



To: MAYOR AND COUNCIL

Agenda Item #: VI.B.

From: Cary Teague, Community Development Director

Action

Discussion

Date: May 20, 2014

Information

Subject: Ordinance No. 2014-10; Zoning Ordinance Amendment, Allowing some R-1, R-2, and PRD-1 property to be considered as part of a Planned Unit Development.

Action Requested:

Waive second reading and approve the attached Ordinance No. 2014-10.

Information / Background:

As a result of the Lennar project on York and Xerxes, the City Council is asked to consider a Zoning Ordinance amendment that would allow consideration of R-1 property within a PUD if the R-1 property constitutes less than fifty percent of the total property in the proposed PUD.

Current City Code regulations do not allow R-1 properties to be considered for Planned Unit Development (PUD) rezoning. When the PUD Ordinance was created, there was a lot of discussion as to whether or not R-1 property should be eligible for PUD rezoning. The general purpose behind excluding R-1 properties was to protect single family homes (the majority land use in Edina) from potential redevelopment within single family home neighborhoods.

This amendment would apply to any property that is located adjacent to commercial, industrial, or high density residential property. The attached pages A1–A9 in the Planning Commission Memo, show the properties that would be eligible for PUD rezoning under the proposed Ordinance. In general, it would apply to property that is located adjacent to commercial, industrial or high density residential property. As shown on page A1 of the PC Memo, the vast majority of property zoned R-1 would still not be eligible for PUD rezoning.

In regard to the Lennar project, there is a single row of nine single-family homes on the west side of Xerxes Avenue, that are completely surrounded by commercial development all zoned PCD-3, Planned Commercial-3 District. The Lennar project includes five of these single family homes. (See pages A10–A13 of the PC Memo.) The overall project is 4.5 acres in size; the residential properties are 1.2 acres in size or 26% of the total area.

Planning Commission Recommendation: On May 14, 2014, the Planning Commission recommended approval of the Ordinance Amendment. (See attached minutes.)

ATTACHMENTS:

- Draft Ordinance
- Planning Commission Minutes: Jan. 8 & 22, Feb. 12 & 26, and March 12, 2014.
- Planning Commission Staff Memo dated May 14, 2014

**ORDINANCE NO. 2014-09
AN ORDINANCE AMENDMENT REGARDING
LAND DISTURBING ACTIVITIES**

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Subsection 36-254 of the Edina City Code. Applicability/criteria for considering PUD rezoning is amended as follows:

Sec. 36-254. Applicability/criteria.

(a) *Uses.* All permitted uses, permitted accessory uses, conditional uses and uses allowed by administrative permit, contained in the various zoning districts, as defined in this chapter, shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the comprehensive plan. Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD, unless it constitutes less than fifty percent of the total property in the proposed PUD.

Section 2. This ordinance is effective immediately upon its passage and publication.

First Reading: May 20, 2014
Second Reading:
Published:

Attest

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

4-23-14
P.C. Minutes

Acting Chair Potts thanked the applicant for their presentation, adding it's a very interesting proposal that covers a number of points outlined in the Comprehensive Plan; affordable housing, traffic reduction, walkability etc. Potts further asked the applicant when they return to have more specific sustainable strategies in place for the new building.

C. Zoning Ordinance Amendment – Properties eligible for PUD, Planned Unit Development.

Planner Presentation

Planner Teague informed the Commission staff will be drafting an Ordinance that addresses the issue of rezoning R-I properties to PUD. Teague noted that currently R-I properties are exempt from that process. Continuing, with graphics Teague pointed out instances in Edina where residential properties abut multi-residential buildings. Teague said this issue was brought to the forefront because of a commercial redevelopment project abutted and included residential properties in the project. Teague explained in order for the Commission and City Council to consider rezoning these R-I properties to PUD an Ordinance amendment is required. Teague said that the draft ordinance is limited to R-I property as long as the R-I property constitutes less than fifty percent of the total property in the proposed PUD. Teague said this caveat would ensure limits.

Acting Chair Potts said in his opinion the 50% threshold is a good idea with the intent of protecting residential properties. Planner Teague responded the intent was to limit and control.

Commissioner Kilberg pointed out if this Ordinance would have been in place during the redevelopment process on West 49th Street the two single family homes to its east could have been incorporated into the project. Teague agreed.

Commissioner Carr said another way to look at this would be to draft an ordinance that is project specific or a two-step process; rezone to PCD and then to PUD.

Commissioner Forrest said in this instance the request doesn't seem inappropriate; however she does have a concern with "commercial creep", adding there needs to be a way to ensure R-I sites are carefully protected.

Commissioner Schroeder said if an applicant requests a rezoning to PUD the site should be without risk and the rezoning to PUD benefits the City. He pointed out the conditions established for PUD rezoning approvals are very tight and controlled. Continuing, Schroeder said if a rezoning of a site to PUD is proven to be advantageous the rezoning is specifically tied to that development; no other changes/uses would be permitted without further Commission and Council review and approval. Schroeder said he isn't afraid of a PUD and reiterated if the proposed rezoning is reasonable and benefits the City he can support it. Concluding, Schroeder noted the City doesn't have to grant any property a PUD rezoning just because it's requested.

Commissioners agreed with the comments thus far. Acting Chair Potts closed the topic.

D. Tree Ordinance

Commissioner Carr reported that the Tree Preservation Ordinance the Commission approved at their last meeting will be presented to the Council by her and Commissioner Platteter on May 6th. Carr explained she wanted Commissioners to note the comments received from a member of the Energy and Environment Commission (EEC). She further stated the recommended ordinance and comments from the EEC member would be forwarded to the City Council prior to their May 6th meeting.

VII. CORRESPONDENCE AND PETITIONS

Acting Chair Potts acknowledged receipt of the council update and attendance.

VIII. CHAIR AND COMMISSION COMMENTS

Commissioner Forrest reported that she is a member of the Valley View Road Small Area Plan working group along with new member to the group Commissioner Lee. Forrest explained their goal is to keep to a specific timeline and to ensure residents have ample participation in the process.

Commissioner Lee explained that the working group anticipates an eight to nine month timeline; ultimately the goal would be to establish a prototype for future use. Lee noted the working group is going to be deliberate about each step of the process.

Commissioner Carr suggested that the Commission needs to keep in mind their work plan and have future discussions on "where we are" in the plan.



Date: May 14, 2014

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration – R-1/PUD Regulations

Current City Code regulations do not allow R-1 properties to be considered for Planned Unit Development (PUD) rezoning. When the PUD Ordinance was created, there was a lot of discussion as to whether or not R-1 property should be eligible for PUD rezoning. The general purpose behind excluding R-1 properties was to protect single family homes (the majority land use in Edina) from potential redevelopment within single family home neighborhoods.

As a result of the Lennar project on York and Xerxes, the Planning Commission is asked to consider a Zoning Ordinance amendment that would allow consideration of R-1 property within a PUD if the R-1 property constitutes less than fifty percent of the total property in the proposed PUD.

This amendment would apply to any property that is located adjacent to commercial, industrial, or high density residential property. The attached pages A1–A9 show the properties that would be eligible for PUD rezoning under the proposed Ordinance. In general, it would apply to property that is located adjacent to commercial, industrial or high density residential property. As indicated on page A1, the vast majority of property zoned R-1 would still not be eligible for PUD rezoning.

In regard to the Lennar project, there is a single row of nine single-family homes on the west side of Xerxes Avenue, that are completely surrounded by commercial development all zoned PCD-3, Planned Commercial-3 District. The Lennar project includes five of these single family homes. (See pages A10–A13.) The overall project is 4.5 acres in size; the residential properties are 1.2 acres in size or 26% of the total area.

The PUD zoning classification is appropriate for the Lennar project as it would enable the City of Edina to require a better project and achieve goals of the Comprehensive Plan. Some of those goals include: sustainability; mixed use pedestrian oriented development and podium height. It also ensures the city, that the building project that is approved is what is ultimately built.



Attached is a draft Ordinance for Planning Commission consideration. The Planning Commission is asked to a public hearing on May 14th and make a recommendation for City Council to consider when they hold a public hearing on the proposed amendment on May 20th.

Recommendation

Recommend that the City Council approve the Zoning Ordinance Amendment.

ORDINANCE NO. 2014-__
AN ORDINANCE AMENDMENT REGARDING PLANNED UNIT DEVELOPMENT
APPLICABILITY IN AN R-1, R-2 AND PRD-1 DISTRICT

The City Council Of Edina Ordains:

Section 1. Subsection 36-254 of the Edina City Code. Applicability/criteria for considering PUD rezoning is amended as follows:

Sec. 36-254. Applicability/criteria.

(a) *Uses.* All permitted uses, permitted accessory uses, conditional uses and uses allowed by administrative permit, contained in the various zoning districts, as defined in this chapter, shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the comprehensive plan. Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD, **unless it constitutes less than fifty percent of the total property in the proposed PUD.**

Section 2. This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

ATTEST:

Debra A. Mangan, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication.

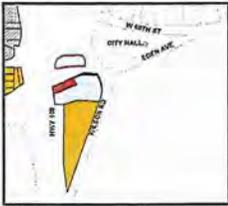
Bill to Edina City Clerk

Existing text – XXXX

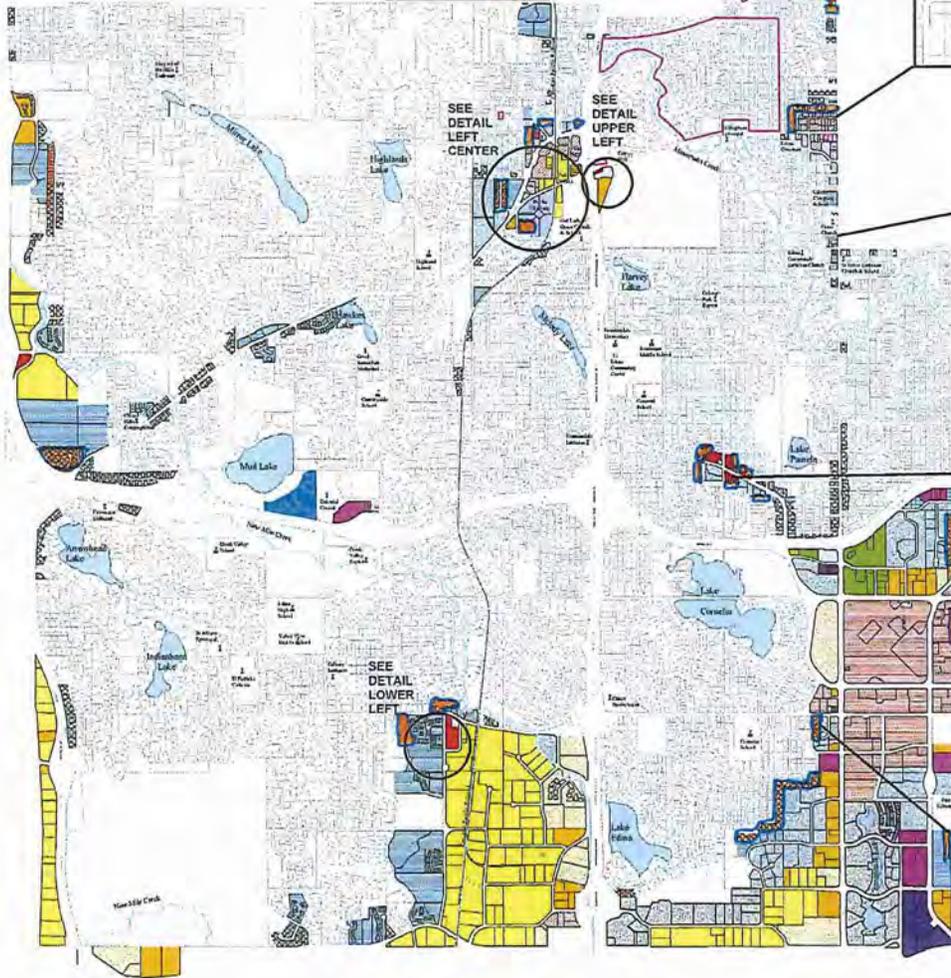
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Added text – **XXXX**

WILSON RD & EDEN AVE DETAIL



Zoning Map
City of Edina
Hennepin County, Minnesota



44TH & FRANCE DETAIL

50TH & FRANCE DETAIL



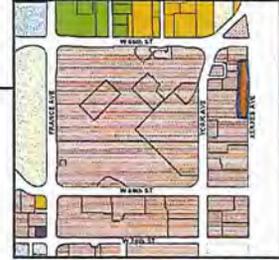
54TH & FRANCE DETAIL



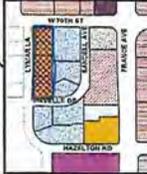
VALLEY VIEW & WOODDALE DETAIL



SOUTHDALE DETAIL



70TH & FRANCE DETAIL



Legend

[Symbol]	R-1 Single Dwelling Unit Dist.	[Symbol]	C Church
[Symbol]	R-2 Double Dwelling Unit Dist.	[Symbol]	CB City Buildings
[Symbol]	PED-1 Planned Residential Dist.	[Symbol]	PS Public School
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[Symbol]	PED-3	[Symbol]	PS Public School
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[Symbol]	PED-8	[Symbol]	PS Public School
[Symbol]	PED-9	[Symbol]	PS Public School
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Planning Dept
November, 2012

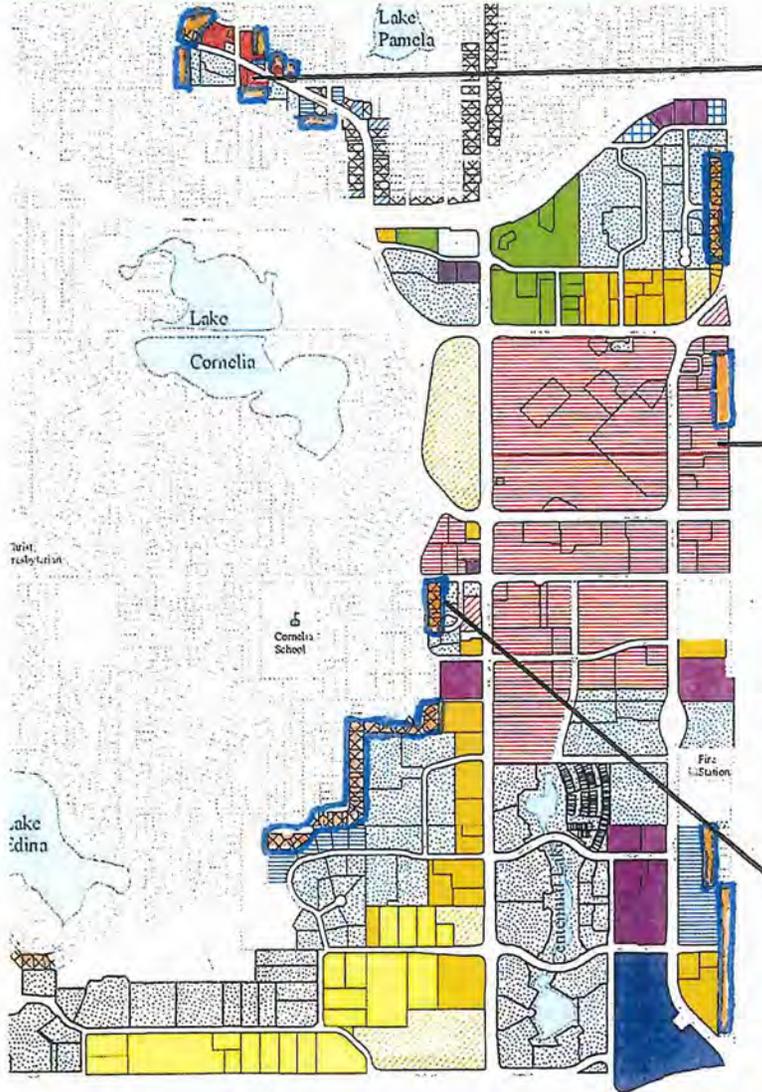
A1

IMPACTED SITES

CITY OF EDINA



A2



IMPACTED SITES

CITY OF EDINA



DETAIL
LOWER
LEFT

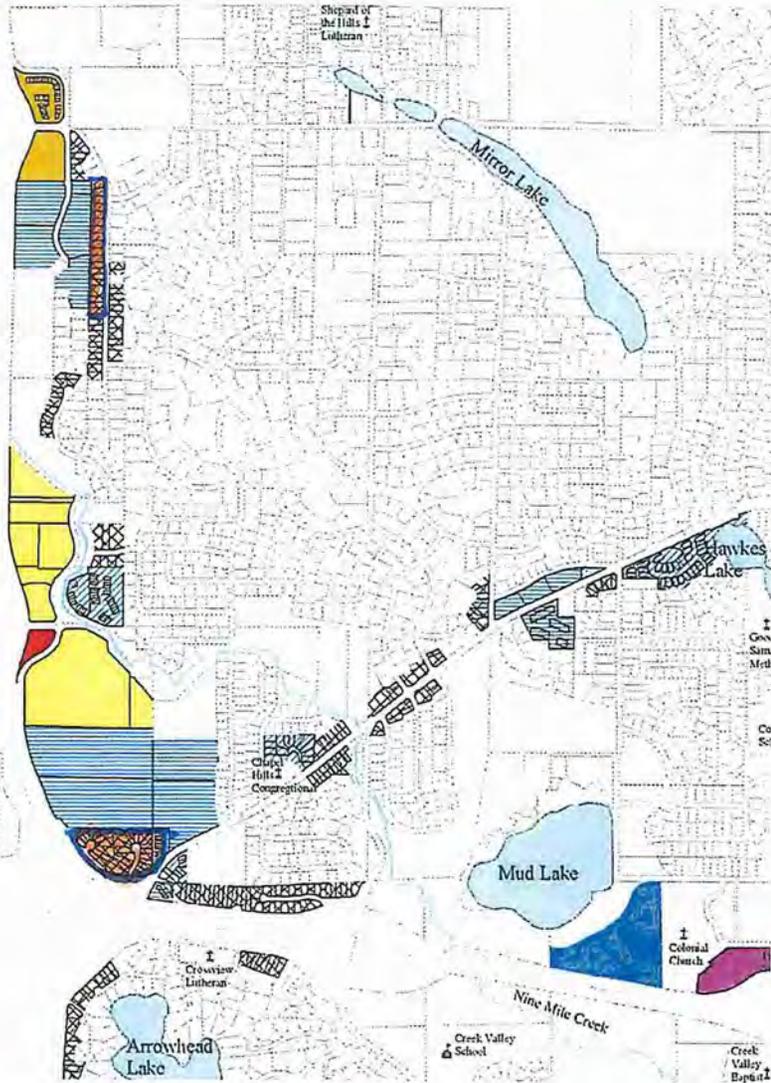
✠ Christ
Presbyterian

Lake
Edina

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K3

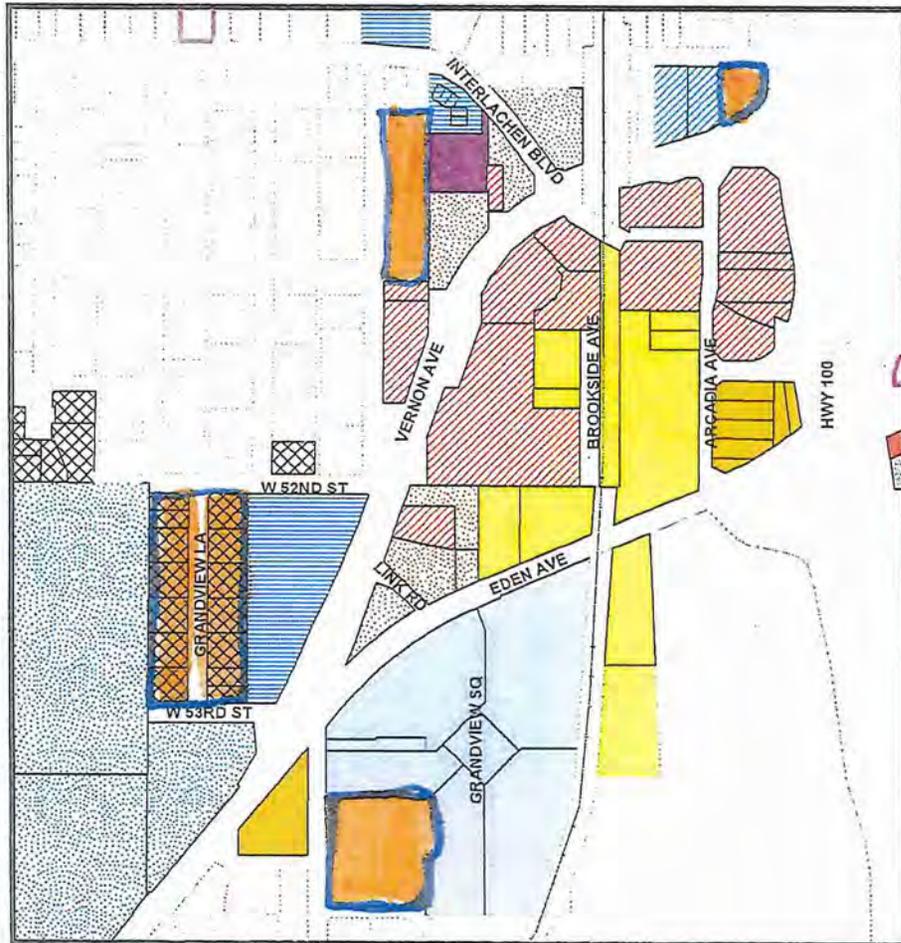
CITY OF EDINA



IMPACTED SITES



GRANDVIEW DETAIL

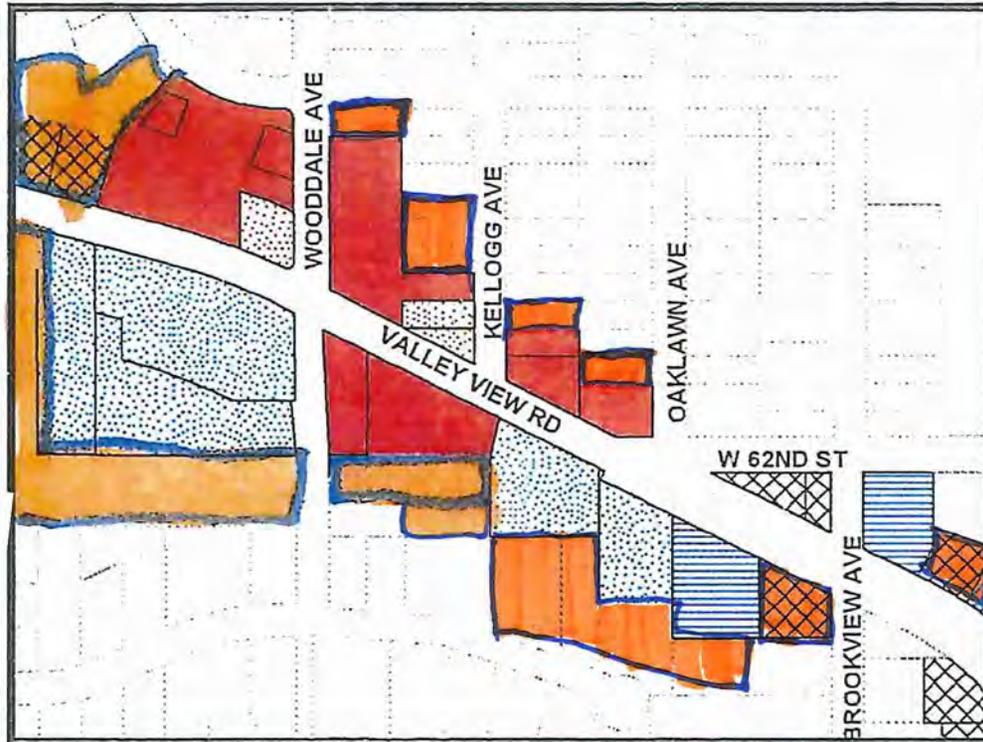


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VALLEY VIEW & WOODDALE DETAIL



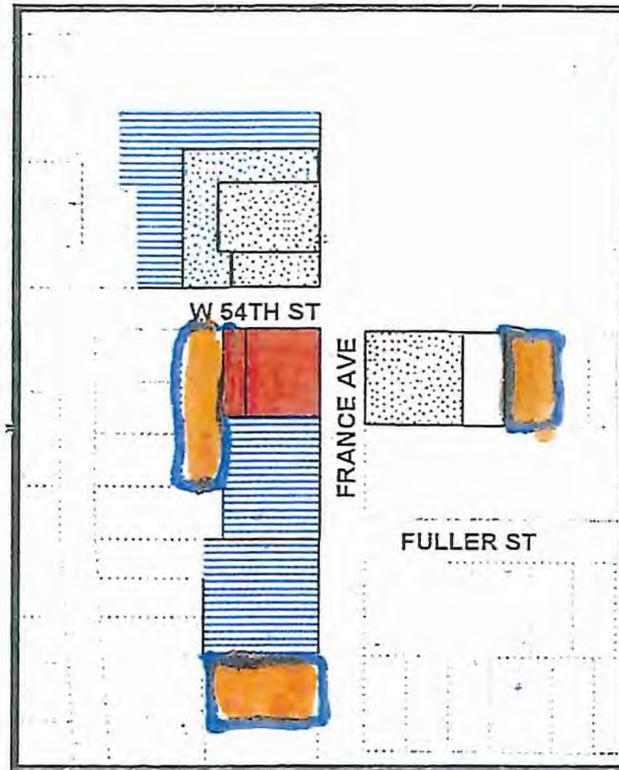
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54TH & FRANCE DETAIL

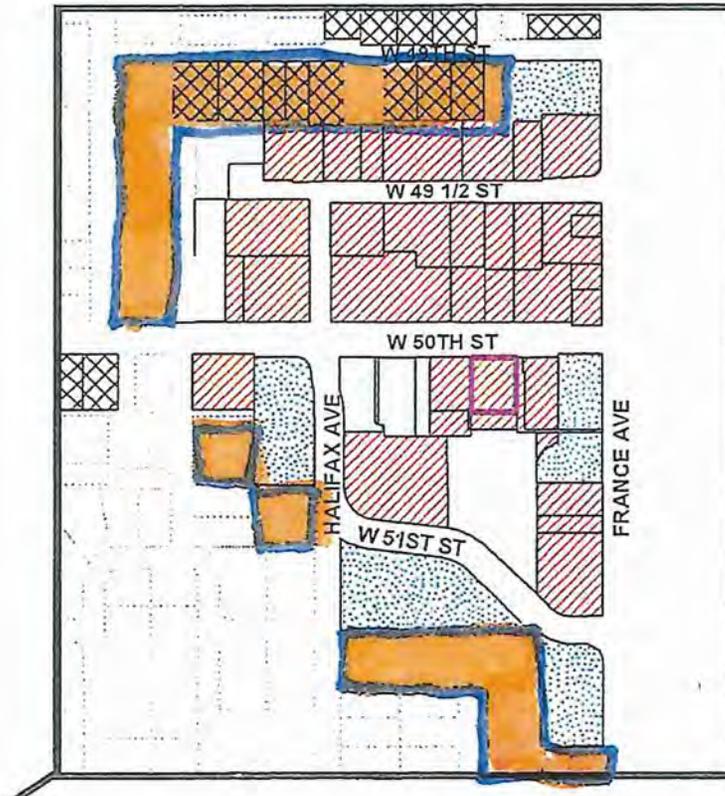
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IMPACTED SITES



50TH & FRANCE DETAIL

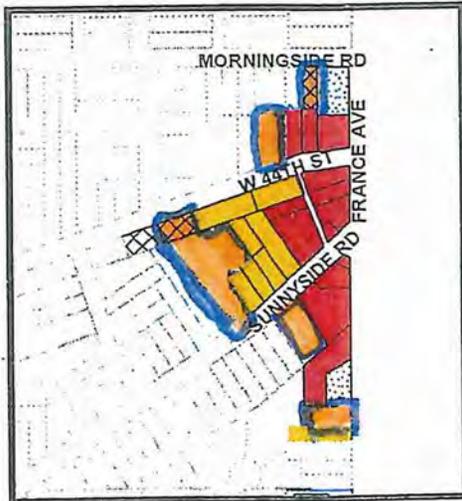


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44TH & FRANCE DETAIL

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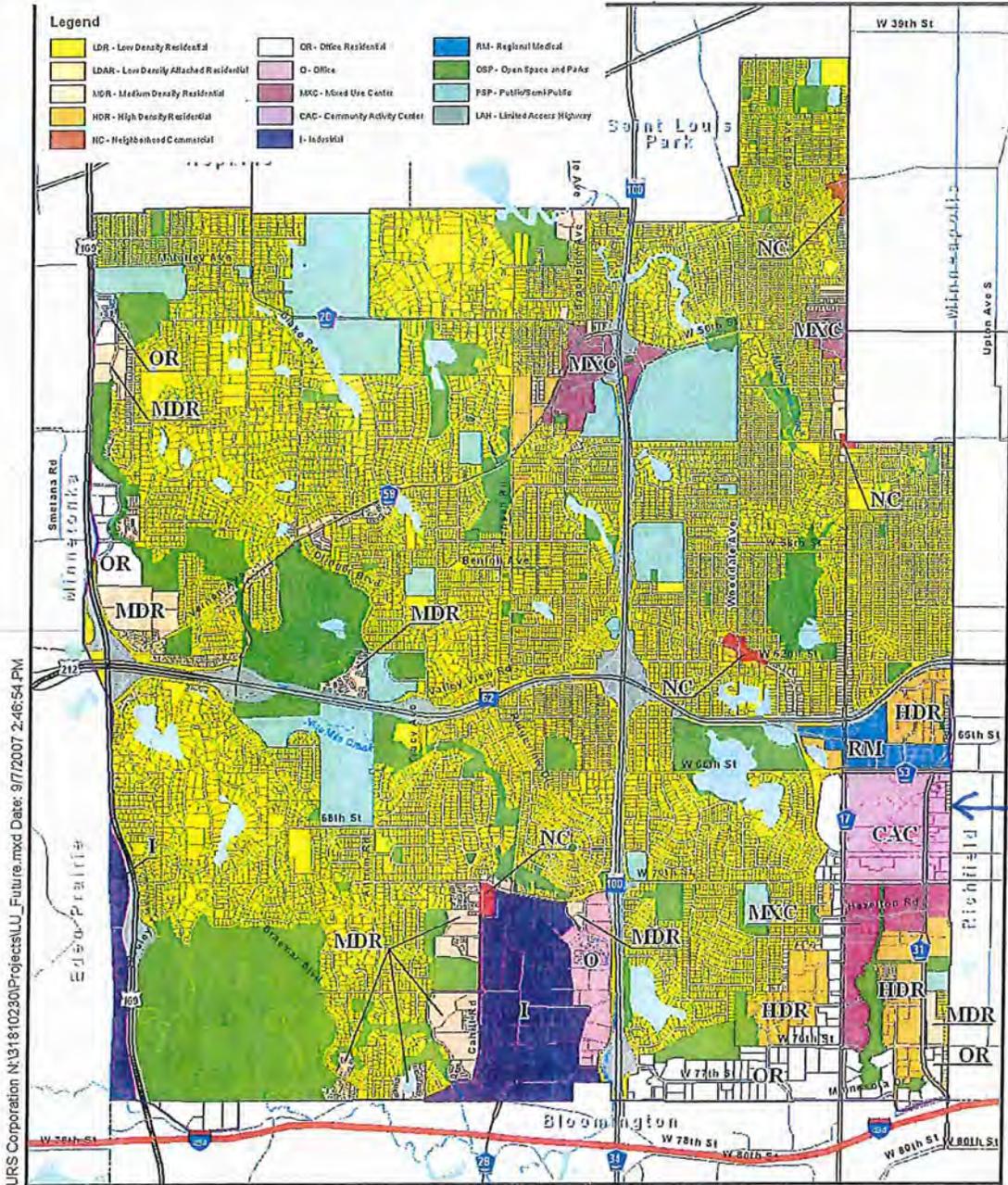


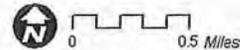
Figure 4.3

Future Land Use Plan

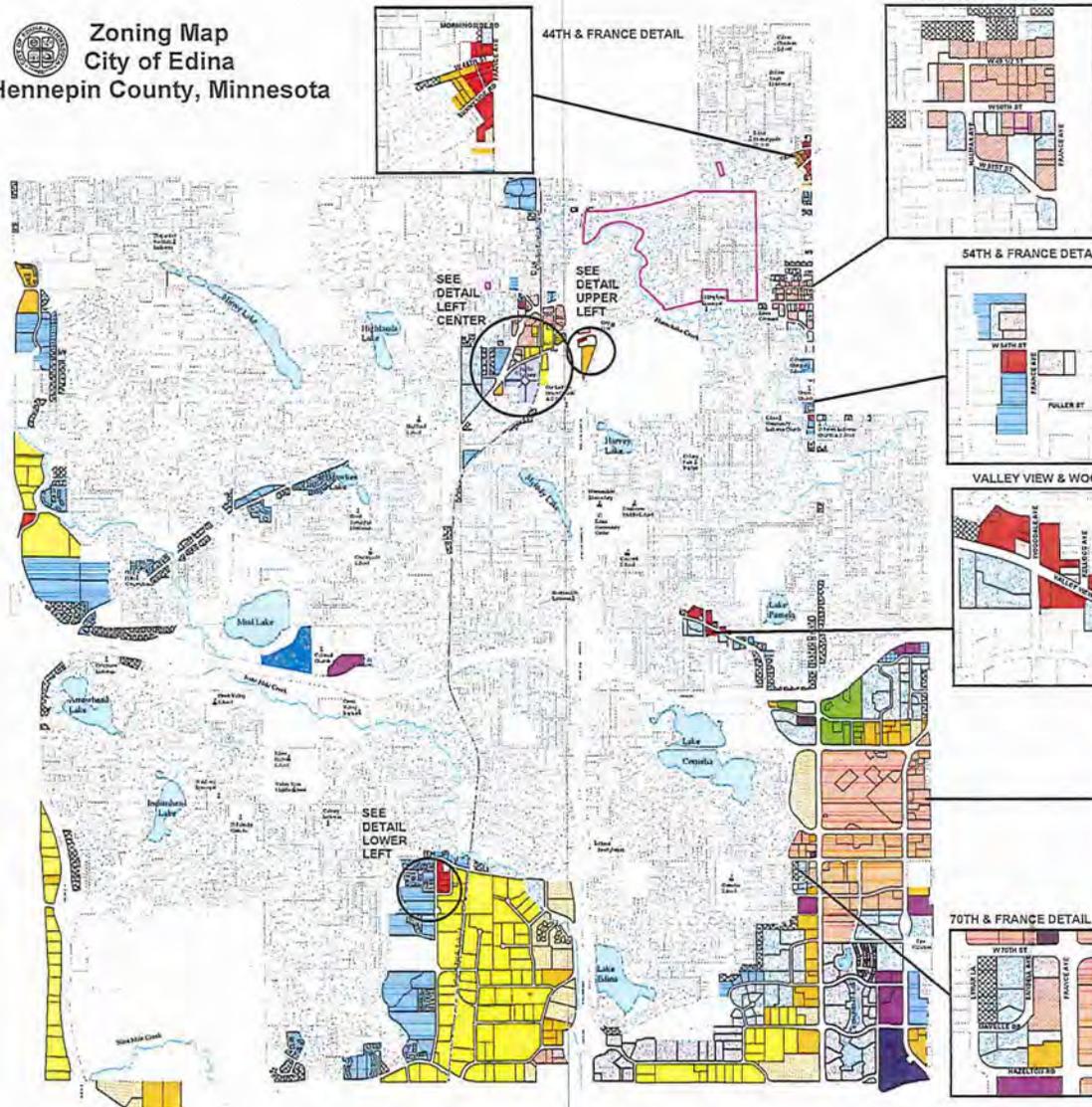


City of Edina
2008 Comprehensive Plan Update

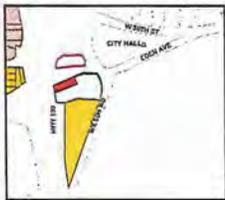
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 **Zoning Map**
City of Edina
Hennepin County, Minnesota



WILSON RD & EDEN AVE DETAIL



GRANDVIEW DETAIL



CAHILL RD & 70TH DETAIL



44TH & FRANCE DETAIL



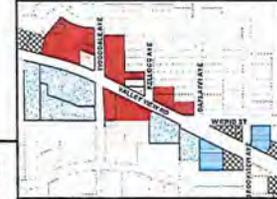
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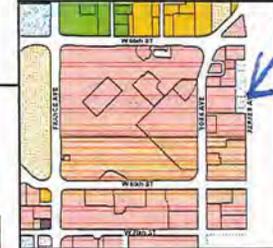
54TH & FRANCE DETAIL



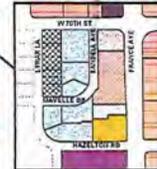
VALLEY VIEW & WOODDALE DETAIL



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70TH & FRANCE DETAIL



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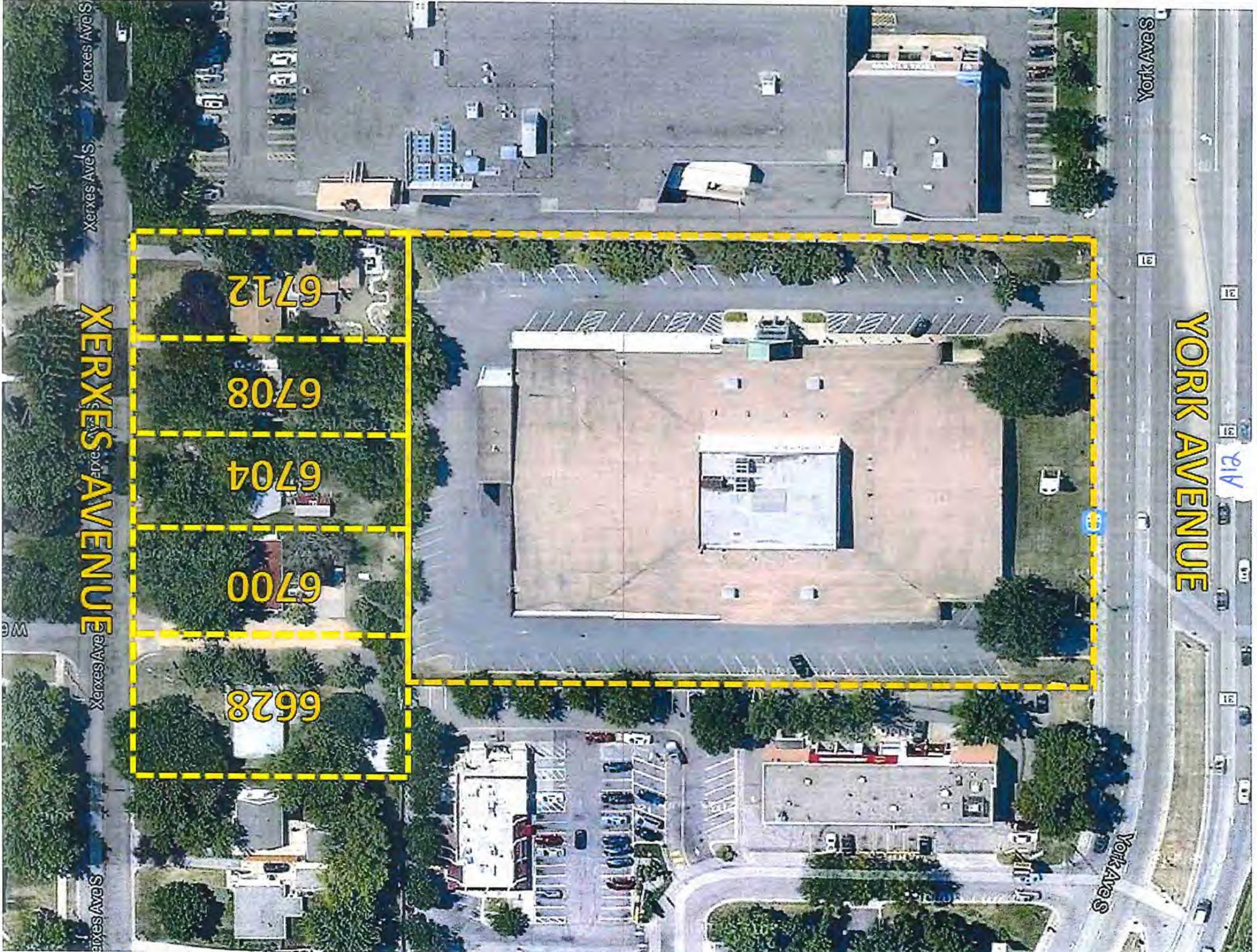
 R-1 Single Dwelling Unit Dist.	 Church
 R-2 Double Dwelling Unit Dist.	 City Buildings
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 PRD-2	 Public School
 PRD-3	
 PRD-4	
 PRD-5	
 PRD-6	
 PCO-1 Planned Commercial Dist.	
 PCO-2	
 PCO-3	
 PCO-4	
 POO-1 Planned Office Dist.	
 POO-2	
 RI-1 Regional Industrial Dist.	
 RI-2	
 PI-1 Planned Industrial Dist.	
 PI-2	
 PL-1 Planned Light Dist.	
 PL-2	
 APD Automobile Parking Dist.	
 ELD Edina Heritage Landmark Dist.	
 PSC-1 Planned Sewer Clean Dist.	
 PSC-2	
 MDD-1 Mixed Development Dist.	
 MDD-2	
 MDD-3	
 MDD-4	



Planning Dept
November, 2012

A11

Site



Xerxes Ave S

XERXES AVENUE

Xerxes Ave S

Xerxes Ave S

6712

6708

6704

6700

6628

York Ave S

YORK AVENUE

York Ave S

31

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