

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
AUGUST 26, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Lee, Strauss, Thorsen, Seeley, Nemerov, Olsen, Carr, Forrest and Platteter

Absent: Hobbs, Halva

III. APPROVAL OF MEETING AGENDA

Commissioner Thorsen moved approval of the August 26, 2015, meeting agenda. Commissioner Strauss seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Thorsen moved approval of August 12, 2015 meeting minutes. Commissioner Lee seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT:

City Manager Scott Neal invited members of the Commission to attend a guest speaker event on Monday, September 14, 2015 from 8 am to 10 am. Neal added that Commissioners should “save this date”. He explained at this time a venue hasn’t been secured and as soon as its secured he would forward that information.

VI. PUBLIC HEARINGS

A. Variance. Anne Bishop. 5732 France Avenue, Edina, MN.

Planner Presentation

Planner Aaker presented her staff report concluding staff recommends approval. Based on the following:

- The practical difficulty is caused by the location of the home to the north.

- The encroachment into the setback continues a setback pattern and will not affect neighboring properties on the street scape; and
- The request is reasonable given the location of the existing home and existing floor plan.

Approval is conditioned on the home must be constructed per the proposed plans date stamped August 9, 2015.

Appearing for the Applicant

Greg Hansen, Sylvester Construction

Public Comment

Chair Platteter asked if anyone would like to speak to the issue; being none Commissioner Thorsen moved to close the public hearing. Commissioner Lee seconded the motion. All voted aye; public comment period closed.

Discussion

Chair Platteter commented that it appears everything is very straight forward. Commissioners agreed.

Motion

Commissioner Forrest moved variance approval based on staff findings and subject to staff conditions. Commissioner Strauss seconded the motion. All voted aye; motion carried.

B. Variance. David and Lisa Ramsay. 5425 Woodcrest Drive, Edina, MN

Planner Presentation

Planner Aaker reported that the subject property is approximately 75 feet in width (as measured 50 feet back from the front property line) and is 14,355 square feet (.29 acres) in area. The property backs up to Minnehaha Creek. The home is two stories with an attached two car garage built in 1940.

Planner Aaker explained that the property owner is hoping to convert a portion of the existing garage space into livable space, (mud room), and build an addition to the front of the garage to provide more space to manuever and store cars. The addition will include a dormer above the garage addition. The roofline slopes towards the south side yard with one continuous roofline above the bedroom dormer over to the new garage.

Planner Aaker reported that the attached garage with living space above was expanded southward in 1995 at a time when the side yard setback for garage area was required to be 5 feet. The garage is located 6.4 feet from the side lot line and is legally nonconforming. The living space expansion above the garage received a variance to match the 6.4 foot setback instead of the requirement at the time, (10 feet plus additional setback for height). The garage may be expanded at the same setback given the alternate setback standard that allows expansions of legal nonconforming structures at the same setback, (current setback required for the garage is 10 feet). The living space/dormer area must be 10 feet from the side

lot line because it is not an expansion of a legal nonconforming setback. The living space expansion received a variance in 1995, so any expansion to the second floor within the 10 foot setback also requires a variance.

Planner Aaker noted that the proposed garage addition with dormer above will maintain the alternate setback requirement to allow expansion of a nonconforming setback of the garage side wall on the main floor, however, will not conform to the 10 foot side yard setback for living space on the second floor given the roofline. The interior living space addition/dormer will be approximately 10.9 feet from the south side lot line which is conforming to the required 10 foot setback, however, the roof line attached to the dormer extends over the garage below and will be setback 6.4 feet to the side lot line, (same setback as the existing garage with living space above). The side yard setback variance request addresses roof structure area that extends from the 2nd floor dormer addition over and down to the garage extension below. The roof area in question is lower than 5 feet in height and is non-habitable space. It is the sloped roof area above the garage that overlaps the setback.

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

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the side yard setback of the non-habitable roof area.
2. The proposed additions are appropriate in size and scale for the lot and the improvements will enhance the property.
3. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed side yard setback and the existence of existing living space at the proposed nonconforming side yard setback.
4. The variance, if approved, will not alter the essential character of the neighborhood. The addition will blend well with the existing architecture.

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

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans: Survey dated June 29, 2015 and building plans and elevation date stamped June 16, 2015.

Appearing for the Applicant

David and Lisa Ramsay, applicant and property owners.

Discussion

A discussion ensued on if a condition of the past variance was ever implemented. Commissioners referred to a condition of approval to add casement windows in the garage (side elevation) to break up building mass. Planner Aaker responded that minimal windows were added on the east façade; which is the garage side; however they were added to the new addition above the existing garage, which is what was intended. She further noted that the neighbor to the east worked with the previous homeowner on window placement to ensure

that their privacy was not compromised because of the proposed addition and change in elevation between properties.

Chair Platteter asked if the proposed addition meets the front yard setback requirement. Aaker responded in the affirmative. She explained that originally it was determined that the applicants would need a front yard setback variance; however, through averaging the front yard setback of all the houses on that side of the street between intersections it was found that a front yard setback variance was not required. Aaker further stated that it was determined that a side yard setback variance was required.

Commissioner Lee noted that the street at this location curves significantly. Aaker agreed, adding because of the curve setbacks appear different.

Commissioner Carr commented that she doesn't like the existing (east) side wall or the proposed. She said in her opinion the east building wall isn't attractive and the articulation is minimal at best.

Applicant Presentation

Ms. Ramsay introduced her family, builder and architect, Phil Johnson, and explained they did not own the property at the time the other two variances were granted. Ramsay said they have been working on the addition for some time and believe what's proposed works best. Ramsay acknowledged when they applied for a variance in June there was some confusion on "what the variance was for"; however, that has been determined and they are seeking a side yard setback variance for a small portion of their addition.

Chair Platteter opened the public hearing.

Public Hearing

The following spoke in opposition to the requested variance:

Jacob Steen, Attorney, Larkin Hoffman representing resident Kristine Donatelle
Kristine Donatelle, 5427 Woodcrest Drive, Edina, MN
Chuck Donatelle, 5200 France Avenue, Edina, MN
Julie Donatelle, 6509 Willow

The following spoke in support of the requested variance:

Mark Bretheim, 5429 Woodcrest Drive, Edina, MN
Mark Swenson, 5501 Dever Drive, Edina, MN
Jim Grotz, 5513 Park Place, Edina, MN
Paul Maenner, 5432 Woodcrest Drive, Edina, MN

Phil Johnson, Architect explained to the Commission the reasons for the variance were: to provide adequate space for opening car doors in the garage area, and to convert a portion of the existing garage into livable space (mudroom). A dormer would also be added above the new garage space to help match roof lines.

Commissioner Carr stated that in her opinion windows are needed on the east building elevation and asked if they would be receptive to adding window(s) on that side. Mr. Johnson noted there are

windows on that side elevation, adding the differing heights and roof lines also soften that wall. Carr said she agreed the differing heights help; however, continues to believe more needs to be done. Mr. Johnson responded it could become a security issue if a window was added to the new garage addition. He also asked the Commission to note that the stone on the front of the house will wrap around to the side.

Chair Platteter commented that the Commission believes that more needs to be done on that elevation (east) and asked the applicant to consider installing a window(s). Ms. Ramsay said they would consider it, adding it was always their intent to ensure that the east elevation was softened in some form.

Commissioner Nemerov noted that the applicant was not responsible for the past variances and at this time is “working with what they have” in trying to achieve an accessible garage without building to the rear.

Chair Platteter asked if anyone else would like to speak to the issue; being none Commissioner Thorsen moved to close the public hearing, Commissioner Strauss seconded the motion. All voted aye; public comment was closed.

Discussion

Commissioner Strauss commented that he was unclear on how water runoff gets to the street. The builder responded that the gutters would flow to a drain box with 6-inch lines that would run to a popup.

Commissioner Lee commented that she finds this interesting; however after reviewing the plans she believes the solution presented is best. Continuing, Lee said she doesn't find it unreasonable for the homeowner to want adequate space (or just better space) when opening their car doors and creating space in the existing garage for a mudroom isn't that unusual by today's standards. Lee said the Commission needs to remember the applicants are working with “what they have”, adding in reality the area of the variance is minimal. Lee said she was very comfortable with the roof sloping away from that side and that as previously mentioned the curve of the street and the ebb and flow of the homes would blend; the street isn't linear. Lee concluded that she can support the request as presented.

Ms. Ramsay stated they are open to suggestions on sidewall articulation. She added they have every intention to add softening elements to the east side building wall.

Commissioner Nemerov said he understands Ms. Donatelle's concerns; however, can support the variance as presented.

Commissioner Forrest commented that while she believes the accessibility and safety of the garage is a valid concern, a mudroom isn't. Forrest stated in her opinion the practical difficulty is the inadequacy of the garage and without the addition there is no way to address that issue. Continuing, Forrest said the lower garage area needs to be addressed and that a window can easily be added on that elevation to break up the building mass. Forrest pointed out the east elevation slopes downward toward the neighboring property so security shouldn't be an issue.

Chair Platteter commented that it appears a lot is going on with regard to the proposed addition; however, he stated in his opinion he supports the applicants advocacy of the creek and the existing tree canopy. Platteter said in general this proposal makes sense. Building to the front allows preservation of

the urban forest and less disruption to the creek bed; while allowing the homeowner to increase their garage space and provide a mudroom. Platteter concluded that he supports the project as proposed.

Motion

Commissioner Thorsen moved variance approval based on staff findings and subject to staff conditions. Commissioner Strauss seconded the motion.

Commissioner Strauss and Carr offered an amendment to the motion; add a window into the new garage portion of the addition for the purpose of articulation. Commissioners Thorsen, Strauss accepted that amendment,

Commissioner Carr offered an amendment to the motion; add additional landscaping to the east elevation to soften the impact of the addition from the east. Commissioners Thorsen, Strauss accepted that amendment,

Commissioner Forrest offered an amendment expanding the practical difficulties to include the marginal functionality of the garage and its proximity to the neighboring property line preventing the garage from being expanded directly that way. Commissioners Thorsen and Strauss accepted that amendment.

Commissioner Nemerov noted that he supports the variance as presented; however, has concerns with the level of design detail.

Chair Platteter called for the vote; all voted aye; motion carried.

VII. REPORTS AND RECOMMENDATIONS

A. Sketch Plan Review. Titus/Eberhardt. 66th St at York Avenue, Edina, MN

Planner Presentation

Planner Teague reported that the Planning Commission is asked to consider a sketch plan proposal to redevelop the 5.6 acre parcel at 6550 Xerxes and 3250 66th Street West. The applicant is proposing to tear down the existing buildings and redevelop the site with the following two phase development: Phase 1 (3250 66th Street West): A 6-7 story, 230-unit apartment building. Six floors of housing above the parking and amenities area, and Phase 2 (6650 Xerxes Avenue): A 5-6 story, 145-unit apartment building. Five and four floors of housing above the parking and amenities area.

Teague explained that the primary entrance to the site would be off Xerxes Avenue. There is a secondary access available off of York. Both of these access points exist today. There is a shared access arrangement with the adjacent property owner at 3316 66th Street west. That shared access would also remain.

Teague To accommodate the request, the following amendment to the Comprehensive Plan would be required: Re-guiding of the site from RM, Regional Medical to CAC, Community Activity Center. The proposed height (7 stories) and density (66 units per acre) would meet the standards of the CAC. A rezoning of all the property to PUD, Planned Unit Development is requested.

Teague reported that this property is located within an area of the City that is designated as a “Potential Area of Change” within the 2008 Comprehensive Plan. he Comprehensive Plan states that within the Potential Areas of Change, “A development proposal that involves a Comprehensive Plan Amendment or a rezoning will require a Small Area Plan study prior to planning application. However, the authority to initiate a Small Area Plan rests with the City Council.” The City Council is therefore requested to determine if a Small Area Plan is necessary. A study is currently underway in this area as part of the Planning Commission’s work plan, adding the France Avenue Southdale Area Development Principles have been shared with the applicant. They have been asked to address each of the principles with any formal application.

Teague further asked the Commission to note that the applicant is not proposing any affordable housing as part of this project. Given housing policy under consideration by the City Council; this project should be required to provide affordable housing consistent with the policy or 20% of the units designated for affordable housing.

Teague concluded that the development team is present to explain their proposal.

Appearing for the Applicant

Rich Kauffman, DLC Residential and Dennis Sutliff, Elness, Swensen Graham Architects

Discussion

Commissioner Olsen asked if the majority of the parking would be underground. Teague responded in the affirmative.

Commissioner Olsen asked if the RMD District shrinks would the district continue to be viable. Planner Teague responded that is a good question. Teague explained that the Regional Medical District evolved because of the hospital and the need for medical uses to be in close proximity. Teague reported that even if the area changes to CAC; medical is still a permitted use in that district.

Commissioner Nemerov asked for clarification on the building setback variances. Planner Teague responded that it has been the policy of the Commission and Council to bring (whenever possible) buildings up to the street to enhance the pedestrian experience. Teague did acknowledge because this project will be done in two phases that details can change. Nemerov questioned what would happen if the details changed from approval to build out. Teague said the applicants have indicated they would be redeveloping through the PUD process, adding if there are changes the PUD would

need to be amended. Nemerov mentioned he is a little concerned that this proposal is in phases.

Applicant Presentation

Mr. Kaufman addressed the Commission and gave a brief description of DLC, Inc. and explained the proposed residential redevelopment would occur in two phases. He said if the project proceeds they would be requesting a comprehensive plan amendment, rezoning to PUD, and site plan approval. Kaufman said the majority of the apartment units would be one, one-plus and two bedroom units. Kaufman concluded there will be a small number of studio and three bedroom apartments.

Mr. Sutliff told the Commission ESG has a long history within this neighborhood. He asked the Commission to note they embraced the France Avenue Southdale Area Working Principles and Supporting Questions. Sutliff said this site is also a gateway site and the intent is to create something dynamic. Phase I would occur on parcels 2 and 3 and will consist of a 230 unit rental apartment with two levels of underground parking. He reported that the existing Titus building will remain on parcel 1. When phase 2 commences the Titus building would be removed. With graphics Sutliff shared schematics of the project.

Discussion

Commissioner Olsen asked about the affordable housing element. Mr. Sutliff said there is a strong desire to implement affordable housing; however, they need to look for a way to implement it. Sutliff said there will be tradeoffs; reiterating they are willing to discuss it.

Commissioner Carr said she likes the design elements of the proposed building and was impressed with the landscaping and the attention paid to pedestrian movements. Commissioner Strauss said he agrees, he likes the building, adding the approach is inviting.

Commissioner Forrest commented with regard to sustainability at this time the City is looking for more than industry standards. Forrest said the City wants developers to go above and beyond that and to also indicate measurable standards.

Commissioner Platteter said he has some concerns with the two phase concept and timing. He added he would hate to see the properties on the east become orphan properties. Continuing, Platteter said he can support the CAC designation for this area, adding it makes sense to have all four corners CAC. Platteter stated in his opinion affordable housing is needed period. With regard to the exterior of the building he wasn't "blown away"; suggesting that the curve in the road is followed more closely. In conclusion Platteter said the goal should be to view this parcel as part of a whole; not an individual island. He asked them to ensure that special attention is made to

connectivity, transit options, and signals to traffic improvements to achieve the next level for pedestrian movement.

Commissioner Nemerov said these four corners are important and suggested that the City and developers work together to develop a connected area. He suggested the possibility of walking bridges spanning the road.

Mr. Sutliff said that their intent is to be a good neighbor adding they have every intention to grow the walkability. Sutliff said they are willing to work with city staff on this issue.

Chair Platteter stated in this area public and private partnerships will be key to piecing these areas together.

Commissioner Forrest commented that the buildings appear welcome and attractive from all sides; however, suggested that the applicant makes sure when the building is constructed that that element remains and isn't just drawings. Mr. Sutliff responded that the step back approach from the street offers the appearance of smaller building mass , adding they have every intention of creating a building attractive from all sides. Commissioner Forrest said she also was a bit concerned with the two phase element of the proposal and asked the applicant if there is a time frame. Mr. Kaufman responded that Phase I is ready to start in 2016 with Phase II within five to six years.

Commissioner Lee asked what makes this site say "Edina". Mr. Sutliff said this land use element helps create a more mixed use area vs. just retail. The introduction of housing with excellent access to transit and other amenities help the buildings residents to move away from the automobile. Lee said in her opinion more work needs to be done in engaging the street, she pointed out the limited street frontage make it difficult to introduce retail. She suggest that the applicant's revisit their vision. She further added the City also needs to decide what the City wants to see on these four corners. Does the City want smaller shop fronts along the street with stepped back housing; or something different. She asked the applicant to show how people are encouraged to walk, not ride and how is the "true" gateway of this area established. Concluding, Lee also stated she is looking for affordable housing in this development.

Commissioner Olsen agreed that much is proposed to be redeveloped at this intersection/corner, adding she too would like to see how they will connect together. She suggested that when they return with a formal applicant they show the connectivity between these corners. Olsen suggested that the applicant look at the bigger picture and how this fits into the greater Southdale area. Concluding, Olsen asked if there was any opportunity for other uses on the site. Mr. Sutliff responded that adding retail would complicate parking. He noted there is only a small amount of surface parking available. He said they want to create special outdoor spaces; however, there are restraints.

Commissioner Forrest asked the applicant to ensure that people feel invited to walk through the area; she said she understands the difficulty in adding retail, suggesting that amenities like dry cleaners, bike repair, uses that would be used by occupants of the building may work.

Commissioner Nemerov asked the applicant who their residents are. Mr. Kaufman responded he believes they will be the 30-stomethings that rent by choice. Nemerov asked the applicant if they were confident they can fill these units. Mr. Kaufman responded in the affirmative.

Commissioner Carr asked the applicant to take the time to work on the streetscape and to work with the City on street calming measures on this corner and intersection.

Chair Platteter thanked the applicant for their presentation noting the importance of connectivity and enhancing neighborhood walkability.

B. 2016 Work Plan

Planner Comments

Planner Teague commented that he continues to work on the 2016 Work Plan .

Chair Plateter suggested that for the next meeting staff indicate what the Commission accomplished in 2015. Planner Teague responded he would look into that and would welcome further comments from the Commission..

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet of materials.

IX. CHAIR AND COMMISSION COMMENTS

Chair Platteter asked Planner Teague where the City is with the Greater Southdale Area Study. He added he would like the Commission to keep abreast of the study. Teague reported that at this time the “Work Group” is waiting for the Council to appoint three new members to the Group; which the Council will do at their next meeting. Teague further noted an RFI to engage a consultant has been posted on the APA website along with mailed invitations

Commissioner Forrest told Commissioners the Edina Historical Society will conduct a house tour on Saturday, September 13th.

X. STAFF COMMENTS

Planner Teague reported that the next meeting of the Planning Commission is September 30, 2015.

Planner Teague reported he is working on scheduling a date for the joint meeting of Commissioners from Edina, Bloomington and Richfield. He said at this time he is looking at November 18, 2015.

XI. ADJOURNMENT

Commissioner Thorsen moved adjournment at 10:20 PM. Commissioner Lee seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted