



To: MAYOR AND COUNCIL

Agenda Item #: VI.A

From: Cary Teague, Community Development Director

Action

Discussion

Date: February 3, 2015

Information

Subject: Public Hearing – Ordinance No 2015-25; Amending Chapters 10 & 32, regarding tree preservation and subdivisions.

Action Requested:

Grant first reading of the attached Ordinance No. 2015-25.

Information / Background:

Based on feedback from the October 21, 2014 work session with the City Council, the Planning Commission has revised the tree preservation ordinance for consideration of the City Council. The text that is highlighted in gray is the language that has been added since the October 21st work session.

The following is a summary of the proposed Ordinance:

- This ordinance applies to: demolition permits; subdivisions applications; building permit applications for principal and accessory structures including a garage, deck or a pool; and additions to principal and accessory structures.
- All such permits are required to include a tree inventory plan indicating where Protected Trees are located and, their species, caliper, and health. The plan must show how Protected Trees are preserved and protected during construction. The plan must also show if any Protected Trees are proposed to be removed and the location, species and size of all replacement tree(s).
- Trees to be protected under this Ordinance include all deciduous trees at least 8 inches dbh, except box elder, poplar, willow, silver maple, black locust, fruit tree, and mulberry; and coniferous trees at least 20 feet in height.
- Any healthy protected tree that is removed within a 10 foot radius of a building pad, deck or patio or within 5 feet of a driveway and parking area does not have to be replaced.
- Any healthy protected tree that is removed within areas of installation of public infrastructure improvements including public roadways, stormwater retention areas and utilities does not have to be replaced.

- Any healthy protected tree that is removed as part of a demolition permit; building permit application for a structural addition; or building permits for accessory structure that is outside of the building pad, deck or patio area, public infrastructure or utility area, or within the driveway or parking area must be replaced 1 to 1.
- Protected Trees to remain must be protected during construction.
- Replacement trees that die within three years of planting would need to be replaced.
- The subdivision ordinance has been revised to reflect the new ordinance.

The proposed Ordinance would add an expense to a building permit for inclusion of the tree inventory. The Ordinance would also require a longer building permit review time and additional staff time.

Ordinance Enforcement

While the proposed ordinance would not have the impact on staffing that the previous ordinance did, the amount of staff time required to enforce this ordinance will still increase. As mentioned previously, the city forester is currently a part time position (34 hours per week on average). The forester has reviewed the proposed Ordinance, and believes that an additional staff person (possibly part time) would be required to adequately enforce the Ordinance or the city forester position become full time to still maintain the level of service that they currently provide. The primary focus of the forester is on the city's 600-800 acres of public land; although he does occasionally work with residents regarding tree issues on private property.

The new ordinance would require the following additional staff review:

- Review of the "tree plan" as part of the building permit. This is the review of the survey showing existing trees, those that would be removed, and those proposed to be planted. Given the last couple years of permit activity, this could be between 150-200 permits per year; this would include new home construction after a tear down and additions to existing homes.
- Inspect the property at the time of the final inspection for the building permit to ensure that the tree plan has been followed.
- Respond to complaints regarding trees that die during the three year new growth period.

This would ultimately be a decision of the City Council in regard to staffing.

ATTACHMENTS:

- Draft Ordinance
- Planning Commission Minutes

ORDINANCE NO. 2015-25
AN ORDINANCE AMENDMENT REGARDING
TREE PRESERVATION & SUBDIVISIONS

The City Council Of Edina Ordains:

Section 1. Chapter 10, Article III of the Edina City Code is amended to add Division 3 as follows:

DIVISION III. TREE PROTECTION

Sec. 10-82. **Preservation, protection and replacement of Protected Trees:** This Division applies to: demolition permits; subdivisions applications; building permit applications for principal and accessory structures including a garage, deck or a pool; and additions to principal and accessory structures.

(1) Purpose: Edina is fortunate to have a robust inventory of mature trees that form an integral part of the unique character and history of the city, and that contribute to the long-term aesthetic, environmental, and economic well-being of the city. The goal of this Section is to preserve Edina's high valued trees, while allowing reasonable development to take place and not interfere with how existing property owners use their property. The purpose of the ordinance is to:

- a. Preserve and grow Edina's tree canopy cover by protecting mature trees throughout the city.
- b. Protect and enhance property values by conserving and adding to the distinctive and unique aesthetic character of Edina's tree population.
- c. Protect and enhance the distinctive character of Edina's neighborhoods
- d. Improve the quality of life for all stakeholders, including city residents, visitors and wildlife.
- e. Protect the environment by the filtering of air and soil pollutants, increasing oxygen levels and reducing CO2; preventing and reducing erosion and stormwater by stabilizing soils; reducing heat convection; decreasing wind speeds; reducing noise pollution and decreasing the urban heat island effect.
- f. Protect and maintain healthy trees in the development and building permit processes as set forth herein; and prevent tree loss by eliminating or reducing compacted fill and excavation near tree roots.

(2) Definitions:

- a. Protected Tree: Any tree that is structurally sound and healthy, and that meets one of the following:

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

Added text after October 21 - XXXX

- i. a deciduous tree that is at least 8 inches dbh, except box elders, poplar, willow, silver maple, black locust, fruit tree species, and mulberry.
 - ii. a coniferous tree that is at least 20 feet in height.
- b. Removable Tree. Any tree not defined as a Protected Tree, and as defined as an invasive species by the Minnesota Department of Natural Resources.
 - c. Critical Root Zone. The minimum area around a tree that is left undisturbed. The critical root radius is calculated by measuring the tree's diameter at breast height. For each inch of tree diameter, 1.5 feet of root zone radius must be protected. For example, if a tree's dbh is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15). If the critical root zone must be disturbed for construction or construction activity, a plan for the disturbance shall be submitted subject to review and approval of the city forester to minimize the damage.
 - d. Diameter at Breast Height (dbh). The dbh shall be measured at a height of 4.6 feet.

(3) Applications must include a tree inventory plan indicating where Protected Trees are located and, their species, caliper, and health. The plan must show how Protected Trees are preserved and protected during construction. The plan must also show if any Protected Trees are proposed to be removed and the location, species and size of all replacement tree(s).

(4) If a Protected Tree is removed, except as allowed for in paragraph (5), it must be replaced with one (1) tree, subject to the following conditions:

- a. Protected trees must be replaced with species of a similar type (deciduous or coniferous) that are normally found growing in similar conditions and that are included on the list of acceptable replacement species on file with the city forester.
- b. Replacement trees must be varied by species.
- c. Replacement trees must not be subject to known epidemic diseases or infestations. Disease or infestation resistant species and cultivars are allowed.
- d. Replacement trees must be at least two and one-half inches (2.5") in caliper for deciduous trees and a minimum of seven feet (7') tall for coniferous trees.
- e. Replacement tree plans are subject to approval by the City Forester before implementation.
- f. The tree inventory plan shall be verified at the time of final inspection for the building permit.

g. If the city determines that there is no appropriate location for some or all the required replacement trees, those trees will not be required on site. The city shall require the replacement trees on public property if there is no appropriate location on site.

(5) Protected Trees may be removed without mitigation, in the following areas:

a. Including, and within a ten-foot (10') radius of, the building pad, deck or patio of a new or remodeled building.

b. Including, and within a five-foot (5') radius of driveways and parking areas.

c. Including, and within ten-foot (10') radius of installation of public infrastructure improvements including public roadways, stormwater retention areas and utilities.

(6) Before construction, grading or land clearing begins; city-approved tree protection fencing or other method must be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing must be in conformance with the approved tree preservation plan. The fencing must be inspected by city staff before site work begins. The fencing must remain in place until all demolition and construction is complete.

(7) No construction, compaction, construction access, stock piling of earth, storage of equipment or building materials, or grading may occur within the critical root zone areas of trees to be protected, unless there are no other on-site alternatives. If there are no other alternatives, a plan for this activity would need to be reviewed and approved by the city forester. A reasonable effort must be made when trenching utility lines to avoid the critical root zone.

(8) When construction is complete all trees to remain must have the soil out to their drip line aerated and de-compacted. Aerating must include multiple concentric circles of 1" holes, 2" deep, or as recommended by an arborist.

(9) If Protected Trees were removed within one (1) year prior to the date the development, subdivision application, demolition and building permit applications were submitted, these Protected Trees are also subject to the replacement policy set forth in paragraph (4) above.

Section 2. Chapter 32. Article III. Evaluation of Plats and Subdivisions is hereby revised as follows:

Subsection 32-7. (Subdivisions.) Variances are hereby amended as follows:

Sec. 32-7. Variances.

(a) *Grant by Council.* In connection with the preliminary or final approval of a plat or subdivision the Council may grant variances from the provisions of this Section. The

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

Added text after October 21 - XXXX

Council shall grant variances only upon finding that an unusual hardship exists as to the land within the plat or subdivision, and specifically that:

- ~~(1) The hardship is not a mere inconvenience;~~
 - ~~(2) The hardship is due to the particular physical surroundings, shape or topographical condition of the land;~~
 - ~~(3) The condition or conditions upon which the request for a variance is based are unique to the property being platted or subdivided and not generally applicable to other property;~~
 - ~~(4) The hardship is caused by this Section and not by the applicant;~~
 - ~~(5) The variance will result in an improved plat or subdivision; and~~
 - ~~(6) The variance, if granted, will not alter the essential character of the land within the plat or subdivision or in the neighborhood.~~
- (1) That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this title would deprive the applicant reasonable use of their land.
 - (2) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
 - (3) That the variance is to correct inequities resulting from an extreme physical hardship such as topography, or inadequate access to direct sunlight for solar energy systems etc.

A grant of a variance by the Council shall be deemed to include a favorable finding on each of the variance grounds set out above even if not specifically set out in the approval resolution or the minutes of the Council meeting.

(b) *Conditions.* In granting a variance the Council may impose conditions to ensure compliance with the purpose and objectives of this Section and other applicable provisions of this Code and to protect adjacent properties. The conditions may be made a part of any Development Contract required by article IV of this chapter.

Section 3. Chapter 32. Article III. Evaluation of Plats and Subdivisions is hereby revised as follows:

Sec. 32-130. Considerations.

~~The Commission in reviewing proposed plats and subdivisions and in determining its recommendation to the Council, and the Council in determining whether to approve or disapprove of any plat or subdivision, may consider, among other matters, the following:~~

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – **XXXX**

Added text after October 21 - ~~XXXX~~

- ~~(1) The impact of the proposed plat or subdivision, and proposed development, on the character and symmetry of the neighborhood as evidenced and indicated by, but not limited to, the following matters:
 - a. The suitability of the size and shape of the lots in the proposed plat or subdivision relative to the size and shape of lots in the neighborhood; and
 - b. The compatibility of the size, shape, location and arrangement of the lots in the proposed plat or subdivision with the proposed density and intended use of the site and the density and use of lots in the neighborhood.~~
- ~~(2) The impact of the proposed plat or subdivision, and proposed development, on the environment, including but not limited to, topography, steep slopes, vegetation, naturally occurring lakes, ponds and streams, susceptibility of the site to erosion and sedimentation, susceptibility of the site to flooding and water storage needs on and from the site.~~
- ~~(3) The consistency of the proposed plat or subdivision, and proposed development, and compliance by the proposed plat or subdivision, and the proposed development, with the policies, objectives, and goals of the Comprehensive Plan.~~
- ~~(4) The compliance of the proposed plat or subdivision, and the proposed development with the policies, objectives, goals and requirements of chapter 36 including, without limitation, the lot size provisions and the floodplain overlay district provisions of chapter 36.~~
- ~~(5) The impact of the proposed plat or subdivision, and proposed development on the health, safety and general welfare of the public.~~
- ~~(6) The relationship of the design of the site, or the improvements proposed and the conflict of such design or improvements, with any easements of record or on the ground.~~
- ~~(7) The relationship of lots in the proposed plat or subdivision to existing streets and the adequacy and safety of ingress to and egress from such lots from and to existing streets.~~
- ~~(8) The adequacy of streets in the proposed plat or subdivision, and the conformity with existing and planned streets and highways in surrounding areas. Streets in the proposed plat or subdivision shall be deemed inadequate if designed or located so as to prevent or deny public street access to adjoining properties, it being the policy of the City to avoid landlocked tracts, parcels or lots.~~
- ~~(9) The suitability of street grades in relation to the grades of lots and existing or future extension of the City's water, storm and sanitary sewer systems.~~
- ~~(10) The adequacy and availability of access by police, fire, ambulance and other life safety vehicles to all proposed improvements to be developed on the proposed plat or subdivision.~~

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

Added text after October 21 - XXXX

- (11) Whether the physical characteristics of the property, including, without limitation, topography, vegetation, susceptibility to erosion or siltation, susceptibility to flooding, use as a natural recovery and ponding area for storm water, and potential disturbance of slopes with a grade of 18 percent or more, are such that the property is not suitable for the type of development or use proposed.
- (12) Whether development within the proposed plat or subdivision will cause the disturbance of more than 25 percent of the total area in such plat or subdivision containing slopes exceeding 18 percent.
- (3) **Comply with Section 10-82.**
- ~~(13) Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.~~

Section 4. Chapter 36. Article VIII. Districts and District Regulations is hereby revised to add the following:

Sec. 36-437. Requirements for lot areas and dimensions.

- (5) *Variances from Section 36-437. When Variances are requested from Section 36-437, requirements for lot areas and dimensions, the Planning Commission and City Council may consider the following criteria in addition to Section 36-98:*
 - a. The impact of the proposed plat or subdivision, and proposed development, on the character and symmetry of the neighborhood as evidenced and indicated by, but not limited to, the following matters:
 - i. The suitability of the size and shape of the lots in the proposed plat or subdivision relative to the size and shape of lots in the neighborhood; and
 - ii. The compatibility of the size, shape, location and arrangement of the lots in the proposed plat or subdivision with the proposed density and intended use of the site and the density and use of lots in the neighborhood.
 - b. The impact of the proposed plat or subdivision, and proposed development, on the environment, including but not limited to, topography, steep slopes, vegetation, naturally occurring lakes, ponds and streams, susceptibility of the site to erosion and sedimentation, susceptibility of the site to flooding and water storage needs on and from the site.
 - c. The consistency of the proposed plat or subdivision, and proposed development, and compliance by the proposed plat or subdivision, and the proposed development, with the policies, objectives, and goals of the Comprehensive Plan.

- d. The compliance of the proposed plat or subdivision, and the proposed development with the policies, objectives, goals and requirements of chapter 36 including, without limitation, the lot size provisions and the floodplain overlay district provisions of chapter 36.
- e. The impact of the proposed plat or subdivision, and proposed development on the health, safety and general welfare of the public.
- f. The relationship of the design of the site, or the improvements proposed and the conflict of such design or improvements, with any easements of record or on the ground.
- g. The relationship of lots in the proposed plat or subdivision to existing streets and the adequacy and safety of ingress to and egress from such lots from and to existing streets.
- h. The adequacy of streets in the proposed plat or subdivision, and the conformity with existing and planned streets and highways in surrounding areas. Streets in the proposed plat or subdivision shall be deemed inadequate if designed or located so as to prevent or deny public street access to adjoining properties, it being the policy of the City to avoid landlocked tracts, parcels or lots.
- i. The suitability of street grades in relation to the grades of lots and existing or future extension of the City's water, storm and sanitary sewer systems.
- j. The adequacy and availability of access by police, fire, ambulance and other life safety vehicles to all proposed improvements to be developed on the proposed plat or subdivision.
- k. Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.

Section 5. This ordinance is effective immediately upon its passage and publication.

First Reading:
Second Reading:
Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – **XXXX**
Added text after October 21 - **XXXX**

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2015, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2015.

City Clerk

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – **XXXX**

Added text after October 21 - ~~XXXX~~

V.B. GRANDVIEW RESIDENTIAL SURVEY FINAL REPORT, BILL MORRIS AND PETER LEATHERMAN, MORRIS LEATHERMAN COMPANY – RECEIVED

Bill Morris, Morris Leatherman Company, presented highlights of the Grandview Residential Survey final report that involved 400 random Edina households with a non-response rate of less than 3%. The survey related to the development of the Grandview area and values that residents held for public lands in general. Dr. Morris stated that the survey results indicated the public needs more information about the Grandview Redevelopment Framework, there is support for mixed use with emphasis on the “public side of things” and “intense opposition” to apartments, and a referendum for a general obligation bond-funded community center would not pass at this point in time.

The Council reviewed the survey results, asked questions of Mr. Morris, and thanked Mr. Morris and Mr. Leatherman for their work on this report.

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

VI.A. ORDINANCE NO. 2014-06 – AMENDMENT TO CHAPTER 10, ARTICLE III OF THE CITY CODE, REGARDING TREE PRESERVATION – TABLED

Planning Commission Working Group Presentation

Planning Commissioner Platteter described the consideration of the Working Group and recommendation for an ordinance amendment addressing tree preservation and replacement for demolition permits, building additions, and building accessory structures. Planning Commissioner Platteter answered questions of the Council relating to the recommendation for a 2-for-1 tree replacement requirement, caliper requirement for replacement of a significant tree, definition of replacement trees and protected trees, ability to enforce, methods of application, and option to define a basic removal area (i.e., within ten feet of the building pad). Planning Commissioner Platteter advised of input from builders in opposition to this amendment and suggested the City consider a boulevard (public space) strategy to maintain tree canopy.

The Council agreed with the importance of finding balance points between property rights and protection of the City’s tree canopy. The option was raised to regulate by listing trees that were not allowed, instead of listing trees that were acceptable, in an effort to provide more flexibility for replacement tree species.

Community Development Director Teague stated staff received a landscape plan associated with a building permit but generally, when a site was cleared for construction, the property owner replanted trees that were removed, though of a smaller caliper. He addressed the issue of staffing, noting the City Forester works 34 hours a week and had indicated enforcement of this ordinance amendment would require an additional part-time staff position.

Mayor Hovland opened the public hearing at 8:32 p.m.

Public Testimony

Lori Grotz, 5513 Park Place, addressed the Council.

Pam Starkey, 5331 Oaklawn Avenue, addressed the Council.

Dianne Plunkett Latham, 7013 Comanche Court, addressed the Council.

Frank Lorenz, 7151 York Avenue South, Unit 720, addressed the Council.

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

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

Minutes/Edina City Council/May 6, 2014

Forester Horwath addressed issues raised during public testimony relating to cost and timing to replant a large tree, potential City liability if regulating tree placement, and difficult predictability of tree impact. He recommended including the State of Minnesota list of invasive trees within the ordinance. Mr. Horwath stated his concern relating to the amount of time enforcement would require and indicated he had not found tree replacement to be a major concern as property owners were not often cutting down significant trees unnecessarily.

The Council continued discussion of the amendment and asked questions of Mr. Teague and Mr. Neal. The Council discussed the merits of the Minnetonka tree preservation ordinance in terms of clarity of definitions, reasonable scope, and general tree protection standards in addition to preservation rules. The Council expressed support for the concept of a tree preservation ordinance and asked for additional staff input on the most logical method to preserve the City's tree canopy, whether home additions should be excluded, how to define a basic removal radius, whether lot size should be a factor in terms of replacement ratios, how to limit the City's costs, and boulevard replanting strategy. **Member Sprague made a motion, seconded by Member Brindle, tabling consideration of Ordinance No. 2014-06, Amendment to Chapter 10, Article III of the City Code, Regarding Tree Preservation, to a future Work Session.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. COMPREHENSIVE GUIDE PLAN AMENDMENT, PRELIMINARY PUD REZONING, PRELIMINARY DEVELOPMENT PLAN, LENNAR CORPORATION, 6725 YORK AVENUE AND 6712, 6708, 6704, 6700, AND 6628 XERXES AVENUE – RESOLUTIONS NO. 2014-51 AND 2014-52 – ADOPTED

Mayor Hovland recognized elected Richfield officials who were in attendance.

Community Development Director Presentation

Mr. Teague presented the request of Lennar Corporation for a Comprehensive Plan Amendment to change the building height from four stories and 48 feet to six stories and 70 feet; floor area ratio from 1.0 to 1.27; and, regarding the Land Use Plan for the five single-family homes from Low Density Residential to Community Activity Center. He reported on concerns of Richfield residents on the east side of Xerxes Avenue with the proposed setbacks. It was noted the traffic study concluded the existing roadways and parking could support this project and recommended creating a left turn into the site on York Avenue.

Mr. Teague advised that the Planning Commission recommended, on a split vote, approval of the Comprehensive Plan Amendment and denial of the Preliminary Rezoning and Preliminary Development Plan based on the layout of the project. Mr. Teague indicated the proponent had revised the plans by reducing the size of the retail space; expanding the width of the boulevard along York Avenue, shifting the entire building ten feet to the west; and, creating additional setbacks (eight feet) on the top floor corners of the building facing Xerxes Avenue. Staff recommended approval of the Comprehensive Plan Amendment, Preliminary Rezoning, and Preliminary Development Plan per the findings and conditions as outlined in the draft resolutions. If approved, the developer would be required to return for Final Rezoning to PUD; Final Development Plan; and, Ordinance amendment creating the new PUD District. In addition, a City Code amendment would be needed to allow R-1 property to be considered for a PUD.

The Council addressed the indication of the Edina Housing Foundation that 20% affordable housing was a trigger for federal money and the Council had expressed interest in pursuing that type of project where funding could be maximized.

Proponent Presentation

Peter Chmielewski described projects undertaken and managed by Lennar Corporation.

P.C.
1/8

B. Tree Ordinance

Planner Presentation

Planner Teague reported that Commissioners Claudia Carr and Michael Platteter drafted an Ordinance regarding tree preservation. Teague said the draft was circulated to staff with staff raising the following concerns/questions:

- Enforcement. General enforcement of the ordinance, including monitoring newly planted trees in the first three years of their life may require additional staffing. The city forester is a part time position.
- Two for one replacement. This may be restrictive?
- Requirement of native trees. The forester is concerned that a limitation to native species would take away options for property owners to make individual decisions.
- Violation Penalties. The city attorney recommends that number (13) be eliminated. Violations are covered in another section of the code. Additionally, the city attorney does not believe that the city has statutory authority to impose this type of penalty. In practice, the city would not issue a Certificate of Occupancy until the violations have been corrected.
- Preservation Easement. The city attorney recommends number (8) is eliminated as it is only a recommendation.
- Added cost for residents. With additional information required on a survey, there will be an added cost.

Commissioner Presentation

Commissioner Platteter addressed the Commission and explained that he along with Commissioner Carr wanted to craft an Ordinance that "got our foot in the door" with regard to tree preservation. Platteter said they chose to limit the scope of the proposed Tree Preservation Ordinance to tear downs/re-builds. Platteter explained that teardown and rebuilds appeared to be a good place to start because they have created holes in the City's tree canopy. Concluding, Platteter stated; again, this is only a start.

Comments/Questions

Commissioner Scherer asked Commissioner Platteter under (2) Definitions: Removable Tree how they arrived at the list of removable trees. Commissioner Platteter responded that they researched the subject and for the most part chose trees that are typically thought of as nuisance. Platteter said he also believes any tree

not listed or not found under Significant Mature Tree would be removable trees. Platteter commented that the wording "Significant Mature" could be changed to "Protected".

Chair Staunton asked Planner Teague to comment on his findings. Planner Teague explained that staffing enforcement would be a concern, adding it's possible that the Redevelopment Coordinator could fold some of these "duties" into her work load, cautioning much would depend on Ordinance wording. Teague also observed if the City through Ordinance were to require trees to be depicted on the surveys that would be an additional cost to the homeowner.

Chair Staunton said he understands the Commissioners approach with regard to teardown/rebuilds; however, he noted large additions could have the same impact on the tree canopy. Commissioners agreed.

Commissioner Fischer said at least in his experience there is a lot of peer pressure in the community to retain and maintain the City's forest. Residents don't typically cut down a tree unless necessary.

Commissioner Grabel questioned how/who would enforce the two for one, or one for one replacement suggestion; and if violating that caveat of the Ordinance would be considered criminal. Grabel said he wouldn't want to see the Ordinance go in that direction.

Commissioners discussed the issue of enforcement and wondered if tree replacement could be tied to the escrow funds.

Commissioner Forrest commented that in her opinion this is a good start.

Commissioner Scherer stated that she didn't recall finding a definition of preservation easement, adding number 8 as mentioned by staff is only a recommendation.

Commissioner Grabel commented that it may be easier to just require replacement of all trees removed.

The discussion ensued with Commissioners agreeing that enforcement of tree replacement could become problematic; however, liked the idea of enforcement linked to the escrow.

Commissioner Scherer commented that she understands the "nuisance" concern for buckthorn and other types of trees; however, thinks that more consideration should be placed on the size of the tree removed and not so much the variety. Scherer stated in her opinion it is good to have different species of trees especially because of the potential for disease. Also removing a large tree that is considered undesirable does have impact.

Commissioner Schroeder said he was pleased at this start pointing out maintaining the urban forest is part of the Comprehensive Plan. Continuing, Schroeder said he agrees with the observation shared by Commissioner Scherer on tree size. He pointed out Cottonwoods are large trees with a very large canopy and if they are permitted to be removed the impact is tremendous. Schroeder stated in his opinion trees that provide canopy need to be replaced and replacement at 1-1 may not be adequate. Schroeder also noted the preservation of the canopy isn't limited to a site; canopy is enjoyed by many. Concluding, Schroeder said in certain instances he doesn't believe a two for one replacement is onerous.

Commissioner Forrest commented that she agrees with Schroeder and Scherer on their observations; however, smaller lots may not be able to support the two for one replacement suggested by Schroeder. Schroeder responded that the two for one doesn't necessarily need to be accomplished on the site. A tree could be planted in the City parks adding to the urban forest and canopy.

Chair Staunton thanked Commissioners Platteter and Carr, adding the proposed draft was a great start and the Commission looks forward to more work on this topic.

A discussion ensued on the timing of proceeding with discussions on the proposed Tree Preservation Ordinance with Commissioners agreeing that another draft is needed so the discussion could proceed. It was agreed that the Commission would address another draft at a future meeting.

C. Subdivision Ordinance

Planner Presentation

Planner Teague introduced to the Commission a draft revision of the current Subdivision Ordinance and asked for Commissioners for their comments.

Comments

Commissioner Forrest said at first glance she was interested in considering the plat vs. shrinking the neighborhood option; however, without a "clear" definition of plat that would be difficult. Planner Teague agreed that defining plat would be difficult.

Commissioner Fischer commented that in his opinion the perceived problems with the Subdivision Ordinance comes in phases; questioning if amending the Subdivision Ordinance definition of "neighborhood" from 500-feet to 250-feet really solves the issue. Fischer said it may be best if the Commission used the common sense approach and worked within the Ordinance as it is.

Commissioner Grabiell said maybe it would be clearer to define "neighborhood"

Commissioner Carr stated she agrees the rezoning makes sense; it's a good land use choice; however, she said she continues to be concerned with the two driveways. Carr said it's not only a safety issue for her but an aesthetic issue. She suggested revisiting this concept.

Commissioner Schroeder asked Planner Teague how this area is guided in the Comprehensive Plan. Planner Teague responded the Comp Plan guides this area as low density attached residential. Schroeder commented that it appears the rezoning moves this parcel more into compliance with the Comprehensive Plan. Continuing, Schroeder said he can support the rezoning; pointing out this parcel is also adjacent to an apartment building and other multiples. Schroeder also added he is concerned with guest parking and the common areas, adding that may need to be revisited. Mr. Mortenson said in this area guest parking is accommodated on the street or in the driveways. He also noted the near public ramp parking and the adjacent apartment building has a guest lot.

Commissioner Carr complimented Mr. Mortenson on his interest in developing a sustainable building.

Commissioner Forrest stated she really likes the concept of the shared front door and the flexibility this design provides for residents to "age in place".

Commissioner Kilberg said he applauds the project; however would like to see a more enhanced street view. Kilberg said in his opinion character needs to be added to the structure to give it a more residential feel. A landscaping should also be developed.

Chair Staunton commented that the proposed new home(s) sits on a hill and asked Mortenson if he knows how the height of the old and new buildings compares. Mr. Mortenson responded that he believes the new structure would be higher than what exists today; possibly by six-feet.

Chair Staunton said in summary he believes the request to rezone the subject site and build a double dwelling unit makes sense; however, there are concerns with drainage, building design, profile, garage access and building height that need to be further addressed and clarified.

Planner Teague informed Mr. Mortenson that the Sketch Plan will be forwarded to the City Council for their feedback before formal application is made.

Chair Staunton suggested to Mr. Mortenson that he provide the City Council with a narrative explaining their intent and final goal.

C. Tree Preservation Ordinance

Planner Presentation

Planner Teague reminded the Commission that this was discussed at their previous meeting on January 8th. Teague thanked Commissioners Platter and Carr for their work on the Tree

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Ordinance and reported that at this time the City's attorney is reviewing the language, adding at first look the Attorney is considering placing this Ordinance in 411/Residential Reconstruction

Comments/Discussion

Chair Staunton observed that it may make sense to place it there; however, 411 only addresses tear down rebuilds.

Commissioner Platteter said the revisions to the proposed Tree Ordinance were to capture canopy width, protected tree removal one for one, trees not identified as a protected species removable and capture a more inclusive "tree family" protected list.

Commissioner Carr said their research found that in general language referred to "family of trees" and questioned if omitting the "species" list adding "family of trees" would serve the Ordinance better.

Chair Staunton said in reference to species or family of trees it has always been difficult to know if too inclusive or less is best in any Ordinance language.

Commissioner Schroeder commented that in his opinion in this instance the City may want the advice of the City Forester in determining tree preservation. He said defining "family of trees" can be very complicated. Schroeder referred to the Ordinance part 2 6. B. disease resistant as another instance where Forester input would be valuable. He pointed out in #5 it indicates "if a protected tree is less than 5" in caliper, it must be moved to another location on the property, if impacted by areas in paragraph (7) below". Schroeder said not all trees of that size are worth moving, and in his opinion the City should have the forester review the tree before it's moved. Concluding, Schroeder said his focus and sensitivity is to the impact provided by the existing canopy of all trees and if that canopy is lost regardless of the tree, protected or not, that canopy is sorely missed and the Tree Ordinance should address this loss.

Platteter said he agrees with Commissioner Schroeder about the importance of the tree canopy; however found it difficult to write an ordinance that would reflect that.

Commissioner Scherer stated that in her opinion the Ordinance should be clearer; she noted "demo permits" and "building permits" are also required for internal modifications, adding a tree inventory should not be required for internal modifications. Commissioners agreed. Scherer also noted she recently had a bathroom updated, adding that required multiple building permits; however, in no way impacted trees. Concluding, Scherer said the intent of the proposed Ordinance needs to be clearer, adding originally she thought that this Ordinance applied to only tear down rebuilt properties.

Commissioner Platteter said the intent of the tree ordinance is to require a tree inventory for teardown rebuilds and any house modification that requires a building permit or demolition permit.

Commissioner Forrest said she likes the way the Ordinance is written; pointing out a permit is required for a new roof, adding roofers should be made aware of the trees on the site and keep their protection in mind during the roofing process. Commissioner Scherer reiterated in her opinion further clarification is needed; especially with #12.

Chair Staunton commented that when considering the suggestion from the City Attorney to place the Tree Ordinance in 411 in his opinion that location may not work. He pointed out as previously mentioned 411 is drafted solely for teardowns and rebuilds. Commissioner Platteter acknowledged that point, reiterating the intent of this Ordinance applies to anything that modifies a house size plus tear downs rebuilds; Staunton agreed adding the Commission isn't interested in inserting ourselves unless there is structural modification going on. Commissioners agreed.

Commissioner Potts questioned if the trees would be required to be depicted on a survey or some type of tree inventory document. Commissioners Platteter and Carr commented their intent at this time was to require a tree inventory; however there are options, the tree inventory can be depicted on the survey, but if not, a separate document would be required.

The discussion ensued with Commissioner's in agreement to move forward with the Tree Ordinance; however, tweak it as discussed for final draft review at the next Commission meeting on February 26th. The final draft would be forwarded to the City Council for their comments and review.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials, Council Connection and Attendance.

VIII. CHAIR AND COMMISSION MEMBER COMMENTS

None.

IX. STAFF COMMENTS

None.

X. ADJOURNMENT

Commissioner Fischer moved meeting adjournment at 8:15 PM. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Respectfully submitted

Commissioner Schroeder told the Commission he likes the location of the drive-through and the way the mass of the building addresses the street/highway. Schroeder suggested that the applicant find a way to work with MNDOT to the mutual benefit of both to provide better fencing and landscaping to help create a signature look for this building. Schroeder pointed out this building is very visible and a gateway into Edina off the freeway. Dovolis responded he would be happy to work with MNDOT and asked if the City could help facilitate that connection

Chair Platteter echoed Commission comments and said he fully supports working with the Temple on the cross easement arrangement. Platteter also suggested that the subject site; adjacent property to the west, and the Temple talk with each other to create the best redevelopment of the two lots as possible. Platteter thanked the applicant for his presentation.

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D. Tree Preservation Ordinance

Planner Presentation

Planner Teague reminded the Commission they have been discussing the proposed tree ordinance for the past couple meetings adding changes were made to the previous draft that need to be discussed. Teague said included in the revisions was the following:

Sec. 10-82. Preservation, protection and replacement of Protected Trees: This ordinance applies to all demolition permits; building permit applications for a structural addition; and building permits for accessory structures including a garage, deck or a pool.

Sec. 10-82 (4) added subject to review of the city forester. The caliper of Protected Trees shall be measured at four and one half feet (4.5') above the ground.

b. Protected Trees removed in subparagraphs a. and b. above must be replaced with one (1) tree, subject to the species listed above in (2) Definitions and the conditions listed in subparagraphs 1. Through e. of paragraph 5 above; and finally;

(8) The survey must indicate how the Protected Tree would be protected during construction subject to staff review and approval.

Teague also noted that the public hearing on the Tree Preservation Ordinance has been set for February 26, 2014.

Discussion

Commissioner Grabiell said he has one concern which has to do with the City Forester. He said in his opinion the Forester needs a standard rationale statement and/or policy as he reviews trees.

Commissioner Schroeder stated he still is concerned about removing trees that aren't protected; noting they provide significant canopy and ecological aesthetics. Schroeder said he would prefer to see a 1-1 replacement requirement also for removable trees. Platteter said he agrees with that comment, adding this could be addressed and discussed at the public hearing level. Commissioners agreed the public hearing would be the place to get final feedback.

Commissioners indicated the revisions are acceptable and indicated they look forward to the public hearing on March 4th.

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Carr reported that the Living Streets committee has been meeting and making progress. Carr said that the committee recently discussed watershed issues.

Chair Platteter stated that he believes at the Commission's next meeting (26th) they will be saying goodbye to Commissioners Grabel and Fischer.

X. STAFF COMMENTS

Planner Teague reported that the City Council heard the sketch plan review on the double proposed for West 49th Street. Teague said the Council; like the Commission, supported the use; however believed the plan needed revisions. The applicant indicated he would be back with another plan.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 10:05 PM. Commissioner Fischer seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted.

A discussion ensued with Commissioners expressing their hesitancy in approving a preliminary rezoning and development plan that doesn't include housing and without more detailed plans. It was further noted that there is the option to vote against the proposal as submitted. Commissioners reiterated their desire for housing and acknowledged that in the end because of the scope of this project the City will be entering into a long term relationship and partnership with the applicant. Commissioners did suggest that a statement be added indicating where appropriate housing would be included; however it was acknowledged that statement may be too general. Commissioners did state with a PUD rezoning the applicant needs to be aware that the City expects things in return. Approval should not create missed opportunities to ensure that the site has measureable metrics during the process.

Commissioner Grabel moved to recommend preliminary rezoning from MDD-6, Mixed Development District to PUD, Planned Unit Development, and an Overall Development Plan subject to staff findings and subject to staff conditions. Commissioner Fischer seconded a motion.

A discussion ensued on how the City can ensure that the conditions for approval are met. Of concern were the recommendations of creating a recreational system that promotes walking, health and wellness and the incorporation of public art. It was noted that these measures could be completed through alignment with the approved TIF. Further discussion also noted that the City continues to reserve the right to "drill down" plans at final approval to achieve the goals outlined in the findings and conditions.

Commissioner Schroeder offered an amendment recommending that a recreational system that promotes walking, health and wellness be implemented in alignment with the TIF Plan through a development agreement between the City and the Developer.

Chair Grabel and Commissioner Fischer accepted that amendment.

Chair Staunton called for the vote; Ayes, Scherer, Schroeder, Fischer, Potts, Carr, Forrest, Grabel, Staunton. Abstain, Platteter. Motion to approve carried.

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C. Tree Preservation Ordinance

Presentation

Planner Teague reminded the Commission they tabled this issue at their last meeting requesting minor revisions to the Ordinance. Teague stated the revisions were made. He also noted that at the last meeting the Commission requested that additional information on staffing be supplied for the enforcement of the proposed Ordinance.

Commissioner Scherer asked Planner Teague if he knows the cost of a certified tree inventory and who the enforcement officer would be.

Planner Teague said at this time he doesn't know what the cost would be for a certified tree inventory and discussions continue on who would enforce the ordinance.

Chair Staunton opened the public hearing.

Public Testimony

John Crabtree, 5408 Oaklawn Avenue said that while he understands the proposed ordinance he wonders if the City is requiring more trees than can be sustained on one lot. Crabtree also questioned how far the City is willing to go if someone doesn't comply with the new ordinance. Concluding, Crabtree said one must always be careful of unintended consequences.

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

Discussion

A discussion ensued with Commissioners noting that the proposed ordinance could create difficulties in areas where trees need to be removed without penalty (i.e. utilities). Commissioner Platteter said the Commission could ask the City to work with the utility companies on tree removal or preservation in utility easement areas.

Commissioner Platteter explained that the proposed ordinance was to save trees, adding in his neighborhood specifically all trees were taken down on a tear down rebuild lot. Platteter said for a developer it may be easier to just cut the trees down and not save them. Concluding, Platteter said the way new houses are popping into certain areas of the City the tree canopy can be lost completely.

Commissioner Schroeder said as he has mentioned many times that the tree canopy is important regardless of the tree species. The trees and their canopy both contribute to the character of the City. Schroeder suggested with non-protected trees that a variance process could be implemented to address non protected tree removal, adding buckthorn is undesirable; however, does provide cover. Continuing, Schroeder said in his opinion the City Forester should make the final judgment on all trees.

Commissioner Forrest inquired who will do the monitoring of the trees and who will pick where the replacement trees go. She noted Buckthorn is an evasive species that can be removed without issue. Continuing, Forrest commented what happens if a resident wants to cut down trees to create garden area. She noted the issue is complex.

Commissioner Grabel said on this issue he has leaned one way than another. Grabel said there are many valid points about when a tree can be removed without issue and when it requires replacement. Grabel said in his opinion if any tree is taken down a permit should be required and possible replacement regardless of species.

Chair Staunton said in his opinion putting tree replacement in construction context is a good start. Staunton further agreed there is a question with enforcement and how that will be calibrated.

Commissioner Platteter said that the ordinance as proposed is a start; he noted that in some City's they even require permits to trim trees and other vegetation. Platteter said this ordinance hasn't gone that far but in the future that could be a possibility.

The discussion continued with the Commission directing staff to look into the enforcement issues and cost and bring back those findings at the next meeting of the Planning Commission.

Planner Teague said in response to comments that there would be additional fees for a resident to provide a certified tree survey, adding much would depend on who does the inventory. Teague said in his opinion a surveyor would probably do the inventory because the City is requiring a certified inventory. Teague said enforcement would be another issue and pointed out currently the forester is a part time position that focuses on the City's public land. Teague concluded that the Council would ultimately decide on the staffing issues.

Chair Staunton asked Planner Teague to bring the Tree Preservation Ordinance back to the Commission at their next meeting providing some background on enforcement issues and make minor changes to the ordinance.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

Chair Staunton reminded the Commission that on March 22nd at the Senior Center from 9-11 am City Attorney Roger Knutson will present a workshop. Staunton said if any Commissioner has questions or ideas to send those questions/ideas to Planner Teague so he can forward them to Knutson.

Chair Staunton said it is now time to say another goodbye to Commissioner Fischer who stepped in to fill out Commissioner Carpenter's term when he retired. Chair Staunton and the Commission thanked Commissioner Fischer for stepping in to fill out Carpenters term. Commissioner Fischer said in was an honor serving the City and working with the Commission and Staff for all these years.

Commissioner Staunton said it is also time to say goodbye to Commissioner Grabel for his 9-years of service on the Planning Commission. Staunton said Commissioner Grabel would be sorely missed. Staunton concluded that he would dearly miss Commissioner Grabel. Commissioner Grabel thanked Chair Staunton for his words and said it was his honor and privilege to serve the City and to work with the quality of people that served on the Planning Commission and with City Staff. Grabel said the City is blessed with talented residents and stated it was a pleasure to serve.

IX. ADJOURNMENT

Commissioner Fischer moved meeting adjournment at 11:35 PM. Commissioner Grabel seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogewaker
Respectfully submitted

Forrest, Platteter, Carr, Lee, Potts, Olson, Staunton. Abstain, Schroeder. Motion carried.

Commissioner Lee commented in being new to this process that she has a concern with the overall volume of the subject structure. She noted the subject house has a hipped roof which reduces the mass by offering the feeling that the structure is moving away from the setback line. A straight up expansion without acknowledging the architectural features of the existing home that reduce volume may not be wise. Volume should also be considered.

VII. REPORTS AND RECOMMENDATIONS

A. City Code Amendment – Tree Preservation

Chair Staunton asked Planner Teague to give a brief overview on the Commissions progress on the proposed Tree Preservation Ordinance.

Planner Presentation

Planner Teague reminded the Commission the Tree Preservation Ordinance adoption was continued to allow for suggested revisions to the Ordinance. Teague summarized the following revisions and requirements:

- The ordinance applies to all demolition permits including those for accessory structures including a garage, deck or pool.
- All permits are required to include a certified tree inventory plan
- Protected trees include birch, balsam fir, black walnut, buckeye, cedar, elm, hemlock, hickory, ironwood, linden locust, maple (except silver maple) Norway pine, oak, spruce and white pine varieties.
- Healthy protected trees that are removed within a building pad, or a 10-foot radius of the building pad or within a driveway or parking area must be replaced 1 to 1.
- Any protected healthy tree that is removed within 10-feet of the building pad or within the driveway or parking area must be replaced 2 to 1.
- Protected trees must be protected during construction; and
- Staff is required to monitor all construction projects with protected trees and/or replacement trees to ensure that all trees are properly established for three years.

Concluding, Teague also noted there would be staffing concerns; however, this would be a decision of the City Council in regard to staffing.

Discussion

Chair Staunton commented that the Ordinance only applies to tree removal one year prior to construction not after. He noted that trees could be removed after the final CO was issued. Commissioners agreed with that statement.

A discussion ensued with Commissioners supporting the revisions as referenced.

Commissioners did express hesitation on #4 of the proposed Ordinance and compatibility between numbers 5 and 7. It was further discussed that a variance process should be considered if for any reason a property owner cannot comply with the proposed Tree Preservation Ordinance. Further discussion focused on cost issues for the City (staffing) and property owners. It was further pointed out that "relocating" a tree may be more expensive than replacing a tree; and if a property owner could have an option.

Motion

Commissioner Platteter moved to recommend approval of the Tree Preservation Ordinance with the following revisions:

- **Delete paragraph #4**
- **#7 – Remove underlined text and replace it with like text found in #5.**
- **Add a paragraph that establishes a variance process.**

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

Commissioner Platteter stated he is also waiting for comment from the Energy and Environment Commission on the proposed Tree Preservation Ordinance. Platteter said he hopes to have their response by the time the City Council hears the Ordinance. Platteter stated he anticipates that the City Council will review the proposed Tree Ordinance at their April 22, 2014, meeting.

Chair Staunton thanked everyone for their effort during this process adding Tree Preservation can now be removed from the Commission's Work Plan.

B. Wooddale and Valley View Road/Small Area Plan

Chair Staunton told the Commission Commissioners Platteter and Forrest are working with City Staff on implementing a small area plan for the Wooddale and Valley View area. Staunton noted that the small area plan for this area is included in the Commission's 2014 Work Plan.

Platteter reported that Karen Kurt, Assistant City Manager is also a member of the City staff he and Forrest will be working with on this plan. Commissioner Platteter delivered a power point presentation outlining for the Commission a broad overview of the process. Platteter and Forrest stood for questions.

Commissioner Carr suggested considering adding an additional staff resource from either the Transportation Commission or Living Streets Committee for additional input; especially as it relates to transportation and streets.

Commissioner Forrest also noted that this neighborhood is a "true" neighborhood node that has the potential to be heavily utilized by neighbors.

Commissioner Schroeder told the Commission he likes the location of the drive-through and the way the mass of the building addresses the street/highway. Schroeder suggested that the applicant find a way to work with MNDOT to the mutual benefit of both to provide better fencing and landscaping to help create a signature look for this building. Schroeder pointed out this building is very visible and a gateway into Edina off the freeway. Dovolis responded he would be happy to work with MNDOT and asked if the City could help facilitate that connection

Chair Platteter echoed Commission comments and said he fully supports working with the Temple on the cross easement arrangement. Platteter also suggested that the subject site; adjacent property to the west, and the Temple talk with each other to create the best redevelopment of the two lots as possible. Platteter thanked the applicant for his presentation.

D. Tree Preservation Ordinance

P.O. 2/12/14

Planner Presentation

Planner Teague reminded the Commission they have been discussing the proposed tree ordinance for the past couple meetings adding changes were made to the previous draft that need to be discussed. Teague said included in the revisions was the following:

Sec. 10-82. Preservation, protection and replacement of Protected Trees: This ordinance applies to all demolition permits; building permit applications for a structural addition; and building permits for accessory structures including a garage, deck or a pool.

Sec. 10-82 (4) added subject to review of the city forester. The caliper of Protected Trees shall be measured at four and one half feet (4.5') above the ground.

b. Protected Trees removed in subparagraphs a. and b. above must be replaced with one (1) tree, subject to the species listed above in (2) Definitions and the conditions listed in subparagraphs 1. Through e. of paragraph 5 above; and finally;

(8) The survey must indicate how the Protected Tree would be protected during construction subject to staff review and approval.

Teague also noted that the public hearing on the Tree Preservation Ordinance has been set for February 26, 2014.

Discussion

Commissioner Grabiell said he has one concern which has to do with the City Forester. He said in his opinion the Forester needs a standard rationale statement and/or policy as he reviews trees.

Commissioner Schroeder stated he still is concerned about removing trees that aren't protected; noting they provide significant canopy and ecological aesthetics. Schroeder said he would prefer to see a 1-1 replacement requirement also for removable trees. Platteter said he agrees with that comment, adding this could be addressed and discussed at the public hearing level. Commissioners agreed the public hearing would be the place to get final feedback.

Commissioners indicated the revisions are acceptable and indicated they look forward to the public hearing on March 4th.

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Carr reported that the Living Streets committee has been meeting and making progress. Carr said that the committee recently discussed watershed issues.

Chair Platteter stated that he believes at the Commissions next meeting (26th) they will be saying goodbye to Commissioners Grabiell and Fischer.

X. STAFF COMMENTS

Planner Teague reported that the City Council heard the sketch plan review on the double proposed for West 49th Street. Teague said the Council; like the Commission, supported the use; however believed the plan needed revisions. The applicant indicated he would be back with another plan.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 10:05 PM. Commissioner Fischer seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted.