

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
APRI 22, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Hobbs, Lee, Seeley, Strauss, Halva, Nemerov, Carr, Forrest and Platteter

Absent: Olsen and Thorsen

III. APPROVAL OF MEETING AGENDA

Commissioner Hobbs moved approval of the April 22, 2015, meeting agenda. Commissioner Carr seconded the motion. All voted aye; motion carried.

IV. COMMUNITY COMMENT:

None.

V. PUBLIC HEARINGS

A. Subdivision. Janine and Jeffrey Johnson. 5825 Ashcroft Ave., Edina, MN

Staff Presentation

Planner Teague informed the Commission Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. To accommodate the request the following is required: 1 subdivision; 2 Lot width variances from 75 feet to 50 feet for each lot; and 3.Lot area variances from 9,000 square feet to 6,781 square feet for each lot.

Teague explained that both lots would gain access off Ashcroft Avenue. Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would be just short of the median area. There are four significant trees on the site. Each one of these trees would be maintained as a result of the subdivision. There are two smaller Cherry Trees located along the north lot line that would also be saved.

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5825 Ashcroft Avenue and the lot width variances from 75 feet to 50 feet for each lot, and lot area variances from 9,000 square feet to 6,781 square feet for each lot. Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. There is a unique practical difficulty to the property caused by the existing size of the property which is two times the size of every lot on the block.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved with these same circumstances by the City in the last few years.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina engineering department.
 - c. A grading, drainage and erosion control plan subject to review and approval of the city engineer. The proposed plans shall meet all conditions outlined in the engineering memo dated April 15, 2015
 - d. There shall be no increase in peak rate or volume to neighboring private property.
 - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.

- f. A construction management plan will be required for the construction of the new homes.
- g. Utility hook-ups are subject to review of the city engineer.

Appearing for the Applicant

Jeffrey and Janine Johnson, applicant and property owners

Discussion

Commissioner Forrest commented that she is having a hard time identifying the practical difficulty. She acknowledged that the Ordinance was changed after approval of the Fairfax plat; however, that Ordinance revision was to direct change; reiterating she is unsure of the practical difficulties. Planner Teague explained in his opinion the practical difficulty is that the subject property is double the size of all lots on this block, adding the proposed use of the property as two lots is reasonable. Teague further noted that the subject lot is the only lot on this block where two fifty foot lots were developed as one.

Commissioner Lee also indicated she too was having trouble with practical difficulties. Continuing, Lee said in her opinion the practical difficulty is that this lot is being devalued because it is a 100-foot lot on a block where the rest of the lots are 50-feet. Concluding, Lee said she has no difficulty with the request for two fifty foot lots; however, can agree the one home on two lots is out of character for this block.

Commissioner Nemerov asked if the large trees in the front (N-S) will stay. Planner Teague responded from his discussions with the applicant they indicated they intend to save those trees. Teague further noted that much would depend on driveway placement.

Applicant Presentation

Jeffrey Johnson introduced to the Commission his wife, Janine and realtor, Kim Melin. Johnson gave a brief history of his property and the Fairfax plat and with graphics pointed out the significance of the 500-foot neighborhood and his property's location in that radius.

Continuing, Johnson delivered a power point presentation highlighting the following

- There are practical difficulties in complying with the zoning ordinance to allow reasonable use of the property. Without the granting of a variance they cannot do with their land what the neighboring property owners can do with the same land.
- This property is twice the width and land area of every other lot in its block (Block 7 & Block 8).
- The proposed subdivision and variance would create harmony because the lots would be of similar size to that of other lots within this neighborhood.

- The character of the neighborhood would not be compromised because if divided the lot would now be of similar size to the majority of lots within the 500-foot neighborhood. It was the original intent of the plat.
- The subdivision meets all the standards set forth in the subdivision ordinance.

With regard to the trees Johnson said it is their intent to retain the two trees. He said he believes the driveway can be poured in such a way as to save the tree on the north; however, he added both trees may be trimmed.

Discussion

Commissioner Hobbs asked Mr. Johnson if he spoke with neighbors about the project. Mr. Johnson responded in the affirmative. He reported that he held a neighborhood “open house” in March that was attended by two neighbors. Johnson said both neighbors indicated their support for the subdivision. Continuing, Johnson further noted he received two e-mails; one in support and the other indicating they could not support the request on principle.

Public Hearing

Chair Platteter opened the public hearing. No one spoke to the issue.

Commissioner Carr moved to close the public hearing. Commissioner Lee seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Nemerov asked if the preliminary plat were approved what would the setbacks for the new home(s) be. Teague responded a recent change in ordinance dictates a 12-foot total side yard setback with no less than 5-feet on one side. 6-6 or 7-5 is what the City currently sees.

Commissioner Carr stated she can support the request as submitted. She further added that she agrees with City staff on practical difficulties.

Commissioner Forrest said while it’s not unreasonable for the applicant to want two lots she continues to struggle with practical difficulties. Commissioner Forrest acknowledged the neighborhood is changing and currently there are teardowns within this area on 50-foot lots; however, is skeptical on the practical difficulties but not strongly adverse to the request.

Chair Platteter indicated he can support the request, adding it is reasonable.

Commissioner Nemerov stated if the Commission was to approve the preliminary plat he would like it conditioned that the lots need to be developed in compliance with the tree ordinance. Commissioners agreed with that as a condition of approval.

Motion

Commissioner Lee moved to recommend preliminary plat approval based on staff findings and subject to staff conditions to include compliance with the Tree Ordinance. Commissioner Nemerov seconded the motion. All voted aye; motion carried.

Commissioner Forrest asked the applicant to be very careful with the Bur Oak during the construction phase of the project.

Chair Platteter further requested that special attention was paid to condition d. “There shall be no increase in peak rate or volume to neighboring private property.”

VI. REPORTS & RECOMMENDATIONS

A. Variance. Kelly Hayes, 6205 Wooddale Avenue, Edina, MN

Planner Presentation

Planner Aaker reported this item was continued at the last Planning Commission meeting so the applicant could address concerns raised by Commission Members is regard to the quality of building plans submitted.

Aaker said for your review the applicant submitted professionally drawn plans on April 15, 2015. The plans are consistent with the original plans and survey and the request for variance remains the same with all other aspects of the plan conforming to ordinance requirements.

Appearing for the Applicant

Karen Hayes, applicant and property owner.

Discussion

A discussion ensued regarding the proposed second floor and if the existing walls would be able to support the proposed addition. Commissioner Forrest suggested that if the Commission has difficulty and are uncertain the existing walls could support the second floor they could condition any approval on if more than 50% of the building walls are removed they must return to the Commission for review.

Commissioner Lee said she also has an issue with the north elevation of the house. She acknowledged the north elevation faces a parking lot; however, in her opinion this wall should be broken up by adding a decorative band, windows or some other form of architectural detail to break up the wall mass. Continuing, Lee further stated she has no problem with the variance, adding her concern was if the project becomes a “tear down”; in her opinion, the

applicant needs to return to the Commission for review. Lee added she also wants architectural detail added to the north building wall.

Motion

Commissioner Forrest moved variance approval based on staff findings and subject to staff conditions including the following conditions 1) should more than 50% of the building walls be removed the applicant must return to the Commission; and 2) add architectural detail to the north elevation. Commissioner Lee seconded the motion. All voted aye; motion carried.

B. Zoning Ordinance Amendment - Lot Division procedure, Rezoning procedure, side yard setbacks, regulations, R-2 District regulations

Planner Presentation

Chair Platteter asked Planner Teague to report on the revisions to the ordinance including Commissioner Forrest's window well information.

Planner Teague reported that a definition has been added for window well. The definition would include all types of window wells. Commissioner Forrest commented that basically she would also like to see setbacks measured from the outer edge of the structure.

Planner Teague told the Commission there were three revised items.

- Define window well
- In Section 3 – Plan modifications – what triggers return to the Planning Commission;
- Non-conforming. Replacing duplex in the R-2 District – language added.

In summary Teague clarified the following changes to each section:

- 1) Lot Division/Party Wall. This change would allow a lot division (adjustment to an existing lot line), and a party wall division of an existing duplex to be done administratively. Teague reported that the majority of Cities in the area process these types of request administratively. Teague further noted that this action doesn't create a new lot, only changes a lot line or allows the split of a duplex along the party wall to facilitate separate owners. In both cases no building, etc. is involved with the split.
- 2) Window Well. Added a definition of window well.
- 3) Plan Modifications. This section was changed to clarify when site modifications should go back before the Planning Commission. Teague noted on page 5 strike all after site plan.
- 4) Procedure for Rezoning. This sections (4&5) was amended to reduce the steps an applicant takes to receive final rezoning approval. Presently it's a two-step process and the amendment would create a swifter process for certain rezoning's from two-step to one and one half.

- 5) Building Coverage etc. (6&7). Revisions add clarity to building coverage exemptions and side yard setback requirement. Eliminate c. Interior side yard setback.
- 6) Section 8 – R-2 District Regulations. Teague said in this instance the suggestion is to allow single family homes in the R-2 zoning district. Currently the Code prohibits it. Teague said staff believes there is some disagreement from the Commission with the proposed change.
- 7) Building Height Section 9. Corrects an error on the table.
- 8) Nonconforming R-2 Lots. This changes allow duplexes on existing nonconforming R-2 lot to be torn down and rebuilt within the need for variance.

Discussion

Commissioner Forrest said if the window well definition is approved she wants to reiterate she would like the setback measured from the outermost edge of the window well surrounding structure. Forrest also said she is hesitant on window wells on front facades and suggested that they be subject to the same setbacks as the main house.

Chair Platteter also commented he continues to support the additional public hearing; however, understands the time restraints.

Platteter said that at this time he believes the Commission can vote on all items except for Section 8/R-2 District Regulations, adding that item should be voted on alone.

Motion

Commissioner Forrest moved to recommend approval of the proposed Ordinance Amendments to Chapter 32 and 36 of the Edina City Code excluding Section 8. R-2 District Regulations. Commissioner Lee seconded the motion. All voted aye; motion carried.

Commissioner Carr moved to recommend approval of Section 8. R-2 District Regulations. Commissioner Lee seconded the motion.

A discussion ensued on Section 8. R-2 District Regulations with the majority of Commissioners expressing objection to the proposed change. Commissioners indicated if the change were permitted the diversity of the housing stock would change, affordability could be lost and the buffer zone into the R-1 District shrunk. Commissioner Nemerov noted that the locations of Edina's R-2 zoning districts are scattered and depending on the area change could mean different things. He suggested making a decision on this issue after adoption of Vision Edina.

Chair Platteter called for the vote: Ayes; Carr. Nays; Hobbs, Lee, Nemerov, Olsen, Strauss, Platteter. Motion failed.

C. Pentagon Park – Development Update (Scott Takenoff)

Planner Teague informed the Commission Pentagon Park is a 43 acre development that has received preliminary approval to PUD, adding Scott Takenoff with Hillcrest is present this evening for a project update.

Mr. Takenoff introduced himself and his team; Bob Close, Bob Close Studio, LLC and Tom Witlock.

Scott Takenoff told the Commission Pentagon Park was constructed in the 1960's as a state of the art office complex. The complex consisted of 8 three story office buildings, one four story office building and a six-story "Tower". All buildings are surrounded by surface parking. Immediately north of the site is the Fred Richards Golf Course which is currently being studied for repurposing. Takenoff delivered a power point presentation highlighting the sites past, present (renovation of existing structures) and the future.

Continuing, Takenoff said the project will be developed in phases into a state-of-the-art development with the emphasis on office use. Other uses could include a hotel, restaurants, and retail. Takenoff further indicated they would also consider housing. Takenoff said if housing is developed that could feed into the businesses reducing vehicle traffic. Takenoff said he also envisions bike stations, electric car hookups, shared parking sites and underground parking. Takenoff said one key element he remembers from past meetings with the Commission and Council was to create the ability to keep the site active after 5 pm. Another goal is to go from gray to green, adding the goal is to not have parking be the focal point.

Bob Close addressed the Commission and explained the six principles of the site:

- Green Streets
- Integrated Stormwater
- Pedestrian Friendly 77th
- Connect west to east
- Multimodal connections
- Shared parking.

Mr. Witlock briefed the Commission on proposed building heights explaining building heights would range from two to twelve stories based on location.

Discussion

Chair Platteter noted this area is also being studied for involvement in a regional trail system. Mr. Takenoff agreed, adding Hillcrest would be meeting with those involved with the trail system.

Commissioner Forrest commented that she observed increased activity on the site. Mr. Takenoff responded that Hillcrest hired a general contractor to manage the demolition as the project moves through its different phases. Continuing, Takenoff said he envisions a fresh concept hotel and the creation of an active appealing space. Takenoff said he wants all

components to mesh. He further noted that the phases are market driven and he is unsure if they will break ground in 2015. Takenoff said patience is needed to redevelop the 42-acre site to its highest potential. Takenoff said he believes redevelopment will move west to east.

Commissioner Nemerov asked if the “refreshed” buildings are successful. Takenoff responded in the affirmative. He said the tenants are smaller, adding they turned a C- building into a B, B+ building. Concluding, Takenoff reiterated this is a phased market driven redevelopment that they hope will appeal to all; baby-boomers, millennials, everyone.

Chair Platteter thanked the development team for their update.

VII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

Commissioner Hobbs briefed the Commission on past meetings of the Southdale France Area Work Group and reported Saturday, April 25, 2015 a “Check-In” meeting is scheduled at the Edina Senior Center from 10:00-Noon. Hobbs said everyone is invited to attend.

Chair Platteter told the Commission he will be inviting the Heritage Preservation Board to meet with the Commission sometime in May to learn their process. Platteter further noted that he would like to schedule the Commission to take a “walk-about” in the greater Southdale area, adding that would probably occur sometime in June.

Commissioner Lee reported she attended the Grand View open house. She noted that the proposed concepts are changing rapidly in response to feedback and the design team may be at a crossroads. The programming for the two major pieces, civic and residential, needs to be determined in order to know what will actually fit on the site. Transportation and site circulation are critical issues yet to be resolved.

IX. STAFF COMMENTS No comments.

X. ADJOURNMENT

Commissioner Nemerov moved meeting adjournment at 10:30 pm. Commissioner Lee seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted