

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
FEBRUARY 25, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Hobbs, Scherer, Schroeder, Lee, Seeley, Halva, Olsen, Carr, Forrest and Platteter

III. APPROVAL OF MEETING AGENDA

Chair Platteter informed the Commission agenda items VI. A. is continued to the March 25, 2015 Planning Commission meeting and VII.A. continued to March 11, 2015 Planning Commission meeting. Commissioner Olsen moved approval of the revised February 25, 2015 meeting agenda. Commissioner Scherer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the February 11, 2015 meeting minutes. Commissioner Lee seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT:

Jim Grotz, 5513 Park Place, addressed the Commission regarding building height and how/where it's measured.

VI. PUBLIC HEARINGS

B. Variance. Gary Gosewisgh. 4141 West 44th Street, Edina, MN

Planner Presentation

Planner Aaker reported the applicant is requesting a 1.2 foot front yard and a 9.4 foot rear yard setback variance to add a small front entry porch and additions to a home that is located on the south side of West 44th Street. The owner is requesting variances to allow a small open front entry porch addition slightly beyond the front wall of the house and home additions to be at the same nonconforming rear yard setback as existing. The project is a remodel with addition to an existing nonconforming single family home. Improvements to the main portion of the home will match the existing rear yard setback. The front yard setback will have a small front entry porch encroachment that is an exception to the

front yard setback as long as it is no closer than 20 feet to the front lot line. The existing home is slightly less than 19 feet from the front lot line.

Planner Aaker explained the subject property is located on the south side of West 44th Street consisting of a one story home with an attached two car garage built in 1956. The lot is 7,891 square feet in area. The owner is proposing additions and improvements to be setback from the front lot line slightly closer than allowed for a front porch encroachment and additions that will match the existing nonconforming rear yard setback.

Continuing, Aaker said the property is part of an old street car right of way and was subdivided for residential development after the street car line was no longer in use. The configuration of lots along the south side of West 44th Street that were part of the street car subdivision are very substandard in depth at a little over 65 feet. The minimum lot depth required for a residential lot in Edina is 120 feet. The allowed footprint for a conforming home on the subject lot given required setbacks is approximately 21 feet deep, with the existing home still quite shallow at a little over 29 feet deep into the lot.

Planner Aaker concluded that staff recommends approval of the requested variance based on the following findings:

The proposal meets the required standards for a variance, because:

- a) The practical difficult is caused by shallow lot depth.
- b) The encroachment into the setbacks continues an existing nonconforming setback that was established when the original home was built in 1956.
- c) The request is reasonable given the location of the existing home.

Approval of the variance is also subject to the following condition:

1. The home must be constructed as per proposed with a revised survey to be submitted at permit application to confirm compliance with lot coverage requirements.
2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated February 18, 2015 including city inspection of the sump pump discharge line.

Appearing for the Applicant

Gary Gosewisgh, property owner.

Applicant Presentation

Mr. Gosewisgh addressed the Commission and explained that his intent is to upgrade the house, gain more living space and bring it into the 21st century. He said the house will continue to be on the smaller side.

Discussion

Commissioner Lee asked if a demolition permit and construction management plan was required for this renovation. Planner Aaker said one wasn't required. Aaker explained that a demolition permit is required when 50 percent or more of the exterior wall area is removed, adding in speaking with the applicant she was informed that wouldn't be happening. Aaker further explained that the construction maintenance plan is part of the building permit process; not variance. Aaker did acknowledge that in renovations such as the one proposed there is the potential when construction begins to find that more demolition is required than previously thought triggering a demolition permit and construction management plan process.

A discussion ensued with Commissioners in agreement during the demolition and renovation process if more than 50 percent of the exterior wall area is removed a demolition permit and construction maintenance plan would be required. Commissioners further stated they could support the request as submitted noting the shallowness of the lot and the location of the house.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions including staff review of the building permit application to ensure compliance with the 50 percent rule; and if compliance can't be met a demolition permit and construction maintenance plan is entered into. Commissioner Scherer seconded the motion. Ayes; Hobbs, Scherer, Schroeder, Olsen, Carr, Forrest, Platteter. Nays. Lee.

C. Variance. Ion Beleniuc. 4214 Scott Terrace, Edina, MN.

Planner Presentation

Planner Aaker informed the Commission Ion Beleniuc has submitted a variance application on behalf of the property owners to increase the first floor elevation 1.33 feet higher than the current first floor elevation in order to construct a new home at 4214 Scott Terrace on the existing foundation. This property is located on the west side of Scott Terrace within the Morningside neighborhood with a portion of the property located in the floodplain.

Aaker explained that the zoning ordinance allows for a maximum 1 foot increase in height of an existing 1st floor. The applicant is asking for a .33 foot, (4 inch), variance to increase 1st floor height by 1.33 feet to allow an 8 foot ceiling height in the basement. The building permit plan set submitted to the City for review conformed to the zoning ordinance requirements, however, upon review by the Engineering Department it was discovered that the back yard has floodplain requiring an increase in the existing basement elevation. Initially the plan was to leave the existing walkout basement floor, however, after review it was determined that the applicant is required to increase the basement floor to be 2 feet above the flood elevation. The redesign has included changing floor trusses to mitigate the additional increase in new first floor height; however, in order to achieve 8 foot basement ceilings, a minimal 4 inch variance is requested.

Continuing Aaker stated a variance is required to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The current home located

at 4214 Scott Terrace has a first floor elevation at 879.1 feet above sea level. This neighborhood in Edina has property located in a floodplain area, and the currently established floodplain elevation is 869.2. The existing basement floor elevation is at 870.6. The City of Edina Comprehensive Water Resources Management Plan requires the lowest floor to be a minimum of 2 feet above the Flood Elevation. The Engineering Department considers the entire basement of the existing home to be in the floodplain because it is lower than an elevation 2 feet above the flood elevation and now must be elevated because the project is deemed new construction.

The home has been removed down to the “floor-cap” or foundation. A demolition permit for the house preceded the building permit application with all but the foundation torn down. The project is considered new construction since more than 50% of the exterior walls were removed so it now must conform to floodplain rules and all zoning ordinance requirements, (or receive a variance). Since the project is not a remodel and is considered new construction, it allows an opportunity for the city to correct an existing nonconforming and undesirable basement elevation condition.

Planner Aaker concluded that staff recommends approval of the variance, as requested subject to the findings and subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped February 10, 2015.
 - Building plans and elevations date stamped February 10, 2015.
2. Compliance with the conditions and comments listed in the Environmental Engineer’s memo dated February 18, 2015.

Appearing for the Applicant

Ion Belenuic, builder.

Discussion

Commissioner Carr asked Planner Aaker to clarify the extent of the variance. Planner Aaker explained the house is in compliance with code except for the 4-inch rise (recommended by engineering staff) to bring the house into compliance with flood plain ordinances. Aaker reiterated the project meets all setback requirements, building height and lot coverage; however, it is .33-feet or 4 inches above the allowed 1-foot rule per ordinance.

Commissioner Lee commented that in her opinion 4-inches is a small variance, adding she believes that redesign could eliminate the need for a variance. Lee suggested reducing ceiling height as an option to eliminate the variance. A discussion ensued on ceiling height; what’s required and what’s found in the field.

Mr. Beleniuc explained that although the variance is minor the 4 inches are needed to accommodate headroom for the staircase into the basement level.

A discussion ensued on the merits of the proposal including ceiling height. Questions were raised on if the figures represented in the plans were correct, and if the variance was approved to ensure that all figures are the same. It was further pointed out that engineering supports the request subject to Minnehaha Creek Watershed District requirements.

Public Comment

Chair Platteter asked if anyone would like to speak to the issue; being none, Commissioner Olsen moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Scherer stated she supports the project as presented. Commissioner Forrest said she agrees adding this is the time to “fix” the flood plain issue. Forrest also commented in this day and age an 8-foot ceiling height is not unreasonable or excessive; adding the Commission has viewed and approved projects with higher ceilings.

Motion

Commissioner Olsen moved variance approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. Commissioner Forrest offered an amendment to the motion stipulating that all figures match. Commissioner Schroeder commented that an easy way to ensure compliance is to stipulate that the first floor building elevation be met as established by staff. Commissioners Olsen and Scherer accepted those amendments. Ayes; Scherer, Schroeder, Olsen, Carr, Forrest Platteter. Nays; Lee and Hobbs. Motion carried.

C. Subdivision. Frank Berman. 5321 & 5331 Evanswood Lane and 5320 & 5324 Blake Road, Edina, MN

Planner Presentation

Planner Teague reported that Frank Berman is proposing to combine and subdivide his properties at 5321 & 5331 Evanswood Lane, and 5320 and 5324 Blake Road seven lots. The existing home at 5331 Evanswood Lane would remain, and the home at 5324 Blake Road would be removed. The other two parcels are vacant.

The applicant proposes to construct a 24-foot wide cul-de-sac off Blake Road within a 40-foot right-of-way. Two lots would access of Evanswood Lane, and the remaining five off the new road. The applicant has attempted to minimize tree loss and address drainage issues in the area by locating the roadway along the north lot line, and the stormwater retention areas along the street.

Planner Teague noted that to accommodate the request preliminary plan approval is required.

Continuing, Teague explained that all seven of the proposed lots meet the City's minimum lot size requirements. Minimum lot size, width and depth is determined by the median of all lots within 500 feet of the subject property. Based on the surveyors calculation of the medians, the minimum lot size is 21,842 s.f. in size; 166.4 feet in depth; and 120.8 feet in width.

Concluding, Teague stated that the city engineer has reviewed the proposed plans and does have some concern given the existing drainage issues in this neighborhood. The stormwater system downstream is over capacity. The applicant will be required to meet all minimum Minnehaha Creek Watershed district standards, as they are the regulatory authority in Edina in regard to grading and drainage. There shall be no increase in peak rate or volume to neighboring private properties. Teague further stated that at the time of this report, the issues raised by engineering have not been met. If the applicant has not addressed by the time of the meeting, staff would recommend continuing action on this request to the next Planning Commission meeting. Ross Bintner, from the engineering department will be at the Planning Commission meeting to discuss any revised plan that is submitted, and the issues regarding the proposal.

Teague also stated since interested residents may be present to address the proposed subdivision that the public hearing be opened this evening to allow testimony and left open so that testimony could continue to the tabled meeting date per engineering recommendation.

Appearing for the Applicant

Kendra Lyndahl

Discussion

Commissioners acknowledged the recommendation from the engineering department to table the request until drainage issues are resolved; however offered the following:

Commissioner Carr asked Planner Teague if the recently approved Tree Preservation Ordinance would apply to this subdivision. Planner Teague responded that he believes so, adding the Tree Preservation Ordinance goes into effect on July 1, 2015. Teague further noted that the applicant is very mindful of the trees on the site.

Commissioner Scherer stated that while she understands the significance of Edina promoting "Living Streets" in this instance drainage concerns have been identified and in her opinion a sidewalk just adds more hard surface; reiterating engineering has requested that this request be tabled until all parties reach an agreement. Chair Platteter said he agrees with that comment, adding he's a huge proponent of sidewalks, however, when drainage issues are identified additional hard surface could exacerbate the issue.

Applicant Comments

Ms. Lyndahl told the Commission the property owner generally supports the conditions of approval. Continuing Ms. Lyndahl said that their first priority was tree preservation and second; creating a project

that complies with city ordinances. Concluding, Lyndahl stated they would work with engineering on resolving the drainage issues prior to the next meeting.

Commissioner Carr pointed out that the sidewalk was considered in the engineers review, adding if engineering finds that drainage can be managed (with sidewalk) she would be in favor of the sidewalk. Concluding, Carr stated she encourages sidewalks for Edina.

A brief discussion ensued on the proposed location of the sidewalk with Commissioners suggesting that the sidewalk may work better on the north side; not south as proposed. Commissioners asked Mr. Bintner if he believes the drainage issues can be resolved. Mr. Bintner responded he believes so; however, at this time the issues are still unresolved.

Commissioner Forrest asked when the subdivision project goes before the Watershed District. Mr. Bintner responded the Watershed District hears the request between preliminary and final review.

Commissioner Hobbs suggested if the project moves forward with a sidewalk that the sidewalk could be constructed with pervious materials, reducing drainage impact.

Public Comment

Chair Platteter opened the public hearing.

The following spoke expressing reservations on the 7-lot subdivision proposal:

Rebecca Wallin, 6208 Parkwood Road.

Charles Gits, 5311 Evanswood Lane.

Olaf Minge, 5225 Evanswood Lane.

Amy Minge, 5225 Evanswood lane

Chris Johnson, 5308 West Highwood Drive.

Chair Platteter commented that since the recommendation is to table the subdivision request until the next meeting of the Planning Commission the public hearing will remain open.

Motion

Commissioner Carr moved to table the request for preliminary plat for Frank Berman 5321 & 5331 Evanswood Lane and 5320 & 5324 Blake Road to the March 11, 2015 Planning Commission meeting. Commissioner Scherer seconded the motion. All voted aye; motion carried.

VII. A. Planning in the Greater Southdale Area

Commissioner Schroeder delivered a power point presentation explaining and highlighting aspects of the process to launch a study on the Greater Southdale Area. He explained that this “study” will coincide with studies currently being done in the area on traffic and sewer capacity; adding the timing on this study is important. Concluding Schroeder asked Commissioners to consider if they would like to serve on the committee. Schroeder reiterated he envisions the Southdale process to be similar to the process implemented earlier for Grandview. He said the process will be intense and quick.

A discussion ensued with Commissioners agreeing a study is needed on the greater Southdale area sooner than later.

Chair Platteter asked Commissioners as previously mentioned by Commissioner Schroeder to consider volunteering for this process. He further suggested that Commissioners reach out to Planner Teague if they are interested in serving on the committee.

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Chair Platter noted that at the next meeting of the Commission the three new Planning Commissioners would be present.

Commissioner Forrest commented that the Wooddale Valley View Small Area Plan process continues noting that comments are still being taken from the public before the plan is finalized. Forrest thanked everyone for their input during this process.

X. STAFF COMMENTS

Planner Teague demonstrated for Commissioners how City staff measures building height.

XI. ADJOURNMENT

Chair Platteter formally thanked Commissioners Scherer and Schroeder for their years of service on the Planning Commission

Indicating it has been an honor to serve on the Planning Commission and that over the years she has learned so much Commissioner Scherer moved meeting adjournment at 10:00 P.M. Commissioner Schroeder seconded the motion. All voted aye; motion carried.

Respectfully submitted