

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
October 10, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting to order at 7:00 PM

II. ROLL CALL

Answering the roll call were Scherer, Forrest, Schroeder, Kilberg, Potts, Platteter, Cherkassy, Carpenter, Staunton Fischer and Grabiell.

III. APPROVAL OF MEETING AGENDA

The agenda was filed as submitted.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carpenter moved approval of the September 27, 2012, meeting minutes. Commissioner Staunton seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

None.

VI. PUBLIC HEARINGS

- A. Subdivision with Lot Width and Lot Area Variance for Jerrod Lindquist, 5945 Concord Avenue, Edina, MN**

Planner Presentation

Planner Teague informed the Commission Jerrod Lindquist is proposing to subdivide his property at 5945 Concord Avenue into two lots. If the request is approved, the existing home would be torn down and new homes built on each lot. Also attached to the back of the report are signatures from adjacent property owners that support the project.

To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 77 feet to 50 feet for each lot; and

3. Lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Teague noted that Lot 2 would gain access off Concord Avenue, and Lot 1 would have the option of access of Concord or 60th Street.

Planner Teague concluded that staff recommends that the City Council deny the proposed two lot subdivision of 5945 Concord Avenue and the lot width variances from 77 feet to 50 feet for each lot, and lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Denial is based on the following findings:

1. The Subject Property is a conforming single-family residential lot with a new single-family house and has a taxable market value of \$266,900. Reasonable use of the property exists today.
2. The proposed variances are not in harmony with the general purpose and intent of the zoning ordinance which is to require nonconforming lots in common ownership to be developed as a single parcel.
3. There are no practical difficulties in complying with the zoning ordinance standards. Applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.
4. The practical difficulty alleged by the applicant's proposal to subdivide the property is self-created.
5. The need for the variance is created only by Applicant's desire to maximize the return on its investment. Such economic considerations alone do not constitute practical difficulties.
6. There are no circumstances unique to the Subject Property that justify granting multiple variance to enable the Applicant to create nonconforming lots. The Subject Property is similar in size to several lots to the east.

Appearing for the Applicant

Jerrod Lindquist, applicant and property owner.

Discussion/Comments & Questions

Commissioner Staunton asked for clarification on the 500-foot neighborhood radius.

Planner Teague responded that the 500-foot radius is found in both the subdivision and zoning ordinances as a way to establish "neighborhood".

Chair Grabiell asked for clarification on the lot description(s). Teague responded that the subject property is identified as Lots 13 & 14, Block 9, Fairfax, Hennepin County,

Minnesota.

Application Presentation

Jerrod Lindquist addressed the Commission and delivered a power point presentation explaining his reasons for subdividing and addressing the variances requested. Lindquist said his intent is to do what's best and right for the neighborhood.

Lindquist highlighted the following:

- Home was constructed in 1948 and it's not family-friendly by today's standards.
- Cost prohibitive to improve the home.
- House is functionally obsolete and not architecturally significant.
- Legal description indicates Lots 13 and 14, Block 9 of the Fairfax Addition.
- Believes the establishment of the 500-foot radius is out of date and was meant for other parts of the city.
- A precedent was established by approving subdivisions in this area.
- Current zoning laws were created after the Fairfax addition was designed, approved and build out.
- Character of the "immediate" neighborhood is preserved and enhanced by these two lots.
- Neighborhood support.

Public Comment

Ray Sharp 5940 Ashcroft Avenue acknowledged to the Commission his "lot" is also a "double lot", adding he recognizes there are those in Edina that are opposed to subdividing and the further redevelopment of these 100-foot "lots". Concluding, Sharp said he supports the subdivision request, adding it makes sense to approve this request noting it was originally platted as two 50-foot lots in the 50-foot lot neighborhood of Fairfax.

Gary Dorrian, 4708 west 60th Street, told the Commission he does not support the subdivision request as submitted. He noted that variances are needed, adding he can't support a subdivision that doesn't align with the 500-foot neighborhood lot size requirements.

Jeff Johnson, 5825 Ashcroft Avenue stated he supports the subdivision as proposed and acknowledged his home does not fall within the 500-foot neighborhood. He said Edina is a mature fully developed City with limited options for growth. He said in his opinion Edina is chosen for its schools, adding the new houses built on these smaller lots are almost always purchased by young families with kids. He also noted architects are also finding ways to build desirable houses on the 50-foot wide lots. Concluding, Johnson said if one looks at the facts and analyses the area, 60th Street is a major divide between "neighborhoods". The lot and homes south of 60th Street are larger and

were constructed 15 years after the lots were platted and houses were built north of West 60th Street.

Mary Lokowich, 6000 Ashcroft Avenue said in her opinion she feels that allowing the applicant to build two homes on these lots makes sense. Concluding, Lokowich added the two new houses would look better than one overly large house on a larger than average lot. Edina needs to continue to allow growth for families and this is one way to encourage that.

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

Discussion/Comments

Commissioner Forrest told the applicant she appreciates his presentation and is not adverse to subdivision; however, in this instance the criteria needed to support the variances is not there. Continuing, Forrest further explained that the Commission cannot consider economic circumstances in the decision making process. Concluding, Forrest said in her opinion changing the ordinance is the way to proceed; especially in these smaller lot neighborhoods.

Commissioner Fischer acknowledged the Commission has considered a number of subdivision requests in this immediate area with differing outcomes. He added this "immediate neighborhood" was platted with 50-foot wide lots but "sits" at the edge of a change in neighborhood character. Fischer acknowledged one could come to the conclusion that in this instance the methodology the City has chosen to determine "neighborhood" does not measure its character. Fischer agreed with previous comments that the "neighborhood" changes south of West 60th Street. Concluding, Fischer acknowledged the applicants outreach to the neighborhood and the neighborhood support.

Commissioner Scherer stated she isn't persuaded by the original plat to support the subdivision request as submitted. Scherer pointed out the ordinance was changed in the 1950's to require 75-foot wide lots, adding that should also be taken into consideration. Continuing, Scherer did acknowledge the differing outcomes for recent subdivisions in the area; however, she pointed out this one is different. This subdivision not only doesn't meet the 75-foot lot width zoning ordinance requirement it doesn't meet the median required in the subdivision ordinance. Scherer concluded she can't support this request, adding in this instance she is relying on the Code.

Chair Grabiell pointed out that there is and always has been a stipulation in the zoning ordinance that allows variances so requesting a variance is permitted under Code and not unreasonable. Scherer agreed, reiterating in this instance she doesn't find a hardship.

Commissioner Carpenter said he finds this frustrating on many levels. He explained that the Commission has attended hearings where neighbors are very much opposed to a subdivision but in this instance it's the opposite; neighbors support the request. Continuing, Carpenter said it is difficult to know what the right answer is. Carpenter said what it comes down to for him is that he can't find practical difficulties to support the request for variance. He noted the lot(s) can be used by remodeling the existing home or building a new house.

Commissioner Schroeder said he agrees with comments expressed by Commissioner Carpenter on the challenge of finding practical difficulties to support the granting of variances. Schroeder said he just can't find them; a house can be constructed on this lot. Continuing, Schroeder said he finds it interesting to think in terms of character, questioning if character is the plat; lines on paper or is character what one sees. Concluding, Schroeder added whichever way one views this subdivision; one lot or two this corner will change.

Commissioner Staunton agreed with Commissioner Fischer that cataloging the requests for subdivision within this area can be difficult, adding he believes an attempt should be made to be consistent. Continuing, Staunton said for him a difficulty arises because the new "lots" do not meet the median; therefore variances are required from both the zoning and subdivision ordinances. Staunton acknowledged that the Fairfax plat is mostly comprised of 50-foot wide lots; however, this lot(s) is located at a change in neighborhood. Concluding, Staunton said he cannot support the subdivision with variances as presented.

Chair Grabiell said that best way to ask "what's the neighborhood" is to ask the residents. Grabiell said it appears that the majority of residents within this neighborhood support the request as submitted and believe they reside in an area comprised of mostly 50-foot lots in a neighborhood of families with young children.

Motion

Commissioner Forrest moved to recommend denial of the preliminary plat based on staff findings. Commissioner Scherer seconded the motion. Ayes; Scherer, Forrest, Schroeder, Carpenter, Staunton. Nays; Fischer, Potts, Platteter Grabiell. Motion to deny carried 5-4.

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- B. Comprehensive Plan Amendment, Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development, and Preliminary Development Plan for Mount Properties, 4005 West 65th Street and 6500 France Avenue, Edina, MN.**

Planner Presentation

Planner Teague reported that Mount Properties is proposing to tear down the existing office buildings at 4005 West 65th Street and 6500 France Avenue to build a new five-story, 62-foot tall, 102,478 square foot medical office/retail building with an attached 4-5 level parking ramp.

Teague reminded the Planning Commission they previously considered redevelopment of this site for a two phase, 4-6 story building. That proposal was to be denied by the City Council. The Council did not support the height of a six-story building. The applicant withdrew the request, prior to the City Council taking final action.

Teague explained the revised plan now proposes a one phase five-story building with the mechanical equipment to be located inside the building and on the ground along the south lot line. The overall height would not exceed the height of the mechanical equipment on the roof of the previously proposed four-story building. The site plan and building are generally similar to the previous plan; access to the site would remain from 65th Street, with a secondary right out on France.

Teague outlined the differences between proposals as following:

- Five-story building with no roof top mechanical equipment, 62 feet tall. The result of no rooftop equipment is to locate the mechanical equipment (chiller) setback six feet from the south lot line.
- Attached parking ramp. (Previous ramp was detached.)
- Five-level parking ramp. (Previous ramp was four-levels.)
- Proposed building has a rounded grand building entry appearance at 65th & France. (Previous building had a traditional sharp building corner at 65th and France.)
- Green roof on top of the building. (Previous plan had a green roof only on the two building podiums.)

Continuing, Teague said the first floor of the new building would contain 7,000 square feet of medical/retail space that may include a coffee shop. The next remaining 95,478 square feet would contain medical office use. In order to obtain the above-mentioned approvals, the applicant must go through a two-step process.

The first step in the process is to obtain the following approvals:

1. A Comprehensive Plan Amendment to allow a building height of five stories and 62 feet on this site. The Comprehensive Plan requires a maximum height of four stories or 48 feet; (This requires a four-fifths vote of the City Council for approval.)
2. Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development; and
3. Preliminary Development Plan.

If the Comprehensive Plan Amendment, Preliminary Rezoning and Preliminary Development Plan are approved by the City Council, the following is required for the second step:

1. Final Development Plan and Final Rezoning to PUD.
2. Zoning Ordinance Amendment establishing the PUD.

Yes. Staff believes the proposed height increase is reasonable for the site for the following reasons:

1. The proposed height is consistent with adjacent buildings to the south and east. To the south, the Point of France building is 13 stories and 123 feet tall. To the east, Fairview Southdale Hospital is eight stories and 124 feet tall, and Southdale Medical Center is six stories and 92 feet tall. Therefore, the proposed five-story, 62-foot tall building would be in character with the adjacent buildings.
2. The building includes a podium height of two stories along the street, which would give pedestrians on the sidewalks in front a feeling that the building is not as tall. Comprehensive Plan Contemplates allowing a maximum of four stories with a podium height of two stories at the street
3. The proposed plan would meet the density requirement of a 1.0 floor area ratio in the RMD, Regional Medical District.

• **Is the proposed rezoning to PUD appropriate for the site?**

Yes. Staff believes the proposal to rezone the site to PUD is reasonable for the site for the following reasons:

1. The proposed uses would fit in to the neighborhood. As mentioned, this site is guided in the Comprehensive Plan for "Regional Medical," which allows medical uses, and limited retail. Through the PUD rezoning, the City has the ability to specifically limit the uses on the site to be consistent with limited retail uses per the PCD-1 Zoning District to ensure that the uses can be supported by the parking provided.
2. The proposal would create a more efficient and creative use of the property. The building would be pulled up close to the street with a podium height of two-stories, with sidewalks in front, and separated from the street by green space to promote a more walkable environment. Parking would be located in back. Landscaping and patios are also proposed in front, with store fronts opening toward France Avenue. The applicant is also proposing to utilize sustainable design principals, including a green roof
3. A floor area ratio of 1.0 or 100% would be consistent with the buildings and floor area ratios on the west side of France on 65th Street.
4. The existing roadways would support the project. WSB conducted a traffic impact study based on the proposed development, and concluded that the traffic generated from the project would not impact the adjacent driveways or

intersections. No additional improvements other than those shown on the site plan would be required to accommodate the site redevelopment.

5. Ensure that the building proposed would be the only building built on the site, unless an amendment to the PUD is approved by City Council.
6. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
 - Locate prominent buildings to visually define corners and screen parking lots.
 - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.
 - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front façade.
 - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.

Approval is also subject to the following findings:

1. The proposed height is consistent with adjacent buildings to the south and east. To the south, the Point of France building is 13 stories and 123 feet tall. To the east, Fairview Southdale Hospital is eight stories and 124 feet tall, and Southdale Medical Center is six stories and 92 feet tall.
2. The building includes a podium height of two stories along the street, which would give pedestrians on the sidewalk in front, a feeling that the building is not as tall.
3. The proposed plan would meet the density requirement of a 1.0 floor area ratio.

Recommend that the City Council approve the Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned unit development, and the Preliminary Development Plan.

Preliminary Rezoning to Planned Unit Development & Preliminary Development Plan
Preliminary Rezoning and Preliminary Development Plan approval is based on the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides podium height, and front door entries toward the street, includes sidewalks to encourage a more pedestrian friendly environment along the street.

3. The design of the building is of a high quality brick, glass and concrete. A five story building would be generally consistent with the four story buildings on West 65th Street.
4. Traffic would be improved in the area by eliminating the right-in and out access on France Avenue.
5. Based on the traffic study done by WSB, the existing roadways can support the proposed development.
6. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
 - Locate prominent buildings to visually define corners and screen parking lots.
 - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.
 - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front façade.
 - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
 - b. Movement Patterns.
 - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - Limit driveway access from primary streets while encouraging access from secondary streets.
 - Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.)
 - c. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

Preliminary approval is subject to the following conditions:

1. The Final Development Plan must be generally consistent with approved Preliminary Development Plans dated September 10, 2012.
2. A noise study must be done to demonstrate that the proposed mechanical equipment meets all noise regulations.

3. Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the Planning Commission staff report.
4. All buildings must be built with sprinkler systems, subject to review and approval of the fire marshal.
5. The mechanical equipment/chiller must be relocated to meet the required 20-foot side yard setback or screened so not to be visible from all lot lines.
6. Compliance with all of the conditions outlined in the director of engineering's memo dated October 4, 2012.
7. As part of a Developers Agreement the property owner would be required to participate in appropriate cost sharing for signal improvements at 65th Street and France Avenue.
8. Adoption and compliance with a PUD Ordinance for the site.
9. As part of any final approval, the applicant must enter into a Proof-of-Parking Agreement to add more parking if needed.

Appearing for the Applicant

Stephen Michals, Mount Properties, Ed Farr, Edward Farr Architects

Discussion

Chair Grabiell asked if the proposed building is acceptable to the Transportation Committee and their vision for France Avenue. Planner Teague responded in the affirmative.

Applicant Presentation

Mr. Michals addressed the Commission and stated the building as proposed creates new jobs and adds to Edina's tax base, adding that the building also offers enhanced environmental benefits. Michals introduced Ed Farr to speak to the building revisions.

Ed Farr noted a change in chiller location, adding the chiller would now be located on the south side of the building. Farr explained that the chiller would be heavily screened and a gazebo has been introduced next to the pond with a path to the gazebo per Council.

Discussion

Commissioner Scherer noted the change and questioned if the 4th level of the ramp was enclosed. Continuing, Scherer asked about lighting from the ramp, roof and "crown". Mr. Farr said the 4th ramp level is open and the lighting on the top roof deck (including "crown") would be on timers.

Commissioner Forrest told the applicant it is important that the chiller be adequately screened and that every effort is made to minimize noise spillover from the chiller. Forrest acknowledged there is noise from other chillers; however, she pointed out this chiller now faces a residential neighborhood. Farr agreed and said he believes the landscaping proposed to screen the chiller will help buffer the noise and that they will implement everything possible to reduce ambient noise. Forrest asked if a noise study was done. Farr responded that a noise study was not done.

Commissioner Potts commented that in general he likes the revised plan. Potts asked if there is space to expand the bike area if the need arises. Farr responded that there is room to increase bike storage

Public Comment

John Windhorst, 6566 France Avenue (Point of France) addressed the Commission and told them that in general he was very pleased with the evolution of the building. Windhorst said the change in chiller location is new so the association has been unable to discuss it, adding he has aesthetic and acoustic concerns about the new location for the chiller concluding that other locations for the chiller should be reviewed.

Mary Kramer, 6566 France Avenue (Point of France), commented that she doesn't think the "revision" is significantly superior to the last submittal. Kramer said she still has concerns with traffic, "crown" height and chiller location. Kramer also noted there could also be an issue with vehicle head lights and noise from the ramp. Concluding, Kramer wondered if there really is a need for bicycle storage.

Peter Pustorino, 4005 65th Street West (property owner), told the Commission that in his opinion it would be wise to listen to the traffic consultant and his findings on traffic volumes, circulation and the impact of this development. Pustorino noted he has worked in the subject building for 32 years and understands that change is hard. Concluding, Pustorino said in his opinion this development is an excellent opportunity for not only the City but its residents.

Chair Grabiell asked if anyone else would like to speak to the proposal being none; Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Chuck Rickart gave a brief overview of his traffic analysis.

Discussion

Chair Grabiell noted that one of the concerns expressed by Point of France residents was the height of the "crown". Grabiell asked the height of the crown. Mr. Farr said the crown is approximately 6-feet high. The top of the building is 62-feet high. Farr also noted the light in the "crown" is on a timer. Grabiell asked about ramp lighting and head light "spill". Farr responded the ramp levels will be louvered and as previously

mentioned all “roof” lighting will be on timers. Continuing, Grabiell asked Farr to comment on the need for bike storage. Farr explained that the applicant; like the City supports alternative transportation methods and has implemented in the design bike storage areas.

Commissioner Scherer asked if the louvers would be installed on all sides of the ramp. Farr responded that the intent is to only have louvers on the south side of the ramp.

Commissioner Carpenter said it was previously suggested that the chiller be moved; possibly to the ramp and asked if that is a viable option. Farr responded he wasn't sure. He explained that the chiller needs air flow and with regard to noise it was thought that locating the chiller on the ground with added landscaping around it would minimize noise emitted from the chiller.

Commissioner Fischer asked if the exterior materials presented on the sample board remain the same. Farr responded in the affirmative.

Motion

Commissioner Staunton moved to recommend amending the Comprehensive Plan, based on staff findings and subject to staff conditions. Commissioner Forrest seconded the motion. All voted aye; motion carried.

Commissioner Staunton moved to recommend Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried 9-0.

VII. REPORTS

No reports

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

None.

IX. STAFF COMMENTS

None.

X. ADJOURNMENT

Commissioner Platteter moved meeting adjournment at 9:25 PM. Commissioner Potts seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted