

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
NOVEMBER 13, 2013
6:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering Roll Call: Scherer, Fischer, Potts, Kilberg, Halva, Carr, Platteter, Forrest, Staunton

Absent from Roll Call: Schroeder, Grabel

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the November 13, 2013 meeting agenda. Commissioner Fischer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carr moved approval of the October 23, 2013, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

During "Community Comment," the Planning Commission will invite residents to share new issues or concerns that haven't been considered in the past 30 days by the Commission or which aren't slated for future consideration. Individuals must limit their comments to three minutes. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on this morning's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Commission Members to respond to their comments today. Instead, the Commission might refer the matter to staff for consideration at a future meeting.

No public comment.

VI. SKETCH PLAN

A. Pentagon Office Park, Edina, MN

Planner Teague introduced Scott Takenoff of Hillcrest Development to speak to this unique area of Edina.

Mr. Takenoff addressed the Commission and explained Hillcrest purchased the subject property in the fall of 2012. Takenoff acknowledged that the property had been neglected, adding their goal is to reverse the decline and revitalize this unique area as it should be.

Takenoff told the Commission at this time the development team is ready to share their ideas, adding everything is preliminary and an architect has not yet been retained. Takenoff stated their focus has been on what's the best land use for the area.

Continuing, Takenoff said this site contains all the right pieces to facilitate development of a great project. Takenoff said what they propose won't exceed the density currently approved for the site. Takenoff acknowledged the site is now zoned MDD-6; however, they believe they will request a rezoning to PUD with the majority of the land use as office.

With the aid of a power point presentation Takenoff presented the following issues, principles, potentials and concepts they envision for the site.

Issues:

- Integrated stormwater
- Regional trail
- Shared parking
- Improve park access
- Connect green spaces
- Pedestrian friendly 77th street
- Passive recreation
- Active recreation
- Bus transit
- New trail link
- Bus stops

Principles

- Green streets
- Integrated stormwater
- Pedestrian friendly West 77th Street
- Connect West to East
- Multimodal Connections
- Shared Parking

Concepts

- Dockside Green Concept
- The Upper Landing Concept
- Upper Landing Hybrid Concept
- Chain of Lakes Concept
- Centennial Lakes Concept
- Minnehaha Creek Concept
- Three-pronged approach to parking

Takenoff concluded his presentation expressing their excitement with the project.

Discussion/Nonbinding Comments:

Commissioner Carr complimented the development team on paying close attention to and acknowledging the importance of Living Streets. Carr said their ideas and the attention paid to Living Streets are appreciated.

Commissioner Fischer stated in his opinion this concept is very exciting. He commented that he was curious why the "land use" element doesn't include housing. Continuing, Fischer stressed the importance of the 77th Street "edge" sharing he has concerns on parking and how new structures would address the street.

Mr. Takenoff in response to Commissioner Fischer's comment on the lack of housing reported that his team looked at a number of different scenarios and the numbers appear to support success with a commercial/office use. He added he doesn't foresee housing in the future.

Mr. Takenoff acknowledged that in creating a vibrant West 77th Street their team needs to work with other partners in the area. He said West 77th Street would be a balancing act with the end goal creating a more pedestrian friendly experience.

Commissioner Potts pointed out that the Dockside Green and Centennial Lakes concepts indicate housing. Potts commented that he wonders if redevelopment without housing would work. Continuing, Potts asked the team to look at the importance of spacing between structures and determining which is the "front" door and which is the "back" door. Concluding, Potts said in his opinion the concepts presented are good.

Commissioner Platteter echoed the housing comments from Commissioners Fischer and Potts. Platteter said he would like the project to encourage returning nature back to this area. He also suggested that the redevelopment be careful not to "over-street" the area. He pointed out it makes no sense to have streets that go nowhere. Concluding, Platteter also echoed the Living Streets comments from Commissioner Carr, cautioning the team not to develop "teaser" lots.

Chair Staunton commented that he was curious with timing...what would be redeveloped first; the "tower" site or 77th Street. Mr. Takenoff responded in his opinion the south site (tower) would be redeveloped first with the project moving west to east.

A discussion ensued with Commissioners expressing their opinion that there are three important issues; stormwater, green streets and circulation. Commissioners stated their reaction hinges more on what the streets would look like and their interaction with the pedestrian. They also stressed the importance of softening West 77th Street.

Another point of interest for the Commission was the interaction of the site with Fred Richards Golf Course. Commissioners felt there needs to be a connection between the Pentagon site and Fred Richards. It was pointed out that the Minnehaha Creek concept creates a nice edge and link. Making a link is important.

Commissioner Fischer presented a diagram prepared by Commissioner Schroeder (absent). Fischer pointed out the diagram represents how important the Pentagon area is to this part of Edina. It's an important piece.

Commissioner Forrest said she has a concern with the strictly commercial/office concept of the project; pointing out if everything “shuts down” at the same time the area would “go dark”. Forrest suggested expanding uses that provide more options. Forrest also stated the team should keep in mind future uses for these buildings. Continuing, Forrest said she would also like to see a variety in building styles and creative uses integrating the public and private parts of the project. Forrest also encouraged the use of art studios, galleries, public art displays to keep the site “lively” 24/7.

Chair Staunton asked Planner Teague to briefly explain the present zoning of the site.

Planner Teague said the site is zoned MDD-6 and density caps, etc. were established at the time of rezoning. The previous rezoning included housing, hotel, office, and commercial.

Chair Staunton thanked Mr. Takenoff for his presentation.

VII. PUBLIC HEARINGS

A. Variance. John Adams/Ted Warner. 5 Merilane, Edina, MN

Planner Presentation

Planner Teague informed the Commission John Adams on behalf of Ted Warner is requesting front yard setback variances to 130 feet for each of the three lots within the Warner Estates Subdivision as approved by the City Council on October 1, 2013. One of the conditions of the subdivision approval was that the applicant make application for the front yard setback variances. The subject properties are located at 5 Merilane

Teague pointed out the existing home is located in the middle of the property, and would remain as proposed. However, the variances requested would apply to that lot as well. Once new homes are built in the north and south lots, the required setback for the middle lot would become 130 feet anyway. Driveways have been located to preserve as many existing trees as possible.

Planner Teague concluded that staff recommends approval of the proposed front yard setback variances to allow 130 foot setbacks for all three lots within the Warner Estates Subdivision. Approval is based on the following findings:

1. The approved Preliminary Plat meets all required standards and ordinances for a subdivision.
2. If these lots were developed prior to 2010, the required front yard setback would be 130 feet, as the required setback was determined by the average of the block.
3. The proposal meets the required standards for a variance, because:
 - a. The practical difficulty is caused by the location of the existing homes on 5, 6 and 7 Merilane. All three of these homes are set far back on their lots; 5 Merilane is setback 190 feet; 6 Merilane has a front yard setback of 175 feet; and 7 Merilane is setback 191

feet. These setbacks establish the requirements for the two new lots. The location of these homes is not caused by the applicant.

- b. The requested variances are reasonable in the context of the immediate neighborhood. There are many homes on Merilane with closer front yard setbacks including the homes directly across the street, which range from 25-75 foot front yard setbacks.
- d. The variance results in the increase separation between existing and proposed houses.
- e. A preservation easement would permanently maintain building separation.

Approval is also subject to the following conditions:

1. The City must approve the Final Plat within one year of preliminary plat 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. If required, submit evidence of Nine Mile 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. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer.
3. Establishment of the preservation easement as proposed in the plans presented date stamped November 7, 2013.

Appearing for the Applicant

John Adams, Charlie Carpenter, Mark Gronberg and Scott Ritter representing property owner Ted Warner.

Discussion

Chair Staunton commented that it's unusual for the Planning Commission to review variances without a specific site plan; however, he stated he understands the variances establish only the front yard setbacks for the three new lots. Planner Teague said that is correct, adding the City Council directed the applicant to apply for front yard setback variances for all three lots, consistent with the site plan presented at their October 1st meeting. The site plan indicates 130-foot front yard setbacks for all three lots to include a conservation easement along the outer side lots lines in the rear yard to ensure house separation and a preservation area.

Applicant Presentation

Mr. Carpenter told the Commission the City Council approved their plat on October 1st with conditions. Mr. Carpenter explained these conditions established building zones, landscaping conditions and "buffer" zones. Continuing, Carpenter said the conditions include "set" front yard setbacks of 130-feet for each house, landscaping requirements and irrigation system to preserve the landscaping.

Carpenter also noted that there will be no buildings placed in the no build zone and all conditions established by Resolution would be permanently binding.

Chair Staunton asked if their plan is to record the easement agreement. Mr. Carpenter responded in the affirmative.

Commissioner Potts questioned if there really is a need to establish an irrigation system as mentioned by the applicant, adding usually a landscaping bond is submitted with a required growing season (2 yrs. is typical).

Commissioner Platteter commented that he noticed an easement wasn't established along the front of Merilane and questioned if that should be considered.

Chair Staunton asked how the 130-foot setback was established. Mr. Adams responded that the setback was established by averaging the front yard setbacks of the houses along Merilane. Continuing, Staunton reiterated it is a bit unusual not to have house plans to approve.

Commissioner Potts acknowledged the usefulness of the easement area; however, pointed out that trees and vegetation will be removed to provide building pad placement and driveway location. Potts reiterated he believes the conservation easement is beneficial and good; however, in the future the City may have to set aside time to review implementing a tree ordinance. Planner Teague reminded Commissioners that the Commission placed further study on a "tree ordinance" on their bucket list, adding input on a tree ordinance from other City Boards and Commissions would also be helpful; especially Energy and Environment.

Chair Staunton opened the public hearing.

The following residents and property representatives spoke to the variances:

James Ganley, 4704 Merilane, spoke in opposition to the variances. Ganley also stated in his opinion a two-lot plat would work better than the three-lot plat that was approved by the City Council. Ganley said he sees no unusual hardship to support the approval of the variances.

Tom Owens attorney, representing neighboring residents told the Commission he and his clients have been working very closely with Mr. Carpenter and Adams on their shared concerns and will continue to work closely with them throughout this process. Owens urged the Commission to approve the variances as presented, and uphold all agreements between parties.

Elizabeth O'Neill, 4913 Rolling Green Parkway addressed the Commission explaining that while her property isn't directly impacted by the proposal she would urge caution in reviewing and approving the plans for water run-off and drainage. She noted the subject site sits at a higher elevation along Merilane and with the addition of new buildings and driveways runoff could be an issue if not handled correctly.

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

Discussion

Chair Staunton asked Planner Teague to follow-up on Ms. O’Neill’s concern on storm water. Planner Teague informed Ms. O’Neill and the Commission that part of the preliminary and final plat includes Watershed District review and review and approval of the drainage plan by a licensed Engineer. The project would continually be monitored throughout the redevelopment process.

Commissioner Kilberg noted that the applicant may want to take another look at driveway placement to ensure the driveways won’t encroach into the preservation easement. Mr. Adams acknowledged that point.

Further discussion ensued with Commissioners in agreement that it is important that all aspects of the preservation easement agreements are followed; including the applicants continually working with the neighbors in a proactive manner to finalize details before the meeting before the City Council. Commissioners also indicated that circumstances are unique to this property and acknowledged that the applicant has addressed all the practical difficulties on these three pie-shaped lots. Commissioners stated they also appreciated the negotiations between the applicant and immediate neighbors and want this communication to continue throughout the process. Commissioners also stated that they would support an additional condition to the approval that stipulates that no driveway construction can encroach into the preservation easement area.

Commissioners also noted that in this situation because of the Ordinance the two neighboring properties would face a hardship if the new houses were constructed per Ordinance. Approval of front yard setback variances provides relief by allowing more spacing between homes.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions encouraging that all conditions and easements are finalized before the City Council hears the request at final plat. Carr also moved to add additional conditions; requiring that the preservation easements be recorded and that no driveways will be constructed in the recorded preservation easement area. Commissioner Scherer seconded the motion. All voted aye; motion carried.



B. Variance. Beth Malmberg. 2 Bridge Lane, Edina, MN

Planner Presentation

Planner Aaker informed the Commission that a 47 foot front yard setback variance for an addition to match the same nonconforming front yard/side street setback as the existing home. The project consists of an addition to living space to the back of the home to include a new attached two car garage and a patio in the side yard. All improvements will match the existing nonconforming setback along Townes Road.

Planner Aaker explained that the subject property is a corner lot located in the North West corner of Bridge Lane and Townes Road consisting of a one and one half story home with an attached garage built in 1937. The lot is 14,676 square feet in area. The owners are hoping to add onto the back of the home to include an expanded kitchen, family room mudroom and attached two car garage on the main floor and a master bedroom with bath on the second floor. The owners would also like to locate a patio in the side yard at the same setback as the existing house from Townes Road. The current home is located approximately 15 feet from the east lot line. The zoning ordinance requires that any improvement maintain the front yard setback of the home to the north of the subject property. The home to the north is located 62 feet from Townes Road right-of-way. The addition to the new home will be at the existing nonconforming front yard/side street setback. The home is proposed to continue to be a one and one half story home with a two car garage.

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

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

- a) The practical difficult is caused by the location of the home to the north that is actually located west of the subject property's side lot line.
- b) The encroachment into the setback continues an existing nonconforming setback that was established when the original home was built in 1937.

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

- I. The home must be construction per the proposed plans date stamped, October 25, 2013.

Appearing for the Applicant

Erin and Chris Newkirk and Beth Malmberg Vujovich Design.

Chair Staunton opened the public hearing.

The following spoke to the variance request:

Tom Wilson, 4707 Townes Road, told the Commission he is concerned with lot coverage and the loss of green space.

Mrs. Harry Johnson, 4708 Townes Road, told the Commission they feel the addition is wonderful; however, have some concerns with tree removal. Johnson said they would like to see some additional screening added along the driveway.

Arlene Wilson, 4707 Townes Road, expressed concern over the teardowns occurring in her neighborhood and the increase in construction and regular traffic on Townes Road.

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

Discussion

Chair Staunton said to follow-up on some of the questions raised during the public hearing process he asked Planner Aaker what the lot coverage would be at “build out. Planner Aaker responded that the lot is large and the lot coverage would be under 21%; 25% is allowed.

Chair Staunton questioned if they know how many trees would be removed. Ms. Malmberg responded that it is their belief that the five large Oak trees would be retained; adding she doesn’t believe any trees would be removed.

Commissioners expressed their support for the variances noting that it is delightful to see a home being preserved. Commissioners also applauded the applicant for minimal tree disruption to achieve their addition.

Motion

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

C. Variance. Brady Priest. 4401 Country Club Road, Edina, MN

Planner Presentation

Planner Aaker reported that the subject property is a located south of Country Club Road consisting of a one and one half story home with an attached one and one half car garage built in 1939. The home was recently purchased with the new owner proposing to widen the garage to accommodate two cars and extend a second floor dormer above the garage to accommodate a new bathroom. All portions of the plans conform to the ordinance requirements with the exception of the garage extension. The zoning ordinance requires that additions to existing homes maintain the average front yard setback of the homes located on either side of a subject property. In this instance the average front yard setback for the property is 34.1 feet. The exiting home is located 29.7 feet from the front lot line and is currently nonconforming regarding the average front yard setback. The front lot line is curved so an extension of the front wall of the garage towards the side yard, places the corner of the garage closer to the street at 28.6 feet from the front lot line.

The property was recently for sale with the new property owner intending to preserve the existing home and to add on in order to update spaces to modern standards and expectations. The home was built in 1939 and is very nearly original in construction. The owner will be adding onto the east side of the home to include a garage extension and a second floor dormer. All portions of the expansion will conform to the setback, height and coverage requirements with the exception of the garage front that is

at

an angle to the front lot line and will get closer to the street. The addition to the garage will provide enough garage width to park two cars. Currently the garage is no wider than one and one half parking stalls. The zoning ordinance requires a minimum two car garage per single dwelling unit. The improvement will allow conformance with the minimum two car garage requirement.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
The proposed use of the property is reasonable; as it alters conditions on the property only slightly and keeps the garage addition within a reasonable distance from the street.
- 3) The practical difficulty imposed by the setback and the nonconforming garage location limits design opportunity. The intent of the ordinance is to provide adequate spacing between garage openings and the street. Spacing to the street will be adequately maintained.

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, unless modified by the conditions; survey date stamped October 28, 2013 and building plans and elevations date stamped October 28, 2013.

Appearing for the Applicant

Brady Priest, property owner.

Applicant Presentation

Mr. Priest told the Commission he loves his house and asked them for their support.

Chair Staunton opened the public hearing; being none; Commissioner Scherer moved to close the public hearing. Commissioner Fischer seconded the motion. All voted aye; motion carried to close the public hearing.

Motion

Commissioner Potts stated the request makes sense and moved variance approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried.

D. Preliminary Plat. Gretchen Shanight. 5612 Tracy Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission Rodney Helm on behalf of Tom and Gretchen Shanight is proposing to subdivide the property at 5612 Tracy 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: A subdivision; and lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet; and lot area variances from 17,651 square feet to 9,820 square feet.

Teague reminded the Commission that this subdivision request was recommended for approval by the Planning Commission on July 24, 2013. The City Council reviewed the request on August 20th and September 3rd and referred the matter back to the Planning Commission to include an alternative driveway alignment. The City Council had concern that a shared driveway arrangement was not consistent with this neighborhood. They also believed that the subdivision was not comparable to the approved Kiser Subdivision on the east side of Tracy Avenue, and in general believed that a single home on the lot was more consistent with the neighborhood.

Teague explained that based on the direction of the City Council, the applicant has revised the site plan proposed for the two lots to include one driveway off Tracy Avenue; and a new driveway off proposed Lot 2 to access off Hawkes Terrace. There are no changes proposed to the proposed lots.

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5612 Tracy Avenue; lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet for each lot; and lot area variances from 17,651 square feet to 9,820 square feet. 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 proposal is consistent with the lots on this block on the west side of Tracy Avenue north of Hawkes Drive.
3. The 80-foot wide lot is wider than the general standard required width of 75 feet.
4. The 9,820 square foot lots are larger than the general standard minimum lot area of 9,000 square feet.
5. The proposal meets the required standards for a variance, because:
 - a. There is a unique hardship to the property caused by the existing size of the property which is roughly 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 blocks north of Hawkes Drive and west of Tracy Avenue.
 - c. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - 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, an 80-foot wide, 9,000+ square foot lot, which is common to the area.

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. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
3. Vehicle access to these lots shall per the plans date stamped October 17, 2013.
4. Compliance with the conditions required by the director of engineering in his memo dated July 18, 2013.
5. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of a Nine Mile 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 plan subject to review and approval of the city engineer.
 - d. A construction management plan will be required for the construction of the new homes.
 - e. Utility hook-ups are subject to review of the city engineer.

Appearing for the Applicant

Ron Helm and Kurt Fretham, Mr. and Mrs. Shanight, property owners.

Discussion

Commissioner Forrest asked if this lot initially was one lot. Planner Teague responded in the affirmative.

Commissioner Scherer asked if the lot at 5633 Tracy was included in the calculation as one lot or two. Mr. Helm responded the 5633 Tracy was calculated as two.

Applicant Presentation

Mr. Helm explained that at the direction of the City Council they revised their plat for the two lots to include one driveway off Tracy Avenue (existing) and a new driveway off Hawkes Terrace. Mr. Helm said the proposed driveway off Hawkes Terrace will be 120-feet from the corner with Tracy Avenue. Continuing, Helm acknowledged concerns have been expressed about drainage, adding he will work with the City and the Watershed District and follow their directions. Concluding, Helm asked the Commission to approve the subdivision request as presented.

Chair Staunton opened the public hearing.

Public Hearing

The following residents spoke to the proposed subdivision:

Kent Gravelle, 5609 Tracy Avenue said in his opinion the lots as proposed are too small.

Sue Nelson, 5701 Hawkes Terrace, presented to the Commission a petition. Nelson explained she lives directly across the street from the subject site and has a concern with the proposed driveway, loss of green space, trees and traffic issues. Nelson further explained that the “hill” on the subject property has been their buffer from Vernon/Tracy Avenue and with the change in site plan much of the hill would be ripped away to make room for the driveway. Concluding, Nelson said in her opinion parking would be an issue, adding she doesn’t support the smaller lots.

Robert Laughlin, 5828 Lyle Circle, speaking on behalf of his parents, 5708 Hawkes Terrace, indicated he and his parents are opposed to the requested subdivision. Laughlin said he and his parents enjoy suburban living and he doesn’t believe slicing and dicing up the larger lots is right. Laughlin pointed out the proposed lots don’t even come close to the mean lot area. Concluding, Laughlin asked the Commission to deny the requested subdivision as presented.

Farkhod Salamov, 5708 Hawkes Drive, informed the Commission he opposes the requested subdivision.

Renate Stone, 5721 Hawkes Drive, told the Commission her concern is with the proposed driveway off Hawkes and the additional water run-off the two new homes would dump into the lake.

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

Discussion

Commissioner Carr commented that the subject request is also framed with variances and questioned if the variances are part of subdivision approval. Planner Teague responded in the affirmative. The proposed subdivision requires variances from Subdivision Ordinance No. 810. Subdivision Ordinance 810 establishes the mean lot area, lot depth and lot width for the 500-foot neighborhood. The subdivision as proposed doesn’t meet depth, area and width; therefore variances are required to subdivide the lot. Commissioner Carr acknowledged the dilemma because the 500-foot neighborhood appears to encompass a number of plats and the Commission originally supported the subdivision; albeit with a different plat.

Chair Staunton commented that when the Commission originally looked at this request we were very firm if subdivided both lots must gain access off Tracy Avenue; not one curb cut on Tracy and one curb cut on Hawkes Terrace as depicted on the revised plat. Continuing, Staunton said in his opinion the Hawkes Terrace curb cut completely changes the dynamics of the plat, adding he doesn’t believe he can support the revised plat.

Commissioner Platteter stated he supported the one driveway concept off Tracy Avenue servicing both lots; however, the proposed driveway off Hawkes Terrace completely changes the plat. Platteter said this change causes him some concern.

Commissioner Fischer commented that to him the proposed curb cut off Hawkes is a game changer.

Commissioner Halva commented that it's important to take the neighbors comments into consideration. She said if subdivided the smaller lots would create problems for the neighborhood.

Motion

Commissioner Carr moved preliminary plat approval based on staff findings and subject to staff conditions. Commissioner Fischer seconded the motion. Ayes; Carr, Nays; Scherer, Potts, Fischer, Platteter, Forrest, Staunton. Motion to approve failed 6-1.

Commissioner Fischer moved denial of the preliminary plat. Commissioner Scherer seconded the motion. Ayes; Scherer, Potts, Fischer, Platteter, Forrest, Staunton. Nay Carr. Motion to deny approved 7-1

Commissioner Carr said her vote reflects that the lot area, depth and width were impacted by the difference in lots sizes in the differing plats that fell within the 500-foot neighborhood.

E. Preliminary and Final Plat. Frank Holdings LLC. 3909 49 ½ Street and 4936 France Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission Spalon Montage is requesting to divide their property at 4936 France Avenue and 3909 West 49-1/2 Street into two lots for the purpose of dividing the Split Fashion Avenue store from the Spalon Montage store. No new building is proposed at this time. Continuing, Teague explained that the existing property and buildings would remain the same. The specific request is for a Preliminary and Final Plat to divide the property.

Planner Teague concluded that staff recommends that the City Council approve the Subdivision for Spalon Montage to divide their property at 4936 France Avenue back into two lots. Approval is subject to the following findings: 1) the lots are generally consistent with existing lots on the block. 2) There are no immediate requests for changes in use of the property or existing buildings.

Discussion and Motion

Commissioner Platteter moved to recommend Preliminary and Final Plat approval based on staff findings and subject to staff conditions including building code compliance. Commissioner Potts seconded the motion. All voted aye; motion carried.

F. Site Plat with Variances. HGT Architects/Think Mutual Bank. 4655 Hazelton Road, Edina, MN

Planner Presentation

Planner Teague informed the Commission HTG Architects on behalf of the Think Mutual Bank are proposing to tear down the existing vacant restaurant, build a two-story 8,441 square foot bank/office at

3655 Hazelton Road. The first level would be 5,108 square feet and consist of the banking space. The upper level would be 3,333 square feet and include a community/training room, storage, employee lounge and a rooftop patio. Teague explained that to accommodate the proposed addition, the following is requested: Site Plan Review, Building setback Variances from 50 feet to 15 and 40 feet and Parking Stall Variance from 42 stalls to 30 stalls (proof of parking to 42 provided.)

Continuing, Teague explained that based on the square footage of the building, 42 parking stalls are required. The site plan demonstrates 30 built parking stalls. (See page A19.) The applicant is agreeable to a proof-of-parking agreement for the 12 extra stalls. The applicant does not believe that these stalls will be needed, but have agreed to construct them if parking becomes a problem. A condition of any approval should be that if parking becomes a problem, the additional stalls must be provided.

Planner Teague concluded that staff recommends that the City Council approve the Site Plan with Variances for the Think Mutual Bank at 3655 Hazelton Road. 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 and parking space variances.
2. WSB conducted a parking and traffic impact study. The study concluded that the existing roadway system would support the proposed project.
3. The variances are reasonable. The applicant could develop the site to meet all minimum Zoning Ordinance requirements. In granting to the requested variances, the overall site plan would be improved and provide more green space. Traditionally, the City of Edina has not required parking stalls, when they are not needed. Additional parking spaces could be added if needed.

Approval of the Site Plan 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, unless modified by the conditions below:
 - Site plan date stamped November 7, 2013.
 - Grading plan date stamped November 7, 2013.
 - Landscaping plan date stamped November 7, 2013.
 - Building elevations date stamped November 7, 2013.
 - Building materials board as presented at the Planning Commission and City Council meeting.
2. A total of thirty-two (32) parking stalls shall initially be constructed on the site.
3. 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.

4. The property owner is responsible for replacing any required landscaping that dies.
5. 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.
6. Compliance with the conditions required by the city engineer in his memo dated November 4, 2013.
7. Building plans are subject to review and approval of the fire marshal at the time of building permit.
8. The applicant must enter into a proof of parking agreement with the City to ensure the necessary parking space will be provided if needed. Should parking become a significant problem, staff will require the proof of parking stalls constructed by adding the addition to the parking ramp.
9. Bike racks must be provided to meet minimum Zoning Ordinance requirements.
10. Garbage collection areas must occur within the building.

Appearing for the Applicant

Jeff Philpsen

Applicant Presentation

Jeff Philpsen addressed the Commission and delivered a presentation highlighting Think Mutual Bank. Philpsen explained that Think Mutual is proposing to construct a new partial two-story facility. The building is proposed at 8,441 square feet; with 5,108 square feet on the main level and 3,333 square feet on the upper level. Philpsen said it is also their intent to invite the public to "use" the upper level for meeting space, etc.

Philpsen said building materials would include prefinished composite metal panels (blue and silver) EPDM Roofing, glass curtain wall and terra-cotta/clay tile, steel checking on bar joists, concrete slab-on-grade and metal/steel stud framing with steel columns/beams. The project also includes a bike rack, down lite light poles and additional landscaping features.

Continuing, Philpsen noted the project also needs a variance to allow the proposed building to be placed within the 50-foot building setback from both the north and east property lines. Variances are also required to allow fewer parking stalls rather than provide the number required by Ordinance. This allows for more green space and flexibility in building placement to create a project more in harmony with the area. Concluding, Philpsen said the preliminary schedule is for construction to begin in April 2014. Philpsen asked the Commission for their support.

Discussion

Commissioner Kilberg asked Mr. Philpsen if a Think Mutual Bank was located a block away. Mr. Philpsen responded in the affirmative, adding the present bank would be relocated to this site.

Commissioner Platteter thanked the applicant for listening to past Commission comments, adding the only potential issue he finds with this layout may be headlight wash from vehicles queuing in the drive-through. Platteter also commented when dealing with signage to be respectful of the Promenade.

Commissioner Potts said he agrees with Platteters comment, adding to prevent headlight wash onto the Promenade landscaping could be “bulked up” a bit in that area.

Commissioner Scherer commented that in her opinion in every way their revisions improved the project.

Commissioner Carr complemented the project for its community outreach. Mr. Philpsen thanked the Commission and said another idea they are working on is adding a piece of public art to the plaza area.

Commissioner Fischer said this project reflects how the Sketch Plan Review process can work and improve a project. Reducing the hard surface in favor of a more creative approach to the Promenade made such a difference.

Commissioner Forrest stated she agrees with all comments, adding that in her opinion the ½ roof option also softens the façade.

Commissioner Halva asked Mr. Philpsen what the second floor would be used for. Mr. Philpsen responded the 2nd floor will be conference/meeting/training space. He reiterated it will also be available for the public to use. He also noted the employee lounge and mechanical rooms are located on the 2nd floor. Commissioner Forrest commented that she thinks it’s wonderful for them to invite the public to use their 2nd floor meeting space. She also suggested that public art could also be displayed in their lobby.

Chair Staunton asked if anyone 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 carried.

Motion

Commissioner Potts moved to recommend site plan approval based on staff findings and subject to staff conditions noting a change to condition 2 to read a total of thirty (30) parking stalls not thirty-two. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Commissioner Platteter also asked the applicant to note the concern expressed with possible headlight wash on to the Promenade.

VIII. REPORTS AND RECOMMENDATIONS

A. Zoning Ordinance Amendment Considerations – Residential Redevelopment

Planner Presentation

Planner Teague told the Commission there are some “housekeeping” issues that need to be taken care of before final adoption of the amended Zoning Ordinance 850. Teague explained the changes clarifies and cleans up language from the recent City Council approved Ordinance regarding residential redevelopment.

A clarification on page one indicates that attached garages are considered part of a principal dwelling unit. Attached garages are now required to maintain the same setback as the principle dwelling unit.

Page 2 adds language to help clarify that there are two options in the required side yard setback for lots more than 60 feet in width, but less than 75 feet in width

Page 3 adds #4. This provision was inadvertently not included in the approving Ordinance to regulate setbacks on lots less than 50 feet in width

Page 4-5 clarifies the front yard setbacks be the same for all buildings and structures.

Teague asked the Commission for their comments.

Discussion

Commissioner Fischer commented that he likes the introduction of the word subordinate into the Ordinance (Accessory Building) and supports this addition.

Commissioner Carr stated she finds; at least in her opinion; the words reasonably necessary and incidental are not needed in the definition of Accessory Building. Commissioners stated they agreed with that observation.

Chair Staunton asked if anyone else had any issues with the proposed changes to the Ordinance. Being none; Chair Staunton asked if anyone would like to make a motion to forward to the City Council their support for the proposed Ordinance changes.

Motion

Commissioner Carr recommended approval of the proposed amendments to the Ordinance to the City Council with the language reading for Accessory Structures: A separate and subordinate building which is located on the same lot.....eliminating wording and adding which relates to and is incidental to the conduct of the principal building. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IX. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

X. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioners Carr and Platteter reported that the Living Streets Committee was moving forward and brainstorming creative and branding concepts. Both Commissioners also expressed interest in moving forward with further study on a tree preservation ordinance.

Commissioner Fischer reported that the Grandview Community Advisory team will now be meeting twice monthly. He explained they have a lot of work to do outlining what needs to be done for the RFI.

Commissioner Forrest reported she attended a work session on parking presented by ULI.

XI. STAFF COMMENTS

None.

XII ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 10:50. Commissioner Fischer seconded the motion. All voted aye; motion to adjourn carried.

JACKIE HOOGENAKKER

Respectfully submitted