

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
NOVEMBER 5, 2012  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:04 p.m.

**II. ROLL CALL**

Answering roll call were Members Bennett, Brindle, Swenson and Mayor Hovland. Absent and excused was Member Sprague.

**III. MEETING AGENDA APPROVED**

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

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Item IV.H., Special Assessment Agreements – Richmond Hills Park, as follows:

IV.A. Approve regular and work session meeting minutes of October 16, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated October 18, 2012, and consisting of 29 pages; General Fund \$496,338.07; Police Special Revenue \$2,901.98; Working Capital Fund \$102,584.43; Equipment Replacement Fund \$4,525.81; Art Center Fund \$4,734.50; Aquatic Center Fund \$7,328.48; Golf Course Fund \$11,130.82; Ice Arena Fund \$33,517.80; Edinborough Park Fund \$2,812.15; Centennial Lakes Park Fund \$408.66; Liquor Fund \$210,860.35; Utility Fund \$132,827.22; Storm Sewer Fund \$22,890.14; Recycling Fund \$39,958.20; PSTF Agency Fund \$196.00; Centennial TIF District \$1,391.00; TOTAL \$1,074,405.61; for approval of payment of claims dated October 25, 2012, and consisting of 33 pages; General Fund \$264,148.49; Police Special Revenue \$566.00; Working Capital Fund \$803,461.30; Equipment Replacement Fund \$540.00; Art Center Fund \$8,881.55; Golf Dome Fund \$92.10; Aquatic Center Fund \$2,041.17; Golf Course Fund \$12,308.24; Ice Arena Fund \$730,843.42; Edinborough Park Fund \$9,228.93; Centennial Lakes Park Fund \$14,818.86; Liquor Fund \$160,982.16; Utility Fund \$824,631.43; Storm Sewer Fund \$370,954.75; Recycling Fund \$1,000.00; Centennial TIF District \$48.88; TOTAL \$3,204,547.28; and for approval of payment of claims dated November 1, 2012, and consisting of 23 pages; General Fund \$112,728.98; Police Special Revenue \$6,245.56; Working Capital Fund \$13,654.60; Art Center Fund \$5,228.18; Golf Dome Fund \$50.00; Aquatic Center Fund \$66.87; Golf Course Fund \$8,271.81; Ice Arena Fund \$7,982.27; Edinborough Park Fund \$14,017.21; Centennial Lakes Park Fund \$178.54; Liquor Fund \$171,466.60; Utility Fund \$39,312.65; Storm Sewer Fund \$14.28; Recycling Fund \$1,008.81; PSTF Agency Fund \$10,168.77; Centennial TIF District \$1,539.69; Payroll Fund \$5,297.05; TOTAL \$397,231.87; and, Credit Card Transactions dated August 26 – September 25, 2012; TOTAL \$10,175.55.

IV.C. Adopt Resolution No. 2012-145 setting public improvement hearings to be held on December 11, 2012

IV.D. Change Order – Raw Water Line Nos. 2 and 4 to WTP No. 6, Improvement Nos. WM-449 and WM-500, Contract PW11-3, in the amount of \$53,329.25, increasing the total amount of changes orders for the contract to \$104,376.81 which is 11.4% of the total original contract of \$909,218.75. The project is complete and this change order will finalize the project.

IV.E. Accept Safety Report of October 3, 2012

Minutes/Edina City Council/November 5, 2012

- IV.F. Request for Purchase, Edinborough Park grotto, tree ring, and plant bed excavation, awarding the bid to the recommended low bidder, Mahowald Services at \$23,381.00
- IV.G. Request for Purchase, Edinborough Park concrete infill for grotto tree rings and plant beds, awarding the bid to the recommended low bidder, Axel Ohman at \$35,350.00
- ~~IV.H. Special Assessment Agreements – Richmond Hills Park~~
- IV.I. Adopt Resolution No. 2012-151, authorizing public improvement and special assessment for 5528 Oaklawn Avenue
- IV.J. Adopt Resolution No. 2012-150, no parking designation on Valley View Road from Susan Avenue to West 66<sup>th</sup> Street and on West 70<sup>th</sup> Street from Tracy Avenue to Hillside Lane and from Amundson Avenue to Metro Boulevard

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.H. SPECIAL ASSESSMENT AGREEMENTS – RICHMOND HILLS PARK – CONTINUED TO DECEMBER 18, 2012**

Engineer Houle requested continuation of Special Assessment Agreements for Richmond Hills Park to allow additional time to obtain signatures. **Member Swenson made a motion, seconded by Member Brindle, to continue consideration of Special Assessment Agreements, Richmond Hills Park, to December 18, 2012.**

Ayes: Bennett, Brindle, 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. CONSIDER TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE- ST. PATRICK'S CATHOLIC CHURCH – DECEMBER 1, 2012 – APPROVED**

Police Chief Presentation

Police Chief Long recommended approval of the request of Church of St. Patrick for a Temporary On-Sale Intoxicating Liquor License for its "Fall Festival" event on December 1, 2012, from 6 p.m. to midnight.

Mayor Hovland opened the public hearing at 7:08 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Brindle, approving the request of Church of St. Patrick for a Temporary On-Sale Intoxicating Liquor License for its "Fall Festival" event on December 1, 2012, from 6 p.m. to midnight.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**VI.B. PRELIMINARY PLAT WITH LOT WIDTH AND LOT AREA VARIANCES – JERROD LINDQUIST, 5945 CONCORD AVENUE – CONTINUED TO DECEMBER 4, 2012**

It was noted the proponent had requested continuation of this proposal in order to have the full complement of the City Council in attendance. **Member Brindle made a motion, seconded by Member**

**Swenson, continuing the public hearing and consideration of the request by Jerrod Lindquist, 5945 Concord Avenue, for preliminary plat with lot width and lot area variances to December 4, 2012.**

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

**VI.C. COMPREHENSIVE PLAN AMENDMENT, PRELIMINARY REZONING FROM POD-1 TO PUD AND PRELIMINARY DEVELOPMENT PLAN FOR 4005 WEST 65<sup>TH</sup> STREET AND 6500 FRANCE AVENUE FOR MOUNT PROPERTIES – RESOLUTION NO. 2012-147 ADOPTED – RESOLUTION NO. 2012-148 ADOPTED**

Assistant Planner Presentation

Assistant Planner Aaker presented the request of Mount Properties to tear down the existing office buildings at 4005 West 65<sup>th</sup> Street and 6500 France Avenue to build a new five-story, 62-foot tall, 102,478 sq. ft. medical office/retail building with an attached parking ramp. The request before the Council was to consider a Comprehensive Plan Amendment to consider a building height of five stories and 62 feet, a Preliminary Rezoning from POD-1 to PUD, and Preliminary Development Plan. This consideration involves a two-step development review process. The first step required four votes of the Council to approve the Comprehensive Plan Amendment, Preliminary Rezoning, and Preliminary Development Plan. The second step required three votes of the Council to approve the Final Rezoning, Final Development Plan, and Ordinance Amendment establishing the PUD. She noted the proponent had revised the plan, in consideration of Council input, and now proposed a one-phase five-story building with the mechanical equipment located inside the building. Because the chiller did not meet the sound requirement if located near the south property line, it would be located on the top level of the parking ramp. Ms. Aaker provided a comparison between the previous proposal that had been denied and the current proposal. She presented the primary issues related to the Comprehensive Plan Amendment and advised why staff found the request to be reasonable based on surrounding building heights and goals of the Comprehensive Plan. Staff also found the requested rezoning and building/site layout were reasonable and recommended approval subject to conditions as detailed in the staff report. It was noted the Planning Commission, at its October 10, 2012, meeting had unanimously recommended approval.

Proponent Presentation

Stephen Michals, Mount Properties, 3600 Minnesota Drive, requested approval of the project as revised based on sketch plan review and Planning Commission comments and as outlined by staff.

Luigi Bernardi, Aurora Investments, 5215 Edina Industrial Boulevard, thanked the Council and staff for consideration of this request to construct a high-quality, state-of-the-art medical building by a developer-owner. He reviewed past projects constructed by Aurora Investments and its cooperative relationship with Edina.

Mr. Michals stated the proposed building would contain 15-20 clinics providing quality medical services. They believed the building would be harmonious with the architecture and height of the five adjacent buildings, noting the project would replace two structures with one structure, would enhance pedestrian connections, as well as create a corner plaza. He described the numerous forms of transportation that will be accommodated and potentially reduce vehicle movement, the green roof element with flowering plants, and architectural elements that would create a distinctive gateway building.

The Council clarified that while it had suggested eliminating a below grade parking floor to gain cost efficiencies, it had not formally recommended that the developer do so.

Ed Farr, Edward Farr Architects, 7710 Golden Triangle Drive, Eden Prairie, indicated this project plan was similar to the plan considered at sketch plan review, with a few exceptions. He noted the revisions included adding a gazebo to the southwest corner of the site, relocation of the chiller to the parking ramp roof, and the rounded architecture/enhanced plaza area at the corner of France and 65<sup>th</sup> Street. Mr. Farr

## Minutes/Edina City Council/November 5, 2012

presented building elevations and advised that erosion control performance requirements would be met during the entire construction process.

The Council discussed the relocation of the chiller to address noise concerns from the Point of France. With regard to there being a cost to park in the ramp, Mr. Michals indicated there would be a 20-30 minute grace period. He noted the plan had been revised to enlarge the lobby to 18-feet in width to address the potential for congestion. At the Council's suggestion, Mr. Michals indicated they would consider the option of providing valet parking.

Mr. Farr clarified the parking ramp would have 100% louvers facing south and west towards residential districts. The east elevation towards the entrance drop off was very small and showed open span rows facing the court. On the north side, the majority of openings would have louvers, especially in the center portion to mask the sloping ramp floors. Mr. Farr addressed the row of Ash Trees that would be retained and utilized for screening and indicated once ownership of the property was taken, the trees would be assessed for health and quality. He indicated the evergreen trees screening the west end of the parking ramp would reach a height, at maturity, of 20 feet. Mr. Farr reported on tenant interest and indicated he was comfortable with the velocity of clinics that needed space in Edina and with lease rates about 15% higher than adjacent buildings.

The Council reviewed the exhibit depicting elevation with pedestrian movements and podium height. Mr. Farr explained they determined the podium height from the streetscape by looking at the cross sectional relationship of the sidewalk and pedestrian's zone of vision. In addition, 10.5 feet was the width of an exam room, which sets the structural and window grid work. It was tested and the podium height determined to be adequate to achieve substantial screening of the upper floors from pedestrians. With regard to the sidewalk placement and width, it was determined based on a combination of balancing the proportion and location of landscape to hard surface areas. Mr. Farr presented the landscape plan and exterior materials board for the proposed building.

Mr. Farr responded to the Council's inquiries relating to building and story height, explaining the types of beam supports and floor structure that would be utilized to accommodate three air shafts and smaller duct sizes. In addition, the building would have a ceiling height of 8 feet 6 inches instead of 9 feet.

City Attorney advised that the Comprehensive Plan Amendment under consideration would be site specific and any change in building height would necessitate an application for another Comprehensive Plan Amendment and PUD Ordinance Amendment.

Chuck Rickart, WSB & Associates, stated a traffic analysis had been conducted for this site and it had been determined the queuing analysis would operate satisfactorily without delays backing up to France Avenue. Mr. Rickert indicated additional research would be needed on vehicle crashes but he believed most were related primarily to France Avenue, not 65<sup>th</sup> Avenue. Should mitigations need to be instituted in the future, consideration would be given to lane geometry changes, adjustments to signal timing, or phasing improvements. However, projections showed additional lane geometry was not needed for this proposal and existing uses. Mr. Houle noted once the traffic issues were solved at France and Crosstown, it would resolve the congestion problem at France and 65<sup>th</sup> Avenue. In addition, the City would undertake a traffic study for the greater Southdale area in 2013.

Ms. Aaker clarified that the Council had considered only one sketch plan and two development proposals for this property.

Mayor Hovland opened the public hearing at 8:15 p.m.

## Public Testimony

Stacy Gallup, speaking on behalf of the 6500 France building owners, addressed the Council.

Marilyn Kemme, 6566 France Avenue S., #1206, Point of France Association Board President, addressed the Council.

Peter Pustorino, 4005 West 65<sup>th</sup> Street building owner, addressed the Council.

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

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council expressed its support of the Comprehensive Plan Amendment with the understanding it was site specific and any change in building height would require application for another Comprehensive Plan Amendment and PUD Ordinance Amendment. **Member Bennett introduced and moved adoption of Resolution No. 2012-147, approving a Guide Plan Amendment from 4 stories and 48 feet to 5 stories and 62 feet at 6500 France Avenue and 4005 West 65<sup>th</sup> Street for Mount Properties, based on the following findings:**

1. **The proposed height was consistent with adjacent buildings to the south and east. To the south, the Point of France building was 13 stories and 123 feet tall. To the east, Fairview Southdale Hospital was 8 stories and 124 feet tall, and Southdale Medical Center was 6 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 was not as tall.**
3. **The proposed plan would meet the density requirement of a 1.0 floor area ratio**

**And subject to the following condition:**

1. **Final Rezoning to PUD and Final Development Plan approval for a medical building.**

Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-148, approving Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development, and Preliminary Development Plan for 6500 France and 4005 West 65<sup>th</sup> Street for Mount Properties, 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 was 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 was of high quality brick, glass, and concrete. A five-story building would be generally consistent with the four-story buildings on West 65<sup>th</sup> 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 linear 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**

Minutes/Edina City Council/November 5, 2012

- 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.

And 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 the roof of the parking garage and adequately screened as depicted in renderings shown on November 5, 2012.
6. Compliance with all of the conditions outlined in the Director of Engineering's memo dated October 4, 2012.
7. As part of a Developer's Agreement the property owner would be required to participate in appropriate cost sharing for signal improvements at 65<sup>th</sup> 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.
10. Incorporation of a significant piece of public art of similar size, style, and uniqueness as depicted in the northeast elevation of the project plans.
11. Building materials as presented at the November 5, 2012, Council meeting.

Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council expressed its appreciation to the proponent for engaging the surrounding residents and responding to comments of the City Council and Planning Commission.

**VII. COMMUNITY COMMENT**

No one appeared to comment.

**VIII. REPORTS / RECOMMENDATIONS**

**VIII.A. RESOLUTION NO. 2012-149 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. 2012-149 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

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

**VIII.B. PEOPLE'S ORGANICS COFFEE BAKERY CAFÉ LIQUOR LICENSES**

Manager Neal presented and recommended approval of the request of People's Organic Coffee Bakery Cafes, Inc. dba People's Organic Coffee & Wine Café, for new On-Sale Wine and 3.2 Beer Licenses for the period beginning November 5, 2012, and ending March 31, 2013. It was noted this request was the result of an ownership change. **Member Swenson made a motion, seconded by Member Brindle, approving the request of People's Organic Coffee Bakery Cafes, Inc. dba People's Organic Coffee & Wine Café, for new On-Sale Wine and 3.2 Beer Licenses for the period beginning November 5, 2012, and ending March 31, 2013.**

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

**IX. CORRESPONDENCE AND PETITIONS**

**IX.A. CORRESPONDENCE**

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

**IX.B. MINUTES:**

1. **EDINA COMMUNITY HEALTH COMMITTEE, SEPTEMBER 11, 2012**
2. **EDINA TRANSPORTATION COMMISSION, SEPTEMBER 20, 2012**
3. **VETERAN'S MEMORIAL COMMITTEE, JUNE 15, 2012**
4. **ART CENTER BOARD, OCTOBER 25, 2012**
5. **HUMAN RIGHTS & RELATIONS COMMISSION, AUGUST 28, 2012 & SEPTEMBER 20, 2012**
6. **ENERGY & ENVIRONMENT COMMISSION, SEPTEMBER 13, 2012**

**IX.C. ENERGY & ENVIRONMENT COMMISSION ADVISORY COMMUNICATION – GOLF DOME**

**IX.D. EDINA COMMUNITY HEALTH COMMITTEE ADVISORY COMMUNICATION – COMMUNITY GARDENS**

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 9:05 p.m.

Respectfully submitted,

---

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, November 20, 2012.

---

James B. Hovland, Mayor

Video Copy of the November 5, 2012, meeting available.