

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

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Schroeder, Fischer, Platteter, Forrest Grabel, Halva, Kilberg, Staunton

Absent from the roll: Carr, Potts

III. APPROVAL OF MEETING AGENDA

Commissioner Grabel moved approval of the meeting agenda. Commissioner Scherer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the December 11, 2013 meeting minutes. Commissioner Grabel seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Fischer moved to close community comment. Commissioner Scherer seconded the motion. All voted aye; public comment closed.

VI. REPORTS AND RECOMMENDATIONS

A. Sketch Plan – Taco Bell 3210 Southdale Circle

Planner Presentation

Planner Teague informed the Commission they are being asked to consider a sketch plan proposal to tear down the existing Taco Bell building and rebuild a new slightly smaller building at 3210 Southdale Circle.

Teague reported that the applicant would proceed with Site Plan review and variance approval to redevelop the site.

Appearing for the Applicant

Barbara Schneider, for Border Foods Companies

Comments/Questions

Commissioner Grabiell asked if the houses directly to the east of the subject property are in Edina. Planner Teague responded in the affirmative.

Commissioner Forrest noted a discrepancy in parking spaces referenced and depicted on the site plan and asked the applicant to be clear on that figure when they bring their application forward. Forrest asked where setback is established. Teague responded setback is established from the property lines.

Commissioner Scherer commented that she wondered if the audio box/menu board could be located on the new building in a location similar to McDonald's audio box/menu board south side. Planner Teague responded that it appears the proposed plans depict a five vehicle stacking queue, which may prohibit that, adding the applicant would need to answer that question.

Applicant Presentation

Ms. Schneider addressed the Commission and explained Border Foods is proposing to tear down and rebuild the existing Taco Bell restaurant. Taco Bell has been operating at the Edina location since 1986, adding the proposed rebuilt is 27 GSF smaller than the existing building; however, it is 23'5" longer. Schneider explained the circulation on the site in one way and the same is proposed with the new structure.

Schneider acknowledged that the request requires variance; however, she believes the increase in landscaping and turning radius in the one-way circulation pattern provides a better more efficient and safe site. Schneider also noted this layout allows for better placement of the audio box/menu board.

Comments/Questions

Chair Staunton asked Ms. Schneider if Border is concerned about their long range plans. Staunton pointed out the property adjacent to the north is available and wondered if any interest was given to speak with those property owners.

Ms. Schneider responded they approached the property owners to the north (Best Buy) and inquired if they had any desire to purchase the Taco Bell site and incorporate it into their site; however, to date there has been no movement from the owners of the Best Buy site one way or another

Commissioner Grabiell asked if building design was controlled by the corporate office. Schneider responded in the affirmative. She said Taco Bell sites are managed very carefully. Continuing, Grabiell said he finds the Southdale Circle properties to be a bit unusual, noting it's unusual in Edina to have R-1 residential properties abutting commercial. Planner Teague agreed, adding he would do some research on this development.

Commissioner Schroeder commented that he understands Ordinance stacking requirements; however, wonders if it would be a good idea to allow some leniency when a project is redeveloped that opens up to the street providing a more pedestrian feel and creating a better pedestrian experience. Planner Teague responded that could be looked into pointing out the Commission continually discusses the Ordinance. Ms. Schneider interjected that Taco Bell has a stacking formula of 5 vehicles from the audio box/menu board. Schroeder noted if the building is allowed to be pulled closer to the street it may provide the right number of stacking spaces to relocate the audio box/menu board. Ms. Schneider responded that they will look into that suggestion; however, one item they need to keep in mind is the location of the transformer.

Chair Staunton asked if the site is buffered on the east. Ms. Schneider responded that presently there is a fence to the east. Schneider said with the buildings rearrangement they hope to be able to add Spruce trees; which is her opinion would provide better screening for the residential properties. Schneider also added that deciduous trees are planted on the neighbors' side of the fence.

Commissioner Forrest said she has a concern with the potential for cars idling as they wait for pickup, adding she wants everything done to minimize wait time creating a better environment for the residential property owners to the east.

Commissioner Platteter questioned if this would be a good area to construct sidewalks (if there aren't any), pointing out there is a big push for sidewalks in the area especially if redevelopment occurs on both the Best Buy and Wickes site. Continuing, Platteter asked if any patio seating is planned. Ms. Schneider responded that the site is very tight and no outdoor seating is anticipated.

Commissioner Halva questioned if there could be two boards one on the north and one on the south. Ms. Schneider responded the south location could be difficult because a certain radius needs to be provided so the building isn't hit by vehicles.

Chair Staunton said anything that can be done to minimize impact from the audio box/menu board would be appreciated.

The discussion ensued on the following points; possible tweaking of the audio board/menu board and parking. It was again noted the discrepancy in parking stalls; however, the Commission acknowledged if doable they would rather see landscaping and screening instead of concrete. Continuing, the Commission stressed the importance of "being a good neighbor"

and reiterated the importance of doing everything possible to reduce the impact of this establishment from the residential properties to the east.

It was further discussed and acknowledged that in many instances the Ordinance tends to over park sites; however, in this instance they want assurances parking would be adequate. Commissioners questioned if the majority of the traffic at this location is drive-through traffic. Ms. Schneider responded in the affirmative. The Commission asked Ms. Schneider when formal application is submitted to prove that parking will be adequate.

Planner Teague reported that he in reviewing Google earth he found there are sidewalks along the east side of York Avenue and the sidewalk continues on the Richfield side of Xerxes Avenue.

Commissioner Fischer asked out of curiosity what the “down time” is on a tear down/rebuild of this nature. Ms. Schneider responded that tear down and rebuild can be accomplished within 90-days barring unforeseen obstacles.

Chair Staunton thanked Ms. Schneider for presenting the sketch plan, reiterating the importance of providing screening for the residential properties to the east.

B. Tree Ordinance

Planner Presentation

Planner Teague reported that Commissioners Claudia Carr and Michael Platteter drafted an Ordinance regarding tree preservation. Teague said the draft was circulated to staff with staff raising the following concerns/questions:

- Enforcement. General enforcement of the ordinance, including monitoring newly planted trees in the first three years of their life may require additional staffing. The city forester is a part time position.
- Two for one replacement. This may be restrictive?
- Requirement of native trees. The forester is concerned that a limitation to native species would take away options for property owners to make individual decisions.
- Violation Penalties. The city attorney recommends that number (13) be eliminated. Violations are covered in another section of the code. Additionally, the city attorney does not believe that the city has statutory authority to impose this type of penalty. In practice, the city would not issue a Certificate of Occupancy until the violations have been corrected.
- Preservation Easement. The city attorney recommends number (8) is eliminated as it is only a recommendation.
- Added cost for residents. With additional information required on a survey, there will be an added cost.

Commissioner Presentation

Commissioner Platteter addressed the Commission and explained that he along with Commissioner Carr wanted to craft an Ordinance that “got our foot in the door” with regard to tree preservation. Platteter said they chose to limit the scope of the proposed Tree Preservation Ordinance to tear downs/re-builds. Platteter explained that teardown and rebuilds appeared to be a good place to start because they have created holes in the City’s tree canopy. Concluding, Platteter stated; again, this is only a start.

Comments/Questions

Commissioner Scherer asked Commissioner Platteter under (2) Definitions: Removable Tree how they arrived at the list of removable trees. Commissioner Platteter responded that they researched the subject and for the most part chose trees that are typically thought of as nuisance. Platteter said he also believes any tree

not listed or not found under Significant Mature Tree would be removable trees. Platteter commented that the wording “Significant Mature” could be changed to “Protected”.

Chair Staunton asked Planner Teague to comment on his findings. Planner Teague explained that staffing enforcement would be a concern, adding it’s possible that the Redevelopment Coordinator could fold some of these “duties” into her work load, cautioning much would depend on Ordinance wording. Teague also observed if the City through Ordinance were to require trees to be depicted on the surveys that would be an additional cost to the homeowner.

Chair Staunton said he understands the Commissioners approach with regard to teardown/rebuilds; however, he noted large additions could have the same impact on the tree canopy. Commissioners agreed.

Commissioner Fischer said at least in his experience there is a lot of peer pressure in the community to retain and maintain the City’s forest. Residents don’t typically cut down a tree unless necessary.

Commissioner Grabiell questioned how/who would enforce the two for one, or one for one replacement suggestion; and if violating that caveat of the Ordinance would be considered criminal. Grabiell said he wouldn’t want to see the Ordinance go in that direction.

Commissioners discussed the issue of enforcement and wondered if tree replacement could be tied to the escrow funds.

Commissioner Forrest commented that in her opinion this is a good start.

Commissioner Scherer stated that she didn’t recall finding a definition of preservation easement, adding number 8 as mentioned by staff is only a recommendation.

Commissioner Grabiell commented that it may be easier to just require replacement of all trees removed.

The discussion ensued with Commissioners agreeing that enforcement of tree replacement could become problematic; however, liked the idea of enforcement linked to the escrow.

Commissioner Scherer commented that she understands the “nuisance” concern for buckthorn and other types of trees; however, thinks that more consideration should be placed on the size of the tree removed and not so much the variety. Scherer stated in her opinion it is good to have different species of trees especially because of the potential for disease. Also removing a large tree that is considered undesirable does have impact.

Commissioner Schroeder said he was pleased at this start pointing out maintaining the urban forest is part of the Comprehensive Plan. Continuing, Schroeder said he agrees with the observation shared by Commissioner Scherer on tree size. He pointed out Cottonwoods are large trees with a very large canopy and if they are permitted to be removed the impact is tremendous. Schroeder stated in his opinion trees that provide canopy need to be replaced and replacement at 1-1 may not be adequate. Schroeder also noted the preservation of the canopy isn't limited to a site; canopy is enjoyed by many. Concluding, Schroeder said in certain instances he doesn't believe a two for one replacement is onerous.

Commissioner Forrest commented that she agrees with Schroeder and Scherer on their observations; however, smaller lots may not be able to support the two for one replacement suggested by Schroeder. Schroeder responded that the two for one doesn't necessarily need to be accomplished on the site. A tree could be planted in the City parks adding to the urban forest and canopy.

Chair Staunton thanked Commissioners Platteter and Carr, adding the proposed draft was a great start and the Commission looks forward to more work on this topic.

A discussion ensued on the timing of proceeding with discussions on the proposed Tree Preservation Ordinance with Commissioners agreeing that another draft is needed so the discussion could proceed. It was agreed that the Commission would address another draft at a future meeting.

C. Subdivision Ordinance

Planner Presentation

Planner Teague introduced to the Commission a draft revision of the current Subdivision Ordinance and asked for Commissioners for their comments.

Comments

Commissioner Forrest said at first glance she was interested in considering the plat vs. shrinking the neighborhood option; however, without a "clear" definition of plat that would be difficult. Planner Teague agreed that defining plat would be difficult.

Commissioner Fischer commented that in his opinion the perceived problems with the Subdivision Ordinance comes in phases; questioning if amending the Subdivision Ordinance definition of "neighborhood" from 500-feet to 250-feet really solves the issue. Fischer said it may be best if the Commission used the common sense approach and worked within the Ordinance as it is.

Commissioner Grabiell said maybe it would be clearer to define "neighborhood"

according to the plat.

Commissioner Platteter commented that if the Commission decided in favor of defining “neighborhood” by plat would that keep Edina in the past. Continuing, Platteter said defining “neighborhood” by plat could create other unforeseen issues. Concluding, Platteter said if any change were to be made he would be in favor of reducing the “neighborhood” to 250-feet.

A discussion ensued on what defines neighborhood character.

Commissioner Forrest said her concern is that she wants assurances the residents know what to expect. It was noted the City does have an Ordinance that addresses subdivision.

Commissioner Scherer said in her opinion the Commission should leave the Ordinance as is. Chair Staunton agreed and said for lots smaller than 75-feet in width and less than 9,000 square feet in area the Ordinance has worked through the variance process.

A discussion ensued with Commissioners deciding that at this time they do not want to move forward on amending the current subdivision ordinance.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials. Back of packet materials also included a 2013 Planning Commission/Council Work sheet the indicated PC and CC actions. Commissioners thanked Teague for this update – it was further suggested that this be forwarded to the City Council and become a yearly “hand-out”.

VIII. CHAIR AND COMMISSION COMMENTS

Chair Staunton noted that he along with Planner Teague have been trying for some time to set up a work session with the City Attorney, Roger Knutson. Staunton stated dates for the work session with the Commission agreeing that Saturday, March 22nd 9-Noon at the Senior Center would work provided the room is available. Teague stated he would check with the Senior Center and get back with the Commission.

IX. STAFF COMMENTS

Planner Teague apprised the Commission that in 2013 the City permitted 127 new houses. 120 were teardown/rebuilds and 7 were new houses on vacant lots.

X. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 9:10 PM. Commissioner Fischer seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogenakker

Respectfully submitted

