MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
MAY 8, 2013
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Scherer, Potts Carpenter, Kilberg, Cherkassky, Carr, Platteter, Forrest, Grabiel, Staunton

Absent from Roll: Schroeder

III. APPROVAL OF MEETING AGENDA

Commissioner Potts moved approval of the April 24, 2013 meeting agenda. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Potts moved approval of the February 27, 2013 meeting minutes. Commissioner Scherer 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. Roy Lecy. 6905 Valley View Road, Edina, MN

<u>Planner Presentation</u>

Planner Aaker informed the Commission the subject property is located on the south side of Valley View Road consisting of a rambler with a tuck-under two car garage built in 1955. The lot is 26,634 square

feet in area with existing lot coverage of 6.6%. The owners are hoping to tear down the existing structure and replace it with a rambler with an attached three car garage. The owners would like to locate the new home near the existing front yard setback.

Planner Aaker explained that the current home is located 29.7 feet from the front lot line. The zoning ordinance requires that the new home maintain the average front yard setback of the homes on either side. The home to the east is located 29.7 feet from Valley View Road right-of-way and the home to the west is located 308 feet from Valley View resulting in an average front yard setback for the property of 168.85 feet. The new home will be setback from the front lot line approximately 34.89 feet, which is a greater distance from the front lot line than the existing home. The front west corner of the new home will be the closest building point to the street with the remainder of the front façade angled away from Valley View and farther from the front lot line than the existing home

The new home is proposed to be a walk-out with back yard views angled towards a pond located west of the property.

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 west that is actually located south of the subject property's rear lot line.
b) The encroachment into the setback improves upon an existing nonconforming setback that was established when the original home was built in 1955 and was conforming at that time.

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

1. The home must be construction per the proposed plans date stamped, March 29, 2013.

Appearing for the Applicant

Roy Lecy, builder and Jim and Deb Ryman property owners.

Applicant Presentation

Roy Lecy addressed the Commission and explained that he along with the property owners worked with the adjacent neighbors fronting Mark Terrace Drive on "tweaking" the location of the new home to afford those neighbors better views. Mr. Lecy said he believes the revisions are acceptable to those neighbors.

Chair Staunton opened the public hearing.

Public Hearing

Peter Sussman, 6904 Mark Terrace Drive, addressed the Commission and informed them the property owners and builder were very helpful during this process. Concluding, Sussman said he was pleased with the outcome; the revisions are acceptable.

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

Discussion

Commissioner Carpenter said he believes the variance is justified and commended all parties on working together to achieve an acceptable outcome.

Motion

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

B. Variance. Chris Drazan. 5501 Lakeview Drive, Edina, MN.

Planner Presentation

Planner Aaker informed the Commission the subject property is a corner lot located south and east of Lakeview Drive. The property owner is proposing to build a new home that will conform to all of the ordinance requirements with the exception of the required setbacks from Lakeview Drive.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following; with the exception of the front yard setback variance all standards and ordinances are met; the proposed use of the property is reasonable because it will uphold the established front setback pattern already existing on the block and the practical difficulty is complying with the deep front yard setbacks and the angle of the east lot line.

Approval is also subject to the plans presented

Appearing for the Applicant

Doug Johnson, Builder

Applicant Presentation

Mr. Johnson explained that Mr. Drazan could not be present this evening, adding Mr. Drazan informed him he spoke with neighbors; however, he was not made aware of what was discussed.

Public Comment.

Margaret Shaw, 4611 Lakeview Drive expressed concerns on the location of the new house.

Commissioner Grabiel moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Grabiel said in his opinion this is more of a "McMansion" issue. He pointed out the proposed house is twice as large as the existing house. Grabiel acknowledged that except for the front yard setback variance the rest of the house meets code; however, it is also possible more could be done to mitigate the impact of the new house from the adjoining neighbor.

A discussion ensued on the rationale of shifting the house with the observation made that shifting the house could also create other issues for the neighbor.

Commissioner Forrest commented that in her opinion this is a catch-22, adding in a sense the Commission must do a balancing act. Forrest said one comment she has is that the garage wall is too "blank", adding something needs to be done to soften its impact. Forrest acknowledged regardless of what happens the new house will be a change to the neighbor.

Chair Staunton said in his opinion the practical difficulty in this instance is that the subject lot is required to maintain two front yard setbacks. Most lots are required to meet one front yard setback; not two.

Motion

Commissioner Potts moved variance approval based on staff findings and subject to staff conditions. Commissioner Carr seconded the motion. Ayes; Potts, Platteter, Carr, Staunton. Nay; Grabiel, Carpenter, Forrest. Motion carried.

C. Conditional Use Permit with Variances. Christian Dean. 6612 Indian Hills Road, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the property owner, Malcolm Liepke, is proposing to tear down the existing multi-level house built in 1953 and construct a new home at 6612 Indian Hills Road. The lot Mr. Liepke owns to the east, at 6608 Indian Hills Road will remain vacant. Aaker noted the property is a corner lot located north of Indian Hills Road and east of Indian Hills Circle. The property backs up to

Arrowhead Lake. The existing home on site is a multi-level home that has had a series of additions over the years that resulted in a split/multi-level condition.

Planner Aaker explained that the new home would have a flat roof and will be contemporary in design. The proposed new home is predominantly a single story walk-out with a second floor in-set from the front walls of the home and occupying approximately 30% of the overall house length. The architect has indicated that the over-all design goal is to create a low, horizontal structure hugging the rolling landscape with portions of the structure imbedded into the topography of the site. The strategy is to be respectful of existing grades, low profile and organic. The garage would be accessed from Indian Head Circle and will be partially sub-grade with a roof garden above at entry level.

Planner Aaker reported that the applicant also owns a lot to the east at 6608 Indian Hills Road which is subject to a Restrictive Covenant recorded with the County by a previous owner which prohibits the erection of any building, dwelling or other permanent structure on the lot. The lot to the east also had a Conservation Restriction imposed upon it when approved for subdivision by the City in 1984. As part of subdivision the City imposed Conservation Easement upland from the Lake edge. The owner's vacant lot at 6608 Indian Hills Road will remain undeveloped between the new home and the neighboring home to the east.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit with Variance and the setback Variances for property located at 6612 Indian Hills Road. The Conditional Use Permit allows the new home to have a first floor elevation 2.8 feet above the one foot first floor increase of the existing home. Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
2. The proposal will keep the new first floor at approximately the same height as the existing main level of the home.
3. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Indian Hills neighborhood. There have been a number of properties that have had homes re-built on them that are of similar or are larger in size, mass and scale.
4. The proposal would meet the required standards for a variance, because:
    a. The improvements would provide a reasonable use of a corner lot subjected to two front yard setbacks. The proposed home would uphold the established front setback pattern already existing on the block with only minor point intrusions. The setbacks proposed from Arrowhead Lake include would be 6 inches farther back form the Lake edge than the existing home. Because of the angle of setback from the Lake, only a triangular portion of the terrace extends beyond the setback of the existing home.
    b. The setbacks from Indian Hills Road are for minor point intrusions of the at-grade terrace and a subgrade garage. Both intrusions are small triangular over-laps into the setback.
    c. The home is appropriate in size and scale for the 49,079 square foot lot. The home is designed to be low profile and to fit within the existing topography. The neighbor to the east has a "no build" lot between their lot and the new home limiting impact to the east.

d. The practical difficulties include the steep slopes on the lot, the irregular shape of the lot, and the required setbacks based on the adjacent home which has an 80-foot front yard setback, and the 75 foot setback required from Arrowhead Lake.
e. This lot is subjected to much deeper setbacks than a typical single dwelling lot.
f. The first floor is defined by the entry level of a multi-level home instead of defined by the existing main floor of the current home.
g. The purpose behind the ordinance is to maintain an established front yard sight line and street scape and to maintain adequate distance from water bodies. The ordinance is meant to prevent a continual erosion of both of those setback standards. The front yard setback over-laps are minor point intrusions that do not affect adjacent properties. Duplicating the Lake setback of the existing home would not compromise the intent of the ordinance to provide spacing from a natural resource. The new home is low profile with a flat roof and would be elevated above the Lake.

Approval is also subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance in terms of the house location, mass and over-all height with the following plans, unless modified by the conditions below:
    - Survey date stamped: April 24, 2013
    - Building plans/ elevations date stamped: April 24, 2013.
1. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.
2. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit.
3. The execution and recording of a Conservation Easement 41 feet upland from the Ordinary High Water level of Arrowhead Lake.

Appearing for the Applicant

Mr. & Mrs. Liepke and Christian Dean, Architect

Discussion

Commissioner Carpenter asked for clarification on the Conditional Use Permit process and if this process was the result of a problem a previous resident had with ground water? Planner Aaker responded in the affirmative, adding this process was recently developed to respond to a change in variance criteria.

Commissioner Grabiel asked if Arrowhead Lake has a public access point. Aaker responded that she doesn't believe so.

Applicant Presentation

Mr. Dean addressed the Commission and with the aid of graphics indicated their intent was to

design a low slung house while making every effort to tie the house in with the topography. Dean added the house is modern with an organic design that is very sensitive to the natural topography.

Discussion

Commissioner Platteter expressed concern about the variance from the lake and how important it is to maintain that setback.

Commissioner Forrest commented that she respects the design of the new house; however is also concerned with the setback from the lake.

Public Hearing

Harry Joslyn, 6718 Indian Hills Road, Edina, MN spoke in favor of the proposal.

David Swendsen, 6616 Pawnee Road, Edina, MN spoke in favor of the proposal.

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

Discussion

Commissioner Grabiel commented that it appears the DNR created a requirement that's "one size fits all", pointing out City Ordinance allows the City to grant variances from the DNR restrictions. Grabiel pointed out Edina is an urban area and there are many properties in Edina that do not meet the DNR mandated setbacks. Planner Aaker agreed adding the previous setback requirement from water bodies was 25-feet.

Chair Staunton asked why Arrowhead is required to maintain a greater setback from water bodies than the standard DNR established at 50-feet. Planner Teague responded based on environmental conditions the DNR established a 75-foot setback from Arrowhead Lake, Indianhead Lake, and Lake Cornelia and Mirror Lake.

Commissioner Forrest said she is having difficulty in finding practical difficulties to support the setback variance from the lake; especially for the terrace/deck. She added she also struggles with the Conditional Use pointing out this request doesn't meet conditions one through three.

Chair Staunton said he's a little distressed the Conditional Use Permit process the Commission and Council approved isn't technically being "used" how it was intended. Staunton said he may be struggling with the setback of the terrace from Arrowhead; however, wants to be supportive of the Conditional Use Permit adding the design of the house is a great.

Commissioner Platteter stated he agrees the design of the house is very good but he continues to struggle with the setback from Arrowhead for both house and terrace. Platteter said he can't support the Conditional Use Permit because the setback to Arrowhead is one of the factors.

Commissioner Scherer stated she lives in the neighborhood and likes the architect's adherence to the topography. Scherer noted the new house would be located at the exact setback from Arrowhead Lake as the previous house.

A lengthy discussion ensued on the setback from Arrowhead Lake for the on-grade terrace and if the proposed terrace/deck would be made of permeable materials.

Chair Staunton asked the applicant if they thought about locating the house closer to the street which would increase the setback from the lake.

Mr. Liepke told the Commission much thought was given to the location of the house. He said the house is situated in a natural area. He pointed out if the house was moved farther forward the natural knoll would need to be removed which would require a lot of grading and more disturbance to the lot. Liepke also explained neighbors have expressed support for the house and its location.

Mr. Dean stated they worked with the intent and the spirit of the Code. He pointed out there is a park like quality to this lot; partially due to the uniqueness of the adjacent vacant lot at 6608 Indian Hills Road. Dean stated the 6608 lot would never be developer per restrictive covenant. Continuing, Dean pointed out only the new proposed exterior terraces are located closer to the lake than the existing structure, adding those terraces are visually less impactful outdoor spaces than a raised deck. Dean stated the property owners will make every effort to provide permeable pavers for the terraces.

Commissioner Carr asked if the terraces would be stone. Mr. Liepke responded he is not certain at this time; however his primary concern is the environment. He also informed the Commission the site would also be landscaped replacing the buckthorn which was found throughout the lot. Concluding, Liepke said he wants to be good stewards of this lot.

Commissioner Forrest said to her it would be helpful if the Commission decides to approve this request that a condition for approval would be requiring a landscaping plan and the use of permeable terrace materials on the terraces. Commissioners Carr and Scherer agreed that conditions of approval should be added to a motion.

Commissioner Potts stated he continues to struggle with the lake side, adding he feels the entire house should be moved closer to the street.

Mr. Liepke reiterated the neighbors also support the layout of the house; especially the residents along the lake.

Motion

Commissioner Grabiel moved Conditional Use Permit Approval based on staff findings and subject to staff conditions. Approval also requires the applicant to provide the City with a landscaping plan and to use permeable materials on the terrace(s). Commissioner Carpenter seconded the motion.

A discussion ensued on the additional conditions with Commissioner indicating those conditions would remain.

Chair Staunton called for the vote; Ayes; Scherer , Carr, Grabiel, Staunton. Nay; Potts, Platteter, Carpenter, Forrest. Motion failed 4-4

VII. REPORTS AND RECOMMENDATIONS

A. Sketch Plan Review – 6500 France Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission Mount Properties has requested that the Commission consider a new sketch plan proposal to redevelop the property at 6500 France Avenue. Teague reminded the Commission Mount Properties previously received approval of a five-story, 62-foot tall, and 102,478 square foot medical office/retail building with attached ramp.

Teague explained the new sketch plan is a change in use to 109 units of senior assisted living; and 100 units of transitional and memory care. Teague stated to accommodate this request, an amendment to the Comprehensive Plan and an amendment to the PUD Zoning District is required.

Appearing for the Applicant

Stephen Michals, Mount Properties and Ed Farr, Edward Farr Architects Inc. Luigi Bernardi, Aurora Investments and Susan Farr, Ebenezer.

Discussion

Commissioner Kilberg noted that the plans depicted a skyway and asked Planner Teague if the skyway would require a variance. Teague responded that that was a good question, adding the skyway would require further review as part of the formal application process and at that time it would be ascertained if a variance was required.

Applicant Presentation

Mr. Michals addressed the Commission and explained the change in use from a medical office/retail building to a senior assisted living facility is unique because of its proximity to Fairview Southdale Hospital and its use as a specialized senior care facility. Michals reported the new building would be operated by Ebenezer as a part of the Fairview Healthcare Systems. Continuing, Michals noted the recently constructed senior assisted living facility at 7500 York Avenue (York Gardens) is an award winning senior facility that is 100% leased and is also operated by Ebenezer. Michals said retail support services are also proposed for the "community" to include a pharmacy, Bistro, and a senior designed urgent care clinic. Michals introduced Susan Farr, of Ebenezer.

Susan Farr explained Ebenezer believes the location of the proposed senior facility is excellent. It is proposed as a continuum of care from assisted to nursing home including short term stay options. Farr noted the proposed skyway would connect the medical uses provided by the hospital to the residents of the proposed building.

Ed Farr delivered a power point presentation.

Questions

Commissioner Grabiel stated parking could be an issue for him. Planner Teague explained that the proposed use requires less parking than the previously approved medical office/retail use. Grabiel asked Teague for a breakdown of nursing/ apartment units in the proposed facility. Teague reported at this time the applicant is proposing a building with 109 senior assisted living units and 100 units which can be considered as nursing home type units. Teague said the applicant has indicated parking for the new use would be adequate.

Commissioner Platteter said he agrees with Gabriel's concern over parking and questioned where visitors would park; and if visitors would be permitted to use the hospital ramp to park.

Mr. Michals indicated the site provides 136 enclosed parking stalls and 8 surface parking stalls. He pointed out this is a senior building where parking demand is low, adding Ebenezer is very good with parking ratios and they have expressed the opinion that the proposed facility provides adequate parking. Use of the ramp would also be an option.

Planner Teague commented that the City has also asked WSB to take a look at parking for the site and provide the City with a change in use traffic analysis.

Commissioner Platteter noted that this proposal is a sharp increase in density and to the best of his knowledge it's also a density the City hasn't been asked to support. Platteter asked Planner Teague to look for density comparisons so when the applicant returns with a formal application the Commission can see what a building of this size and use "feels" like. Continuing, Platteter acknowledged this is a unique facility, adding it's not a "true" apartment building; it appears

part hospital. Platteter commented that the Commission has always been cautious with requests to amend the Comprehensive Plan. Reiterating density is an issue for him and an amendment to the Comprehensive Plan needs further thought.

Chair Staunton commented that Ebenezer operates York Gardens and asked what the advantage is of this facility over York Gardens. Ms. Farr responded the difference is the location and the medical amenities provided by this location. Farr also noted this facility will also be a nursing home with extended stay suites and observation rooms. Residents of this facility will be able to "age in place" with all their needs met at this building. Technically residents of the building wouldn't need a car.

Commissioner Forrest asked Ms. Farr if the facility has an age requirement. Farr responded in the affirmative. Forrest asked if the moratorium on nursing homes was lifted. Farr responded it hasn't been lifted yet. Forrest also commented on affordability and asked if there would be affordable units. Farr responded they are still working through the numbers; however, a percentage of the housing units would be affordable under the elderly waiver.

Continuing, Forrest asked if this location could be considered isolating because of the busy street and the lack of day to day amenities in the immediate area. Ms. Farr responded this facility would provide a van to drive able bodied seniors to different locations and it would also be a full service building. Farr added that Ebenezer does a lot with " Lifelong Learning" such as music and art classes. They also offer a number of intergenerational activities. Farr reported that a couple of their facilities contain a day care center on site. Concluding, Farr said their goal is to enhance the life of seniors; it's not going to be a building where the residents feel "locked down".

Commissioner Car commented that she likes the design of the building. Carr said in her opinion this project is architecturally pleasing, it's not just flat building walls, concluding that she especially likes the carved out terraces and court yards.

Commissioner Potts noted the building now has more of a residential feel and asked how this building differs from the previous building with regard to structure. Mr. Farr responded that the previous building was a steel frame building with columns and beams with precast concrete floor systems. The new building is a cast in place post tension concrete design building which is top of the line and is also quieter than a steel cast building. Potts also asked if any thought was given to sustainability measures. Farr responded they aren't quite there yet.

Commissioner Scherer stated she likes the idea of continuous care, adding the concept is great and the location of the new Twin City Orthopedics in relation to this building is also a plus.

Commissioner Grabiel questioned if there could be a "fatigue factor" with senior housing. He pointed out the new facility at 7500 York and the Waters as examples of recent senior housing additions to Edina. Continuing, Grabiel also asked the applicant what's changed from then to

now, pointing out the Commission and Council went through almost a year of meetings to achieve the previously approved medical office/retail building.

Mr. Farr responded with regard to senior housing Edina is an "old" zip code and the market analysis indicates Edina's residents would like to remain in their City as they age. Mr. Michals also added at the time of the original application the Fairview Health Systems wasn't involved and in January we were provided with new information and the partnership with Fairview Health Systems/Ebenezer and Aurora was formed. Continuing, Michals said Aurora Investments would own the building reiterating Ebenezer would operate the facility.

Commissioner Kilberg informed the Commission he has worked with Ebenezer and has the utmost respect for their organization, adding he sees this redevelopment as a plus. Kilberg stated he likes the additional greenspace, concluding this is more appealing in his opinion.

Commissioner Forrest said she believes maintaining a high quality of life for seniors along with continuous care is great; however, she stated the Commission worked hard on the previous project and project across the street. Forrest said she remembers during the discussions on the TCO building that the Commission expressed the desire for this area to become a medical campus and enhance the pedestrian experience while doing so. She pointed out this facility is now residential and the experience for the pedestrian would change. Concluding, Forrest stated in her opinion this request changes the vision for this area, adding she is concerned about that.

Chair Staunton opened the meeting for public comment stressing that this is not a public hearing.

Public Comment

The following residents spoke:

Susan Laiderman, 6566 France Avenue #402.

John Windhorst, 6566 France Avenue, #204

Mr. Laiderman 6566 France Avenue, #402

Marilyn Kemme, 6566 France Avenue, #1206

Discussion

The discussion ensued with Commissioners expressing the opinion that the project is too dense. It was also noted that this project requires a change in use and the Commission and Council will have to revisit their previous vision for this area and decide if this proposal warrants a change in

vision. Commissioners acknowledged they understood how the change in use occurred but the basic "use" of this corner must now be resolved by the question is the change in use right.

Commissioners also agreed that in many ways this building is a good transition. They indicated the height appears consistent and the skyway is an important amenity. Concluding, Commissioners reiterated the increase in density is of concern; however, it is mitigated by the decrease in traffic. Commissioners suggested to staff if this returns as a formal application that staff finds comparable buildings. Commissioners stated they want to know how a building with this density would look and interact.

Chair Staunton thanked the applicants for their presentation.

B. Zoning Ordinance Update – Residential Development

Chair Staunton acknowledged the materials received from staff, adding at this time there would be no further discussion on the ordinance update; however, he suggested if Commissioners had any comments or additions to what staff provided to e-mail staff their suggestions, etc. Concluding, Staunton said the goal is to have the public hearing on the amendments to the ordinance sometime in June.

C. Grandview District – Selection of two Planning Commissioners for a Community Advisory Team (CAT)

Chair Staunton told the Commission that he; along with Commissioners Schroeder would be serving on the CAT.

Commissioner Scherer moved to appoint Chair Staunton and Commissioner Schroeder as members of the Grandview Advisory Team. (CAT). Commissioner Grabiel seconded the motion. All voted aye; motion carried.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION MEMBER COMMENTS

Chair Staunton also informed the Commission the Council may request that a small area plan be done on the Wooddale and Valley View Road neighborhood. He added when that "plan" receives the "go ahead" volunteers would be needed.

Chair Staunton also asked the Commission to keep “in the back of their mind” that mid-term is coming up for review of the Comprehensive Plan.

IX. STAFF COMMENTS

None

X. ADJOURNMENT:

Commissioner Carr moved meeting adjournment at 11:20 PM. Commissioner Potts seconded the motion. All voted aye; motion carried.

Chair Staunton thanked everyone for attending.

Jackie Hoogenakker

Respectfully submitted.