

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
April 24, 2013
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Scherer, Schroeder, Potts, Kilberg, Carr, Carpenter, Platteter, Forrest, and Staunton

Absent from the Roll: Grabiell, Cherkassky

III. APPROVAL OF MEETING AGENDA

Commissioner Scherer moved approval of the April 24 meeting agenda. Commissioner Potts seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Potts moved approval of the April 24, 2013 meeting minutes with a correction. Commissioner Platteter 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. PUBLIC HEARINGS

A. Variance. Revision LLC, 31 Cooper Circle, Edina, MN

Planner Aaker reported that the subject property is located south of Cooper Circle consisting of a two story home with an attached two car garage. The property backs up to a pond. The property owner is hoping to add a garage stall to the north of the existing two car garage. The home was built in 2005 with most of the current ordinances in place when the home was built. The home was designed at minimum setbacks from front side and rear, (to the pond). The property is subjected to a 50 foot

setback from the pond behind the home. The home was designed to fit exactly within the required setbacks.

Aaker explained that the ordinance requires that the addition maintain the average front yard setbacks of the homes on either side of the subject property. In this instance the required front yard setback average is 37 feet. The existing garage is at the required front yard setback, so any improvement towards the street requires a variance beyond the front wall of the garage. The proposed garage extension would provide a front yard setback of 26.5 feet requiring a variance of 10.5 feet. The property is 20,270 square feet in area with the home and proposed additions occupying 17.1% of the lot area. The home was designed to fit exactly within the buildable area when constructed in 2005. Staff believes it is not reasonable for the owner to expect to add a third garage stall 26.5 feet from the front lot line given the existing front yard setbacks along Cooper Circle.

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

- The home was built to code, to fit within the required setbacks in 2005 and includes the minimum 2 car garage required by ordinance.
- The proposal would not meet the required standards for a variance, because:
 - a. The proposed use of the property is not reasonable; as it is not consistent with existing conditions on the cul-de-sac.
- The intent of the ordinance is to provide adequate spacing from the street. The proposed garage stall will extend into the front yard area eroding the common front yard area and street view.

Appearing for the Applicant:

Sven Gustafson, Revision and Molly and Patrick Cronin, property owners.

Discussion

Commissioner Scherer commented on the difficulty of measuring front yard setbacks on curved roads and cul de sacs. Scherer also noted in establishing the required front yard setback one of the houses is on the curve and one house on a straight street. Aaker agreed.

Chair Staunton asked if the applicant was also required to meet the 50-foot setback from the pond. Planner Aaker responded in the affirmative.

Applicant Presentation

Mrs. & Mrs. Cronin delivered a power point presentation acknowledging their home is relatively new; however, they were not the original owners of the home. Continuing, Mrs. Cronin highlighted their property including the yearly outdoor hockey rink. Mrs. Cronin explained they are very vested in the City and their goal is to add a third garage stall to store the equipment used to maintain the outdoor hockey rink and other equipment. Mrs. Cronin also noted in the future as their children age the third stall could be used as garage space for an additional vehicle. Cronin informed Commissioners she spoke with all neighbors, and added no trees would be removed to build the additional garage stall.

Concluding, Cronin pointed out there are a number of the homes in their neighborhood that have three garage stalls.

Public Hearing

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

Discussion

Commissioner Scherer divulged that she had done business with Revision. She stated in her opinion the addition of a third garage stall is consistent with the neighborhood and reasonable. She acknowledged she believes additional storage space is important, adding keeping equipment out of view is a good thing.

Commissioner Forrest stated she agrees with Commissioner Scherer pointing out there are practical difficulties with this property because of the curve of the cul de sac and the required setback from the pond. Forrest also noted she was happy to see that the wall of the proposed third garage stall wasn't flat; there was some dimension to the wall.

Commissioner Carpenter agreed and added the amount of the variance is small, adding he also agrees with Commissioner Scherer that he likes a resident to be able to store their equipment.

A brief discussion ensued with Commissioners agreeing there are practical difficulties in this instance; one the pond and two the curve of the street and three the unusual lot shape.

Motion

Commissioner Platteter moved variance approval based on the following findings:

- **The subject property is required to maintain a 50-foot setback from the pond.**
- **The subject property has an unusual shape; and**
- **The subject property is subjected to the curvature of the cul de sac**

Commissioner Scherer seconded the motion. Ayes; Scherer, Platteter, Carpenter, Forrest, Staunton. Nay; Schroeder, Potts, Carr. Motion carried.

B. Variance. Bruce and Ann Christensen, 4515 Browndale Avenue, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is located in the north east corner of the intersection of Browndale Ave. and Bridge Street consisting of a 2 ½ story home with an attached three car garage loading from Bridge Street. The property is located within the Historic Country Club District with certain improvements on properties including those proposed, requiring review and approval of the Heritage Preservation Board.

Aaker explained that the owners are hoping to reduce the footprint of the existing attached garage, convert the area to a mud room/family room and add a detached three car garage in the rear yard. The new garage conforms to all of the ordinance requirements. The existing attached garage has a porch above, so there is living space at the same setback as the north wall of the garage.

The zoning ordinance requires a minimum 10 foot side yard setback for living space and 5 feet for a garage. The existing living space of the home is nonconforming and is located 8 feet from the north lot line on the 1st floor and 5 feet 10 inches to the side lot line on the second floor. The garage is located 5 feet 10 inches from the north lot line and conforms to the attached garage setback requirement of 5 feet. The garage cannot however, be converted to living space at the existing side yard setback without a variance.

Aaker told the Commission the addition and new garage have been reviewed and approved by the Heritage Preservation Board on April 9, 2013, and received a Certificate of Appropriateness for the Project. The neighboring house adjacent to the expansion area is located 19 feet from the lot line so spacing between homes will remain at approximately 24 feet.

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

- With the exception of the variance requested for side yard setback, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- The proposal would meet the required standards for a variance, because:
 - The proposed use of the property is reasonable; as it slightly alters existing conditions without reducing setback or impacting the surrounding neighbors.
 - The imposed setback and existing attached garage location does not provide opportunity to convert garage to living space on the first floor.
 - The original placement of the home, closer to the north lot line, makes it difficult to adjust living spaces within the existing structure without the benefit of a side yard setback variance.

Approval 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:

- Survey date stamped: April 9, 2013.
- Building plans/ elevations date stamped: April 9, 2013.

Appearing for the Applicant

Jean ReKamp Larsen, Architect.

Discussion

Commissioner Potts asked Ms. Larsen if they are planning on re-using the existing foundation. Ms. Larsen said she doesn't believe so; however at this time that hasn't been formerly determined.

Commissioner Forrest asked if the Ash tree would be removed. Ms. Larsen said she believes that three would be OK.

Commissioner Platteter asked if drainage was considered. Ms. Larsen responded in the affirmative adding that there is a French drain and drainage capacity between the structures.

Public Hearing

Chair Staunton asked if anyone would like to speak to this issues; being none Commissioner Forrest moved to close the public hearing. Commissioner Scherer seconded the motion. Public hearing closed.

Discussion

Commissioner Scherer commented that he loved seeing that the building wall was "broken" up, adding she supports the request as submitted.

Motion

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

VII. REPORTS AND RECOMMENDATIONS

A. Sketch Plan Review – Continental Gardens Assisted Living, 7151 York Avenue

Planner Presentation

Planner Teague informed the Commission they are being asked to consider a sketch plan request to build a 76 unit assisted living building, attached to the existing Continental Gardens Senior Living apartments at 7151 York Avenue. The proposal is to create a "senior campus," and build the addition to the east side of the building. The units are

described by the applicant as “moderately priced.” The building would be four stories tall and be connected by an elevated skyway to the existing twelve (12) story 264 unit apartment building. The existing site is 5.85 acres in size; therefore, the density is 45 units per acre. With the proposed addition of 76 units; the density would increase to 58 units per acre. The property is zoned Planned Senior Residential District – 4, PSR-4 and guided High Density Residential. The applicant is requesting a Sketch Plan review to solicit comments from the Planning Commission and City Council. Opinions or comments provided to the

Appearing for the Applicant

Terri Cermak with Cermak & Rhoades Architects.

Discussion

Chair Staunton asked Planner Teague if this request was similar to the request reviewed and approved at 7500 York Avenue. Planner Teague responded in the affirmative. The 7500 Co-op partnered with Ebenezer to construct a similar facility.

Commissioner Carr said at this time her comments concern landscaping, indicating if the property owners proceed with an application they will need a landscaping plan and materials board to ensure compatibility in exterior materials between the existing and new building. Carr said she wants the final outcome to look like it’s designed as one, not piecemeal.

Chair Staunton said it appears to him that the use is good; adding if the Commission agrees with the proposed use and increased density what the Commission needs to express is if the configuration of the new building is “right”, if the design is “right” and address other issues of concern, etc.

Applicant Presentation

Ms. Cermak addressed the Commission and explained the property owners are undertaking a large renovation project of the existing building that includes new windows, landscaping and walkability features. Ms. Cermak said the proposed new structure is designed to be a natural progression of the existing building. She explained a “skyway” is proposed to facilitate the movement of residents between buildings. Cermak said she believes the design of the new structure minimizes impact to surrounding properties because of the grade and buffer. She stated close attention would also be paid to the Richfield side of the property. Concluding, Cermak reported that interior space would be created to facilitate shared activities between buildings

Discussion

Chair Staunton asked Ms. Cermak if the intent was for people to relocate between buildings as a permanent move or would they rotate in and out. Ms. Cermak responded at this time they are still doing the market analysis; however, they believe when one moves out of the “independent” living senior building their move to the new assisted living facility is permanent.

Commissioner Platteter asked Planner Teague how Richfield would “hear about this”. Teague responded they will be informed when/if a formal application is made. Teague explained a public hearing notice is sent to property owners (including Richfield) within 1000-feet of the subject site. Richfield would then pass this notice on to their residents.

Commissioner Carr asked Ms. Cermak if other designs were considered. Ms. Cermak responded that they are still in the design process; however, they need to take a lot into consideration (windows mechanical) when tying the proposed building to the existing building.

Commissioner Potts said that overall he appreciates the property owner coming before the Commission with a sketch plan adding he also likes the “residential” feel of the proposed building. Continuing, Potts suggested that they look at implementing sustainability measures either through Leed certification or working with Xcel on their energy programs. Potts said when this comes before the Commission for formal review he would like to see what measures were taken to reduce energy consumption. Potts also noted this project is an increase in density.

Commissioner Platteter commented when designing the new building the applicant needs to consider “what the City gets from this”. He suggested looking for ways to create walkability, possibly implementing bike paths, landscaping, etc. to create a better pedestrian experience.

Commissioner Forrest acknowledged the difficulty in working with an existing building and agreed with Commissioners Potts and Platteter that sustainability and walkability were important.

Commissioner Schroeder said what’s important to him is how the site is viewed and how to formulate a new pedestrian environment. He noted in the 1970’s large buildings were setback from the street; however, over the past few years the Commission and Council have been working on creating more of a pedestrian centered corridor in the greater Southdale area. He noted there are new developments within the greater Southdale area that are now closer to the street, adding to the pedestrian experience. Schroeder also noted there is no sidewalk connection from this building to the street reiterating the goal of the City is to foster a greater pedestrian experience. Concluding, Schroeder said he was curious how the new building would function if it was placed on the opposite side. Schroeder said placing the new building on the

York side would lessen the scale of the very tall older building and may create a very good experience for residents of the buildings and the City.

Ms. Cermak responded that was looked at; however, maintaining front yard setbacks would be a problem. Commissioner Schroeder explained there are ways to work with the City to allow construction of a building closer to the street and mitigate increased density. Schroeder pointed out the CVS site; as a recent example of a redevelopment that also addresses the pedestrian experience.

Chair Staunton also noted the available PUD zoning process which is one way to work with the City when a site has “issues” with the zoning ordinance. He added PUD is a tool that can be implemented to allow flexibility from City zoning requirements including density and setbacks. Staunton suggested taking a fresh look at this development by keeping sustainability in mind and trying to create a streetscape that services more than just automobiles.

Commissioner Platteter commented that to him connectivity is important, adding he would like to see an area created where the pedestrian feels welcome. He pointed out finding a way to connect the subject buildings to the library and YMCA would not only be good for the pedestrian experience but it would be an important amenity to the residents of the building(s).

Commissioner Schroeder suggested that the applicant look at this site as a clean slate that puts the pedestrian first with a design that challenges the City.

Chair Staunton thanked Ms. Cermak for her time

B. Zoning Ordinance Update – Residential Development

Chair Staunton reminded the Commission updating the Zoning Ordinance is an ongoing process with the goal of scheduling a public hearing on the proposed changes. Staunton said this evening the Commission will review and makes changes to the ordinance.

Commissioner Forrest clarified that the “new” construction maintenance plan was brought about from public comments the “ordinance work group” received. Residents expressed their frustration with the constant state of construction in their neighborhoods. Forrest said all comments were collected and forwarded.

Chair Staunton directed the discussion to retaining walls, drainage, etc.

Commissioners discussed Subd. 7. Drainage and suggested the following changes to 1. Drainage - New #1 should now read:

- Drainage. Existing drainage rate and direction shall not be altered to redirect water to or increase the rate of flow to adjacent properties.....All provisions for drainage, including storm sewers, sheet drainage and swales, shall be reviewed and approved by the city engineer prior to issuance of a building permit.

A discussion ensued on #2 retaining walls. There was some discussion on requiring retaining walls over four feet in height with the suggestion that retaining walls over 4-feet in height should be terraced. An Ordinance could require a setback of 3-feet for every 4-feet of retaining wall height.

Number #3. Site Access. It was recommended that the first sentence be removed. #3 to now read: A clear access of at least three (3) feet in width is required on one side front to rear. It was noted it may be a good idea to add the word mechanical before access. This can be further discussed.

- Building Coverage

The discussion referred to Section 1 Subd 6. Requirements for Building Coverage, Setbacks and Height.

Chair Staunton asked the Commission if they were prepared to change the lot coverage to 25% across the board. It was further noted that these changes could impact some districts such as the Country Club District.

Planner Aaker commented that this amendment would force many properties into non-conformity.

A discussion ensued with Commissioners indicating that amending the Ordinance to 25% lot coverage “across the board” shouldn’t be pursued; however Commissioners indicated they would work more on building height and setbacks to reduce mass.

There was a discussion on the terms used to define coverage to include structure, building coverage, lot coverage, etc. with Commissioner suggesting multiple terms may be confusing. Commissioners directed staff to “clean up the language” using one term.

It was suggested that 3. A. “the following structures and improvements shall be excluded when computing building coverage: a. Driveways and sidewalks, but not patios (somehow refer to the 150 square foot allowance for a patio)

- Side Yard Setbacks

No change

- Building Height

With regard to building height Commissioners indicated no change to the 2 ½ story requirement and to eliminate mid-point and add maximum building height. Further discussion would occur.

- Egress Windows

Leave language as written.

- Non-conforming Front Yard Setback

Commissioners indicated they would like to hear more from residents on this topic

- Front Facing Garages

Discussion on front facing garages on lots less than 75-feet in width.....limit front garage stalls to two ...not to exceed 60% of the width of the principal structure.

There was further discussion on the requirement of two stall garages with back and forth comments on two stalls vs. one stall. It was suggested that this requirement needs further discussion and input; however, requiring one stall for lots under 75-feet in width appeared appropriate. More discussion needs to occur on this possibly at the public forum.

- Sidewall Articulation for a Principal Structure.

A discussion focused on different measures of articulation with the thought that mass and scale could be reduced by adding architectural design features and not through setbacks especially recessing building wall 4-feet. The 4-foot requirement would impact the smaller lots. Commissioners directed staff to eliminate the 4-foot recess (change to 1-foot for discussion purposes) and incorporate design tools, including windows as a way to break up building wall mass.

Commissioner Carr said she reviewed the examples staff provided of sidewall articulation adding she preferred the requirements from the City of Alamo Heights. She noted that this code contained good language. Concluding Carr said what she wants to see is flexibility in this area.

- Accessory Buildings and Structures Used for Dwelling Purposes.

Strike this provision. Code only permits one dwelling unit.

- Tree Ordinance

A brief discussion ensued with Commissioners referring to both the EEC draft ordinance and the Minnetonka tree ordinance suggesting that the ordinance Minnetonka repealed is closer to where the Commission wants to go with a tree ordinance.

It was also suggested that adopting a tree ordinance may need its own process.

VIII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Commissioner Scherer told the Commission as she was driving through the 50th and France area she noticed some type of platform or tent in front of Mozza Mia and asked Planner Teague if he knew what it was. Scherer added she believes the “structure” was located in the right-of-way. Planner Teague responded that indeed Commissioner Scherer did see a structure; adding it’s an outdoor dining area. Teague said at this time this “structure” is under consideration.

Commissioner Scherer suggested that the Commission read the newly released Minnesota Air Quality study. Scherer said this topic is something the Commission may have to address in the future; noting the popularity of outdoor fire pits and the findings that they can pose health risks.

X. STAFF COMMENTS

None

XI. ADJOURNMENT

Commissioner Carr moved meeting adjournment at 10:15 PM. Commissioner Potts seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogenakker

Respectfully Submitted