

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
SEPTEMBER 10, 2014
7:00 P.M.**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Schroeder, Hobbs, Seeley, Forrest, Carr, Lee, Olsen, Halva, Staunton

Members absent from roll: Platteter

III. APPROVAL OF MEETING AGENDA

Commissioner Forrest moved approval of the September 10, 2014 meeting agenda. Commissioner Scherer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Lee moved approval of the August 13, 2014, meeting minutes. Commissioner Carr seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Lee moved to close community comment. Commissioner Olsen seconded the motion. All voted aye; public comment closed.

VI. PUBLIC HEARINGS

A. Variance. Bill Robey/Mike Erickson. 5808 Crescent Terrace, Edina, MN

Planner Presentation

Planner Teague reported the subject property is located on the northeast corner of Crescent Terrace and Bywood West. The site is 1.02 acres in size and is located in the Rolling Green neighborhood. The proposed new home would have setbacks further from the north side lot line and further back from Crescent Terrace than the existing home. The existing home has a 12 foot side yard setback (north lot line), and the new home would be 18.6 feet. The existing home has a 30-foot setback to Crescent

Terrace, and the proposed home would be setback 61.5 feet. This is the setback where the variance is required.

Teague explained that the subject property is approximately 110 feet in width (as measured 50 feet back from the front property line) and is 44,456 square feet (1.02 acres) in area. The lot is rolling in topography. There are two existing single-family homes on the north and eastern lots, one facing Bywood West and one home facing Crescent Terrace. The Bywood home is located 102.3 feet from the front property line, and the Crescent Terrace home is located 74.7 feet from the front property line.

Continuing, Teague said the property owner is requesting to tear down the existing home and build a new home on the property in a location that does not meet the Crescent Terrace front yard setback. Section 36-439, 1 (a) requires a front yard setback equal to the average setback of the two abutting homes. The average setback of the two abutting homes is 91 feet. As a corner lot, the property owner may choose the front yard. The applicant has chosen Bywood West as the front street. Crescent Terrace then becomes the side street. However, because the home to the east faces Crescent Terrace, the side street setback becomes a front street setback, and they must match the front street setback of the abutting home, which is 74.7 feet.

The Planning Commission is currently analyzing the interpretation of this particular ordinance requirement, but under any interpretation, the proposal needs a variance approved in order to construct in the proposed location.

Planner Teague concluded that staff recommends approval of the requested Variance based on the following findings:

1. The proposed location of the house is reasonable. It would be located further away from the north side lot line and Crescent Terrace than the existing home.
2. The applicant could locate the home on the lot to meet all setback requirements; however, it would move the home much closer to the adjacent lot to the north, and create less area for drainage.
3. The practical difficulty in this instance is the narrow lot combined with the large front street setbacks of the abutting homes, which make the building area minimal compared to the size of the lot.
4. The proposed home will not alter the essential character of the neighborhood. The proposed addition will complement the existing neighborhood homes.

Approval is also subject to the following conditions:

- Survey date stamped August 13, 2014
- Building plans date stamped August 14, 2014; and
- Engineering Memo dated September 2 with revisions dated September 10, 2014

Appearing for the Applicant

Bill Robey, Tom Rauscher, Rauscher & Associates and interested neighbors.

Discussion

Chair Staunton stated he would like to thank the applicant for their excellent exhibits; especially the exhibit indicating the outline of existing and proposed house.

Applicant Presentation

Mr. Rauscher informed Commissioners that he worked hard with the property owner on locating a house that wouldn't negatively impact the adjoining properties. Rauscher said the house is positioned to provide adequate spacing for the subject property and house to their north. Rauscher said the issue is also aesthetic; adding in his opinion the house placement proposed works best with the site.

Chair Staunton opened the public hearing.

Public Comment

The following spoke in support of the variance:

Kevin Gilligan, 5804 Crescent Terrace, Edina, MN
Paul Bachman, 4817 Bywood West, Edina, MN

Discussion

Commissioner Scherer commented that she supports the request as submitted. Scherer pointed out that traditionally corner lots are difficult. She stated in her opinion the aesthetic style and design is pleasing and compatible with the neighborhood.

Motion

Commissioner Olsen moved variance approval based on staff findings and subject to staff conditions; survey date stamped August 13, 2014, building plans date stamped August 13, 2014, and Memo from Ross Bintner dated September 2, 2014 and revised on September 10, 2014. Commissioner Scherer seconded the motion. All voted aye; motion carried.

B. Conditional Use Permit. Ted & Amy Carlson. 5516 Knoll Drive, Edina, MN

Staff Presentation

Planner Teague reported that Ted Carlson has submitted a conditional use permit on behalf of the property owners to increase the first floor elevation 1.97 feet higher than the current first floor elevation in order to construct a new home at 5516 Knoll Drive.

Teague explained that a Conditional Use Permit is required 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 current home located at 5516 Knoll Drive has a first floor elevation at 954.97 feet above sea level. The proposal is to tear down the house to the existing foundation and re-build on the existing foundation, but increase the basement height by 1.5 feet and increase the floor trusses by 8 inches, for a total of 2.16 feet increase in first floor elevation.

Planner Teague concluded that staff recommends approval of the conditional use permit, as requested subject to the findings listed in the staff report above, and subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped August 8, 2014
 - Building plans and elevations date stamped August 8, 2014
2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated August 1, 2014.

Appearing for the Applicant

Ted & Amy Carlson, property owners.

Discussion

Commissioner Forrest said she wonders if the variance request can be heard as requested. She said she is unsure of the legality of requesting a variance from eligibility conditions. Planner Teague responded in the past the Commission has heard variances from the eligibility requirements for a Conditional Use Permit.

A discussion continued with Commissioners discussing the methods indicated for storm water management noting the suggestion of Ross Bintner recommending an alternative.

Nick Adams, City Engineering responded that the applicant revised the plan (at the recommendation of the Engineering Department) and the plan now provides an alternative for drainage; down the backyard slope. Flow would drain to an area of level ground and the retaining wall.

Applicant Presentation

Ted Carlson addressed the Commission and said he was very excited about the project. He pointed out the lot is a large lot and lot coverage would be around 8%. Carlson acknowledged they revised their storm water management plan to include a gutter system, and additional plantings to handle the water runoff. Carlson asked for their support.

Public Hearing

Chair Staunton opened the public hearing.

No comments.

Commissioner Scherer moved to close the public hearing. Commissioner Olsen seconded the motion. All voted aye; public hearing closed.

Discussion

Commissioner Lee said she was very pleased to see reuse of the existing foundation and preservation of a rambler. She added in her opinion the plans as proposed is a sensitive way to rebuilt and revitalize a rambler. Lee said she supports the project as presented.

Commissioner Staunton said he agrees with Commissioner Lee. He reminded the Commission part of the goal of the 1-foot rule was to prevent homes from being built out of scale with the neighborhood. He said in this instance the request makes sense and the house certainly matches the neighborhood.

Commissioner Forrest stated she can't support the request procedurally and the variance is self-imposed. Teague responded his research indicated that the Commission and Council have approved two such requests one in Indian Hills and the other in the Sunnyslope neighborhood.

The discussion continued with the majority of Commissioners believing the request under the circumstances made sense and there would be no negative impact to the neighborhood.

Motion

Commissioner Scherer moved Conditional Use Permit approval based on staff findings and subject to staff conditions to include the revised storm water maintenance plan.

Commissioner Lee seconded the motion. Ayes; Scherer, Schroeder, Hobbs, Carr, Olsen, Lee, Staunton. Nay, Forrest. Motion carried.

C. Final Rezoning and Final Site Plan with Variances. Frauenshuh. 5108 Edina Industrial Boulevard, Edina, MN

Staff Presentation

Planner Teague informed the Commission Frauenshuh Commercial Real Estate is proposing to tear down an existing 12,199 square foot office building and build a new 10,000 square foot retail building that would include a drive-through. The property is located at 5108 Edina Industrial Boulevard, just west

of Highway 100, and is located across the street from retail uses that are zoned PCD-2, Planned Commercial District. Retail uses to the south include the Shell Gas Station, Burger King, Dairy Queen, and a small retail strip center. North and east of the site are office/light industrial uses.

This request has received the following approvals from the City Council:

1. Preliminary Rezoning from POD-1, Planned Office District-1, to PCD-2, Planned Commercial District-2.
2. Preliminary Development Plan with consideration of Front Yard Setback Variances from 35 to 33 and 25 feet.
3. A Comprehensive Guide Plan Amendment from Office to Neighborhood Commercial.

Teague further explained that the proposed plans are generally consistent with the approved Preliminary Plan. The applicant has slightly revised the plans per the recommendations of the Planning Commission and City Council, including shifting the building back to the north to create more patio space in front of the building. The applicant has not however, provided boulevard trees or additional landscaping along Edina Industrial Boulevard as was requested. The applicant believes that trees and additional landscaping would be difficult to maintain, cause problems for snow storage, and trees would block visibility to the building for the retail tenants. The boulevard area is 10 feet wide; therefore, there is adequate area for some tree planting and landscaping. Hennepin County requires trees to be planted six feet back from the curb. Trees could be planted to meet that standard. The city engineer has reviewed the plan and believes the area could be landscaped including trees and still could be maintained. The City of Edina would be responsible for the plowing of snow on this sidewalk in the winter.

Teague stated the following is requested for this final review:

1. Final Rezoning from POD-1, Planned Office District to PCD-2, Planned Commercial District; and
2. Final Development Plan with Front Yard Setback Variances from 35 to 33 and 25 feet.

Planner Teague concluded that staff recommends that the City Council approve the Final Rezoning from POD-1, Planned Office District to PCD-2, Planned Commercial District and Final Development Plan with Variances to tear down the existing retail building at 5108 Edina Industrial Boulevard and build a 10,000 square foot retail building as proposed.

Approval is subject to the following findings:

1. The proposed rezoning meets the criteria in Section 36-216, as noted on Pages 4-7 above, in regard to rezoning property. The project would be consistent with the Comprehensive Plan. The project would not be detrimental to the surrounding properties; would not result in an overly intensive land use; would not result in undue traffic congestion or hazards; and with the exception of the setback variances would conform to all zoning ordinance requirements.
2. The proposed land uses are consistent with existing and proposed land uses in this area. The uses to the south exist today as neighborhood commercial uses. The proposed limited retail uses and PCD-2 zoning would complement and enhance this limited retail area.
3. The variance criteria are met. The proposed variance is reasonable. The practical difficulty is the small size of the site. A building could be located on the site to meet all the applicable setback requirements, however, the result would be a building located in the middle of the site with parking lots in front.

4. The unique circumstances are the small size of the property and location as a corner lot. The building could be moved back to meet required setbacks, however, would create a parking lot in the front. While there are other small corner lots in the PCD-2 Districts, these circumstances are generally unique compared to all PCD-2 District properties.
5. The following goals and policies of the Comprehensive Plan would be met: “Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment.” This would be the first building in this area to be brought up to the street. Currently there are no sidewalks on the site. The proposed boulevard style sidewalk will encourage pedestrian movement in the area.
6. The traffic and parking study done by Wenck concludes that the existing roadways can support the proposed project.

Approval is also subject to the following Conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped August 20, 2014.
 - Grading plan date stamped August 20, 2014.
 - Utility plan date stamped August 20, 2014.
 - Landscaping plan date stamped August 20, 2014.
 - Building elevations date stamped August 20, 2014
 - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. Additional landscaping, including deciduous trees shall be planted within the boulevard, subject to review and approval of the city forester and city engineer
4. The property owner is responsible for replacing any required landscaping that dies.
5. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district’s requirements.
6. Compliance with all of the conditions outlined in the city engineer memo dated July 15, 2014, including entering into a developer’s agreement for construction of utilities and sidewalks.
7. The Final Lighting Plan must meet all minimum landscaping requirements per Section 36 of the Zoning Ordinance.8. Dedication of an easement over the proposed sidewalk, subject to approval of the city engineer.

Appearing for the Applicant

David Anderson, Frauenshuh, Nick Sperides

Discussion

Commissioner Forrest asked if the placement of the monument sign is correct. Planner Teague responded all signs would conform to ordinance requirements. Commissioner Scherer suggested adding additional landscaping around the monument sign when it's installed.

Applicant Presentation

Mr. Anderson told the Commission he has been working with the City forester and will bring some trees to the boulevard. Anderson said one hesitation with regard to boulevard trees is what happens after the two years of required maintenance. He pointed out with Minnesota weather, snow removal and storage and maintenance issues longevity could become an issue. Anderson said he also doesn't want to "over plant" the boulevard area.

Mr. Sperides with the aid of graphics indicated the patios at the end of the building noting that they are now attached to the sidewalk.

Commissioner Lee asked if they know what type of materials would be used for the patio hard surface areas. Mr. Sperides responded that at this time they are planning on concrete hard surfaces. Commissioner Lee said she would encourage the use of pavers. Continuing, Lee asked if they ever considered flipping the elevations. She said she has a concern that the "back doors" face the street and the doors indicated on the plans would be locked. She stated she worries about street engagement. Concluding, Lee stressed the use of pavers vs. concrete.

Commissioner Schroeder commented that Commissioner Lee brought up a good point about the doors facing the street and asked if the doors would be open to the public or locked. Mr. Anderson responded that the operation of the doors would be up to the individual tenant. Anderson explained he understands the Commissioner's comments; however, much is up to the tenant, adding most retail shops have one entrance for safety and a customer control point. Continuing, Anderson said we also have to consider the customers that park their vehicles; it would be difficult for them to walk around to the other side of the building to gain access.

A discussion ensued on tenant access, end doors and internal traffic flow. Commissioners also suggested that the landscaping plan be continuous, vegetation for all seasons. It was further suggested with regard to landscaping that a landscaping plan be submitted by a landscape architect.

The discussion refocused on the traffic flow for the drive through with some Commissioner expressing worry about the potential for accidents. Mr. Sperides pointed out the plans for the drive through haven't changed; adding the majority of the traffic for the drive through will come from Metro Boulevard.

It was further reiterated to the applicant that the Commission wants to see boulevard trees. It was pointed out that the trees indicated on the plan for the boulevard are smaller than the ones that will be removed. The Commission indicated their vision was to see trees of similar size on the boulevard.

Commissioner Carr stated she believes the plan is good, adding the applicant followed the direction of the Commission. She further pointed out that engaging the street is an excellent goal; however it is difficult to do “urban” in many areas of Edina. She pointed out while sidewalks are being implemented to afford a pedestrian experience street parking isn’t allowed. She stated it’s a conundrum for developers and the City. She agreed most retail experiences have one entrance and in this instance without street parking it makes sense to have the major entrances access the parking area; otherwise those that parked in the surface lot would have to walk around the building to access the tenants.

Motion

Commissioner Olsen moved to recommend approval based on staff findings and subject to staff conditions including the following:

- **Applicant is to replace trees removed with trees of the same caliper**
- **Ensure plantings that are used create continuous landscaping zones that survive tough environments.**
- **Ensure that signage meets code**
- **Locate transformers, electrical, mechanical to the south side**
- **Add directional signage for the drive-through off of Metro Boulevard**

Commissioner Schroeder said he understands the dilemma in keeping doors open to the public; however, in his opinion with regard to the two end units on the south side of the building those entrances should remain open to the public during regular business hours. Schroeder offered that as an amendment.

- **Doors on the south side shall remain open during regular business hours.**

Commissioner Olsen said she accepts that amendment.

Chair Staunton stated he supports the request as submitted with amendments. Staunton said the Commission needs to better articulate what we mean by pedestrian friendly, and vibrant streetscape. He acknowledged it appears the Commission goes round and round about this and in fairness to applicants we need to be straight forward.

Commissioner Carr said while she has no objection to the conditions of “keeping the doors” open; that may be hard to enforce.

Ayes; Scherer, Schroeder, Hobbs, Olsen, Carr, Staunton. Nays, Lee, Forrest. Motion carried. 6-2.

VII. Reports and Recommendations

A. Work Plan – 2015

Presentation

Chair Staunton asked Planner Teague to review the 2015 Work Plan.

Planner Teague reported he took past discussion points and folded them into the work plan. Teague reported he also included with the packet the Edina Zoning Ordinance Process Tracker. He said this “tracker” should keep the Commission abreast of where we’ve been and where we’re going. Teague said he included as a continuation in the Process Tracker 1) Parking regulations/Proof of parking; 2) Lighting Phase 2; and 3) Impervious Surface/Grading & Drainage. With regard to the three topics Teague said Parking is ongoing, Phase I of Lighting is proposed to be implemented in 2014 with Phase II beginning in 2015, and grading and drainage continues to be reviewed by the Engineering Department.

Chair Staunton said it may be a good time to add something about front street engagement standards or at minimum create a policy on what the City if after when suggesting that buildings move closer to the street and engage the street. Staunton said he has been very frustrated that concept isn’t easily communicated.

Commissioner Scherer said she agrees. She also stated she believes the review should flexible. She pointed out sometimes it isn’t feasible to move a building closer to the street, parking can be accomplished in front of a building in an aesthetically pleasing manner. Scherer said in her opinion the goal of the City is to engage and be friendly to the pedestrian and flexibility should be allowed in framing this policy.

Commissioner Schroeder said he agrees with that comment. He added the City needs to find a way for buildings to be connected to the street, adding the goal should be connectivity.

Commissioner Olsen commented it would be good to draft a policy with some teeth.

Chair Staunton said the Commission has made some inroads in encouraging engagement between structures and the street; however, better communication if needed.

Commissioner Schroeder said the adoption of a “Living Streets” policy goes a long way in providing guidelines and beginning communication.

Commissioner Forrest said in exploring policies they need to keep in mind the Comprehensive Plan where the majority of the City’s policies and procedures are located. Commissioners agreed.

In all cases Commissioner Schroeder said when it comes to policy it’s hard to dictate the private realm. Schroeder pointed out for certain policies to work everyone must be on board; both private and public

realm. Schroeder said in his opinion the way buildings address the street needs to remain on the work plan. Commissioner Forrest agreed adding it needs to be kept on the radar.

Commissioner Hobbs stated storm water assessment is important and asked Planner Teague if a storm water audit of the City has been conducted. Planner Teague responded in the affirmative. Commissioners expressed the desire to continue to keep all aspects of drainage and grading on the 2015 work plan.

A discussion ensued with Commissioners acknowledging that the drainage and grading component is monitored by engineering staff with the suggestion that drainage and grading be moved to the top of the list on the 2015 Work Plan. Commissioners indicated their support for the 2015 Work Plan as presented. Chair Staunton suggested that Commissioners e-mail Planner Teague if they think of additional changes and/or suggestions to the plan. Staunton said all work plans would be presented to the City Council at a pre-council work session.

VIII. Correspondence and Petitions

Chair Staunton acknowledged back of packet materials.

IX. Chair and Commission Comments

Chair Staunton welcomed new student member Madison Seeley; Madison is a junior at Edina High School.

Chair Staunton reported that Edina kicked off Vision Edina. Staunton said the event was a good start with good attendance.

Commissioner Lee and Commissioner Forrest reported on the progress of the Wooddale Valley View Small Area Plan. It was noted that a Discovery Workshop would be held from 8 am – Noon on Saturday October 11th at the Edina Village Market. (Breakfast at 8 am at Snuffy's with a "walk-about" 9:00 am-Noon).

X. Staff Comments

Planner Teague informed the Commission since the first of the year the City has issued 120 demo permits and 83 new single family home permits.

Jordan Gilgenbach reported that the Wooddale Valley View Small Area Plan can now be found on the City's website. www.edinamn.gov

XI. Adjournment

Commissioner Hobbs moved meeting adjournment at 9:35 pm. Commissioner Lee seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted