MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
OCTOBER 8, 2014
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call was: Hobbs, Scherer, Lee, Halva, Platteter, Staunton

Absent from Roll: Carr, Forrest, Olsen, Schroeder, Seeley

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the meeting agenda. Commissioner Lee seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the September 10, 2014 meeting minutes with correction. Commissioner Platteter seconded the motion. All voted aye; motion carried.

V. PUBLIC HEARINGS

A. Variance. Tony Giannakakis. 7100 Tralee Drive, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is a vacant lot located on the southwest corner of Lee Valley Road and Tralee Drive. The site is 47,849 Square Feet in size and is located in the Prospect Knolls neighborhood. The proposed new home would place the home farther from neighboring properties, but closer to Tralee Drive. Adjacent affected neighbors would prefer the home location as proposed. Locating the home closer to the street keeps the structure farther from neighboring properties and allows for a better drainage pattern for the site.

The subject property is mostly street frontage, coming to a point at the intersection of Lee Valley Road and Tralee Drive. The middle of the lot is elevated from both street frontages. The proposal is for a two story home with an attached three car garage.

There are two existing single-family homes on the south and western lots, one facing Lee Valley that is set way back from the side street and one home facing Tralee Drive. The home fronting Tralee Drive is located 81.6 feet from the front property line and establishes the subject property's front yard setback.

The property owner is requesting to tear down the existing home and build a new home on the property in a location that does not meet the Tralee Drive front yard setback. Section 36-439, I (a) requires a front yard setback equal to the setback of the abutting home on a corner lot. The setback of the abutting home is 81.6 feet. As a corner lot, the property owner may choose the front yard.

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

1. The proposed location of the house is reasonable. It would be located further away from the side and rear lot lines.
2. The applicant could locate the home on the lot to meet all setback requirements; however, it would move the home much closer to the adjacent lots, and create less area for drainage and allow structure area closer to neighbors.
3. The practical difficulty in this instance is the configuration of the lot combined with the large front street setback which makes the building area closer to adjacent properties.
    1. The proposed home will not alter the essential character of the neighborhood. The proposed new home will complement the existing neighborhood homes.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
- Survey date stamped September 24, 2014
- Building Plans date stamped September 24, 2014
2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated October 1, 2014
3. Submission of evidence of Watershed approval.

Appearing for the Applicant

Tony Giannakakis

Discussion

A discussion ensued on the survey; what's required, what's not. In this instance Commissioners questioned why the survey didn't "call out" the existing trees. Planner Aaker responded on residential lots the City does not require a survey

that identifies trees on site; however, as a condition of approval (if approved) the Commission could request tree detail.

Public Hearing

Chair Staunton opened the public hearing; no one spoke to the issue.

Commissioner Scherer moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Scherer stated this is an area of large lots, adding the subject lot is unusually shaped and in her opinion what's proposed is very respectful of the lot and neighborhood. She also noted as mentioned in the memo from the City Engineer that drainage could actually be improved by this project.

Motion

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

B. Conditional Use Permit. Chad and Jenny Helmer. 5808 Creek Valley Road, Edina, MN

Planner Presentation

Planner Aaker informed the Commission Ted Carlson has submitted a Conditional Use Permit application on behalf of Chad and Jennifer Helmer to increase the first floor elevation 1.5 feet higher than the current first floor elevation in order to construct a new home at 5808 Creek Valley Road. The Conditional Use Permit is for .5 feet or 6 inches of additional first floor height above the allowed one foot increase. The new home is a two story home with an attached three car garage

Aaker further explained that the current home has a basement elevation of 853.2 above sea level and a first floor elevation at 861.8 feet above sea level. The proposal is to tear down the house and re-build, for a total of a 1.5 foot increase in first floor elevation (.5 feet above allowed in code). The new basement elevation will be at 853.7 feet above sea level and the new first floor will be at 863.3 feet above sea level.

Aaker said the basement floor must be raised to comply with required flood protection elevations. The reason for the CUP request is to address a discrepancy between the City of Edina and Nine Mile Creek Watershed's flood protection elevations. The City of

Edina uses the FEMA designated elevation of 850.6 above sea level and the Nine Mile Creek Water Shed District uses their own modeling that puts the protection elevation at 852.7 feet above sea level. There is a 2.1 foot discrepancy between FEMA and Nine Mile Creek Water Shed's protection elevations.

The builder has proposed a basement elevation of 853.7 which is between the FEMA designated elevation and Nine Mile Creek's protection elevation. The basement would be raised 6 inches to be 3.1 feet higher than the FEMA flood elevation and 1 foot above the Nine Mile Creek Watershed's flood elevation. Nine Mile requires 2 feet of freeboard, so the basement is one foot lower than Nine Mile Water shed District rules. The builder has indicated that the project has received a variance from Nine Mile Creek Watershed District to allow the basement elevation lower than required based on the Water Shed's flood plain modeling.

Planner Aaker concluded that staff recommends approval of the conditional use permit, as requested subject to the following findings:

1. The proposal does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
2. The proposal will generate traffic within the capacity of the streets serving the property.
3. The proposal does not have an undue adverse impact on the public health, safety or welfare.
4. The proposal will not impede the normal and orderly development and improvement of other property in the vicinity.
5. The proposal conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section.
6. The proposal is consistent with the Comprehensive Plan.
7. Engineering staff finds that the proposed grading plans would not negatively impact the adjacent homes.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:

    - Survey date stamped September 23, 2014.
    - Building plans and elevations date stamped September 23, 2014.

2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated October 1, 2014.
3. Submission of Nine Mile Creek Watershed District Approval prior to building permit issuance.

Appearing for the Applicant

Steve Sweetzer, representing Chad and Jenny Helmer

Discussion

Chair Staunton questioned the difference between FEMA and 9-Mile requirements. Aaker explained that 9-Mile is a more conservative local view while FEMA is regional.

Commissioner Scherer noted the materials indicate that the project received approval from 9-Mile Creek. Aaker responded in the affirmative. 9-Mile Creek signed off on the plan as proposed.

Commissioner Lee complimented the applicants and their representative on the plans presented. She did note that the proposed building is now two stories and not the original rambler. Mr. Sweetzer responded that's correct, the proposed house is two-story; however, the roof lines were brought down to minimize impact. Lee agreed, adding one issue she has is the sides of the building need more attention, especially the west side; it's a little sparse. Sweetzer said he would look at the sides and if appropriate add some relief.

Chair Staunton opened the public hearing

Public Testimony

No public comment. Chair Staunton asked for a motion to close the public hearing. Commissioner Scherer moved to close the public hearing Commissioner Lee seconded the motion. All voted aye; public hearing closed.

Discussion

Commissioner Scherer said she agrees with Commissioner Lees comments that the applicants did a good job on the building design and minimizing impact. Scherer further added the proposed basement height at 8-feet is reasonable.

Chair Staunton said he agrees with comments from Commissioners Lee and Scherer, adding the project is reasonable and he can support it as presented.

Motion

Commissioner Scherer moved Conditional Use Permit approval based on staff findings and subject to staff conditions. Commissioner Lee seconded the motion. All voted aye; motion carried 5-0.

C. Final Rezoning and Final Development Plan. Beacon Interfaith Housing. 3330 West 66th Street, Edina, MN

Planner Presentation

Planner Teague told the Commission they are being asked to consider Final Rezoning and Final Development Plan for a redevelopment request of the existing TCF Bank building, located at 3330 66th Street by Beacon Interfaith Housing Collaborative (Beacon). Teague reported the proposed plans are the same as the plans that were approved in the first phase of this review, including the Comprehensive Plan Amendment.

Teague explained the applicant proposes to remodel and expand the building into 39 units of small studio apartments for young adults (age 18-22) who have experienced homelessness. The size of the units would range from 322-451 square feet. Each unit would contain a full kitchen and bathroom. The building would contain offices for on-site service providers and property management. There would also be a community area for residents; a fitness area; a computer lab and a laundry room. The site is 39,204 square feet in size. The existing bank is 18,179 square feet. The proposed addition would be 10,458 square feet. The building would remain two stories. The remodel of the building would retain the existing brick, and the addition would be brick with metal panels.

Teague added there would be 19 surface parking stalls. Proof of parking would total 37 total surface stalls. No enclosed parking is proposed. The applicants have indicated in their narrative that 18% of their residents have cars. Beacon anticipates that no more than 12 stalls would be required for residents. The maximum need for staff parking is 6 stalls. Therefore, they believe they would have adequate parking. Residents are expected to utilize the Metro Transit bus service available across the street at Southdale. All of the 39 units would be considered affordable housing, and would apply towards the City and Met Council's goal for affordable housing.

Planner Teague concluded that staff recommends that the City Council approve the Final Rezoning and approve the Final Development Plan.

Approval is based on the following findings:

1. Affordable housing is identified as a need in the Comprehensive Plan; and the proposed amendment would assist the City in meeting its established affordable housing goal with the Met Council of providing 212 new affordable housing units by the year 2020. This project would include 39 new affordable housing units toward that goal.
2. The proposed density of 43 units per acre is reasonable, and within the density range suggested in the Comprehensive Plan of between 12-80 units per acre.

3. The proposed affordable housing project would generate less traffic than the existing bank facility.
4. The project would utilize sustainability principles. Most notable elements include: compliance with Minnesota Overlay and Guide to the 2011 Enterprise Green Communities Criteria; utilizing the existing building rather than a tear down; committing to a 15% energy savings; locating the building to make use of Metro Transit; impervious surface would be reduced by 6.9%; enhanced landscaping; making use of special construction material; installing a rain garden for storm water management; and pedestrian oriented design.
5. Project would meet the following additional Comprehensive Plan goals and objectives:

    a) Promotion of a vision of community that is inclusive of a wide range of ages, incomes, and abilities and offers a wide range of housing options for Edina residents.
    b) Promotion of lifecycle housing to support a range of housing options that meet people's preferences and circumstance at all stages of life.
    c) Encourage an integrated mix of building type, heights and footprints within blocks, rather than single buildings or building groups.
    d) Incorporate principles of sustainability and energy conservation into all aspects of design, construction, renovation and long-term operation of new and existing development.

Final approval is 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 September 12, 2014.
    - Grading plan date stamped September 12, 2014.
    - Utility plan date stamped September 12, 2014.
    - Landscaping plan date stamped September 12, 2014.
    - Building elevations date stamped September 12, 2014
    - Building materials board as presented at the Planning Commission and City Council meeting.

2. Prior to issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. The Final Landscape Plan must meet all minimum landscaping requirements per Section 36-1436 through 36-1462 of the City Code. 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. The Final Lighting Plan must meet all minimum requirements per Section 36-1260 of the City Code.

5. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
6. Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the Planning Commission staff report. Attempts must be made meet an energy savings goal of 15% over state energy code guidelines. A plan of how standards are intended to be met must be submitted prior to issuance of a building permit.
7. Compliance with all of the conditions outlined in the director of engineering's memo dated July 15, 2014.
8. Approval of a Zoning Ordinance Amendment establishing the PUD-7, Planned Unit Development for this site.
9. Final Rezoning is subject to review and approval of the Metropolitan Council on the Comprehensive Plan Amendment.

And recommend to the City Council adoption of the Ordinance Amendment establishing the PUD-Zoning District.

Appearing for the Applicant

Bart Nelson

Applicant Presentation

Mr. Nelson delivered a power point presentation highlighting aspects of the building. Nelson further noted the plans presented are the same that were approved by the Commission and Council in the first phase.

Chair Staunton opened the public hearing.

Public Testimony

Bob Long, Larkin Hoffman addressed the Commission and reported he represents Citizens to Preserve the RMD District and raised the following points:

1) The Comprehensive Plan hasn't been approved by the Met Council; therefore the final rezoning and final development plan legally can't be heard;
2) If the hearing were to proceed this evening he would object;
3) On October 8, 2014, Larkin Hoffman served the City with legal papers.

Concluding, Long asked the Commission to "table" this request until the City receives a response from Met Council.

Jackie Prince, 7200 York Avenue, #602 indicated her support for the project.

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

Chair Staunton asked Planner Teague if the request for final rezoning and final development plan can be heard. Teague responded he spoke with the City Attorney and the request can be heard. Staunton further acknowledged receipt of a law suit on behalf of Citizens to Preserve the RMD District/Larkin Hoffman.

Discussion

Commissioner Lee asked if the windows proposed for the building are vinyl double hung. Mr. Nelson responded some windows are double hung; but not all. Operable windows will be located in the individual living units. Lee said she would like to see conformity with the windows. Continuing, Lee said she also has some concerns that the exterior materials aren't very durable. She added it's important to her after renovation and construction that the building looks like the renderings presented this evening. Nelson agreed, adding he would look into Commissioner Lee's comments.

A discussion ensued on the balancing of goals between ordinance and comprehensive plan. The proposal as presented complies with Met Council requirements of providing affordable housing; however, the sites RMD guide needed to be amended to allow this use. It was further noted if this property was one block to the north there would be no issue, no hearing; the proposed use is allowed in residential zones. Teague agreed, adding the review this evening is to ensure that the plans presented are consistent with the plans approved at preliminary approval.

Motion

Commissioner Platteter moved to recommend final rezoning and final development plan approval based on staff findings and subject to staff conditions. Commissioner Lee seconded the motion. All vote aye; motion carried. 5-0

Commissioner Platteter moved to recommend approval of a zoning ordinance amendment establishing the PUD District based on staff findings to include the revised ordinance language and staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried. 5-0

Commissioner Platteter asked Planner Teague to clarify for the Commission the revision to the ordinance. Planner Teague explained that the revision would tie the parking stall requirements for the site to an office use.

D. Preliminary Rezoning & Preliminary Development Plan. Frauenshuh; 7700 France Avenue, Edina, MN.

Planner Presentation

Planner Teague informed the Commission Frauenshuh Companies is proposing to develop the northeast corner of 7700 France with a free standing, 7,000 square foot seafood restaurant. The site is 17 acres in size and contains a six-story 275,000 square foot office building and a 7,623 square foot single-story office building (bank) in the southeast corner of the site.

Teague reported the restaurant would be designed for seating up to 242 people, and would provide 63 dedicated parking spaces in addition to the shared parking with the office building. The proposed building would be made of brick, EIFS, cedar, glass and metal panels. An area for outdoor dining is proposed along France Avenue.

Teague explained the primary issue with this request is that a free-standing restaurant is not a permitted use in the POD-2 zoning district. A restaurant is a permitted accessory use within an office building. The applicant went through the sketch plan process with this request in 2012. Both the Planning Commission and City Council suggested that PUD rezoning was the best way to approach the use on the site. Continuing, Teague stated to accommodate the request a Preliminary Rezoning from POD-2, Planned Office District to PUD, Planned Unit Development; and Preliminary Development Plan is required.

Teague noted the "preliminary" review is the first step of a two-step process of City review. Should these "preliminary" requests be approved by the City Council; the second step would be Final Rezoning to PUD and Final Site Plan review which would again require review by both the Planning Commission and City Council.

Planner Teague stated that staff believes that the PUD is appropriate for the site for the following reasons:

1. Subject to enhancements to the site plan, the proposal could meet the City's criteria for PUD zoning. In summary the PUD zoning would:
    a. Provide a mixture of use within the area/site by allowing a free standing restaurant to be located on the subject site.
    b. Create a pedestrian friendly development with a requirement to construct a boulevard style sidewalk along France Avenue and provide a pedestrian connection from the restaurant to the sidewalk. In addition, a pedestrian connection should also be required from the existing building to the restaurant. Detailed plans on how these sidewalks would be constructed should be submitted as part of the final development plan application.
2. The proposed uses would fit in to the neighborhood. As mentioned, this site is guided in the OR, Office Residential which encourages limited retail and services uses and a mix of land uses.

3. The existing roadways would support the project. Wenck Associates conducted a traffic impact study, and concluded that the proposed development could be supported by the existing roads.
4. The proposed project would meet the following goals and policies of the Comprehensive Plan:
    a. Movement Patterns.
        - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment.
    b. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
    c. Support and enhance commercial areas that serve the neighborhoods, the city, and the larger region.
    d. Increase mixed use development where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
    e. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
    f. 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.

Teague concluded staff recommends approval subject to the following findings:

1. The project would introduce a use that would fit into the area, and provide a service for local employees and nearby residents.
2. With adequate pedestrian connections and facilities, the project would create a pedestrian friendly development which would encourage walking in the district.
3. 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.
4. The existing roadways would support the project. Wenck Associates conducted a traffic impact study, and concluded that the proposed development could be supported by the existing roads.
5. The proposed project would meet the following goals and policies of the Comprehensive Plan:
    a. Movement Patterns.
        - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment.
    b. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
    c. Support and enhance commercial areas that serve the neighborhoods, the city, and the larger region.

d. Increase mixed use development where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
e. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
f. 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 September 8, 2014.
2. The Final Site Plan must include a boulevard style sidewalk along France and sidewalk connections from the existing building to the restaurant and from the boulevard sidewalk to the building.
3. The Landscape Plan should be revised to show the specific trees that would be removed, and consider additional planting and/or saving trees along the north lot line to provide screening of the loading area.
4. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
5. Submittal of a complete sign plan for the site as part of the Final Development Plan application.
6. Compliance with all of the conditions outlined in the director of engineering's memo dated October 1, 2014.
7. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

Appearing for the Applicant

Steve Faber, Frauenshuh and Alan Ackerberg, Parasole

Applicant Presentation

Mr. Faber addressed the Commission highlighting architectural features of the proposed restaurant including exterior building materials. Faber reminded the Commission a couple years ago Frauenshuh brought before the Commission/Council a sketch plan concept for a free standing restaurant at 7700 France Avenue. Faber said the result of the sketch plan review was favorable and at this time there is an interested tenant (Parasole). Faber introduced Alan Ackerberg with Parasole to speak to the proposal.

Mr. Ackerberg told the Commission Parasole would be the restaurant tenant and Frauenshuh would own the property. Ackerberg noted Parasole will have input on the size of the building, its configuration and materials used. Continuing, Ackerberg reported the restaurant would be a seafood establishment (Sea Change), adding he was very excited about the project.

Ackerberg added with regard to staff conditions he has no issue with the condition of a sidewalk connection from the building to France Avenue; however, would like to defer the larger section of the sidewalk until the site is redeveloped to its' fullest potential.

Concluding, Ackerberg said bike racks would be added and additional screening would be added to the north side of the proposed building.

Discussion

Commissioner Lee questioned the use of EIFS and asked where it's going. Farber responded that EIFS would be used on the north elevation where the kitchen is located; with graphics he indicated those areas. Lee noted that at sketch plan review the materials indicated in this area was brick. Mr. Faber said he would be willing to review the use of EIFS vs. brick Faber said another point of interest is landscaping, adding it is their intent to plant a line of trees along the north boundary,

A discussion ensued with Commissioners commenting on the difference in building materials between sketch plan review and the request before them. It was pointed out by the applicant that sketch plan was conceptual; there was no tenant at that time. The goal of the previous sketch plan was to gauge the City's position on allowing a freestanding restaurant at this location.

Commissioner Platteter inquired about the proposed outdoor seating. Mr. Ackerberg informed the Commission that three outdoor dining zones are anticipated. One is an outdoor bar lounge area similar to what's found on Tavern on France. Ackerberg said that their goal is to integrate the eating areas with the street. He noted the outdoor seating would be apparent from the street and landscaping would be used throughout the "front yard" outdoor seating areas of the site. Ackerberg said it's important to have and present connectivity to the sidewalk and street.

Chair Staunton said he agrees it's a good move to engage the street; not only for vehicular traffic but for pedestrian traffic as well.

Commissioner Platteter observed this site contains a lot of concrete/parking spaces and questioned if more parking was added for the project. Mr. Faber responded more parking wasn't added; however, with the new building the parking was reconfigured to include a valet service area. Continuing, Platteter commented what's nice about this use is the cross hours. He pointed out a majority of parking would occur during the evening and weekend hours when the office building would be mostly vacant.

Chair Staunton opened the public hearing.

Public Testimony

Kristie Bohn Berman/Spartan Nash, 7600 France, reported her company has a concern if parking isn't adequate visitors to the new restaurant may choose to park in their parking lot. Bohn-Berman added additional landscaping would also be of benefit.

It was suggested by the Commission that signage could be posted to discourage cross-over parking.

Mr. Faber pointed out with graphics there is a berm and grade change between properties.

Discussion

A discussion ensued on the importance of continuing with the boulevard style sidewalk into and adjacent to the site. Commissioners wanted assurances the restaurant would engage both vehicular and pedestrian traffic. Commissioners also discussed the significance of the access into the site from West 76th Street and the importance of the north building wall, materials used and patio engagement.

Commissioner Lee commented whether it's at the preliminary or final stage the tone is set, adding in her opinion what was established at sketch plan review was the marker. Lee said she is uncomfortable always adding so many conditions to a land use and development project/request. She acknowledged she doesn't want to be too prescriptive; however, preliminary should "have" more teeth. Lee concluded and suggested that the applicant postpone their request to the next meeting of the Planning Commission. This time could be used to provide the Commission a better understanding of what you want and your intent.

Commissioner Scherer said she appreciates the concerns expressed; however, feels comfortable at the preliminary level adding additional conditions.

Motion

Commissioner Platteter moved to recommend preliminary rezoning and preliminary development plan approval based on staff findings and subject to staff conditions including the following conditions:

1. **Install a boulevard style sidewalk between France Avenue and the subject building. He further suggested that the applicant review Edina's "Living Streets" policy. The applicant is to work with staff on both sidewalk and plantings on the right-of-way;**
2. **Add bike racks; suggesting they are not placed at the rear of the building;**
3. **Add additional landscaping on the north side of the proposed building site and the northeast corner**

4. **<u>Remember that this building is 4-sided architecture and all finishes should be consistent and complimentary. Ensure this building is architecturally and material pleasing on all sides.</u>**

Commissioner Scherer seconded the motion and offered an amendment to the motion that requires the applicant to bring back a full sidewalk and boulevard tree/vegetation plan. Commissioner Platteter accepted the offered amendment to the motion. Ayes; Scherer, Platteter, Staunton. Nays; Lee, Hobbs. Motion carried 3-2.

E. Zoning Ordinance Amendment – Chapter 36

Staff Presentation

Planner Teague reminded the Commission they have been working on amending the zoning ordinance for the past few months. Teague reported that the work has focused on four topics; Front Street Setback, One-foot Rule for Tear Down, Conditional Use Permit process and Lighting. With graphics Teague delivered a power point presentation highling aspects of the proposed amendments. Concluding Teague reported that the City Council will hear the proposed amendments at their November 3, 2014, meeting.

Discussion

Commissioner Scherer noted a letter that addresses sport courts and asked Planner Teague how those are handled. Teague responded that sport courts are permitted in the City and require a building permit, must meet setbacks; however, are not included in lot coverage calculations.

Commissioner Platteter questioned with regard to the one-foot rule for teardowns if it would be easier to cap basement height. Planner Teague responded the current Conditional Use Permit (CUP) process allows Commissioners flexibility, adding he knows there is a minimum requirement for basement ceiling height but no maximum. Chair Staunton commented he also believes much of the height is driven by basement ceiling height. Teague agreed, adding the Commission always has the discretion to deny or modify a request. Teague said part of the proposed amendment is to bring the one-foot rule back under the variance umbrella with the same requirements; however, not as a CUP. Commissioners agreed that the one-foot rule is better served through the variance process. Chair Staunton opened the public hearing.

Public Comment

Laurie Grotz, 5513 Park Place addressed the Commission, Jim Grotz, 5513 Park Place, addressed the Commission, John Crabtree, 5400 Oaklawn Avenue, addressed the Commission and suggested the following:

The last sentences of Sec. 36-439 (1) a, 1 & 2 "If an abutting lot is a corner lot with a side street setback; that lot is not considered an abutting lot when establishing front street setback" be removed to provide more clarify.

It was further suggested that the one-foot rule extend to side yards, especially where there are retaining walls of some height.

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

Discussion

Chair Staunton said in his opinion all things are best when simplified.

A discussion ensued with Commissioners agreeing that the suggestions from the residents had merit and further study may need to occur to address side yard issues. Commissioners further expressed that the Lighting Ordinance Phase 1 and eliminating the Conditional Use Permit process and requiring a Variance process instead should move forward as written. The discussion proceeded on the other two topics.

It was suggested that study continue on side yards, retaining wall situations, and the one-foot rule. Planner Teague said he would add that to the Commissions "bucket list" of future topics of discussion.

The discussion continued on front street setback and corner lots with Commissioners acknowledging that historically corner lots have been difficult to address. It was further recognized that not everything can be addressed and that changes create unintended consequences.

Further discussion focused on the "old" way front yard setbacks were determined. Noting at one time a property owner had three choices; one being the ability to average the front yard setbacks of all houses on "your" side of the street between intersections. Commissioners indicated in hindsight that was a good solution. It was further noted that currently a property owner can be penalized if the neighboring house is setback farther from the street than required, creating a non-conforming situation and variance if improvements to the abutting home are requested.

Motion

Commissioner Scherer moved to recommend ordinance amendments to Chapter 36 based on the October 8, 2014 staff memo from Planner Teague and eliminating text from 36-439 (1) a. 1 & 2 "if an abutting lot is a corner lot with a side street setback; that lot is not considered an abutting lot when establishing front street setback. Commissioner Lee seconded the motion. All voted aye; motion carried.

Chair Staunton said the Commission still struggles with the side yard issue; retaining walls, etc. adding those issues need to be added for the future consideration.

VII. REPORTS AND RECOMMENDATIONS

A. Lot Division. 3923-3934 West 49th Street, Edina, MN

Planner Presentation

Planner Teague informed the Commission LJG Investments is proposing to split their existing lot into two lots to create a lot line separation of a double-dwelling at 3932 and 3934 49th Street West. The double dwelling on this property is currently under construction, and has been built with a fire rated wall separating the two units. This would provide protection for each unit, should there be a fire on the other side.

Within the block of 49th Street West, there are a mixture of duplexes and single-family homes, zoned both R-1, Single-Family Residential and R-2, Double-Dwelling Unit.

Planner Teague concluded staff recommends that the city council approve the lot division as requested.

Motion

Commissioner Platteter moved to recommend lot division approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried.

B. Grading & Drainage Ordinance

Staff Presentation

Ross Bintner addressed the Commission and reported since 2009 a near doubling of building permit applications and residential redevelopment has occurred in Edina. This trend brought up specific concerns that created the need for a new job position; residential redevelopment coordinator along with significant changes in Code, permit review, inspection and enforcement.

Discussion

Commissioners questioned if staff had an overall time frame to complete new policies and changes. Bintner responded that a time frame hasn't been established however, changes are being considered, reviewed and implemented especially in the erosion control and drainage areas. Bintner said staff is challenged to ensure, through active

inspection and enforcement of shoring, parking, building height, floor elevation, drainage and erosion control measures etc. to meet the standards established by not only Ordinance requirements but internal and external policies.

Commissioner Hobbs commented in his opinion the number of building permits issued is extraordinary and prioritizing could be a big challenge.

Staunton agreed it may be difficult to come up with a simple solution; however, the goal should be to provide clear direction to applicants, property owners, builders and developers. Staunton suggested that a "work team" be appointed; similar to the "work team" that studied and then developed the Ordinance and policy for the Construction Redevelopment Management process. Continuing, Staunton said he spoke with Commissioners Hobbs and Platteter who indicated they would be willing to serve on this "team". Staunton also stated the team should include representatives from planning, engineering, and building. Concluding, Staunton stated the Planning Commission should also be policy makers and developing a simple storm water and grading management plan is a worthwhile project.

Commissioner Lee said she realizes staffing needs and overall time frames and asked Mr. Bintner if there is a time frame for the policy to be completed and implemented. Bintner responded they are off to a good start; however, developing a policy that involves review by three departments is challenging and technically complex. The complexity not only arises with Edina staff and departments much overlaps onto external agency requirements.

Commissioner Lee said she agreed and encouraged the "team" to include resident members. Staunton agreed.

Staunton thanked Ross Bintner for his update.

C. Work Plan – 2015

Chair Staunton addressed the Commission and explained he presented the Commissions 2015 Work Plan to the City Council at their last work session. Staunton said he updated the Council on the Commissions continued work on drainage and grading and briefed the Council on the Commissions interest in the redevelopment of the greater Southdale area and density issues.

VIII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Chair Staunton noted that the next scheduled meeting of the Planning Commission falls on the 25th of November, the evening before Thanksgiving. Staunton suggested that this meeting be cancelled. Commissioners agreed.

X. STAFF COMMENTS

None

XI. ADJOURNMENT

Commissioner Hobbs moved adjournment at 11:42 pm. Commissioner Lee seconded the motion. All voted aye; meeting adjourned at 11:42 pm.

Jackie Hoogenakker
Respectfully submitted