

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
JUNE 13, 2012
7:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Platteter, Rock, Carpenter, Fischer and Staunton

Absent from the roll: Grabiell, Potts and Cherkassy

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carpenter moved approval of the May 23, 2012, meeting minutes. Commissioner Fischer seconded the motion. Commissioner Fischer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Mark Brethem, 5429 Woodcrest Drive, addressed the Commission and submitted photos depicting the new house being constructed next door to him. Brethem said that while he understands the 1-foot rule he thought it would apply to the entire lot. Brethem explained that Woodcrest slopes down and the changed grade and additional fill to the neighboring lot created a very high retaining wall and where before they had views of the creek they now will be viewing an air conditioner unit. Vice-Chair Staunton suggested that Mr. Brethem give the photos to City Staff for their review. Staunton asked Planner Teague to review this issue and get back with Mr. Brethem and the Planning Commission on his findings.

VI. PUBLIC HEARINGS

A. A 19.2 and 5.1 foot front yard setback variance to build a new home at 6617 Parkwood Rd.

Planner Presentation

Planner Aaker informed the Commission the subject property is a corner lot located south of Parkwood Road and east of Parkwood Lane consisting of a rambler with an attached tuck-under garage. The property owner is hoping to demolish the existing home for the construction of a new home.

The ordinance requires the new home maintain the front yard setbacks of the two adjacent homes, one fronting Parkwood Lane and the other fronting Parkwood Road. The front yard setback of the home to the south at 5509 Parkwood Lane is 81.6 feet. The front yard setback of the home to the east located at 6613 Parkwood Road is 50.7 feet. The existing home is nonconforming providing a 60.1 foot setback from Parkwood Lane and a 45.6 foot setback from Parkwood Road. The new home is proposed to be slightly farther from Parkwood Lane at approximately 62 feet and will match the existing nonconforming setback of 45.6 feet along Parkwood Road. The new home will be a two story home with an attached three car garage.

Aaker noted the property is well over a half an acre with the new home occupying less than 17% of the lot area. The new home, while larger than the existing home is still not proposed to occupy as much land area as allowed by ordinance. The required setbacks from both Parkwood Lane and Parkwood Road unreasonably limit the building area of the lot given the existing nonconforming setbacks provided by the original home built on the lot in 1952. Staff believes it is reasonable for the owner to duplicate the nonconforming setbacks from the street frontages of the existing home.

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

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with existing conditions and matches the nonconforming setback of the existing home.
- 3) The imposed setbacks limit design opportunity. The intent of the ordinance is to provide adequate spacing from the street. The proposed home will match the setback of the existing home that has been located on the lot since 1952.

Approval of the variance is 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 May 22, 2012, building plans and elevations date stamped May 31, 2012

Appearing for the Applicant

Chad and Kate Donnay, applicants

Discussion/Comments

Commissioner Forrest said this is reasonable request. She added in her opinion there is a definite hardship because the lot is a corner lot and is subjected to maintaining two front yard setbacks.

Motion

Commissioner Carpenter moved variance approval based on staff findings and subject to staff conditions, noting the hardship in maintaining two front yard setbacks. Commissioner Forrest seconded the motion. All voted aye; motion carried.

B. A 9.3-foot front street setback variance at 5101 Arcadia Avenue for Ken and Brett Johnson, Eden Avenue Grill

Planner Presentation

Planner Teague told the Commission Ken and Brett Johnson, the owners of the Eden Avenue Grill are requesting a 9.3-foot front street setback variance to construct Cabreeze addition over the existing patio located on the south side of their restaurant located at 5101 Arcadia Avenue. The proposed Cabreeze structure is a four season porch type structure that would have a retractable roof. The addition would be constructed to match the colors of the existing building.

The proposed addition would be setback 25.7 feet from the right-of-way of the exit ramp; the required setback is 35 feet, therefore, a Variance is requested. There are no changes proposed to the existing parking lot and drive-aisles. Based on the existing and proposed seating in the restaurant, there would be adequate parking on the site to accommodate the proposed addition. There would be a seating capacity of 117 and a maximum of nine employees on a maximum shift, therefore, 48 parking stalls are required. The site plan demonstrates 49 parking stalls.

Planner Teague concluded that staff recommends approval of the requested 9.3-foot setback variance to construct a Cabreeze retractable roof addition to the existing Eden Avenue Grill at 5101 Eden Avenue for Ken and Brett Johnson. Approval is based on the following findings:

- a. The proposed use is reasonable. The addition would enclose an area that is currently used as a patio today. There would be no hardcover addition to the site. The addition would face the exit/entrance ramp from Arcadia and

Highway 100. Further south is an office building located 154 feet away. The addition would not have a significant visual impact in the area.

- b. The practical difficulty in caused by the existing location and layout of the restaurant would prevent the addition to be located on the site to meet the required setback and still function for the restaurant. If the addition was to be located on the east or north side of the building parking stall would be lost. If it were located on the west of the building a variance would also be required.
- c. The unique circumstance is the sites location with road right-of-way on three sides of the lot, which reduces the buildable area on the site.
- d. The variance would not alter the essential character of the neighborhood. The addition would replace an existing patio, and is adjacent to a freeway interchange.

Approval is also is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site survey date stamped May 15, 2012.
 - Building elevations date stamped May 15, 2012.
- 2) A building permit must be obtained and work commenced within one year of the approving date of the variance, or the variance shall become null and void. A petition for a time extension may be considered within that first year.

Appearing for the Applicant

Ken and Brett Johnson, owners

Discussion/Comments

Commissioner Scherer asked if the proposed "structure" was enclosing an area already used for seating. Planner Teague responded in the affirmative. He added that the present seating was seasonal. The proposed addition enables the area to be used all year.

Commissioner Platteter asked Planner Teague if he was aware of any building code issues with this type of structure. Planner Teague responded that he wasn't aware of any issues, adding the addition would be reviewed by the building inspections department as part of the permitting process and would need to comply with all building and fire codes.

Commissioner Scherer commented that in her opinion this addition won't be much of a change; however, she added she frequents this restaurant and parking is already an issue.

Commissioner Carpenter said with this proposal he struggles with hardship and if this was

self-imposed, adding much to depend on when the patio was constructed.

Applicant Presentation

Mr. Johnson addressed the Commission and explained that the building was purchased by them in the 1970's. Johnson noted that parking is also a concern of theirs, adding that they are very fortunate to have on-street parking available. Continuing, Johnson said that the proposed addition would be heated and would function all four seasons. Concluding Johnson said the roof and windows on the proposed addition are retractable. Johnson displayed a materials board for review by the Commission.

Vice Chair Staunton asked if anyone in the audience would care to address this request; being none Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

A discussion ensued on hardship and parking with the majority of Commissioners in agreement that the variance was reasonable. Noting that the present patio has been in existence for years and the location of the proposed structure and topography of the site reduces the visibility and impact of the structure.

Planner Teague also pointed out another difficulty for redevelopment of this site is that this site is surrounded on three sides by streets; which creates a hardship in meeting setback.

Motion

Commissioner Forrest moved variance approval based on staff findings and subject to staff conditions; noting because this site is encumbered on three sides by streets an additional hardship is encountered. Commissioner Scherer seconded the motion. Ayes; Scherer, Forrest, Platteter, Fischer, Staunton. Nay; Carpenter.

C. Conditional Use Permit to construct a new home one-foot above the first floor elevation of the existing home at 5537 Park Place for Kate Schmitt

Planner Presentation

Planner Aaker informed the Commission the property owner Kate Schmitt, is requesting a Conditional Use Permit to construct a new home at 5537 Park Place. A Conditional Use Permit is being requested to allow the first floor elevation of the new home to exceed the first floor elevation of the previous home by more than one foot. Specifically the applicant would like to raise the first floor elevation 3.75 feet above the first floor elevation of the previous home that had occupied the site. The first floor of the previous home was at 865.3 feet. The new first floor is proposed to be at 869.05 feet. The maximum allowed increase without a Conditional Use Permit is 866.3 feet The new first floor is proposed to be 2.75 feet over the one foot allowed by city code in order to reasonably protect the lower level of

the new dwelling from ground water intrusion. The attached Report of Geotechnical Exploration and letter dated May 1, 2012, from ITCO Allied Engineering Co., regarding ground water levels indicates ground water at a level of 855.29 with a recommended lowest floor elevation of 859.29.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit for a new home at 5537 Park Place. The Conditional Use Permit allows the new home to have a first floor elevation of 869.05 feet which is 3.75 feet above the first floor elevation of the existing home and 2.75 feet above first floor height allowed by ordinance.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The proposed new home is in character with this neighborhood.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped August 19, 2011
 - Building plans and elevations date stamped May 23, 2012.
2. Submit a copy of the Minnehaha Creek District permit. The City may require revisions to the approved plans to meet the district's requirements.
3. Final grading and drainage plans are subject to review and approval of the city engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.

Appearing for the Applicant

Kate Schmitt, applicant and Scott Busyn, Great Neighborhood Homes.

Discussion/Comments

Vice Chair Staunton explained that the applicant is requesting a Conditional Use Permit (CUP) to allow construction of a single dwelling home with a first floor elevation of more than one-foot above the existing first floor elevation of the existing home. Staunton said the CUP process was established to accommodate construction and/or the remodeling of property within a flood plain or to protect the dwelling from ground water intrusion. Continuing, Staunton said that Code also requires confirmation from FEMA and a licensed hydrologist.

Commissioner Fischer further clarified that the request for a CUP was different from a request for variance. Fischer said with a variance the Commission looks at finding hardship; with the conditional use permit an applicant is required to meet specific conditions as outlined in the Code.

Commissioner Schroeder asked Planner Aaker if Code provides a definition of mass. Planner Aaker responded the Code does not define mass.

Applicant Presentation

Scott Busyn, 4615 Wooddale Avenue, addressed the Commission and explained that the house was in disrepair and was raised, adding that the vacant lot was removed from the Federal Emergency Management Agency in 2012. Busyn said that while the property was removed from the special flood hazard area, it still has elevated ground water issues. Continuing, Busyn said that the lot is located in the Colonial Grove neighborhood which is an area of different housing types and a neighborhood in transition. Busyn pointed out that in this area because of the ground water issues many of the homes do not have basements and to keep this home "dry" the house can't be constructed at the required 1-foot level.

Busyn told the Commission the Schmitt's want the new house to fit into the neighborhood. Busyn said they worked very hard to be respectful of building height pointing out that the height of the proposed house could actually be higher. Busyn said that the low floor elevation is 859.3-feet, adding the applicant desires to have an 8.75-foot ceiling height in the basement. Busyn said eight to nine foot basement ceiling heights are typical in Edina in new home construction. Busyn did acknowledged that code requires basement ceiling height to be 7-feet or greater.

Concluding, Busyn said that the home proposed to be built will be a beautiful home constructed with high quality building materials. Busyn added he held a neighborhood meeting and communicated with all neighbors. Busyn also noted that a sign was posted on the site indicating this property was seeking a CUP.

Commissioner Schroeder asked Mr. Busyn his definition is of "mass". Busyn responded that at the end of the day it's usually how the new house ties into the neighborhood. Busyn said to ensure that the mass of the new house fits in with the neighborhood the ridge height, eave line, etc. of the adjacent houses also need to be calculated to ensure that the height of the proposed house ties into the neighborhood. Busyn also pointed out that the streetscape was also important to keep in mind when designing a new house.

Commissioner Platteter noted that even though the low floor elevation is being raised to accommodate the ground water the height of the proposed house is still below what it could be. Busyn agreed, he added the first floor elevation was raised; however through design features the house is being "squashed" from the top.

Vice-Chair Staunton open the public hearing.

Public Comment

Brian Belanger, 5533 Oaklawn Avenue said his concern was with the finished roof height adding that he was pleased to learn that the height was actually lower than what was permitted. Mr. Belanger commented that he was surprised that Edina Code doesn't define "mass". Continuing, Belanger said he likes what he sees; adding in his opinion the proposed house is nicely proportioned and blends well with the neighborhood. Concluding, Belanger said his concern is if veering away from the 1-foot rule becomes common place. He stated he doesn't what the 1-foot rule ignored; but strictly enforced, unless circumstances warrant otherwise. Commissioners pointed out that very specific requirements need to be met before a resident can seek a CUP to exceed the allowable 1-foot requirement.

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

Continuing Discussion

Commissioner Fischer reported for those in the audience and at home that this is only the second time the City has heard a request for a CUP to accommodate FEMA and ground water issues. The CUP is a tool that allows the City to scrutinize each request to ensure all requirements of the Code are met. Continuing, Fischer said that height is easy to measure; the harder point is mass and scale. This request met Code conditions #2 and #4 which allowed the applicant to move forward with the CUP. Fischer stated from a mass perspective that he believes this design does a good job in responding to the requirements stipulated in the Code.

Commissioner Forrest commented that it appeared to her that the orientation of the house was changing. Mr. Busyn agreed. He said that the front door of new house would face West 56th Street with the garage facing Park Place.

Commissioner Scherer commented that although it appears to be common practice for new homes to have basement ceiling heights of 8 plus feet the building Code only requires basements to have 7-foot ceilings. Scherer pointed out it's the choice of the applicant to exceed the ceiling height minimum requirement. Teague agreed; adding minimum basement ceiling height is 7-feet. Teague explained that the CUP process was established to allow properties to "get out of" the flood zone; which is a Code requirement. Teague also noted that basements are required by Code and it can be argued that the City has conflicting ordinances. Scherer stated she really likes the design and scale of the home; however, it's a conundrum for her if the ceiling height exceeds 7-feet. Concluding, Scherer said she agrees with Busyn that Colonial Grove is a neighborhood in transition and with the flood and ground water issues in this area she envisions that more CUP's will be requested.

Commissioner Fischer acknowledged that point; adding the easy part of these requests is where the basement level starts, however, he added there are other issues to consider;

what's necessary; what's required and what's best for re-sale which becomes what's best for Edina.

A brief discussion ensued on basement ceiling height. What's building code and what's best and if a "maximum" basement ceiling height should be established in the Conditional Use Permit application.

Commissioner Carpenter commented that his sense is that the Code is relatively new and that it will take time to see how it's working. Carpenter said reviewing it on a case by case basis; in his opinion was best. He said establishing a basement ceiling height different from the building code wasn't a good idea.

Vice Chair Staunton said he would be reluctant to establish a hard and fast basement ceiling height minimum in the CUP. He reiterated building code stipulates a minimum basement ceiling height of 7-feet, adding that's a starting point; however establishing a hard number in the zoning code for these cases would be difficult.

Commissioner Schroeder pointed out that stipulation #4 "An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale" , adding this is a good way to measure outcome. Schroeder acknowledged that the City consistently struggles with defining mass, adding in his opinion the answer should be to review each request on a case by case basis. Continuing, Schroeder said the applicant needs to demonstrate the need for a dwelling to exceed the first floor elevation of more than one (1) foot above the existing first floor elevation of the existing dwelling unit building, pointing out that this too is a relatively new ordinance enacted to control building height. Schroeder said with the CUP option the City has recognized that in certain cases our ordinances cannot be met, reiterating reviewing this on a case by case basis in his opinion is best.

Schroeder also pointed out with this application the applicant has demonstrated building height and mass, the applicant has indicated that this is a neighborhood in transition with a wide variety of housing types and the applicant has documentation confirming conditions #2 and #4 of the CUP.

Commissioner Scherer reiterated her only comment was that the basement ceiling height doesn't have to be over 7-feet; adding she recognizes 7-foot ceilings aren't the norm in new construction. Scherer said raising the first floor building elevation to accommodate a taller basement ceiling is something she considered.

Motion

Commissioner Carpenter moved to recommend Conditional Use Permit approval based on staff findings, staff conditions, discussion, and public testimony. Commissioner Platteter seconded the motion.

Vice Chair Staunton acknowledged the following e-mail that were present to the Commission June 13th:

- 5521 Dever Drive
- 5528 Woodcrest Drive
- 5501 Oaklawn
- 5600 Woodcrest Drive

All voted aye; motion carried.

D. Conditional Use Permit to construct a new home one-foot above the first floor elevation of the existing home at 4805 East Sunnyslope Road for Doug and Abby Power.

Planner Presentation

Planner Aaker told the Commission Doug and Abby Power, are requesting a Conditional Use Permit to tear down an existing house and construct a new home at 4805 East Sunnyslope. A Conditional Use Permit is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 4.68 feet above the existing first floor elevation. The existing first floor is at 895.91 feet with an allowed increase in height by code to 896.91 feet. The proposed first floor will be at a height of 900.58 feet.

The property is a peninsula backing up to Minnehaha Creek and falls within the 1% annual chance of flooding. The flood protection elevation along that portion of the creek is at 888.1 feet. The ordinance requires that all basement/lowest floors be elevated to a minimum 2 feet above the flood protection elevation. The existing basement elevation of the home is at 887 or 1.1 feet below the flood protection elevation. The proponents are proposing a basement elevation of 890.1 to comply with the minimum floodplain requirements.

The ordinance allows the first floor to be raised by one foot or to an elevation of 896.91 feet. The low floor must be no lower than two feet above 888.1, which would result in a 6' 10" height difference between the basement floor and the first floor. Modern building practices generally include 18" floor trusses resulting in a basement ceiling height of 5' 4" without the benefit of a Conditional Use Permit.

The builder has provided examples of other homes they have built within Edina. The home is designed similar in style to 5200 Mirror Lakes Drive, 4600 Woodland Road and 4617 Tower Street.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit for Doug and Abby Power for property located at 4805 East Sunnyslope Road. The Conditional Use Permit allows the new home to have a first floor elevation 3.67 feet above the first floor elevation of the existing home.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The proposed new home is in character with this neighborhood.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped May 14, 2012.
 - Building plans and elevations date stamped May 14, 2012.
2. 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.
3. Final grading and drainage plans are subject to review and approval of the city engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.

Appearing for the Applicant

Doug and Abby Power, applicants, Charles Mooty, property owner, Nate Wissink, Elevation Homes.

Applicant Presentation

Mr. Power introduced himself to the Commission informing them that at the present time he and his family were renting a home on Drexel Avenue while they go through the Conditional Use Permit (CUP) and building permit process. Power said he was very excited to build a new house in Edina.

Mr. Wissink addressed the Commission and highlighted aspects of the Conditional Use Permit. Wissink explained that given that the subject property is in the flood plain Condition 1 was addressed allowing the lower level floor to be two (2) feet above the flood plain elevation. Wissink said the applicant is proposed a basement elevation of 890.1 to comply with the minimum floodplain requirements. Continuing, Wissink informed the Commission the Sunnyslope neighborhood is characterized by hilly topography, large

home site and a variety of architectural styles of home ranging from ramblers to ½ story home and full two story homes. Wissink pointed out the design of the proposed home is a double gable, 1.5 story home with walkout lower level.

Discussion/comments

Vice Chair Staunton asked what the elevation is along this portion of the creek. Wissink responded it is roughly 881.1 feet. Staunton said if he understands the request correctly the "new" basement elevation as proposed is 890.1 feet which appears high. Wissink said modern building practices tend to include 18" floor trusses and when you add the floor material dimensions etc. height is increased.

Commissioner Forrest commented that in her opinion if she understands the plans correctly that the property owner to the northwest will be impacted by the proposed grade changes, retaining wall and site lines. Forrest suggested redesign; maybe reorient the garage. Mr. Wissink agreed adding they are working very closely with the neighbor to the north to mitigate any issues they may have.

Vice-Chair Staunton opened the public hearing

Public Comment

Roxane Lehmann 4801 E Sunnyslope Road told the Commission she was the immediate neighbor to the northwest. Lehmann said she really likes the applicants but does have concerns; especially with the auto court. Lehmann said the auto court is very close to the common property line. She acknowledged she has been working closely with the applicants and their builder; however, she reiterated she has concerns about potential water issues from not only the creek but water run-off issues from the new house and auto court. Lehmann also pointed out 4805 is at a higher elevation and that the incline in this area between properties is apparent. Continuing, Lehmann reiterated she worries about already being in a 100 year flood plain and now is concerned that the adjacent property which is at a higher elevation has an auto court so close to the common line. Concluding, Lehmann said that aesthetically this is a lovey area with a very spacious feel between the homes will now be lost. The "feel" of the area will change.

Vice-chair Staunton asked for clarification if 4805 is at a higher elevation than the neighboring property at 4801 Sunnyslope. Planner Teague clarified that 4805 is at a higher elevation.

Vice-Chair closed asked for a motion to close the public hearing.

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

Continued Discussion/Comments

Commissioner Fischer asked Commissioner Schroeder if in his opinion the drainage has been appropriately handled. Commissioner Schroeder said that it appears to him they are doing the right thing. Vice-Chair Staunton asked Planner Teague to clarify how drainage is addressed.

Planner Teague explained when a building permit is applied for the City's Engineering Department reviews all plans with respect to drainage and drainage patterns. Teague said if he recalls the ordinance correctly new construction cannot negatively impact the present water flow by directing more water run-off onto adjoining properties. Continuing, Teague said he would ask City Engineer Houle to draft a memo reflecting his opinion on drainage for this property. Staunton said he recalls that the rate of water run-off on adjoining properties can't be increased. Teague agreed, adding usually with new construction measures are implemented that actually improve the drainage patterns.

Commissioner Platteter acknowledged the grade change and swale to handle water run-off and asked Mr. Wissink if there are plans to landscape this area. It was acknowledged by the landscape architect that this area would be landscaped; probably with coniferous plantings, adding there is a "pinch point", at the southwest corner where the drainage plan will be established, adding it's possible a French drain may be developed or a dry well system.

Commissioner Schroeder noted that criteria #4 of the Conditional Use Permit deals with mass. Schroeder pointed out that building elevations were not provided for all elevations; especially from the creek. Schroeder said in his opinion not only is the street scape important but how the building looks from the public water ways was also important. Schroeder said without these elevations it is difficult to make an educated decision on mass. Commissioner Scherer agreed. She also noted the lots along Browndale and Sunnyside Road on the other side of the creek will have an unobstructed view of the proposed house, adding she would also like to see this elevation.

Planner Teague said he agreed, adding if the Commission wasn't comfortable in making a decision without those elevations they should continue this item to the next meeting of the Commission.

Charles Mooty, property owner told the Commission the houses on the opposite side of the creek are at a higher elevation than the subject site. Mooty said in his opinion, the house as proposed is a good house and this is a wonderful opportunity to upgrade this lot.

Mr. Power said at this time they are renting their current home on Drexel and would like to have their house completed at the time their lease expires, adding that if at all possible he would like the Commission to act on their request as soon as possible. Mrs. Power said that the house plans before them will be built as indicated; however, with not owning the property all elevations haven't been completed.

Mr. Wissink entered into the official record elevations of the proposed new house from the south, east, west (without garage) and north. Commissioner Schroeder said in his opinion these elevations can be accepted as an amendment to the packet. Schroeder said in his opinion the Commission can proceed on this request because relevant elevations have been received.

Commissioner Forrest stated she is still concerned. She said in her opinion (even though the applicants and neighbor are working together) this new house creates a significant change; not only with drainage patterns but visually as well. Forrest said the auto court is very close; reiterating this will be a big change for the neighbor to the northwest.

Commissioner Fischer said he agrees this is a change; however, he pointed out that it's garage to garage. Not living space to garage.

A discussion ensued on the Conditional Use Permit process with Commissioners acknowledging that this is a change for neighboring properties; however, the purview of the Commission is to determine if a Conditional Use Permit is warranted to elevate the house from the flood plain. It was pointed out that #1 was met and with the addition of building elevations #4 is met.

Motion

Commissioner Schroeder moved to recommend Conditional Use Permit approval based on the additional information that was provided to the Commission this evening and that the additional drawings provided to the Commission be submitted as part of the official public record. Recommended approval is also based on staff findings and subject to staff conditions. Commissioner Platteter seconded the motion. Ayes; Scherer, Schroeder, Platteter, Carpenter, Fischer, Staunton. Nay; Forrest.

It was also suggested that before the meeting of the Edina city Council that the City Engineer draft a memo indicating his opinions on the CUP. It was further suggested that the applicant continue to work with the neighbors to the west; Mr. and Mrs. Lehmann.

VII. CORRESPONDENCE AND PETITIONS

Vice-chair Staunton acknowledged receipt of "back of packet" materials.

VIII. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Carpenter commented in reference to variances and what constitutes self-created issues he would like this topic discussed at a work session. Carpenter also requested guidance on this issue from the City Attorney. Planner Teague responded that in

his opinion this is a good idea that he would look into. He added it's been a while since the Commission and the City Attorney met and it would be a good time for a "refresher".

Commissioner Fischer asked Planner Teague for clarification about a meeting Commissioners were invited to attend with the Transportation Commission. Planner Teague explained that on June 26th there will be a meeting at the new Public Works facility from 7-9 pm. Teague explained the meeting is with the Transportation Commission and others about examining the crossings along the France Avenue corridor.

Vice-Staunton addressed the Commission and informed them tonight is Commissioner Rocks last Planning Commission meeting before he leaves for college. Staunton said Rock has been an excellent student member and thanked Rock for all his hard work on the Commission.

IX. STAFF COMMENTS

None

X. ADJOURNMENT

The meeting was adjourned at

Jackie Hoogenakker
Respectfully submitted