendations and comments of Galzki.

Popp stated that he agrees with the comments made related to sound suppression. He agreed that the increase proposed for the provision related to garage/storage would be appropriate. He commented that the additional provision related to additional architectural design and landscaping would be a good addition. He commented that the current incentive tiers make sense. He stated that he did not have a strong feeling towards the allowance up to 20 percent in bonus density and would lean towards leaving it as stated but could also support the recommendation of staff.

Reid complimented staff for their response to this situation and detail provided in the staff report. She agreed that it would not be worth pursuing legal action and that the sound suppression provision should be removed. She stated that she agrees with the recommendations made by staff.

Motion by Galzki, seconded by Grajczyk, to recommend approval of the ordinance amendment with bonus for additional architectural and landscaping in R3 and with allowance for an additional 20% in R4.

A roll call vote was performed:

Galzki aye
Piper aye
Grajczyk aye
Couri aye
Popp aye
Reid aye

Motion carries unanimously.

6. **Approval of the November 10, 2020 Draft Planning Commission Meeting Minutes.**

Motion by Piper, seconded by Galzki, to approve the November 10, 2020, Planning Commission minutes with the noted corrections.

A roll call vote was performed:

Galzki aye
Piper aye
Grajczyk aye
Couri aye
Popp aye
Reid aye

Motion carries unanimously.

7. **Council Meeting Schedule**

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

Reid noted that this is her last meeting as a member of the Planning Commission. She expressed appreciation for her ability to serve in this capacity and with the members of the Commission.

Piper recognized Reid for her incredible commitment to the community, noting that Reid has seen tremendous change in Medina throughout that time. She commented that Reid has been a gift to the community and will continue to do so as a member of the City Council. She thanked Reid.

Galzki congratulated Reid for her victory in the election.

Couri congratulated Reid and thanked her for her service.

Reid thanked everyone for the kind words.

8. **Adjourn**

Motion by Galzki, seconded by Piper, to adjourn the meeting at 7:50 p.m. Motion carried unanimously.