

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 4, 2012
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:05 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Bennett, approving the consent agenda as revised to remove Items IV.C., Request to Purchase for soil remediation at Braemar Public Works area, Improvement No. A-243; and, IV.I., Request to Purchase, Mobile Production System, as follows:

IV.A. Approve regular, work session, and closed meeting minutes of November 20, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated November 22, 2012, and consisting of 55 pages; General Fund \$591,107.13; Working Capital Fund \$1,370,962.06; Equipment Replacement Fund \$250.00; Construction Fund \$235.91; Art Center Fund \$1,274.13; Aquatic Center Fund \$875.97; Golf Course Fund \$17,682.22; Ice Arena Fund \$15,765.12; Edinborough Park Fund \$42,285.24; Centennial Lakes Park Fund \$5,319.91; Liquor Fund \$245,380.46; Utility Fund \$397,358.07; Storm Sewer Fund \$234,232.27; PSTF Agency Fund \$1,936.97; Payroll Fund \$7,070.70; TOTAL \$2,931,736.16 and for approval of payment of claims dated November 29, 2012, and consisting of 23 pages; General Fund \$170,102.03; Police Special Revenue \$562.07; Working Capital Fund \$34,041.54; Equipment Replacement Fund \$83,036.66; Art Center Fund \$1,288.06; Golf Dome Fund \$92.10; Aquatic Center Fund \$23.80; Golf Course Fund \$3,425.78; Ice Arena Fund \$377,132.23; Edinborough Park Fund \$9,498.42; Centennial Lakes Park Fund \$6,245.37; Liquor Fund \$181,383.50; Utility Fund \$239,527.84; Recycling Fund \$32.97; TOTAL \$1,106,392.37

~~IV.C. Request to Purchase for soil remediation at Braemar Public Works area, Improvement No. A-243~~

IV.D. Adopt Resolution No. 2012-164 Approving Hennepin County Electronic Proprietary Data Base Conditional Use License Agreement

IV.E. Adopt Resolution No. 2012-165 Approving Senior Citizen Special Assessment Deferrals

IV.F. Selection of MMKR as City Auditor

IV.G. Approve Cuningham Group Architecture, Inc., Architect Services Contract Agreement

IV.H. Request to Purchase, Asphalt Paver Replacement, awarding the bid to the recommended low bidder, Ziegler Cat, Inc. at \$177,412.50

~~IV.I. Request to Purchase, Mobile Production System~~

IV.J. Adopt Resolution No. 2012-23 Providing Fee for Alternate Water Meter Reading Program

IV.K. Adopt Resolution No. 2012-166 Setting Ambulance & Miscellaneous Fire Fees for 2013

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

Minutes/Edina City Council/December 4, 2012

IV.C. REQUEST TO PURCHASE FOR SOIL REMEDIATION AT BRAEMAR PUBLIC WORKS AREA, IMPROVEMENT NO. A-243 – APPROVED

Environmental Engineer Bintner reported on the soil testing values identifying untreated lead material causing additional remediation. Since the contractor had stabilizing compound on hand, a competitive price of \$45/ton was obtained. This \$14,000 change order exceeded the 10% change order threshold. The area to be cleaned was just to the west of the cold storage site.

Mr. Bintner explained that during the 1987 remediation project, a series of testing was conducted and all lead tested showed it was stabilized. There had been no expectation these values would be found. On the issue of disparity of other bidders, staff relied on the expertise of Braun Intertec that this was a very competitive change order. It was noted the stabilization process generally cost \$90/ton. Manager Neal indicated staff believed it was a fair process, this was a competitive quote, and relied on the recommendation of a technical expert to recommend moving forward. **Member Swenson made a motion, seconded by Member Sprague, to approve Request to Purchase for soil remediation at Braemar Public Works area, Improvement No. A-243, awarding the bid to the recommended low bidder, Belair Sitework Services at \$79,702.00**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.I. REQUEST TO PURCHASE, MOBILE PRODUCTION SYSTEM – APPROVED

Video Production Coordinator Denfeld answered the Council's questions related to the production efficiencies of a Tricaster system, which will allow staff to more easily produce video of events not held in City Hall. Communication & Technology Services Director Bennerotte explained staff had conversations with Edina Public Schools about broadcasting home athletic games; however, the School District indicated it was not in a position to cover costs for staff time and referred the City to athletic booster clubs. The Council asked Ms. Bennerotte to survey other cities on the number of staff hours required to produce filming of high school athletic events. **Member Sprague made a motion, seconded by Member Swenson, to approve Request to Purchase, Mobile Production System, awarding the bid to the recommended low bidder, Z Systems at \$24,407.21**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

None.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. 2013 OPERATING BUDGET AND 2013-2017 CAPITAL IMPROVEMENT PROGRAM – REVIEWED

Manager Neal stated 2012 was the second year of a two-year budget, initially prepared and presented in 2011 with a lot of deliberation. He described the budget process, refinement of the operating budget for 2013, and review of the Capital Improvement Program.

Assistant Finance Director Roggeman presented the 2013 Operating Budget reflecting a 2.5% tax capacity levy increase. For single-family residential, the estimated median market value had increased from \$396,550 for 2012 taxes to \$403,000 for 2013, or a 1.6% increase. The estimated City portion of taxes on this property would increase from \$1,082 to \$1,108, or \$26 for a 2.4% increase. For commercial, the estimated median market value increased from \$1,547,400 for 2012 taxes to \$1,562,900 for 2013, or a 1% increase. The estimated City portion of taxes on this property would increase from \$5,139 to \$5,901, or \$762 for a 14.8% increase. Mr. Roggeman advised that 64% of residential single-family properties would see a decrease or no change in the total tax bill, about 34% of these properties would have an increase between 0.1% and 4.9%, and about 2% would have a larger increase. For commercial properties, 28% would see a decrease in the total tax bill, about 57% would have increases between 0.1% and 4.9%, and 15% would see increases of 5% or greater.

In response to the Council's question relating to the France Avenue intersection enhancement projects that were part of the HRA CIP, Mr. Neal indicated staff would confer to determine how it could be tracked within the CIP, perhaps as multiple phases.

Mayor Hovland opened the public hearing at 7:36 p.m.

Public Testimony

Penn Joslyn, 6718 Indian Hills Road, addressed the Council.

Assessor Wilson advised of the process for property owners to file an evaluation appeal.

Barbara La Valleuer, Public Art Committee Chair, addressed the Council.

John Crabtree, 5408 Oaklawn Avenue, addressed the Council.

Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Manager Neal addressed the questions raised during public testimony, indicating staff had looked at on-going and projected costs for all capital projects and how to handle new costs associated with those projects. In terms of prioritization of projects, asset preservation was an important value. Assistant Manager Kurt described the seven-point scale system used to prioritize projects based on safety factors, impact on the community, and economic impact. The 2013 CIP addressed projects that were most critical to the City. The Council indicated it had made it clear that funds were to be budgeted and utilized to maintain core City services.

The 2013 budget would be considered at the December 18, 2012, Council meeting.

VI.B. 2013 LIQUOR LICENSE FEES – ADOPTED

City Clerk Mangen explained State law required that a public hearing be held after a 30-day notice to license holders of its intention to raise liquor license fees. To date, no comment had been received from licensees. Ms. Mangen indicated staff was recommending a modest increase in On-Sale Intoxicating License and Beer License fees to keep pace with the City's increased costs for administration and enforcement of the licenses.

Mayor Hovland opened the public hearing at 7:55 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Sprague, authorizing inclusion of 2013 liquor license fees in the 2013 fee ordinance.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Minutes/Edina City Council/December 4, 2012

VI.C. PRELIMINARY PLAT WITH LOT WIDTH AND LOT AREA VARIANCES – JERROD LINDQUIST, 5945 CONCORD AVENUE – RESOLUTION NO. 2012-159 FOR DENIAL ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request of Jerrod Lindquist to subdivide his property at 5945 Concord Avenue into two lots. If approved, the existing home would be torn down and two new homes built on 50-foot lots. Mr. Teague indicated that to accommodate the request, the following was required: 1. Subdivision; 2. Lot Width Variances from 77 feet to 50 feet for each lot; and, 3. Lot Area Variances from 10,028 sq. ft. to 6,794 and 6,800 sq. ft. He displayed a map of the subject site and properties within 500 feet that were used to determine the median lot width of 77 feet; lot area at just over 10,000 sq. ft.; and, lot depth at 135 feet.

Mr. Teague then displayed a map identifying the location of properties that had previously been denied a request for median lot width variances. The Planning Commission, on October 10, 2012, recommended denial of the request on a vote of 5-4 based on the variance findings not being met. Mr. Teague presented the variance criteria and staff's findings. He noted the requested lot sizes were 32% below the median, a significant variance request. In addition, there were similar oversized lots to the east and west, making a self-created hardship by the property owner in requesting this subdivision. With regard to the character of the neighborhood, this was a visible corner lot when compared to interior lots and could potentially alter the character of the neighborhood. Mr. Teague advised that both staff and the Planning Commission found the variance findings were not met by this request and recommended denial.

Proponent Presentation

Jerrod Lindquist, 5945 Concord Avenue, stated he had lived in Edina for 20 years, at this address for 16 years, been involved in the community, and was interested in what was best for the community. He explained his house was built in 1948 on a large property. The house was now functionally obsolete, not architecturally or historically significant, not family friendly, and it would be cost prohibitive to improve the home. Mr. Lindquist defined this neighborhood and belief the variance findings were met as the practical difficulties were clear and precisely the same as for subdivisions approved in 2011 (i.e., 5829 Brookview and 5920 Oaklawn Avenue). He listed the practical difficulties and unique hardships that existed with this property. Mr. Lindquist believed two lots would not alter and be the most harmonious with the neighborhood, a vast majority being 50-foot lots. He indicated a neighborhood survey showed overwhelming support for two lots with 71 in support, 8 neutral or not available, and 3 against this proposal. Mr. Lindquist concluded his presentation by describing benefits to Edina should the lot subdivision and variances be approved.

Mayor Hovland opened the public hearing at 7:14 p.m.

Public Testimony

Raymond Sharp, 5940 Ashcroft Avenue, addressed the Council.

Thomas Palladino, 5841 Concord, addressed the Council.

Jeff Johnson, 5825 Ashcroft Avenue, addressed the Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Teague responded to the Council's questions relating to square footage and building coverage of houses recently constructed on 50-foot lots by displaying graphics of several such houses. He stated a two-story house on a 50-foot lot could approach 4,000 sq. ft. It was noted the City code required that lot dimensions and area meet code minimums or area medians, whichever were larger. It also was noted that

code stated that non-conforming lots that had been held in common ownership shall be considered one lot and not decreased below the minimum requirements. Mr. Teague stated that a variance would be needed to subdivide such a combined lot.

The Council discussed the request. In regard to street assessments, it was indicated that two lots could be treated as a single property if of minimum size and that was the case with this property. In regard to street assessments, it was noted that a single assessment was applied to lots held in common ownership that were not of 'buildable' (i.e., legal minimum) size. Before preparing a final assessment roll, the Engineering Department would confer with the Community Development Department. When Concord Avenue was reconstructed, this property was assessed as a single REU (residential equivalency unit).

In answer to the question of how the two originally-platted 50-foot lots came to be combined, Mr. Teague stated that some people chose to build on bigger lots. The Council reviewed the proposed five-foot side-yard setbacks and eave encroachment into the side-yard setbacks noting it would bring neighboring houses within close proximity. Mr. Teague advised that conditions could be attached to limit lot coverage and prevent construction of an imposing house, which had been done previously under similar considerations. He indicated staff's evaluation included a comparison of the two most recent subdivisions that were denied.

Members Bennett, Brindle, Sprague, and Swenson advocated for denial based on the rationale that the Council needed to conservatively and consistently apply variance criteria to assure stability in land use decisions and in this case, the variance standards were not met. The Members found the requested subdivision would not preserve the integrity of the neighborhood; the property already had a reasonable use; there were no unique circumstances, the application to subdivide was a choice of the property owner; economic considerations alone would not constitute practical difficulties; and, the mass and scale of two houses on two 50-foot lots could be significantly greater than that of one house on one 100-foot lot. In addition, multiple and significant variances were sought and this request would not rise to the level of qualifying for variances.

Mayor Hovland indicated he was not influenced by the economics of having one or two lots and advocated for support, finding benefit in considering two lots based on the rationale that most lots within a block of the school were 50 feet in width; this property was originally plated as two 50-foot lots; the proponent had not created the hardship; and, construction of two homes with limited lot coverage would not alter the essential character of the neighborhood as would construction of a "McMansion" on one 100-foot lot. The Council acknowledged the due diligence and thorough preparation of Mr. Lindquist.

Member Sprague introduced and moved adoption of Resolution No. 2012-159, denying a Preliminary Plat, Subdivision, and Variances for property at 5945 Concord Avenue in Edina. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson

Nay: Hovland

Motion carried.

VI.D. SITE PLAN REVIEW, CONDITIONAL USE PERMIT, FRONT YARD SETBACK VARIANCE, PARKING STALL VARIANCE, AND SUBDIVISION – 10 SOUTHDALE CENTER FOR STUART DEVELOPMENT COMPANY – RESOLUTIONS NO. 2012-160, 2012-161, AND 2012-162 ADOPTED

Community Development Director Presentation

Mr. Teague presented the request of Stuart Development Company and Simon Properties to develop the southeast corner of the Southdale site with a 232-unit luxury rental apartment and townhome development. The site was currently an overflow parking lot for Southdale and used by Park-N-Riders for Metro Transit. The applicant proposed to develop the site with upscale ten- and six-story apartment buildings and a three- to four-story townhouse building. It was noted the site was 5.1 acres. Mr. Teague

Minutes/Edina City Council/December 4, 2012

displayed renderings of the proposed project and described architectural elements. It was noted that on September 12, 2012, the Planning Commission unanimously recommended approval of the requests subject to the findings and conditions as detailed in the Planning Commission staff report, with the added condition to provide direct pedestrian connections to both Southdale and the new Transit Station.

Mr. Teague advised that since review by the Planning Commission, the applicant had met with residents of the Westin and provided a rendering of the proposed buildings from the Westin date stamped November 27, 2012. Additionally, in response to the Planning Commission's added conditions, the applicant had submitted a proposed pedestrian connection plan; however, it does not include the direct connection from the apartments to Southdale as recommended by staff and the Planning Commission. Rather, the applicant was recommending to make the connection from the pathway leading to the Transit Station along York Avenue.

Mr. Teague indicated this request would require a Site Plan Review, Conditional Use Permit, Front Yard Setback Variances from 115 feet to 63 feet, Parking Stall Variance (Southdale) from 6,747 to 6,442 spaces, and a Re-Plat. The Site Plan elements and Conditional Use Permit considerations were described. Mr. Teague stated a traffic study conducted by WSB reached the conclusion that service would not change on adjacent roadways or intersections. The parking analysis concluded that based on the uses, 5,900 spaces were adequate to serve Southdale. It was noted the Comprehensive Plan encouraged pulling buildings up to the sidewalk to create pedestrian connections and green spaces rather than parking areas. He indicated staff and the Planning Commission found the variance criteria were met, the site was unique and underutilized, the building heights were in character and generally consistent and parking was reasonable. Mr. Teague displayed the Site Plan, noting the location of the subject site. He indicated the staff and Planning Commission found the proposed development was reasonable for the site, including the CUP, the proposed variances justified subject to the findings, and recommended approval.

The Council noted that although 232 new units of housing would be created, no park dedication fees were proposed. Mr. Teague explained that based on the Park Dedication Ordinance, the City could only collect park dedication when a new lot was created. There were currently nine lots and after subdivision, there would be nine lots. Attorney Knutson advised that conclusion was the result of change in State Law.

The Council questioned the number of parking spaces in the Park-N-Ride overflow lot, noting it had been used for snow storage. Mr. Teague referred this question to the proponent. With regard to the utility plan, Mr. Bintner advised the storm and sanitary sewer systems had adequate capacity and the storm water facility had to meet Watershed District requirements for treatment.

Proponent Presentation

Stuart Nolan, representing Stuart Development Company and Simon Properties, announced the tentative name for this project was "One Southdale Place." He indicated Simon Properties well knows the rental market in Edina and were excited with this project and its location that deserved the highest quality of apartments, bringing a higher level in materials and amenities.

David Motzenbecker, BKV Group, Landscape Architect, presented the site plan and enhanced features that would bring vitality to the site and create an iconic building. He described pedestrian connections, trees, and banded plantings that would draw the eye to Southdale Center and beyond. Mr. Motzenbecker noted the plan addressed walkways from the main east/west spine to allow crossover in lieu of a center connection. BKV Group believed that connecting to existing walks at different levels created an alternative for pedestrians. Mr. Motzenbecker presented two options for the transit connection, intersection updates, inlet access to the Southdale Center, landscaping that would be intensified with 100 shade trees and extensive plantings, and four- to eight-foot berming, noting these features would create a strong residential element and gateway node.

Mark Krych, BKV Group, described the iconic architectural elements and sophisticated high-quality features that would enhance this project and compliment the Westin. Mr. Krych noted the building materials would bring elegance and class to the three buildings of varying heights from every viewpoint. The buildings would have a strong articulated base and podium height, a differently articulated mid-building through wooden jacket-wrap elements, and lighter metal elements and step backs on the upper building. Mr. Krych displayed a slide to point out the main entry and drop-off area, fitness center facing York Avenue, theater and other activity spaces that would be the domain of the residents and public. Living units on ground floor would have direct access to private patios to create interaction between the public and private realm. Mr. Krych pointed out that the townhomes on the northwest side also incorporated individuality with walkup access and pedestrian activity at the base. He felt the project composition, offering of variety in unit types, and courtyard amenities all reflected high quality.

Mr. Motzenbecker presented a graphic depicting courtyard activities of the three buildings from 69th Street and York Avenue. Mr. Krych described the building's varied articulation including a wood screen element with substantial projection from the main building, balconies along 69th Avenue to provide relief and character, and to prevent pedestrian impression of a sheer wall. He noted the same treatment would be used with the east building along York Avenue. Mr. Motzenbecker stated the building impression would also be lessened due to landscaped berming.

Mr. Krych responded to the Council's questions relating to design elements that would create a sense of activity at the base of the building through the main entrance facing south and east. It was noted residences facing York and 69th would have individual patios varying in size and length providing those residents with direct access to the outdoors. Connecting sidewalks would also be provided along those areas. Messrs. Krych and Motzenbecker answered the Council's questions relating to berm height, location of rain gardens, and application of exterior wood cladding. The Council discussed the building's aesthetic and what was iconic in its design that would be relevant in 20-30 years.

With regard to berm treatment, Mr. Motzenbecker indicated it would include different types of ground cover to provide texture with plantings that would flower in the spring and summer and provide color in the fall to add interest. Mr. Krych stated the studios/alcoves would be 600-650 sq. ft.; the one-bedroom units would be 730 to 875 sq. ft.; the two-bedroom units would be 950 to 1,150 sq. ft.; and, the three-bedroom units would be 1,500 to 2,000 sq. ft. With regard to the minimum unit size and number of efficiency units, City Attorney Knutson advised that there was no standard because City code for Planned Residential districts did not apply to this property, zoned Planned Commercial District.

The Council indicated its consideration of shortening the front setback to bring the building forward to engage the street had not contemplated earthen berms/fence around a building. Mr. Motzenbecker explained the proponent attempted to strike a balance at this busy intersection by providing some screening while still providing views of the interior. It was noted the berm at the corner of the site was proposed to be smaller than the existing berm and the highest berm would be eight feet in height.

The Council asked the proponent if consideration had been given to an alternative design to address massing, height, and number of units or dropping the townhouse and adding more apartments. Mr. Krych indicated the proponent had studied six varying schemes with different configurations and arrived with this scheme to meet planning requirements to reinforce the orthogonal streets and allow economic balance. It had been determined to not connect the buildings at the corner because it would limit design to that one and one-half story connecting link, would not have allowed daylight into the courtyard, nor created separation. Mr. Krych found the proposed design created views through the two buildings instead of having more mass by closing off with a connecting link. With regard to the Council's consideration of iconic design, Mr. Krych explained "iconic" was a subjective term, depending on taste, but he found the contemporary building materials and colors to be classic/timeless in nature, fresh, exciting, and contemporary.

Minutes/Edina City Council/December 4, 2012

Mayor Hovland opened the public hearing at 10:12 p.m.

Public Testimony

Tom LaSalle, 3209 Galleria, The Westin, addressed the Council.

Les Wanninger, 3209 Galleria, The Westin, addressed the Council.

Eugene Persha, 6917 Cornelia Drive, addressed the Council.

Member Sprague made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Again with respect to unit sizes, Mr. Nolan indicated 50% would be studio and one-bedroom; 40% would be one-bedroom plus den and two bedroom; and, 10% would be three-bedroom units. He stated the more direct pedestrian walkway to Southdale Center from the proposed building could be accomplished but would necessitate taking down trees in one of the green areas. The proponent would replace trees but the question was whether the proponent would be burdened with the cost of three walkways, which the proponent believed was excessive when building on only one corner. With regard to design of the site and overall placement of buildings, Mr. Nolan felt the variety of building materials and building heights offered more interest and appeal. Mr. Nolan stated in 20-30 years, these buildings would still provide a good blend of modern design and a conservative attitude.

The Council questioned the option of removing the free right turn at 69th and York to tighten the intersection and make it safer for pedestrians. Chuck Rickart, WSB, stated construction was not proposed in that intersection but he believed taking out free right turns would be a good solution to tighten intersections and shorten crossings. He indicated the traffic study had looked at a roundabout concept for the Westin intersection and intersection into the theaters but they were not recommending it as that analysis showed the roundabouts would not provide substantial operational improvement. In addition, the traffic volume on 69th Street does not justify a four-lane even in the future and the street could be narrowed to a single lane in each direction, similar to 70th Street. It was noted that traffic signals were not justified at the two mid-block intersections. The Council agreed a roundabout would create opportunity for a "village" effect in the Southdale District, a different streetscape with a higher aesthetic, and enhance the pedestrian connection and experience. Mr. Motzenbecker confirmed the proposal was for an eight-foot sidewalk with an eight-foot boulevard (minimum). **Member Brindle introduced and moved adoption of Resolution No. 2012-160, approving a Site Plan with a Front Yard Setback Variance from 115 feet to 63 and 42 feet and a Parking Stall Variance from 6,747 spaces to 6,442 spaces for Southdale Apartments, based on the following findings:**

1. **With the exception of the proposed variances, the proposal meets all minimum City Code requirements.**
2. **The proposal is consistent with the Edina Comprehensive Plan. 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.**
 - b. **Locate prominent buildings to visually define corners and screen parking lots.**
 - c. **Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.**

- d. Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - e. Limit driveway access from primary streets while encouraging access from secondary streets.
 - f. Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.).
 - g. Encourage infill/redevelopment opportunities that optimize use of City infrastructure and that complement area, neighborhood, and/or corridor context and character.
 - h. Support and enhance commercial areas that serve the neighborhoods, the City, and the larger region.
 - i. Increase mixed use development where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
 - j. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
 - k. Create walkable streets that foster an active public life; streets that are energized by their proximity to a vibrant mix of activity-generating uses.
 - l. Within larger redevelopment sites, promote a fine-grained and interconnected network of local streets and paths, encouraging pedestrian circulation and providing a choice of access points.
 - m. Within corridors served by existing or planned transit, orient buildings toward sidewalks and paths that lead to mixed use destinations and transit stops.
3. The Southdale site is under developed in terms of the (FAR) floor area ratio allowed on the site. The allowed FAR is 1.0. The existing and proposed uses only total .43.
 4. The proposed buildings would fit the character of the area. The variety of height and building sizes blend in well in the area.
 5. The traffic study done by WSB and Associates concludes that subject to conditions, the existing roadways and intersections would support the new development.
 6. The proposal meets the variance criteria.
 7. The City encourages buildings to be brought up to the street, rather than having large parking lots in front of the building from the adjacent streets. Section 850.16. Subd. 12.C. of the Zoning Ordinance states that the City Council will consider exceptions to the setback requirements if the use creates an active pedestrian and streetscaping environment.
 8. The applicant is proposing a sidewalk along York Avenue and would provide an active pedestrian and streetscape environment.
 9. The City's code requirement for buildings to be setback an equal distance to the height creates difficulty in developing the site. The setback requirement encourages parking lots to be built in front of buildings, and does not encourage an active pedestrian environment suggested in the Comprehensive Plan.
 10. The Southdale site is unique in the PCD-3 zoning district. There are no other 80 acre sites held in common ownership and zoned the same within the City.
 11. The proposed setback is similar to the Westin and CVS pharmacy, which were also brought up closer to the street than allowed by City Code.
 12. The parking study done by WSB Associates concludes that the City Code required parking is not necessary for the Southdale site. Based on the study, 5,952 stalls are adequate for the site. The proposed development would provide 6,442 spaces.
 13. A variance was granted to Southdale for a shortage of 759 stalls; over the past 10+ years, Southdale has operated very well without the Code required parking.

And 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 17, 2012.
 - Grading plan date stamped August 17, 2012.
 - Utility plan date stamped August 17, 2012.

Minutes/Edina City Council/December 4, 2012

- Landscaping plan date stamped August 17, 2012.
 - Building elevations date stamped August 17, 2012, and November 27, 2012
 - Pedestrian connections plan date stamped August 24, 2012, and November 29, 2012 (Option A)
 - Building materials board as presented at the Planning Commission and City Council meetings.
2. Prior to 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. Prior to issuance of a building permit, a final pedestrian connection plan must be submitted to provide an additional direct pedestrian connection from the apartments to a main Southdale entrance. The final connection plan shall be subject to approval of City staff.
 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 the conditions required by the City Engineer in his memo dated November 28, 2012.
 7. Compliance with the conditions required by the Fire Marshal in his memo dated August 30, 2012.
 8. A direct pedestrian connection to Southdale Mall must be provided; and it is preferred that no existing trees are eliminated to accommodate the new pedestrian connection.
 9. The project must ensure that there is a public sidewalk to the new Transit Station.
 10. Landscape berming shall be no higher than six feet.
 11. Utilization of Option A for access to the Transit Station.

Member Swenson seconded the motion.

The Council discussed the landscaping and berms presented in the Site Plan and its concern that a bunker affect not be created that might feel unsafe for evening pedestrians. Following discussion and presentation by Mr. Motzenbecker, the Council concluded that it preferred the berms to not exceed six-feet in height, which would not be so high to preclude pedestrians or motorists from viewing what was there. Mr. Motzenbecker indicated it would cause no undue hardship if the berm height was lower to a maximum of six feet, if that was the Council's pleasure

The Council then discussed the location of sidewalk, pedestrian connections, and primary points of destination. Concern was expressed about the safety of pedestrians while walking drive aisles to gain access to the Southdale Center. However, a direct pedestrian pathway through the Southdale Center parking lot would require the removal of a row of trees that provided shade, protection, and pollution abatement. It was agreed that removal of free right turns and providing consistency with traffic movement on France and York would be of benefit. Support was expressed for Option A that provided an interior connector and necessitated only one traffic lane crossing by pedestrians.

Members Sprague and Swenson advocated for requiring a direct connection to Southdale Center, even if it necessitated removal of a row of trees, finding pedestrian safety the higher priority and that trees could be replaced. These Members believed it would be a lost opportunity if this connection was not required as part of this project. Members Bennett, Brindle and Mayor Hovland found pedestrians would select travel paths based on destination and not walk out of the way to gain access to a central connection.

John Phipps, Simon Property Group, indicated the proponent was willing to work within the confines of the existing berm to create a safe walking corridor to Southdale Center. He noted the proponent had site plan obligations to not impact Herberger's parking. Mr. Motzenbecker indicated if the ultimate desire was a walkway without trees, that could be done and other plantings added.

Laurie Van Dalen, Simon Group (Southdale Center), stated she understood the concerns and opinions expressed; however, only one-eighth of the people who live at the complex would walk to the Center, far

below the number of people who drive to the Center every day and walk up the drive aisles. Ms. Van Dalen believed pedestrians would select their desired route. She reviewed options for snow storage on the corner of 66th and York and explained if there should be a record snowfall, machines would be rented to melt the snow or it would be taken off site. An easement agreement identified the overflow parking space for the Transit Center at the northeast corner, near W. 66th Street and York Avenue.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Sprague introduced and moved adoption of Resolution No. 2012-161, approving a Conditional Use Permit to allow a Residential Use at Southdale, based on the following findings:

- 1. The proposal is consistent with the Edina Comprehensive Plan.**
- 2. With the inclusion of additional pedestrian connections, the proposal meets the Conditional Use Permit Criteria.**
- 3. With the exception of the proposed variances, the proposal meets all minimum City Code requirements.**
- 4. The Southdale site is under developed in terms of the FAR) floor area ratio allowed on the site. The allowed FAR is 1.0. The existing and proposed uses only total .43.**
- 5. The proposed buildings would fit the character of the area. The variety of height and building sizes blend in well in the area.**
- 6. The traffic study done by WSB and Associates concludes that subject to conditions, the existing roadways and intersections would support the new development.**

And 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 17, 2012.**
 - Grading plan date stamped August 17, 2012.**
 - Utility plan date stamped August 17, 2012.**
 - Landscaping plan date stamped August 17, 2012.**
 - Building elevations date stamped August 17, 2012, and November 27, 2012.**
 - Pedestrian connections plan date stamped August 24, 2012, and November 29, 2012 (Option A).**
 - Building materials board as presented at the Planning Commission and City Council meeting.**
- 2. Prior to 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. Prior to issuance of a building permit, a final pedestrian connection plan must be submitted to provide a direct pedestrian connection from the apartments to a main Southdale entrance. The final connection plan shall be subject to approval of City staff.**
- 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 the conditions required by the City Engineer in his memo dated November 28, 2012.**
- 7. Compliance with the conditions required by the Fire Marshal in his memo dated August 30, 2012.**
- 8. A direct pedestrian connection to Southdale Mall must be provided; and it is preferred that no existing trees are eliminated to accommodate the new pedestrian connection.**
- 9. The project must ensure that there is a public sidewalk to the new Transit Station.**
- 10. Landscape berming shall be no higher than six feet.**
- 11. Utilization of Option A for access to the Transit Station.**

Member Swenson seconded the motion.

Minutes/Edina City Council/December 4, 2012

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Sprague introduced and moved adoption of Resolution No. 2012-162, approving a Re-Plat of the Southdale Property. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.E. REZONING FROM PSR-4 TO PUD AND AMENDING SUBSECTION 850 ESTABLISHING THE PUD-2 ZONING DISTRICT FOR 3420 HERITAGE DRIVE, ERIK'S RANCH – ORDINANCE NO. 2012-21 – ADOPTED

Community Development Director Presentation

Mr. Teague presented the request of Erik's Ranch and Retreats for a Rezoning of 3420 Heritage Drive from PSR-4, Planned Senior Residential, to PUD, Planned Unit Development, for the purpose of allowing adults with Autism Spectrum Disorders (ASD) within the existing building. No exterior changes were being proposed to the site or building. The request was simply to allow adults with ASD to live within this building. Mr. Teague noted the interior of the building would be remodeled. The existing building contains 59 units and 35 of those units would be used for long-term residents with ASD. The remaining 24 units would be short-term stays.

Mr. Teague explained that City Attorney Knutson had advised that the City could face liability for rejecting a rental application from an individual with a disability who does not meet the minimum age requirement for City Housing. Attorney Knutson had recommended two options: 1. Rezone the site to PUD to allow the current use plus adults with ASD; or, 2. Amend the Zoning Ordinance to allow adults with disabilities or ASD within all PSR-4 Zoning Districts. Mr. Teague recommended a rezoning to PUD rather than opening up the use City-wide within all PSR-4 Districts. If approved, the request would need Preliminary and Final Rezoning from PSR-4 to PUD and a Zoning Ordinance Amendment that established the PUD Zoning District.

Mr. Teague indicated that on September 12, 2012, the Planning Commission unanimously recommended approval of the Rezoning and Zoning Ordinance Amendment as written subject to the findings as detailed in the Planning Commission staff report. It was noted the Planning Commission had also recommended further study of this issue as part of its on-going consideration of amendments to the Zoning Ordinance. Mr. Teague indicated that Chuck Rickart of WSB conducted a traffic analysis and concluded there would be no impact to the roadways since the level of staffing remained the same and there would be fewer residents that drove.

Proponent Presentation

Kathryn Nordberg, founder and CEO of Erik's Ranch and Retreats, stated they were developing an innovative working model for young adults with autism. She indicated there had been a rise of autism the past few decades to 1 in 88 births; however, society was not yet ready to deal with the housing needs of these young adults.

Penny Kodrich, Erik's Ranch and Retreats Board Member and Director of Special Services for Edina Public Schools, affirmed the comments of Ms. Nordberg related to the growth of this disability. She felt this was a cutting edge opportunity and said a great deal about Edina for considering this request. Ms. Kodrich stated her support for the application noting there were parents from Edina, regionally, and across the nation looking for these creative options.

Ms. Nordberg answered questions of the Council relating to licensing and tenant screening. She explained that Erik's Ranch and Retreats would have individual apartments that would not be licensed, as a facility or

as housing with services. Services would be contracted for directly with the providers by residents and their families. With regard to the screening process, a licensed psychologist would take into consideration medical, educational, individualized education plans (IEPs) and individualized service plans (ISPs). Erik's Ranch and Retreats would have the lease and handle that screening process. Ms. Nordberg advised that residents would be moderate to high functioning adults.

Mayor Hovland opened the public hearing at 11:36 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2012-21 amending the Zoning Ordinance to establish a PUD, Planned Unit Development District, at 3420 Heritage Drive. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2012-163 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Bennett introduced and moved adoption of Resolution No. 2012-163 accepting various donations. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. ORDINANCE NO. 2012-20 CONCERNING COUNCIL SALARIES – TABLED TO DECEMBER 18, 2012

Member Swenson made a motion, seconded by Member Brindle, to table consideration of Ordinance No. 2012-20 concerning Council salaries to the December 18, 2012, Council meeting to allow time to obtain additional information.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. ORDINANCE NO. 2012-22 AMENDING SCHEDULE 185A SETTING FEES FOR 2013

The Council determined to address first reading of the ordinance and delay consideration of the Morningside rates until the City of Minneapolis had set its rates. The Council asked staff to provide information on enterprises that pay and do not pay for water service as well as the recommendation to increase dog license fees by 100%. **Member Bennett made a motion to grant First Reading to Ordinance No. 2012-22, amending Schedule 185A Setting Fees for 2013, delaying the decision on the Morningside rate until the City of Minneapolis had established its final rate. Member Brindle seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Minutes/Edina City Council/December 4, 2012

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES

- 1. PARK BOARD, OCTOBER 9, 2012**
- 2. HUMAN RIGHTS & RELATIONS COMMISSION, OCTOBER 23, 2012**
- 3. PLANNING COMMISSION, NOVEMBER 14, 2012**
- 4. EDINA TRANSPORTATION COMMISSION, OCTOBER 25, 2012**

Informational; no action required.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:05 a.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, December 18, 2012.

James B. Hovland, Mayor

Video Copy of the December 4, 2012, meeting available.