

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
JANUARY 23, 2013
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Forrest, Schroeder, Kilberg, Potts, Platteter, Cherkassky, Fischer, Staunton, Grabiell

Members absent: Scherer and Carpenter

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Fischer moved approval of the December 12, 2012, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARING

A. Lot Division. 5700 and 5712 Grove Street

Planner Presentation

Planner Teague informed the Commission that Wayne Fridlund is requesting to shift the existing lot line that divides the two properties at 5700 and 5712 Grove Street. The purpose of the request is to shift the side lot line five feet to the east to provide adequate area to build a

second stall to the existing garage at 5712 Grove Street. There is an existing NSP easement, with overhead wires that would have to be shifted before any garage would constructed.

Planner Teague concluded that staff recommends that the City Council approve the Lot Division of 5700 and 5712 Grove Street. Approval is subject to the following findings:

1. The proposed lot line adjustment does not create a new lot.
2. The purpose of the lot line adjustment is to provide area to expand the existing garage.
3. The resulting lots would exceed the median lot area requirement.

Approval is also subject to the following Conditions:

1. All building activity on either lot must comply with all minimum zoning ordinance standards.
2. The NSP easement that runs along the existing side lot line would have to be shifted five feet to the east, and the overhead power lines would have to be moved five feet to the east before issuance of a building permit for the garage addition.

Motion

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

B. Variance. Cragg. 5024 Bruce Avenue, Edina, MN

Planner Presentation

Planner Aaker reminded the Commission on January 9, 2013 the Planning Commission tabled Andrew and Kristen Cragg's 15.96 foot front yard setback variance to allow the applicant time to address mitigation measures they intend to take to protect Minnehaha Creek. The Planning Commission requested that the applicant provide additional information regarding grading, drainage, landscape and site improvements that will be accomplished as part of the new home plan that would improve the site beyond existing conditions and minimize the impact of the variance requested.

Appearing for the Applicant

Andrew and Kristen Cragg, Dan Murphy, Architect

Applicant Presentation

Mr. Murphy delivered a brief presentation and clarified for the Commission the “buffer” zone is 10-feet in width. Murphy explained the erosion control measures that would be implemented during construction of the new home. Continuing, Murphy referred to the underground swale being added to accommodate water run-off. Concluding, Murphy said another very important issue for the Cragg’s is to maintain the access to the rear yard for them and their adjoining neighbor.

Mrs. Cragg addressed the Commission and told them they are very committed to redeveloping this lot correctly. Cragg explained that all water run-off would be filtered to protect the creek. She added that the site would actually be “better” in terms of water management and protecting the natural areas of the creek than what exists today. Cragg concluded asking the Commission for their support.

Commissioner Forrest informed everyone the Construction Management Plan is in place, adding that during construction the erosion control measures indicated would also be monitored by the City. Forrest asked if the Watershed District expressed any concerns about the setback of the new house from the creek. Mr. Murphy responded that he has spoken with the Watershed District a number of times and they didn’t convey any concerns with house placement.

Commissioner Staunton referred to the applicant’s use of the Watershed Districts “best management practices” and asked if those “practices” indicate the type of materials/plantings that should be used in the buffer area. Mr. Murphy responded they submitted their “plan” to the Watershed District and they indicated their support; native plantings are recommended and would be planted. Murphy also asked the Commission to note that the buffer strip is proposed along the entire property line. Staunton said he also observed the lot includes steep slopes and questioned what type of run-off measures are proposed for this area. Murphy said that along the sloped part of the lot the vegetation planted would probably consist of climbing types of plants. He explained in the buffer area flora and fauna would be varied to accommodate the topography and natural conditions found in that specific area. Staunton further noted that areas of this lot are wooded. Murphy agreed reiterating native plants would be used throughout the buffered area matched to the conditions found in that area.

Chair Grabiell noted that the revisions to the plan didn’t include a change in building footprint. Mr. Murphy responded that is correct the house location stayed the same. He added the feedback from the Commission at their last meeting led him to believe their concern and focus on mitigation efforts to preserve the natural conditions of the creek; not house placement specifically.

Public Hearing

Chair Grabiell asked if anyone would like to speak to this issue; being none Commissioner Platteter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; public hearing closed.

Discussion

Commissioner Schroeder told the Commission he met with Mr. Murphy prior to this hearing.

Commissioner Forrest asked Commissioner Schroeder if his concerns were addressed. Commissioner Schroeder his concerns were addressed conceptually.

Commissioner Potts said that he remains concerned with the size of the new house and its location to the creek. He questioned why the new house couldn't be moved farther back from the creek. Commissioner Fischer also noted that the proposed house is being built closer to the creek than the existing house; however he acknowledged that there's a deck on the site closer to the creek than the existing house.

Planner Aaker responded that Commissioner Potts and Fischer are both correct in their statements about house location; however, as noted by Commissioner Fischer there is an existing deck structure on the lot. Aaker explained she believes the applicant's logic was for the new house to maintain the same setback from the creek as the existing deck. Commissioner Staunton asked Planner Aaker if the Ordinance requires the deck to maintain the same setback from the creek as the house. Aaker responded in the affirmative. Commissioner Platteter commented that he finds it difficult to believe one would consider a deck the same as a house.

Chair Grabiell said in his opinion the size of the proposed house should be taken into consideration and from the rear this house will be three stories and built to the maximum. Grabiell stated in his opinion this house will impose a large presence on a natural resource. Commissioner Platteter agreed, adding in his opinion there are other options.

Commissioner Potts said he agrees with the comments from Grabiell and Potts, adding in his opinion the DNR established the 50-foot setback requirement from water bodies for a reason.

Commissioner Forrest said in this instance she supports the variance as proposed. She stated in her opinion this lot has a very unique and unusual shape and the lot also contains topographical challenges. Forrest pointed out (as with the majority of houses in Edina on water bodies) that at the time of construction the setback from the creek was 25-feet not 50-feet as now required. Concluding, Forrest said in balancing all factors and the importance of the proposed mitigation efforts, the creek will be protected; perhaps better than at present.

Chair Grabiell said that although he's not an expert on DNR issues he believes that views should also be taken into consideration when preserving our natural resources. Grabiell pointed out that this house visually impacts the natural resource. He concluded that he agrees with staff that there are no practical difficulties to support the request as submitted. This house is too large.

Commissioner Schroeder said if approached from an environmental standpoint and balanced with other issues (access to the rear yard, setbacks) he found that this proposal is better for the creek's environment than what exists today.

Mrs. Cragg said in response to comments about the visual impact of the house that the present house isn't very "visible" from either the creek or the neighbors across the creek, adding the same would be true with the new house, especially in the spring, summer and fall. She also pointed out the house sits at a higher elevation and above the creek bed.

Mr. Murphy presented to the Commission photos depicting the rear of the existing house from the creek bed, pointing out the elevation change and house visibility from the creek.

Commissioner Fischer said the visual impact is an interesting point; however, he said he's not sure if environmentally or otherwise there's a visual requirement goal.

Commissioner Cherkassy commented that she had an initial concern on how this project would impact the wildlife but when considering the efforts made to minimize and restore the area abutting the creek and the topography granting the variance makes sense.

Commissioner Forrest reiterated that for her it's the shape and topography of the lot that creates practical difficulties, pointing out the existing house already encroaches and is non-conforming.

Chair Grabiell reiterated that he doesn't see a practical difficulty in supporting a variance to redevelop this site.

Commissioner Staunton stated that in his opinion the request is reasonable given the

lot size. Staunton pointed out the lot is very large, the applicant has submitted mitigation plans to ensure minimal impact to the natural resources and that the neighbors have expressed their support for the project. The practical difficulties are the topography, unusual lot shape and existing conditions.

Commissioner Kilberg stated that he also agrees there are practical difficulties on this lot that would support the granting of a variance.

Chair Grabiell stated he believes the house can be scaled down, adding just because they want a house this size and in this location doesn't mean the Commission has to agree with it.

Commissioner Platteter said he agrees with Chair Grabiell, adding he is surprised the Commission would even consider approving this, there are no practical difficulties.

A discussion ensued on practical difficulties and reasonable use. It was acknowledged that the setback established by the DNR was made after the majority of homes in Edina on water bodies were built. The ultimate goal of the mandated setback was to protect the natural resource. Commissioners acknowledged they are of different opinions with this proposal.

Motion

Commissioner Staunton moved to variance approval based on the following findings:

1. The unusual and irregular shape of the lot make house placement difficult.
2. The proposed placement of the new house preserves site lines for neighboring properties.
3. The lot consists of steep topography.
4. The proposed location of the new house preserves access to the rear yard for both property owner and neighbor.
5. Due to the physical conditions of the lot the buildable area of this large lot is 13%.
6. The proposed lot coverage is less than 10%; 25% is allowed.
7. Existing hardscape is closer than the proposed house.
8. The mitigation measures implemented including plantings and water runoff measures would preserve the City's natural resource Minnehaha Creek.

Commissioner Fischer seconded the motion. Ayes; Forrest, Schroeder, Staunton, Fischer. Nay; Potts, Platteter, Grabiell. Motion to approve carried.

VII. REPORTS AND RECOMMENDATIONS

a. Sketch Plan Review – Sidell. 4412 Morningside Road and 4532 Oakdale Avenue, Edina, MN

Planner Presentation

Planner Teague told the Commission based on the direction of the Planning Commission at its December 12, 2012 meeting, the applicant, Peter Knaeble, on behalf of Frank Sidell, has created three (3) subdivision alternatives for the property located in between Littel Street and Morningside Road.

Teague explained that one option is a “revised” original plan. The other two are variations. Teague reminded the Commission there is also a “conforming” plan that depicts a through street; however, the applicants have indicated they do not believe that option is best for the site and neighborhood.

Chair Grabiell explained the Sidells have elected to present a Sketch Plan Review with differing options. The Sketch Plan Review allows the applicant to obtain feedback from the Commission before they proceed with a formal application.

Applicant Presentation

Frank Sidell addressed the Commission and introduced his siblings Tina and Phil. Sidell explained that their intent with this proposal is to honor their father, Franklin DuBois Sidell and create a legacy. Sidell explained his father purchased this property 50 years ago, adding his father liked larger lots with trees and grass especially for growing families. Sidell asked the Commission to remember that although many talk about the “character” of Morningside it should be remembered that Morningside is Edina.

Continuing, Sidell said their intent is to redevelop this property themselves to ensure that its uniqueness is preserved. With the aid of graphics Sidell explained that the character of Morningside is very eclectic, adding this proposal is about community, not house style or lot size. Sidell noted the following about the Morningside neighborhood:

- Morningside is the oldest section of Edina with 633 houses.
- Over 65 homes have been rebuilt or heavily remodeled (>10%) in the last few years.
- More than 35% of the homes have garages in the front.
- 1/3 of this community does not have sidewalks.
- More than 35% of the lots are larger than 50-feet
- The current property is unique – a 7,000 square foot house on a 3 acre lot – which part do we copy?

Sidell referred the Commission to four redevelopment concepts as follows:

Conforming Concept:

- 8 lots
- Through street connecting Little with Morningside Road
- No Variances

Sidell said in his opinion this concept would change the character of the area and remove too many existing trees and vegetation.

Modified Original Concept:

- Street was narrowed to a 40-foot right of way (ROW) with 24-feet of pavement.
- Increased out lot on east side to 18-feet
- Added a pervious center to cul-de-sac
- Agreed to move the driveway for 4408 to the new road.

Sidell said this is the concept they prefer. He also noted that in speaking with members of the Commission that he really likes the idea of “Living Streets”. He also pointed out this “concept” has no 50-foot lots and only requires three minor variances. Continuing, Sidell said this proposal has the greatest tree savings, less traffic and maintains the serenity of the original property. Concluding, Sidell said he believes larger lots allow greater flexibility in house placement.

Sketch Plan “A”:

- Creates 6 smaller lots similar to the 50-foot side lots in the surrounding area
- 40-foot ROW, and 24-foot paved surface road
- Road moved lone lot over from 4408.
- Lots 1, 2, and 3 load off Morningside Road
- Tree loss of at minimum 14
- 26 variances required.
- Pervious center added to the cul-de-sac bulb.

Sidells said in his opinion 50-foot wide lots do not provide enough flexibility for house placement. He added if this concept is favored that the family would need a legal statement from the City guaranteeing that the variances will be available when the houses are built.

Sketch Plan "B":

- Creates 6 small lots similar to the 50-foot wide lots in the surrounding area
- 40-foot ROW and 24-foot paved surface road.
- Road is not next to 4408 with a 15-foot out lot.
- Lots 1, 2, and 3, continue to load off of Morningside Road
- Pervious center added to the cul-de-sac bulb.

Sidell stated that the property owners at 4408 do not favor this concept they prefer a road, not house adjacent to them. Sidell pointed out that both concepts "A" and "B" create smaller lots noting that some Edina residents have expressed opposition to redevelopment on 50-foot wide lots and that redevelopment of 50-foot lots is a "hot-topic" in Edina. Sidell stated his family doesn't want to be held to different building regulations than the rest of the community. Continuing, Sidell said he is very favorable to the smaller paved surface road of 24-feet, adding he also supports the 18-foot paved surface that was also suggested. Sidell reiterated he likes the concept of "living streets"; however, he isn't sure how the Edina Fire Department feels about it. He added in all the scenarios their goal is to create permeable centers in the cul-de-sac to accommodate water and unless the Fire Department gets "on board" with a road narrower than 24-feet that road couldn't be developed. Concluding Sidell said they would build the road the City wants them to build and asked the Commission to provide them with feedback on their concept preferences.

Discussion

Chair Grabiell thanked Mr. Sidell for his presentation adding that the facts provided in the presentation were very helpful. Grabiell asked the Sidells which concept they prefer. Mr. Sidell responded the family favors the "modified original concept".

Chair Grabiell asked Mr. Sidell if the family would be agreeable to the Commission/Council imposing restrictions on some lots. Mr. Sidell responded as mentioned earlier that he doesn't believe his family should be held to different building standards than the rest of the City. Sidell said he has found that many young families don't have an issue with front loading garages. He added the buyers of these lots should not be restricted in house design adding their hope is all these homes are custom designed.

Commissioner Forrest questioned if the family was still considering the tree conservation easement. Mr. Sidell responded that the tree conservation easement is still in place for the modified original concept.

Commissioner Schroeder asked Mr. Sidell to clarify if the tree preservation easement was only for the modified original. Mr. Sidell responded that at this time that is where the conservation easement was noted; however, they would consider developing some form

of tree preservation easement for the others (A & B); especially B; however, the conservation easement area would change and would need further review. Schroeder asked Mr. Sidell what option his family prefers. Sidell responded they prefer the modified original and do not like the through street concept.

Commissioner Staunton commended the Sidells for all their work on this proposal acknowledging they could have turned the site over to a developer for redevelopment but instead are proceeding with this as a family. Staunton said in his opinion he prefers a variable lot size concept. He added the two smaller lot concepts better reflect the character found in Morningside. Staunton however stated that he is not sure how he feels about houses fronting Morningside Road, adding he knows it mirrors the “other side of the street”, reiterating he’s still not sure how he feels about it. Continuing, Staunton said he agrees the cul-de-sac concept is best adding the narrower paved surface and the treatment of the cul-de-sac bulb is interesting and good for the site. Concluding, Staunton said one issue that will be in the forefront during redevelopment is construction management.

Mr. Sidell said that his family has thought a lot about the construction phase and its management. Sidell said one option they considered would be to use one of the lots as a staging area.

Commissioner Platteter thanked the Sidells for their work on this project adding their property is a huge part of the Morningside neighborhood. Platteter said he is not sure he likes the additional lots on the alternative sketch plans; however, he supports houses facing Morningside Road; reiterating he is unsure additional lots are the way to go. Concluding, Platteter suggested taking two lots out and rotating two at the front onto Morningside Road. He also reiterated the importance of tree preservation.

Commissioner Potts said Sidell was correct in saying this area of Edina is eclectic. Potts also agreed that he would be sorry to see the property developed with the through street concept. Concluding Potts said he does favor the smaller lot concepts.

Commissioner Schroeder said with regard to sketch plan concepts A & B that in his opinion the lots fronting Morningside Road would appear disconnected from the rest of this development. Schroeder said that whatever is decided this development will become “its own thing”, a unique and different “neighborhood”, and part of the Morningside area of Edina. Continuing, Schroeder said in his opinion the “new” street should be developed as a dynamic living experience. He also suggested thinking of the cul-de-sac in a different way; possibility shifting it slightly and playing with the geometry of the street thereby creating a “living” fluid street. Schroeder said he’s not concerned with lot size; however, wants this street and these houses to become a unique dynamic part of Edina. Concluding, Schroeder said he wants to see a great street developed.

Commissioner Forrest said she was opposed to the through street adding she is also hesitant on supporting the concept of fronting homes on Morningside Road. She said these houses would be isolated from the rest of the development. Continuing, Forrest agreed with Schroeder's suggestion of "playing" with the street. Concluding, Forrest said she would like the Sidells to keep their high redevelopment standards and work closely with developer(s), concluding her preference is the modified original concept.

Chair Grabiell stated he also supports the modified original concept, adding he agrees with Commissioner Schroeder that this development will be its own micro-neighborhood.

Commissioner Platteter said he doesn't want this neighborhood to become exclusive adding he continues to believe homes should be fronted on Morningside Road as laid out in Sketch Plan option A & B.

Commissioner Forrest acknowledged that the cul-de-sac in itself can give the appearance of "shutting" out others; however, if care is taken with the corner house by creating a welcoming presence any perceived isolation could be overcome.

Commissioner Fischer said he supports Sketch Plan concept "A". Fischer said in his opinion it's not about the number of lots it's about the street itself. Fischer said whichever concept is ultimately chosen what he wants to see is the creation of a special place and special street. Concluding Fischer suggested that the applicant speak more with the Fire Department to see if they would "come on board" supporting a less wide street (18-feet).

Planner Teague informed the Commission that while the Fire Department has expressed reservation about a road narrower than the suggested 24-foot paved surface, they would be willing to reconsider the paved surface width, if the drive aisle width were 18-feet and there was an attached level drive-over sidewalk of 6-feet. Emergency vehicle access is paramount.

Chair Grabiell thanked the Sidells for their presentation, adding what he takes from this exchange is that whichever concept is chosen that care needs to be taken with tree preservation and that creativity needs to be taken with the cul-de-sac.

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged the back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Chair Grabiell stated that Commissioner Fischer would be ending his term as Planning Commissioner and thanked him for his 9 + years of service. Commissioner Staunton

echoed Grabiél’s thanks and expressed his appreciation to Mike Fischer. All Commissioners agreed thanking Commissioner Fischer for his service.

X. STAFF COMMENTS

Planner Teague thanked Commissioner Fischer for his service to the City as a Planning Commissioner. Teague reported that being the “new” City Planner Fischer was very helpful in making him feel welcome and sharing his vision for Edina.

XI. ADJOURNMENT

Commissioner Fischer moved adjournment at. Commissioner Staunton seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted