

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JUNE 26, 2013
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Members Present: Scherer, Schroeder, Potts Carpenter, Kilberg, Carr, Platteter, Forrest, Grabiell, Staunton

Absent from Roll: Cherkassky

III. APPROVAL OF MEETING AGENDA

Commissioner Scherer moved approval of the June 24, 2013 meeting agenda.
Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. 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.

V. REPORTS AND RECOMMENDATIONS

A. Living Streets Policy

Appearing for the City

City Engineer, Wayne Houle and Paul Nelson, Chair of the Transportation Commission were present.

Staff Presentation

Engineer Houle addressed the Commission and delivered a power point presentation on Living Streets. Houle highlighted the following:

- Edina is responsible for 467 lane miles of roadway, with over 27 million square feet of pavement.
- Within the next decade the City intends to replace 120 lane miles.
- Challenges faced by the City are that Edina has the largest percentage of residents over age 65 (21%) in the metro area and school age children under 18 (24%). These groups are less likely to be safe on streets or vehicles.
- Edina is responsible for 671,620 lineal feet of storm sewer.

Continuing, Houle explained that in creating “living streets” the needs of motorists, bicyclists, pedestrian and transit riders need to be balanced. Houle added to implement the “vision” ordinances, engineering standards, Comprehensive Plan and other policies will need to be reviewed and amended when appropriate to achieve the goals of promoting safety and convenience, enhance community identity, create economic vitality, improve environmental sustainability and provide opportunities for active living and better health.

Concluding Houle said he would like a volunteer(s) from the Planning Commission to serve on the Living Streets Advisory Committee.

Engineer Houle and Mr. Nelson stood for questions.

Discussion

Commissioner Grabiell questioned if there is anything the Commission can do to promote “Living Streets” as they review redevelopment plans, questioning if “living Streets” should be incorporated into design plan criteria. Grabiell also questioned if Engineering is currently reviewing redevelopments with “Living Streets” in mind. Houle responded at present redevelopment proposals are reviewed with an eye toward living streets. Houle said that currently during the review process we are communicating our goals on Living Streets. He further noted that some projects have already incorporated elements of Living Streets in their projects. Platteter said it would be beneficial to have a Living Streets policy/plan in place when the Commission reviews redevelopment proposals. Mr. Nelson agreed, adding the goal of the Transportation Commission is to get the “word out” by visiting all Boards and Commissions and draft a formal policy and plan.

Commissioner Schroeder pointed out the goal of the Planning Commission is a bit different, adding the Commission would review private property development plans and how they interface with the right-of-way. Commissioners agreed.

Continuing, Staunton asked if Living Street was addressed in the France Avenue project. Engineer Houle responded a number of design elements will be incorporated into the France Avenue project, adding crosswalks are of special interest. Houle said a meeting is planned on July 9th to look at Urban Design features that include bike paths, lighting, vegetation, trees, lighting monuments, etc. Houle said the goal is to fold as many features into the project as possible; however, funds are limited.

Commissioner Carpenter asked if there are follow up measures implemented to ascertain the benefits of a Living Streets policy/plan. Houle responded measures would be in place to ascertain the success of living streets, adding bike lanes have been a very positive addition to living streets.

Commissioner Schroeder observed that many of the features of living streets require 24/7 maintenance such as the bike paths, adding during winter months the paths need to be cleaned and cleared of snow and are one portion of the budget.

Commissioner Scherer asked Houle if specific areas had been identified for sidewalks. Houle responded that sidewalks are being planned for School Road to Benton Avenue, a segment of Interlachen/Vandervork, an area of Xerxes Avenue (west side), an area along West 42nd Street, and near Normandale Lutheran Church. Houle also reported Engineering is in the process of creating a new sidewalk plan and a new Transportation Planner has been hired to work on the implementation of a Living Streets policy/plan and to work closely with pedestrians and cyclists. Sidewalks would also be prioritized. Scherer questioned how trees would be addressed during the implementation of the new sidewalk plan. Houle responded that the City would do its best to work around trees.

Commissioner Forrest asked Houle and Nelson where this is in the process. Mr. Nelson responded that at this time they are still in the process of visiting boards and commission and figuring out what's needed and what should be added to the policy and plan. Continuing, Nelson said their goal is to bring this to the City Council sometime in July.

Commissioner Platteter suggested adding some form of public education piece. Houle agreed adding part of this process will be a resident engagement component, adding as previously mentioned asking for volunteers from each board and commission to serve as part of a work group.

Commissioner Potts said because of the continuing tear down and rebuilds storm water is impacted even if its private property. Houle responded that storm water charts are changing and the goal is to keep the rates in check.

Forrest asked what percentage of residential homes doesn't have storm sewer catch basins or curb/gutter. Houle responded that roughly 20% don't have curb and gutter and probably the percentage lack a storm sewer system. Houle acknowledged this is a challenge. Staunton agreed adding flood control and water quality management through rain gardens, etc. is a discussion in itself.

Chair Staunton commented the Planning and Transportation Commissions will have to work together on this and define the difference between policy and plan. A good goal as mentioned by Engineer Houle would be to fold the Living Streets policy into Edina's Comprehensive Plan, which is a policy or guide (adding the Commission will also begin addressing the Comprehensive Plan in the near future). Continuing, Staunton said he envisions the plan as strategic for implementing policy through ordinance. Houle responded in the affirmative. He said he envisions as this moves forward that different ordinances will need to be amended as part of the plan.

Chair Staunton thanked Houle and Nelson for their time.

B. AUAR Update – Pentagon Park

Appearing to Present the AUUA

Andi Moffatt, WS, Scott Tankenoff, Hillcrest Development LLP, and Jim Nelson

Planner Teague explained that that in 2008 to coincide with a master development plan for the Pentagon Park area an Alternative Urban Areawide Review (AUAR) was ordered and completed. At that time owners of Pentagon Office Park requested a rezoning and a final development plan to accommodate redevelopment of their property into housing, office, and commercial to include a hotel. Teague explained to date nothing has been accomplished on the site and the site has a new owner Hillcrest Development LLC. Continuing, Teague explained time has passed and it's time for the AUAR to be updated. Concluding, Teague said at this time Andy Moffatt will explain the updating process.

Ms. Moffatt delivered a presentation explaining that the study area is 135 acre site and in order to remain valid the AUAR is required to be updated every five years. Moffatt gave a brief power point presentation explaining the AUAR and the four build out scenarios contained in the AUAR. Moffatt stated at this time their findings indicate that the AUAR continues to be a valid

document, and the redevelopment scenarios remain valid. Moffatt commented during this process it was interesting to find that in this area there actually was a decrease in traffic.

Commissioner Forrest asked during this review process how are other agencies contacted and informed. Moffatt said e-mails are sent to proper agencies and it is also published in the paper.

Chair Staunton asked if anything was found that would limit redevelopment of this area or compel the City to amend the ordinance. Ms. Moffatt responded the City is not forced to amend the ordinance as the result of this updating process. Planner Teague replied that this entire area was rezoned to Mixed Development District (MDD) which covers a majority of uses.

Commissioner Schroeder questioned if the Master Plan would need to be revised if the property owner decides to redevelop this piece through the PUD rezoning process. Teague responded rezoning to a PUD is a distinct possibility; however, he can't envision redevelopment presenting different uses. Continuing, Schroeder asked if the AUAR caps development. Moffatt responded that the build out can be less; however, it can't exceed the maximum scenario presented in the plan. Planner Teague noted any one of the four scenarios can proceed without triggering a new AUAR; however, if there were to be a scenario 5 that includes higher density than the maximum presented in the AUAR scenario's a new AUAR would need to be completed.

Commissioner Forrest asked the property owner what's happening on this site at the present time. Mr. Takenoff gave a brief history of his business explaining they are very good at doing adaptive re-use, adding they take something broken and stabilize it, and if warranted redevelop the site. Takenoff gave a brief presentation including photos highlighting the renovations to the existing Pentagon office buildings. Takenoff said he believes this site is an excellent site; the location is superior, pointing out the amenity of the golf course. Concluding, Takenoff said he believes the stabilization formula is working very well; however, doesn't preclude redevelopment in the future.

Chair Staunton noted that he believes the intent is to keep all options open for both the property owner and the City. Staunton asked Teague if the Commission needs to take any action. Planner Teague responded no formal action is required adding the minutes of this meeting will be forwarded to the City Council.

C. Zoning Ordinance Update – Residential Redevelopment

Chair Staunton reminded the Commission this is a continuing discussion of proposed amendments to the Ordinance to include some housekeeping issues. Staunton explained that nine topics have been identified for amending and at this time he would like each topic to be addressed and voted on so this can move forward to the City Council for their action. Staunton introduced Wayne Houle, City Engineer and Ross Bintner, Environment Engineer who would be speaking to the first topic; Drainage, Retaining Walls & Site Access.

Drainage, Retaining Walls & Site Access

Planner Teague asked the Commission to note that much of the language found under Drainage, Retaining Walls & Site Access was taken from the Construction Management Plan. Teague reported that at the last meeting Commissioners chose to wait until Engineer Houle and his staff reviewed the proposed language and commented. Teague said Engineer Houle and Environmental Engineer Ross Bitner were present for the discussion.

Engineer Houle addressed the Commission and explained he proposed a few minor changes noting when reviewing drainage what happens on private property does affect the public rate. Houle said he suggested eliminating the word channeled to be replaced with the word conveyed. Houle said it was thought that this needed. Continuing, Houle said an important addition was clarifying what's required. Houle stated now as part of the building permit process the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer.

Chair Staunton said that the Commission found that drainage was a big issue and the proposed language is an excellent start. Houle noted that monitoring the rate is crucial. Mr. Bitner agreed. He added the City realizes there will be drainage from a new home; however, we are now suggesting that a professional engineer review the drainage plan to ensure best practices are met.

Chair Staunton asked Houle and Bitner if this ordinance change provides them with the proper tools to review drainage plans. Houle said he believes the changes are a plus; however, further review should occur as an ongoing process.

Commissioner Platteter asked Houle and Bitner if they believe their language is specific enough. He pointed out they are requesting a stormwater management plan but what does the plan entail.

A discussion ensued on if the proposed language change goes far enough. Commissioners noted the language as proposed appears to place the ownness on the developer. The discussion focused on if Houle and Bitner should have the City Attorney “look at” the suggested language. Planner Teague responded that the City Attorney, Roger Knutson along with input from Houle and Bitner actually wrote the ordinance, Houle interjected that Bob Obermeyer with Barr Engineering also reviewed the proposed language.

Commissioner Forrest commented there may be an issue with enforcement, pointing out if the staff person reviewing the proposal requests soil borings, etc. how is the City sure that was done. Commissioner Houle responded if the criteria requested by Engineering Staff during the review process isn’t met a Certificate of Occupancy wouldn’t be issued. The homeowner wouldn’t be able to move it.

Planner Teague interjected with all new construction (teardown-rebuild) the new ordinance 411 requires a bond; if conditions are not met (in a specific timeframe) the City can proceed with those changes through the initial bond. Commissioners stated they were satisfied with the Bond requirement.

There was some discussion on how long the stormwater management plan is valid. It was questioned what would happen if five years down the road after completion of the new house and issuance of a occupancy permit a neighbor gets water in their basement. Houle said the stormwater management plan would be on file, adding that issue would be addressed at that time. Commissioners indicated they were satisfied with the language change.

The discussion focused on the proposed changes to the retaining wall portion of the ordinance inquiring the Engineering Department was comfortable with those changes. Engineer Houle stated he was comfortable with the language.

Commissioners continued to express concern with retaining walls. They worried that a homeowner could “engineer” their way around the ordinance. Especially with terraced retaining walls. Concern was also expressed for the height of these walls and the safety issue they could present (should fences on top of walls be required). Commissioner Schroeder said in his opinion the goal of the retaining wall should be to retain earth at its natural grade.

Continuing, Commissioners discussed if there should be a definition in the Ordinance of retaining walls and the establishment of goals and standards for the walls. It was also noted that some of the issues with retaining walls are with aesthetics noting an engineered wall can present a large presence. Commissioners stressed the goal is to ensure structural safety of the

wall with each “wall” reviewed on a case by case basis. Difficulties with a wall or its height could be addressed through the variance or Conditional Use Permit process. Schroeder reiterated if the natural grade is retained there should be fewer issues; the City runs into difficulties with manufactured elevations. Commissioners agreed with the changes suggested by Houle and Bitner on drainage and retaining walls.

The discussion on drainage and retaining walls concluded with Commissioners agreeing that the proposed language on site access as presented was appropriate and the Commission was in total agreement with requiring a three (3) foot width on one side of a single or two dwelling unit from front to rear yard was adequate.

Motion

Commissioner Scherer moved to recommend amending Subd. 7 Drainage, Retaining Walls & Site Access with changes. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

Building Lot Coverage

Planner Teague commented that this section also included an Ordinance “cleanup” by adding language addressing exclusions and inclusions

A brief discussion ensued on the language referring to paddle tennis courts under inclusions and exclusions and if that term was outdated or even needed.

Motion

Commissioner Grabiell moved to recommend approval of the amended ordinance pertaining to Building Lot Coverage. Commissioner Carpenter seconded the motion. Commissioner Forrest asked to amend the motion to include the removal of any reference to paddle court. A brief discussion occurred with Commissioners Grabiell and Carpenter accepting the amendment to the motion to remove reference to paddle court. Chair Staunton called the vote; all voted aye; motion carried.

Sideyard setback including second story setback requirement

Planner Teague noted that the majority of changes would occur on lots less than 75-feet in width; however there are changes to lots 75 feet in width or over (attached garage same as

living space). Commissioners agreed indicating that the proposed setback changes were needed.

A discussion ensued on setbacks for egress window wells and their impact on the smaller lots, including safety in tight circumstances. The language as proposed for egress window wells allows them to be located in the front and rear yard and encroaching into the setback made sense to the Commission. Requiring a setback for egress windows on only one side at five (5) feet was also the correct thing to do.

The proposed setbacks for lots between 50 and 60 feet in width a 12' total with no less than 5-foot on one side was supported and single dwelling unit building on lots less than 50 feet in width required a 5-foot side yard setback period. Commissioners also noted that a setback chart for lots 60-74 feet in width is added to the Ordinance.

Commissioners also stressed their support for requiring a 10 foot side yard setback in all instances on lots over 75 feet in width

Motion

Commissioner Potts moved to recommend approval of the Ordinance as amended to include striking “b. attached garages, tool sheds, greenhouses, and garden houses”. It was observed that anything attached to a principle structure is part of the principle structure.

Commissioner Platteter seconded the motion. All voted aye; motion carried.

Building Height

Planner Teague pointed out the changes to building height noting height is limited to 2 ½ stories; however the maximum height to the highest point on a roof or a single or double dwelling unit shall be 30 feet. For lots that exceed 75-feet in width, the maximum height to the ridge line shall be 35 feet, and the maximum height may be increased by one inch for each foot the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.

A brief discussion ensued and Commissioner Forrest suggested clarifying what the City means when it refers to grade.

Motion

Commissioner Platteter moved to recommend the proposed Ordinance amendments as drafted. Commissioner Potts seconded the motion. All voted aye; motion carried.

Sidewall Articulation

Planner Teague introduced sidewall articulation and asked if the Ordinance as revised can move forward or are further revisions needed.

Commissioners stated for the most part they agree with their changes; however, requested some clarification on the one (1) foot by ten (10) foot offset. Commissioners suggested that the language provide depth and width and should read a minimum of at least a one (1) foot deep by ten (10) foot wide offset.

Continuing, Commissioners requested that #2 should read “Projecting bay or box window (period).” #7 roof dormers should be stricken.

There was a brief discussion on if roof dormers should remain

Motion

Commissioner Carpenter moved to recommend approval of the proposed ordinance amendments with the mentioned revisions. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Front Facing Garage

A discussion ensued on front facing garages. Commissioner Grabiell said in his opinion this is another crucial issue and the Commission needs to get it correct.

Further discussion suggested that the new language read; that “the garage door shall be no more than nine feet in height”. This would minimize its impact.

Continuing, Commissioners said in reading the revisions that clarification is needed when one refers to garage door and garage. It was observed that the intent of the Ordinance revisions were to reduce the impact of the garage facing the front street. One bullet item could address the issue by using the word façade – “the garage façade shall not exceed 60% of the width of

the principle structure". Lastly, Commissioners continued to support limiting the encroachment of the garage into the front setback to five (5) feet.

Motion

Commissioner Platteter moved to recommend approval of the Ordinance amendments subject to the above noted changes. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Garage stall requirements

Planner Teague referred to garage stall requirements and the recommendation of the Planning Commission that for lots 75-feet in width or less one fully enclosed space be required. For lots in excess of 75-feet wide two fully enclosed spaces.

A brief discussion ensued on this condition with Commissioners Scherer and Carpenter expressing their discomfort with this ordinance change. Commissioner Scherer noted that Edina residents overwhelmingly own multiple cars, adding she doesn't want to create street parking or overloading of driveway issues.

Continuing, Scherer stated in her opinion Edina residents also require storage space for their lawn equipment, bikes, toys, etc. and if they don't have adequate storage these items could be stored "elsewhere" and become eyesores to other residents. Concluding, Scherer said she also doesn't want to see a proliferation of storage sheds or outbuildings compensating for the lack of garage/storage space.

Commissioner Potts commented that while he understands their hesitation he doesn't believe it will become "that big of an issue" because this only provides the option of one stall; acknowledging the majority of new builds or remodels may still desire two stalls.

Commissioner Schroeder said one option could be to require "proof" that there is room to build a second stall if the need arises or the house is sold and the new owner wants a second stall. Schroeder stated this could alleviate any discomfort with permitting one stall.

Commissioner Forrest stated she tends to agree with Commissioner Potts that this may not become a large issue. Forrest further stated this option provides diversity in the housing stock especially for the smaller lots.

Commissioner Potts suggested that the language remain as written, adding this provides options for Edina's smaller lot neighborhoods.

Motion

Commissioner Potts moved to recommend amending the Ordinance as written.

“Single Dwelling Units, Double Dwelling Units and Residential Townhouses. Two fully enclosed spaces per dwelling unit for single or double dwelling unit lots that exceed 75 feet in width. One fully enclosed space per dwelling unit for single or double dwelling unit lots 75 feet in width or less. Townhouses must have two fully enclosed spaces.”

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

Nonconforming front yard setbacks

Planner Teague asked if further clarification is needed on this topic.

Commissioner Scherer said for her this is a difficult issue especially because its intent is for new construction. Commissioner Carr asked for clarification noting in d. i. and ii. It states the “addition”, adding in her opinion that language is confusing because the intent is for new construction. Commissioners and Planner Teague agreed.

New language for d. i. & ii. would read the “new construction” in both instances. Commissioners agreed with that revision.

Motion

Commissioner Grabiell moved to recommend approval with revisions. Commissioner Potts seconded the motion. Ayes; Schroeder, Potts, Carpenter, Forrest, Grabiell, Platteter, Staunton. Nay; Scherer.

Miscellaneous Code Revision “clean-up”

Planner Teague reminded Commissioners certain sections of the Ordinance were “moved” to more appropriate sections of the Ordinance or eliminated. These sections included striking “Accessory Building and Structures Used for Dwelling Purposes”. Teague explained that the Ordinance doesn't allow accessory structures to be used as a dwelling unit; and the elimination

of “Variance and CUP process Floodplain” because these provisions are already covered in the Zoning Ordinance. Current variance and CUP process would apply.

Motion

Commissioner Platteter moved to recommend the proposed amendments to the Ordinance. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Chair Staunton thanked everyone for their participation during this process adding the action taken will forward this to the City Council for their public hearing sometime in July. (July 16th)

VI. CORRESPONDENCE AND PETITION

Chair Staunton acknowledged back of packet materials.

VII. CHAIR AND COMMISSION MEMBER COMMENTS

Chair Staunton referred to the previous discussion on Living Streets and the request for volunteers to serve on the Transportation Commission’s work task force. Staunton suggested those who are interested should contact Engineer Houle.

Chair Staunton said that the Commission should keep in the back of their mind the potential to re-visit the Comprehensive Plan and to discuss a small area plan for the area of Valley View Road and Wooddale Avenue.

VIII. STAFF COMMENTS

None.

IX. ADJOURNMENT

Commissioner Carr moved meeting adjournment at 11:05 PM. Commissioner Potts seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted