MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
APRIL 9, 2014
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Potts, Olsen, Kilberg, Halva, Lee, Carr, Platteter, Staunton

Members absent from roll: Scherer and Forrest

III. APPROVAL OF MEETING AGENDA

Commissioner Carr moved approval of the meeting agenda as amended to honor the request of the proponent to continue Item VI.C. Preliminary Rezoning & Variances, Mathias Mortenson, 3923 West 49th Street, Edina, MN. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

A. Minutes of the Regular Meeting of the Edina Planning Commission March 12, 2014

Commissioner Carr moved approval of the Consent Agenda and January 22, 2014, meeting minutes. Commissioner Lee seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Platteter moved to close community comment. Commissioner Lee seconded the motion. All voted aye; public comment closed.

VI. PUBLIC HEARINGS

A. Comprehensive Plan Amendments, Preliminary Rezoning, and Preliminary Development Plan. Lennar Multifamily Communities, LLC. 6725 York Avenue, 6628, 6700, 6704, 6708, & 6712 Xerxes Avenue, Edina, MN

Commissioner Potts recused himself from consideration of this agenda item because his company works with this applicant on a different project in a different city. He left the Council Chambers at 7:05 p.m.

Planner Presentation

Planner Teague informed the Commission that Lennar Corporation is proposing to tear down the existing retail building at 6725 York Avenue, and five single-family homes at 6712, 6708, 6704, 6700, and 6628 Xerxes Avenue. The applicant would then build a six-story, 242-unit upscale apartment building with 12,500 square feet of retail on the first level. A parking lot is proposed in front of the retail store on York Avenue, with underground parking for residents provided under the apartments. Surface spaces would be available along the north and south lot lines for resident guests.

Planner Teague delivered a power point presentation highlight the project including the green space and swimming pool above the parking deck. He recalled the changes the applicant has made since the original sketch plat review, including the elimination of the loading dock, decreasing total number of units, creation of podium height along Xerxes, creating better pedestrian connections, and new green features. He noted that the road system can support the development and the parking is adequate.

Planner Teague concluded his presentation by indicating that staff recommends the City Council approve the Comprehensive Plan Amendments as follows:

- Building Height – from 4 stories and 48 feet to 6 stories and 70 feet.
- Floor Area Ratio – from 1.0 to 1.27.
- Re-guiding the Land Use Plan for the six single-family homes from Low Density Residential to Community Activity Center.

Approval is subject to the following findings:

1. The proposed land uses are consistent with existing and proposed land uses in this area. The City of Richfield has guided the single-family homes on the east side of Xerxes as medium density residential; therefore, the long-term vision of both Edina and Richfield in this area is for higher densities.
2. Podium height is proposed on both Xerxes and York as recommended in the Comprehensive Plan. The six-story portion of the building is stepped back into the site to minimize impact on adjacent property.
3. The Comprehensive Plan recognizes the Southdale area and the CAC as the most intense district in terms of uses, height and coverage. The City allows a floor area ratio of up to 1.5 in other parts of the City, such as 50th France; therefore, the floor area ratio of the proposed use at 1.27, which is predominantly residential, is appropriate for the area.
4. The traffic and parking study done by WSB concludes that the existing roadways can support the proposed project, and there would be adequate parking provided.

Planner Teague indicated that staff also recommends the City Council approve the Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development District and Preliminary Development Plan to tear down the existing retail building at 6725 York Avenue, and single family homes at 6712, 6708, 6704, 6700 and 6628 Xerxes Avenue and build a six-story, 242 unit upscale apartment building with 12,500 square feet of retail on the first level. Approval is subject to the following findings:

1. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Community Activity Center –

CAC," which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.

2. The project would create a pedestrian friendly development with extensive pedestrian paths planned for the site. Sidewalks would provide pedestrian connections for residents in the City of Richfield to Southdale.
3. Podium Height would be used on both York and Xerxes.
4. Sustainable design principles would be utilized. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building. "Edina" limestone is proposed at the street level.
5. The PUD would ensure that the building proposed would be the only building built on the site, unless an amendment to the PUD is approved by City Council.
6. The proposed uses would fit in to the neighborhood. As mentioned, this site is guided in the CAC, Community Activity Center which encourages mixing land uses, including retail and multiple family residential, on one site.
7. The existing roadways would support the project. WSB conducted a traffic impact study, and concluded that the proposed development could be supported by the existing roads subject to conditions.
8. The proposed project would meet the following goals and policies of the Comprehensive Plan:
    a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment.
    b. Movement Patterns.
        - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
        - A Pedestrian-Friendly Environment.
    c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
    d. Support and enhance commercial areas that serve the neighborhoods, the city, and the larger region.
    e. Increase mixed use development where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
    f. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
    g. Incorporate principles of sustainability and energy conservation into all aspects of design, construction, renovation and long-term operation of new and existing development.
    h. Buildings should be placed in appropriate proximity to streets to create pedestrian scale. Buildings "step down" at boundaries with lower-density districts and upper stories "step back" from street.

Approval is subject to the following conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated March 3 & 25, 2014.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.

5. Compliance with all of the conditions outlined in the director of engineering's memo dated April 2, 2014.
6. At the time of building permit application, compliance with all of the conditions outlined in the chief building official's memo dated March 27, 2014.
7. Work with staff and Hennepin County to secure a left turn in lane from south bound York Avenue.
8. Ten percent (10%) of the housing units shall be designated for affordable housing. Specific detail would be determined at the time of Final approval.
9. Sustainable design principles must be used. Greater detail shall be provided with the Final Rezoning submittal.
10. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

Commissioner Platteter asked about the sidewalks in the sketch. Planner Teague pointed out the sketch shows sidewalks' extending beyond what the developer is proposing; adding they will likely be added when adjacent properties develop in the future.

Commissioner Platteter asked about the setback from the building to the nearby residential home (Richfield). Planner Teague estimated an approximate 30-foot setback from the Xerxes right-of-way to the house; plus the setback for the proposed apartment building.

Commissioner Carr asked about the seventh story that is displayed on the west side of the building. Planner Teague responded that will be a good question for the applicant.

Commissioner Olsen asked about how the loading dock will work with the retail. Planner Teague pointed out the traffic pattern for delivery trucks.

Commissioner Olsen asked Chuck Richart, WSB & Associates, how vehicles would get to the south. Mr. Richart stated they would either do a U-turn on 66th Street or turn onto France, adding this type of movement was assumed as part of the study.

Chair Staunton observed if the rezoning request was to PCD-3 three setback variances would be required, along with the building height, and the floor area ratio. Planner Teague concurred.

Commissioner Olsen noted Hennepin County Public Works recommended widening the boulevard on Xerxes. Planner Teague indicated that will be part of future discussions, along with the landscaping requirements.

Appearing for the Applicant

Peter Chmielewski, Development Manager, Lennar Multi-Family Communities
Aaron Russet, ESG Architects

Applicant Presentation

Mr. Chmielewski stated Lennar Multi-Family Communities specializes in doing condo high-rise style in first-tier cities. Lennar is very interested in making this the right project with the right materials and integrating it with the community. He thanked the Planning Commission and the Council for pushing for a redesign in certain areas. Lennar has worked to keep the integrity and language of the building the same, while bringing back some sensitivities. Lennar has hired a broker to handle options agreements

with the homes on Xerxes; a representative with Lennar has met with each of the homeowners to discuss their needs and wants.

Mr. Russet commented this is an incredible area to act as a bridge between very dense commercial areas between single-family homes in the Richfield neighborhood. He pointed out several of the changes that have been made since the last design presented. Accesses were eliminated through the site onto Xerxes. The only physical connections to Xerxes are the front porches and sidewalks all the way to the road. Eventually, hopefully, the sidewalks will connect north/south. The retail space has decreased from 22,000 square foot to 12,500. The original grocer did not work out, so now the idea is to have the retailers fit well into the residences of this site. He discussed the changes in underground parking, trash pick-up, as well as the area designated for resident moving.

Mr. Russet noted that the seventh story is just an architectural feature in order to acknowledge the front door. One of the options considered will be two-story windows. There are now two courtyards rather than one, which has helped increase the undulations of the building façade. He noted the increased square footages of the residential units, which will be more appropriate for those selling houses in Edina but wanting to stay in Edina. The composition materials will be two colors of brick, stucco, some metal panel and some fiber cement panel.

Discussion

Commissioner Carr complimented the architect on the new design.

Chair Staunton asked about the podium stepbacks on Xerxes. Mr. Russet presented the front porch elevations and pointed out the 5-foot and 3-foot stepbacks. From the previous design, the building moved back 12 feet, plus 5 feet and also 3 feet.

Mr. Chmielewski noted the architect wanted to create multiple setbacks, multiple uses, patios above the walk-outs, then bays, and then balconies, with a flat façade along the top. He pointed out there is a lot happening on the Xerxes façade that helps it appear it is further back than it actually is. Chmielewski added the goal was to push the building back as far as possible while still making it a viable, adding this is one of the highest-priced pieces of land that has ever been purchased in Edina. Concluding, Chmielewski reported other developers have tried to make something work and could not from a metric-standpoint, adding Lennar has worked on this the past year to try to make it feasible.

Chair Staunton noted the building is set back quite a ways from York Avenue. He asked if any thought had been given to pushing the retail space closer to York Avenue so the apartment building could be pushed back from Xerxes without losing any net space.

Mr. Chmielewski responded the goal was to have a boulevard protect the sidewalk. including a minimum parking depth, minimum drive lane, and then brought the building forward as much as possible. Chmielewski stated in his opinion retailers want adequate parking and height, the building has to be set back beyond it, otherwise the ability to have the residential is lost. He concluded Lennar pulled the building towards York as near as possible.

Chair Staunton asked about the parking spaces being flush with York. Mr. Chmielewski responded it is basically flush. He noted there was discussion about sinking the parking, but general contractors gave a lot of pushback regarding excavation.

Commissioner Olsen noted additional setback from Xerxes would have been nice. She asked if there was a way to reduce the building height in order to consider some of Richfield's comments about four stories.

Mr. Russet responded that he worked on Oxford Hills on Grand Ave, adding this is the same type of setback principle used. A challenge of setbacks is the contractors do not like transitions, and plumbing cores need to go all the way through. This makes much larger units along the first and second floors. Russet also pointed out as the building goes up, the kitchen and bathroom plumbing lines are stacked. Concluding, Russet said because of the retail, it is easier to push things back on the York side. The stacking element of the design really drove the discussions.

Mr. Chmielewski concurred the Xerxes has been pushed back as far as it can go.

Commissioner Lee asked about the newly created green space on the upper northeast. Mr. Russet responded he believes the green space may be approximately a third of an acre.

Commissioner Lee asked about proposed retail tenants. Mr. Chmielewski responded a local broker is working on the tenant mix at this time. He added they believe the larger space would be a high-end restaurant, and the other could be a daytime breakfast/coffee or a yoga studio, something that does not compete with the high-end restaurant. Mr. Russet summarized it is not specific to the demographic, but it certainly has to be complimentary.

Chair Staunton asked about a proposed green space in the north corner. Mr. Chmielewski responded the goal for that area is to maintain it as more of a grass/open field. This area could be used by all the residents of the area, rather than just the residents of the building.

Commissioner Olsen asked about consideration of sustainable guidelines. Mr. Russet responded ESG inherently has green base specifications, from sealants to carpets to paints. One of the major sustainable features of this site is the location. On weekends, this site has an amazing opportunity for residents to use features without a car. Additionally, it is a walkable area. In both courtyards, there is a substantial amount of green roof.

Mr. Chmielewski added that being a long-term holder and operator means efficient electricals and minimizing water use in this building and also helps Lennar's bottom line. Also under exploration is a possible shared garden space in the courtyard.

Commissioner Carr asked about bicycle racks. Mr. Russet responded there will be ample bike storage to meet the needs of residents. As the plan evolves, they will be located throughout the underground parking. Typically there is one bike stall per bedroom provided as well. Commissioner Carr asked that bike racks be added for non-residents visiting the restaurants as well.

Commissioner Carr asked about public art at the front of the building. Mr. Chmielewski responded that is not designated yet, but that can be considered.

Commissioner Platteter asked about breaking up the face on the east side and possibly changing the courtyard 90 degrees. Mr. Chmielewski responded that corners for buildings are the most inefficient uses of a building. He discussed why the courtyard was placed as it was in order to achieve the needed density. Mr. Russet added that the current configuration allows for as much sun exposure as possible in as many units as possible.

Commissioner Platteter asked if pets will be allowed and whether dog-walking areas will be allowed. Mr. Chmielewski responded pets will be allowed; a dog spa will be just off the elevator. You can circle the entire site without crossing any main traffic areas.

Commissioner Schroeder asked about parking ratios related to retail. Mr. Chmielewski responded the broker is providing the uses and the ratios, and those requirements have been met since the retail has been shrunk.

Commissioner Schroeder noted the sidewalk is right up against the parking lot on York. He said in his opinion ten spaces per thousand is excessive for retail. He suggested eliminating 24 spaces. Continuing, Schroeder stated something that is 60 feet across should be more than just a setback. Concluding Schroder said a reduction in parking, could provide more space on Xerxes.

Mr. Chmielewski responded this is something Lennar will look into, especially creating more interest along Xerxes. Retail experts have indicated 100 parking spaces are required for a viable restaurant. With incoming tenants, visitors, and employees, it is down to about 100 spaces.

Chair Staunton opened the public hearing.

Public Testimony

Debbie Goettel, City of Richfield Mayor, thanked the Commission for consideration of their Richfield neighbors. Goettel stated Richfield has no intention of the Richfield side of Xerxes being medium-density; adding the mid-density reference in the Comprehensive Plan is a Met Council planning tool only. She said this is a residential area, and would like this area to be considered as if it were Edina. Considering, she noted the proposed apartment building will face one-and-a-half story Cape Cod houses and one-story ramblers, and those houses will face decreased sunlight as a result of the building shadows. Goettel concluded that an improvement would be increased setbacks from Xerxes and a reduction to a four-story building. She noted this is a soft border and both Cities need to think about each other as neighbors.

Todor Braianova, 6616 Xerxes Avenue S., expressed concerns about traffic increases that will result from the limitations for left turns on York. He asked about the remaining houses left on the Edina side.

Dennis Fink, 6713 Xerxes Avenue S., expressed concern about the height of the building, and reduced sunshine as a result of building shadows. He believes this building looks like South Minneapolis. He does not believe the building is aesthetically pleasing for an area such as this. He also expressed concern about increased traffic.

Linda Schnitzen, 6717 Xerxes Avenue S., commented this building does not fit with the character of a residential neighborhood. She expressed concern about the value of her home. She asked the Commission to consider how this would be handled if this were Edina property on the other side of the street.

Nancy Bahr, 6620 Xerxes Avenue S., commented there will only be four houses on the west side of Xerxes once the project is completed. She asked about the division with the house next to the building.

Todor Braianova, 6616 Xerxes Avenue S., asked how the sidewalks will fit with the street on the west side of Xerxes. He asked about the access to Southdale and the possible addition of a traffic light to help pedestrian traffic.

Nancy Bahr, 6620 Xerxes Avenue S., asked about the remaining four houses and any future plans for them.

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

Continued Discussion

Chair Staunton asked Mr. Richart to address traffic issues brought up by residents. Mr. Richart explained the various thought processes regarding the turning possibilities around the building. He noted most people will go north than south. To south, most vehicles will go to Penn or other major streets. He discussed the traffic volumes in the intersection are too low to warrant a traffic light. He noted a couple other options for pedestrian crossing, with the new apartments at Southdale and at Cub Foods.

Commissioner Olsen noted there will be a desire to cross the street there rather than walk down to the light; noting this is a larger discussion Edina has to have.

Chair Staunton asked Mr. Chmielewski and Mr. Russet to discuss what was learned on the shadow studies commissioned.

Mr. Chmielewski thanked the Commission and Council for pushing Lennar because Lennar desires to be part of both of these communities. The goal is to do the best job possible because this redevelopment opportunity has a lot benefit to both Richfield and Edina, while balancing the issues at hand. However, there is a limit to how far the developer can go before a project is no longer viable. He presented slides on the shadow study which illustrated the impacts on the building and the homes across the street in March, September, and December. There is very minimal difference between the shadows cast from the nearby Cub Foods, which is approximately 2 stories high, and the proposed building. He then discussed neighboring homes, two of whom are in foreclosure and one had a tax lien, which have a far greater negative impact than anything else on neighbors. New residential construction tends to increase neighboring home values.

Mr. Chmielewski also discussed the vegetative screening to be done as a barrier between the north pocket park and neighbors.

Commissioner Olsen stated she is still struggling with the height of the six-story building and setback from Xerxes Avenue.

Commissioner Lee discussed the value of being deliberate in planning towards future possible development specifically in relation to the park plan on the Xerxes corridor as well as the ability to cross York.

Planner Teague noted that there was focus on getting sidewalks on both sides of this development, so as the parcels develop, it can ultimately connect people across the street to Southdale.

Chair Staunton clarified the two motions before the Council.

The Commissioners discussed the proper procedure of rezoning a district as well as approving a PUD.

Commissioner Carr expressed support for the development.

Commissioner Olsen noted the project has vastly improved since the initial sketch, but she is still concerned about the height and look on the Xerxes side.

Commissioner Lee noted this area is a transition from residential to commercial. She believes a little tweaking will make the project doable. Overall, the density and height are probably where they need to be.

Commissioner Schroeder noted the transition in use between commercial and resident between York and Xerxes is really good. He did express concern about the height of the building along Xerxes.

Chair Staunton expressed support for the changes made on the Xerxes side, but he suggested the entire building could be pushed further back away from Xerxes to reduce the parking.

Planner Teague suggested the residential pieces be rezoned to PCD-3, if the Commission is inclined, so when the applicant comes back for final rezoning, the PUD could be considered at that time. The City Attorney could weigh in on the R-1 not being eligible for a PUD rezoning.

Commissioner Platteter stated he thinks something further can be done on the Xerxes side. He really likes the rest of the project.

<u>Motion</u>

Commissioner Carr moved to recommend approval of Comprehensive Plan Amendments, for the subject property, subject to staff findings and subject to staff conditions. Commissioner Platteter seconded the motion.

Chair Staunton noted he would be in favor of the six-story building, though he thinks it can be pushed back farther from Xerxes.

Ayes; Lee, Carr, Platteter, Staunton. Nays; Schroeder, Olsen. Abstain; Potts. Motion carried. 4-2

<u>Motion</u>

Commissioner Carr moved to recommend approval of Preliminary Rezoning, and Preliminary Development Plans for the subject property, subject to staff findings and subject to staff conditions. Commissioner Platteter seconded the motion.

Commissioner Platteter offered a friendly amendment recommending the inclusion of affordable housing.

Commissioners Carr and Platteter accepted that amendment.

Commissioner Olsen offered a friendly amendment to include recommendations regarding turn lane as received in an email from Carl Stueve, Hennepin County

Commissioners Carr and Platteter accepted that amendment.

Chair Staunton called for the vote; amended motion. Ayes; Lee, Carr. Nays; Schroeder, Olsen, Platteter, Staunton. Abstain Potts. Motion failed 2-4.

Commissioner Platteter moved to recommend that the City Council deny the Preliminary Rezoning and Preliminary Development Plans for the subject property. Commissioner Olsen seconded the motion.

Chair Staunton asked Commissions Platteter and Olsen if they had further comments on their rationale for denial. Commissioner Platteter stated he supported the request for a Comprehensive Plan Amendment; however, his vote to deny the Preliminary Rezoning and Preliminary Develop Plan was based on the layout of the project.

Chair Staunton called for the vote; Ayes; Schroeder, Olsen, Platteter, Lee, Staunton. Nay; Carr. Abstain; Potts. Motion to deny carried 5-1.

Commissioner Potts returned to the Council Chambers at 9:45 p.m.

B. Site Plan and Variances. Border Foods (Taco Bell). 3210 Southdale Circle, Edina, MN

<u>Planner Presentation</u>

Planner Teague informed the Commission that Border Foods Inc. is proposing to tear down the existing Taco Bell restaurant and rebuild a new slightly smaller Taco Bell at 3210 Southdale Circle. The building would be 1,850 square feet in size. To accommodate the proposal to redevelop the site, the applicant is requesting a Site Plan review and the following Variances:

- Parking Setback Variances from 10 to 4 feet from the north and south lot line. (Existing condition is a 3-foot setback.)
- Front Yard Building Setback Variance from 35 to 22 feet.
- Variance for side menu board facing a residential area. (Existing menu board directly faces residential area.)

In 1985, a parking stall setback variance was granted to add parking stalls for what was then a Zantigo Mexican Restaurant. The variance was to match the existing non-conforming setback of three feet. As noted above, a four-foot setback for parking is now proposed.

Planner Teague delivered a power point presentation to highlight the project.

Planner Teague concluded his presentation by indicating that staff recommends the City Council approve the Site Plan with Variances for the construction of a new Taco Bell restaurant at 3210 Southdale Circle. Approval is based on the following findings:

1. The proposal would meet the required standards and ordinances for a Site Plan with the exception of the setback variances.
2. The proposed variances are reasonable. The proposed building is smaller than the existing building on the site; the green space setback for the parking stalls would be increased by one-foot from existing conditions; and the menu board would be moved to the south side of the building and pointed away from the residential area to the east.

3. Moving the building closer to Southdale Circle also reduces the impact on the residential property to the east.
4. The practical difficulty is the existing size of the site, which makes it difficult to develop the site the meet the existing setbacks.
5. Variances have been granted in the past for the parking lot.

Approval of the Site Plan and Variances are subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
   - Site plan date stamped March 7, 2014.
   - Grading plan date stamped March 7, 2014.
   - Landscaping plan date stamped March 7, 2014.
   - Building elevations date stamped March 7, 2014.
   - Lighting plan date stamped March 7, 2014.
   - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Landscape plan must meet all minimum Zoning Ordinance requirements. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
5. Compliance with the conditions required by the city engineer in his memo dated April 2, 2014.
6. Building plans are subject to review and approval of the fire marshal at the time of building permit.
7. Bike racks must be provided to meet minimum Zoning Ordinance requirements.
8. All crosswalks shall be marked with duraprint stamping to clearly identify the pedestrian crossing.
9. Trash enclosures must be constructed to meet minimum Zoning Ordinance requirements.
10. Compliance with the chief building official's requests in his review memo dated March 27, 2014, at the time of building permit review.

Appearing for the Applicant

Barbara Schneider, Border Foods

Discussion

Commissioner Carr asked about the taller pylon sign that is separate from the building. Planner Teague responded that the signage package has not been reviewed, but the applicant has not asked for a change in signage.

Chair Staunton asked about the sign being on the side near residential property. Planner Teague pointed out the sign is not facing residential, as it is now facing directly south.

Commissioner Kilberg asked about the mechanicals. Planner Teague indicated screening of mechanicals will be required.

Applicant Presentation

Ms. Schneider pointed out in the stormwater design; there is excess capacity in the project so that capacity will be stored with the 9-mile Creek Watershed District. Sidewalks, outside seating, and a bike rack have been incorporated.

Discussion

Commissioner Platteter asked about increasing the pervious area on the site. Ms. Schneider responded that will be reviewed.

Chair Staunton opened the public hearing.

Public Testimony

Todor Braianova, 6616 Xerxes Avenue S., stated he is the neighbor to the property on the east. He expressed concern about the garbage. Braianova explained after living there 15 years, he has noticed the squirrels are in the garbage, and wrappers are coming into his backyard as they sit on the fence and eat their findings. He also commented on the amount of noise created by the trash pickup in the early morning's hours. Concluding, Braianova also asked if anything can be done about the venting.

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Platteter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion to close the public hearing approved.

Continuing Discussion

Ms. Schneider responded that the garbage is emptied five days a week. She also noted she will talk to the trash company about the hours of pickup.

Chair Staunton asked about the dumpster. Ms. Schneider indicated she will look into having a lid put on the dumpster to prevent squirrel access.

Ms. Schneider in response to comments about an aroma; said those comments are unusual, adding the aroma may be coming from McDonald's. Schneider stated she will ensure the venting system is correct and can look into stepping up the cleaning of the hood.

Chair Staunton asked whether there is a mechanism for fielding complaints from neighbors. Ms. Schneider noted the owner/operator reads every customer comment that comes in through the 1-800 number.

Motion

Commissioner Platteter moved to recommend approval of the Sketch Plan and Variances for the subject property, subject to staff findings and subject to staff conditions. Commissioner Olsen seconded a motion.

Commissioner Schroeder offered a friendly amendment requesting duraprint be changed to duraterm on condition 8.

Commissioners Platteter and Olsen accepted that amendment.

Chair Staunton asked Ms. Schneider for any feedback on the process from her perspective.

Ms. Schneider indicated City staff has been very helpful. She indicated the more information that can be provided up-front, the better the process for the applicant.

All voted aye; amended motion carried.

C. Preliminary Rezoning & Variances. Mathias Mortenson. 3923 West 49th Street, Edina, MN

At the request of the proponent, this item was removed from the agenda upon adoption.

VII. ANNUAL MEETING – ELECTION OF OFFICERS & ADOPTION OF BYLAWS

Chair Staunton called for nominations for the office of Secretary.

Commissioner Schroeder nominated Commissioner Potts for Planning Commission Secretary 2014. Commissioner Platteter seconded the motion. All voted aye; motion to approve Commissioner Potts for secretary carried.

Chair Staunton called for nominations for the office of Chair.

Commissioner Schroeder nominated Chair Staunton for Planning Commission Chair 2014. Commissioner Platteter seconded the motion to nominate Chair Staunton for office of Chair. All voted aye; motion carried.

Chair Staunton called for nominations for the office of Vice Chair.

Commissioner Schroder nominated Commissioner Platteter for Vice-Chair 2014. Commissioner Potts seconded the motion. All voted aye; motion carried.

Chair Staunton asked for a discussion on modifying the bylaws regarding ex parte communications.

Commissioner Carr stated on quasi-legal matters, she does not think ex parte communications are appropriate, adding she doesn't believe that would be in the best interests of decision-making. Carr recommended keeping the bylaw the way it is.

Commissioner Platteter agreed, though it can be a slippery slope when talking with neighbors and other random conversations. Things can inevitably come up along the way.

Commissioner Olsen suggested having that provision in the bylaw is a good idea.

Chair Staunton added there may need to be more discussion on what is quasi-judicial and ex parte sometime in the future.

Chair Staunton called for a motion to adopt the Bylaws.

Commissioner Platteter moved to adopt the Planning Commission Bylaws. Commissioner Potts seconded a motion. All voted aye to keep the Bylaws as written carried.

VIII. CORRESPONDENCE AND PETITIONS
Attendance
Council Update

Chair Staunton noted the attendance logs have been updated to correct a couple errors.

Chair Staunton acknowledged back of packet of materials.

IX. CHAIR AND COMMISSION COMMENTS

Commissioner Platteter reported on the most recent Living Streets work session.

Commissioner Carr noted the Environment and Energy Commission had discussion on the tree protection ordinance. She suggested putting that on the agenda for next meeting.

Commissioner Potts discussed some basic requirements, as related to Watershed issues, being avoided. He suggested this topic warrants further discussion by the Planning Commission.

Chair Staunton cautioned the City Manager's policy is to enforce policy, and it is the Council's role to create policy. He suggested Planner Teague place this issue on a future agenda so that the Commission can better understand the process.

Commissioner Lee stated she would like feedback from the City, regarding whether complaints have been received. At that point, a work group could be created with a member of City staff.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Lee moved meeting adjournment at 10:39 PM. Commissioner Olsen seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogenakker
Respectfully submitted