

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 6, 2006
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item I. Minutes of the Regular Council Meeting of February 21, 2006.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

MINUTES OF THE REGULAR MEETING OF FEBRUARY 21, 2006, APPROVED AS AMENDED Member Hulbert removed the Minutes of the Regular Meeting of February 21, 2006, from the Consent Agenda for an amendment. **Member Hulbert made a motion approving the Minutes of the Regular Meeting of the Edina City Council for February 7, 2006, as amended.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-26 - RESOLUTION OF APPRECIATION - EDINA LIONS CLUB

Mayor Hovland presented a Resolution of Appreciation to the Edina Lions Club for their benevolent donation of funding for a shade structure and water source for the YMCA Tri-City Skate Park.

Member Housh made a motion to approve the Resolution of Appreciation to the Edina Lions Club as follows:

RESOLUTION NO. 2006-26

WHEREAS, the YMCA Tri-City Skate Park opened to rave reviews in October 2003 as a one-of-a-kind, all concrete, in-ground, continuous bowl skate park - the first in the Upper Midwest; and

WHEREAS, the skate park is a partnership between the YMCA and the cities of Edina, Bloomington and Richfield; and

WHEREAS in 2005, the Edina Lions Club donated \$6,310.13 to purchase a shade structure that provides shade for the visitor spectators who sit on bleachers at the skate park; and

WHEREAS, in 2005, the Edina Lions Club also donated \$4,792.95 for the purchase and installation of a handicap-accessible outdoor drinking fountain for the skate park. The donation also included the installation of a one-inch copper water service line to operate the new drinking fountain and a future restroom facility.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council, City staff and all Edina residents hereby express their thanks and appreciation to

EDINA LIONS CLUB

for its work to beautify and improve the City of Edina.

Dated this 6th day of March 2006. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-31 ORDERING WATERMAIN IMPROVEMENT NO. WM-451
NINE MILE VILLAGE TOWNHOMES - CONTINUED FROM FEBRUARY 21, 2006**

Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Houle introduced Paul J. Pasko III, and Chad Millner of Short Elliot Hendrickson, Inc., (SEH) the consultant engineers who prepared the feasibility study for Improvement No. WM-451 Nine Mile Village Townhomes Water Main Rehabilitation Project. He explained the project was initiated by staff to address water main concerns within Nine Mile Village Townhouse Association. Mr. Houle explained the City owned the water main and sanitary sewer systems within the complex.

Chad Millner of SEH, explained Nine Mile Village townhomes were bordered on the west by Villa Lane; on the north by Olinger Boulevard; on the east by Colonial Church and on the south by Highway 62. He said the project was initiated because of the increased frequency of water main breaks in the pipes serving Nine Mile Village.

Mr. Millner said the water main pipes were installed in the early 1970's. He said it appeared the breakages within the utility systems were caused by corrosive soils and stray currents. The frequency of the breakages indicated that the pipes were nearing the end of their useful life. Mr. Millner explained the project would include rehabilitating the existing water main, installing new mains along the east property line, replacing the water services from the water main to the curb boxes, making spot sanitary and storm sewer repairs, resurfacing the street and parking lot pavement and reconstruction of parking lot islands.

Mr. Millner reviewed the schedule for the project to date:

- July 2005 - Project investigation and background study
- November 2005 - Information Meeting
- Jan. 10, 2006 - Project Update Meeting
- March 6, 2006 - Public Improvement Hearing

Mr. Millner explained that after they began their analysis it was determined if the City only replaced the water main system, the pavement would be left in a patch job condition. After contacting and meeting with the Nine Mile Village Board, it was decided the best alternative would be to replace the entire pavement. He indicated that the public hearing was covering only the extra paving and parking lot island reconstruction portion of the project. The other portion would be paid out of the City's Utility Fund.

Mr. Millner said the total project cost was \$1,296,400 which included all utility repairs, repaving the entire roadway, and the reconstruction of the parking lot islands. He said the portion of the project subject to special assessment was \$336,900 which would be approximately \$3,500 per residential equivalent unit.

Mr. Millner said that after the informational and project update meetings, no calls, e-mail or letters have been received from residents opposing the project. Using graphics, Mr. Millner presented the project and showed where the new mains would be installed, reviewed what pavement would be rehabilitated and showed the proposed design of the parking lot island reconstruction.

Member Masica asked how long the proposed assessment would run. Mr. Houle said the term would be ten years.

Member Swenson asked if the project included installation of bulkhead type curb and gutters. Mr. Houle explained that the pavement would be restored with whatever type of curb currently existed because the project was rehabilitation and not a total rebuild.

Mayor Hovland asked if the sanitary and storm sewers have been thoroughly evaluated. Mr. Millner said the sewers have all been televised and were in quite good shape with only some joint repairs deemed necessary. Mr. Houle added that the utility system had been installed in the 1970's and the only reason the watermain was in need of replacement was due to the corrosive nature of the surrounding soils and the stray current that have caused corrosion of the water pipes. He said that typically systems would last fifty plus years.

Member Hulbert asked about the stray current. Mr. Houle explained that in many cases private electrical systems were grounded to the water system. He said the City was working with Excel to rectify this situation, since the new watermains would be PVC pipes and not metal. Therefore, any electrical system would no longer be grounded and the pipes would not be subject to corrosion.

Mayor Hovland called for public comment. No one appeared to speak.

Member Swenson made a motion closing the public hearing, seconded by Member Masica.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Hulbert introduced the following Resolution and moved its adoption:

**RESOLUTION NO. 2006-31
ORDERING WATERMAIN REHABILITATION
PROJECT IMPROVEMENT NO. WM-451
FOR NINE MILE VILLAGE**

WHEREAS, the Edina City Council on the 7th day of February, 2006, fixed a date for a Council hearing on the proposed watermain reconstruction Improvement No. WM-451; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 6th day of March 2006, for Improvement No. WM-451 rehabilitating the watermains, repairing the sanitary and storm sewer, repaving the parking lot surface and reconstruction the parking lot islands of Nine

Mile Village Townhomes, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement WM-451 rehabilitating the watermains, repairing the sanitary and storm sewer, repaving the parking lot surface and reconstruction the parking lot islands of Nine Mile Village Townhomes.

BE IT FURTHER RESOLVED that Improvement No. WM-451 rehabilitating the watermains, repairing the sanitary and storm sewer, repaving the parking lot surface and reconstruction the parking lot islands of Nine Mile Village Townhomes is hereby ordered as proposed.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 6th day of March 2006. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2006-1 ADOPTED - AMENDMENT TO EDINA CODE SECTION 850 - REQUIRING INSTALLATION OF SIGNS FOR FINAL DEVELOPMENT PLANS AND SECTION 810 REQUIRING MAILED NOTICE FOR SUBDIVISIONS Mr. Hughes noted the City Council, at their February 21, 2006, meeting had granted first reading to Ordinance No. 2006-01 which would amend Code Section 850 requiring installation of notification signs for Final Development Plan and also amending Section 810 requiring mailed notice for subdivisions. He said there were no changes requested or made to the proposed ordinance since its first reading.

Following a brief discussion, Member Swenson made a motion granting Second Reading to Ordinance No. 2006-01 as follows:

ORDINANCE NO. 2006-01

AN ORDINANCE AMENDING SECTION 810 OF THE CODE TO REQUIRE MAILED NOTICE FOR SUBDIVISIONS AND SECTION 850 OF THE CODE TO REQUIRE THE INSTALLATION OF SIGNS FOR FINAL DEVELOPMENT PLANS

Section 1. Paragraph A of Subd. 2 of Subsection 810.10 of the City Code is amended to read as follows:

“A. Upon request of the Planner or applicant, and after the Commission has examined and considered the proposed plat, subdivision or lot division (and even if the Commission has failed to make a recommendation to the Council), the Council shall set a date for hearing, which shall be not later than 60 days after the meeting at which the hearing date is set. A notice of the date, time, place and purpose of the hearing shall be published once in the official newspaper not less than ten days before the date of the hearing; provided, however, that no published notice need be made for lot divisions pursuant to Subd. 2 of Subsection 810.04. Notice of the hearing shall be mailed not less than ten days before the

date of the hearing to each owner of property situated wholly or partially within 500 feet of the property proposed to be subdivided insofar as the names and addresses of such owners can be reasonably determined by the Clerk from records maintained by the Assessor; provided, however, that no mailed notice need be made for lot divisions pursuant to Subd. 2 of Subsection 810.04. After hearing the oral or written views of all interested persons, the Council shall make its decision at the same meeting or at a specified future meeting. In making its decision, the Council shall be guided by and subject to the provisions of Subsection 810.11. Also, if the provisions of Subd. 2 of Subsection 810.13 apply, the Council shall select its option as provided in said subdivision. The Council may by resolution:

1. Grant preliminary approval, with or without modification, and without conditions, or with such conditions reasonably related to the purpose and objectives of this Section as the Council may deem necessary or desirable; or
2. Grant preliminary and final approval at the same time, with or without modification, and without conditions, or with such conditions reasonably related to the purpose and objectives of this Section as the Council may deem necessary or desirable; or
3. Refer the plat, subdivision or lot division to the Commission or other appropriate City commissions, officers or departments for further investigation and report to the Council at a specified future meeting; or
4. Reject the plat, subdivision or lot division."

Section 2. Subparagraph 4 of Paragraph A of Subd. 3 of Subsection 850.04 of the City Code is amended by adding a new last sentence as follows:

"The installation of a sign as required by Paragraph B of Subd. 2 of this Subsection shall be required prior to consideration of a Final Development Plan by the Commission."

Section 3. Paragraph B of Subd. 3 of Subsection 850.04 of the City Code is amended by adding a new last sentence as follows:

"The installation of a sign as required by Paragraph B of Subd. 2 of this Subsection shall be required prior to consideration of a Final Development Plan by the Commission."

Section 4. Subparagraph 9 of Paragraph D of Subd. 2 of Subsection 850.04 of the City Code is amended by inserting a new second sentence as follows:

"The installation of a sign as required by Paragraph B of Subd. 2 of this Subsection shall be required prior to consideration of a Final Site Plan by the Commission."

Section 5. Subparagraph 3 of Paragraph C of Subd 2 of Subsection 850.04, Subparagraph 3 of Paragraph D of Subd 2 of Subsection 850.04 and Paragraph E of Subd. 4 of Subsection

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850.04 are each amended to increase the area to receive individual mailed notice from 500 feet to 1,000 feet.

Section 6. Schedule A of Section 185 of the City Code is amended by adding a fee of \$1.00 per parcel for mailed notices required by Subd. 2, Subd. 3, Subd. 4, and Subd. 5 of Subsection 850.04.

Section 7. Effective Date. This ordinance is in full force and effect upon passage and publication.

First Reading: February 21, 2006

Second Reading: March 6, 2006

Published: March 16, 2006

Attest:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2006-2 ADOPTED - AMENDMENT TO EDINA ZONING CODE SECTIONS 850-07, 850-08 AND 850.16

Mr. Hughes reviewed the revisions made to the proposed ordinance at the direction of the City Council when First Reading was granted February 21, 2006 as follows:

- Section 2 of the Ordinance which contained the objectives for the Greater Southdale Area has now been codified so that they permanently appear in the preamble to the Zoning Ordinance.
- On Page 2, a new paragraph A has been added to address the inclusion of green space as a development objective.
- On Page 4, a new Section 9 has been added which deleted the language with respect to "average established setback" for the PCD-3 district. The Council correctly identified that this requirement should only apply to properties in the PCD-1 and PCD-2 districts.
- On Page 5, paragraph D includes a maximum building height of 18 stories. The Council should note that the previous draft provided for 20 stories or 250 feet whichever was less. While the Council directed that the height limit be reduced to 18 stories, it did not prescribe a maximum height in feet. If the height were proportionately reduced, the resulting limit for an 18 story building would be 225 feet.
- On Page 7, a new sentence has been added to paragraph 6, which clarifies that uses that "wrap" parking ramps need not provide a setback greater than required for the ramp itself.
- Also on Page 7, a new paragraph 7 has been added that parking ramps shall not exceed 50 feet in height. In our review of other ramps in the City, it was found that the tallest existing ramp was the facility serving Fairview Southdale Hospital west of France Avenue. This ramp measured approximately 46 feet in height. For the reasons mentioned at the February 21, 2006, meeting, staff questioned whether an absolute limit on parking

ramp height was necessary. However, if the Council wished to impose such a limitation, 50 feet was suggested.

- On the bottom of Page 7, a new paragraph A was included which expanded the Council's authority to require sidewalks and trails adjoining properties in locations other than those specified in the City's sidewalk and trail plan.
- On Page 8, a new paragraph F has been added that provides a requirement for bicycle parking facilities as part of non-residential developments. With assistance from the I-494 Commuter Services office, staff was able to review a detailed survey of bicycle parking requirements from around the country. This survey indicated that most cities having bike parking standards expressed those requirements as a percentage of the automobile parking spaces required by the development. Although standards vary widely, 5% of automobile parking quantity seemed to be the most common standard (i.e. if a development required a 100 car parking lot, then at least 5 bicycle parking spaces would also need to be provided). Based on this research, Mr. Hughes recommended that the 5% standard be used in the City ordinance.

Council Discussion/ Action

Member Housh asked if adding the provision that would limit parking ramp height could possibly create a situation where a building owner would not be able to provide adequate parking on-site due to the ramp restriction. Mr. Hughes said it was conceivable a FAR could be granted but the parking on site would not support the FAR. He added he also did not believe it was an incentive to developers to build ramps taller than needed due to the cost of ramp construction as they go taller. Mr. Hughes said he also thought the Greater Southdale Study Report had given some thought to parking cars on either end of the PCD-3 zone and use mass transit to access the interior. This scenario would lead to taller ramps at the extremes, having a limitation might chill that opportunity in the future.

Member Housh asked staff to speak to the height restrictions on the edges of the area. Mr. Hughes noted at First Reading the ordinance was modified so that the areas east of York and west of France zoned PCD-3 would be limited to four stories in height. He said the current ordinance does not have a specific height limit and instead allows the setback requirements to limit height.

Mayor Hovland said he thought that east of York and south of W. 70th Street there existed a couple of taller buildings about 12 stories high. He asked if it would be prudent to think about the area east of York and leave it unchanged at this time to allow persons who have corresponded to the Council, but were unable to attend the first reading time to express their concerns. Mr. Hughes, using an air photo, noted the boundaries of the existing C-3 area that extended from the Best Buy property on the north to Walgreens on the South and was east of York Avenue. He said there would be no reason the Council could not leave the area unchanged if it so desired.

Member Housh expressed some concern that this might allow property owners to combine properties and have buildings taller than four stories. Mr. Hughes said the properties were rather shallow and therefore the depth would limit height, however, he was not certain exactly how many stories could be achieved in the area under discussion.

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Member Masica asked if the Mayor was proposing to change something from what was proposed at first reading. Mayor Hovland replied that yes, he thought after receiving the correspondence about building a building taller than four stories in the area under discussion. Member Masica said she thought the Council had agreed that the areas east of York and west of France were to be a buffer to the residential areas and she felt that should be left as agreed upon.

Member Hulbert said she thought entertaining this idea was just making more work. She said that either adopting the buffer areas was the philosophy of the Council or it was not, but she did not see any reason for further study at this time.

Member Swenson commented that there had been the desire to encourage work force housing in projects by giving increased Floor Area Ratios (FAR) to qualifying projects. She said it was something that had not been looked at yet and perhaps the east side of York would be a logical place for this to happen.

Member Housh said that he recalled north of 70th Street the density restrictions had been eased if elements of workforce housing were incorporated into a project, but that was only north of 70th. Mr. Hughes clarified that the bonus for workforce housing would exist within all the PCD-3 areas in the current draft of the ordinance.

Member Hulbert said she thought that Section K of the proposed ordinance was to include something where for every two acre site developers were to be asked to designate a site for future public art placement. Member Housh said it could be included as an objective, but he was not sure about the amount to be required. Member Hulbert said she felt the requirement was pretty loose, since it did not require the developers to put the art on the site, just designate it. She said that she got the requirement from the Bloomington Code. Mr. Hughes noted that the Bloomington Code grants a bonus FAR to developers willing to fund public art. Mayor Hovland and Member Housh both indicated they remembered discussing this issue, but not including it in the first reading of the proposed ordinance. Following a brief discussion the item Section 2, Subsection 850.01, Item K had locations for the display of public art added following the phrase 'open space'.

Member Swenson asked the City Attorney if the use of a parcel of land such as a parking area for mass transit users could become a reason to grant a variance from zoning regulations, be it height or setback. Mr. Gilligan said he thought that the proposed use would not be a reason to grant a variance, but might be a reason to grant a rezoning of the property. Member Housh said he wanted to make sure that no building could be allowed to be built that could not be supported by parking on site, so that was his concern about the height limit on parking structures. Member Masica said she was okay with leaving a height restriction off parking ramps. Member Swenson agreed with the Council.

Member Hulbert said she did not like parking ramps and said she would prefer to see a height limit at fifty feet. She asked about the setbacks, indicating that she always thought they were measured from the base of a building, but were setbacks also measured from a stepped back level in a building that has multiple levels. Mr. Hughes said setbacks were measured on component pieces, so if there was a minimum setback of 50 feet and if the taller

element of the building were stepped back, the stepped portion of the building could be setback more, while the lower element would have a lesser setback.

Member Swenson asked for a clarification of the bonus .25 percent FAR the proposed ordinance offered. She asked if a four story building would become five stories. Mr. Hughes said that the bonus FAR did not mean a building could go taller, it simply says that the building may get larger by the prescribed FAR, but all the building setback requirements and height requirements would still apply.

Member Hulbert asked about the proposed operation of the on-site sewer retention systems. Mr. Houle explained that they could be either a timed system or a smarter system. He added most likely they would be smarter systems because it cannot be predicted when a peak event will happen.

Mayor Hovland, at the suggestion of the City Attorney, asked Bill Griffith to speak about the eastern edge of the area.

Bill Griffith, representing T.E. Miller Development, said the concern was that proposals may be coming forward on the property on the eastern edge of the Southdale Area that would limit the property to buildings of four stories. Certain proposals will be screened out that need greater flexibility. He noted the previous regulations did not limit height, but instead depended upon setback to regulate height. Mr. Griffith said his client and possibly others looking at re-development possibilities in the area, the proposed new regulations will create an impediment to re-development due to the high value of property on York Avenue. Also a potential limitation will be placed upon the development of work force housing, and an impediment to higher quality construction packages that would require height in order to be financially feasible. Mr. Griffith said the Greater Area Southdale Study noted there were ways to transition between greater density and lower density other than height. He suggested that stepping back taller buildings, landscaping and perhaps positioning townhomes on the eastern edge all could be considered. He urged the Council to consider the implications of limiting height in this area. Mr. Griffith suggested that it would be much easier to preserve the area for further study and discussion before any height limitations were placed upon it.

Member Hulbert asked if there were a specific project that could be built under current regulations that will not be possible if the proposed regulations become reality. Mr. Griffith replied he had a specific proposal in mind, but that it has not yet gone to the development planning stage where they can determine whether or not the four-story height limit will impact it for certain. He added the height limitation was inconsistent with the type of proposal they would bring forward.

Member Swenson referred to the letters received and their reference to the difference between stick buildings and concrete construction and the scale of economy regarding when it was feasible to use one type of construction over another and also whether or not the City would have a preference to what type of construction would be used for the area in question. Mr. Griffith said that when buildings of four stories or less were built, they were stick built construction because it was more cost effective. When six or more stories were built typically

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then it becomes more cost effective to use poured concrete construction. Mr. Larsen replied he believed that any new construction would be fire protected. Chief Scheerer said that there would be a slight increase in safety with the concrete pre-cast over the wood frame, but with the sprinkler system both should be safe. Mr. Hughes commented that height limit might lead to types of uses such as exists today, that of one story income generating uses as opposed to four story residential type uses. He suggested potential changes that could be made to the proposed ordinance if the Council chose to delay changing regulations about the area east of York Avenue.

Member Swenson said she thought if the Council wanted to further study the entire area east of York should be removed from the proposed ordinance and sent to the Planning Commission for further study.

Member Masica said she was surprised that this type of pressure was coming forward at the current time. She said the Council has already had some heated debates about adding the amount of density that was being approved currently in the core Southdale area. Member Masica said the only redeeming quality was that the areas abutting the residential communities of both Richfield and Edina would at least have some buffer provided to them. She said she thought it was just as insulting to allow consideration of higher density to those Richfield residents as it would be to the residents west of France and she was totally against even considering changing those zones.

Member Swenson said she had hoped to offer an improvement to the buffer with Richfield.

Member Hulbert said she believed the proposed ordinance should be left as it was proposed and not change it based upon someone's possible redevelopment proposal.

Mayor Hovland commented that though the process has been arduous thus far; he just did not want to forgo examination of an area that should be given further review. He suggested that it would be a shame to lose the opportunity to encourage work force housing by not addressing the issue at this time. Mayor Hovland said it might be found that limiting height to four stories was the appropriate way to proceed, but the east edge should be studied.

Member Masica said she felt there were ample opportunities for life cycle housing in the core area of Southdale.

Member Hulbert said she thought the Council would be remiss to consider adding more density when they already have proposed two very large projects and while no answers to the traffic or sewer capacity issues have been determined. She suggested it would be more appropriate to wait and see the impact of these developments before increasing density in another area.

Mayor Hovland stated he only was suggesting that the area be preserved so a discussion could be entertained on whether or not it would be appropriate to change the density in the PCD-3 area east of York Avenue.

Member Housh said he thought the group had reached a consensus that the edges of the area should have a height limit so he would support the proposed ordinance as written.

Mayor Hovland polled the Council on their opinion of the ordinance's proposed height limitation on parking ramps at 50 feet. Member Swenson and Member Hulbert said they wanted the limitation. Member Masica and Member Housh would agree to remove the limitation. Mayor Hovland said he would agree to go without a height limitation on the ramps.

Mayor Hovland outlined two changes to proposed Ordinance No. 2006-02 as follows: 1) On page two paragraph K, after "open space", insert "locations for the display of public art", and 2) On page, delete paragraph 7. Parking ramps shall not exceed 50 feet in height.

Member Housh made a motion to grant Second Reading to Ordinance No. 2006-02 with the changes noted as follows:

ORDINANCE NO. 2006-02

AN ORDINANCE AMENDING SECTION 850 OF THE CODE BY PROVIDING NEW FLOOR AREA RATIO, SETBACK AND BUILDING HEIGHT STANDARDS FOR PROPERTIES IN THE PLANNED COMMERCIAL DISTRICT - 3; REQUIRING THE ISSUANCE OF CONDITIONAL USE PERMITS FOR CERTAIN USES IN THE PLANNED COMMERCIAL DISTRICT - 3; AND PROVIDING NEW SPECIAL REQUIREMENTS FOR THE DEVELOPMENT OF PROPERTY IN THE PLANNED COMMERCIAL DISTRICT-3

Section 1. It is the purpose and intent of this ordinance to update the requirements and standards of the City Code with respect to the development of properties in the PCD-3 subdistrict. The PCD-3 subdistrict was originally established, in part, for the purpose of accommodating department stores or shopping centers of regional significance which, due to their size, did not fit into the PCD-1 or PCD-2 subdistricts which provide for commercial uses in a neighborhood and community setting respectively. The PCD-3 subdistrict is presently confined to that part of the City bounded by West 66th Street, Valley View Road and France Avenue, Gallagher Drive extended and the east City limits.

The City Council, based in part upon the findings of the Greater Southdale Area Land Use and Transportation Study dated December 2005, finds that:

- A. The present standards and requirements of the PCD-3 subdistrict as contained in Section 850 of the City Code no longer reflect appropriate development intensities given the regional significance of the Greater Southdale Area as a shopping destination.**
- B. The present standards and requirements of the PCD-3 subdistrict impose restrictions on properties such that development densities are significantly less than standards imposed by Section 850 on other planned commercial districts in the City and less than standards imposed on other properties in the Greater Southdale Area zoned Regional Medical District and Mixed Development District.**
- C. The imposition of the aforementioned standards may have the effect of chilling the development and redevelopment potential in the PCD-3 subdistrict to the detriment of the entire City.**

- D. The provision of a mixture of uses within the Planned Commercial District is desirable and contributes to the continued viability of the Greater Southdale Area.

Section 2. Subsection 850.01 of the City Code is amended by adding a new penultimate paragraph as follows:

“The Council also finds that the Greater Southdale area, especially that portion contained within the Planned Commercial District is of vital interest to the welfare of the entire City and, therefore, the Council hereby adopts the following additional objectives with respect to this area:

- A. To contribute to maintaining and enhancing the Greater Southdale Area as a unique and vibrant regional retail destination.
- B. To encourage a range of housing types within the Greater Southdale Area.
- C. To encourage a mixed use shopping, living and working environment that meets the needs of residents and visitors and helps mitigate the effects of traffic by reducing vehicle trips and miles by allowing residences in close proximity to employment and services.
- D. To increase the allowed density of development in the PCD-3 subdistrict to be more comparable with other planned commercial districts in the City and other zoning districts in the Greater Southdale Area and to permit a level of development intensity appropriate for the area.
- E. To reduce setback requirements from public street rights of way in order to encourage and permit a closer relationship between storefronts and streetscapes.
- F. To ensure that residential development in the PCD-3 subdistrict is compatible with non-residential uses.
- G. To more efficiently utilize public infrastructure by taking advantage of peak demand variations among land uses.
- H. To allow a density of development that improves the feasibility of mass transit services utilized by residents, shoppers and employees of the Greater Southdale Area.
- I. To provide incentives to encourage affordable and life cycle housing.
- J. To encourage development of an active pedestrian environment and pedestrian accessibility to and among developments.
- K. To encourage the inclusion of green spaces, open space, locations for the display of public art, landscape buffers, parks, plazas, fountains, water retention areas and other similar spaces for the use and enjoyment of residents, visitors and employees and to enhance the quality of the human and physical environment.

Section 3. Subd. 4 of Subsection 850.16 is amended to read as follows:

“Subd. 4. Principal Uses in PCD-3.

Any principal use permitted in PCD-2, except offices requiring the issuance of a conditional use permit.

Department stores or shopping centers exceeding 40,000 square feet of gross floor area.

Transit stations.

Publicly owned uses.

Sexually oriented businesses.

Section 4. Subd. 6 of Subsection 850.16 is amended to read as follows:

“Subd. 6. Conditional Uses.

A. PCD-1 and PCD-2. Multi-residential uses.

B. PCD-3.

Automobile agencies selling new, unused vehicles.

Boat or marine stores or agencies selling or displaying new, unused boats.

Multi-residential uses.

Offices except offices allowed as a permitted accessory use.

All non-residential uses that increase the FAR to more than 0.5.

Section 5. Subd. 9 of Subsection 850.16 is amended by adding the following accessory use:

“Offices accessory to an allowed principal use.

Section 6. Paragraph A of Subd. 11 of Subsection 850.16 is amended to read as follows:

“A. Maximum Floor Area Ratio (subject to the requirements of Subd. 12 of this Subsection.)

PCD-1 1.0 of the tract

PCD-2 1.5 of the tract

PCD-3

i) North of West 70th Street: 1.0 of the tract provided that non-residential uses may not exceed 0.75.

ii) South of West 70th Street: 0.5 of the tract.

PCD-4 0.3 of the tract

Section 7. The setback requirements for PCD-3 imposed by paragraph B. of Subd. 11 of Subsection 850.16 are amended to read as follows:

	<u>Front Yard</u>	<u>Side Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>PCD-3</u>				
North of 70 th St	35**	35**	35**	35**
South of 70 th St.	50**	50**	50**	50**

** Subject to the requirements of Subd. 12 of this Subsection."

Section 8. The maximum building height requirement for PCD-3 imposed by Paragraph C of Subd. 11 of Subsection 850.16 is amended to read as follows:

PCD-3 Maximum height is determined by Paragraphs C and D of Subd. 12 of this Subsection.

Section 9. Paragraph A of Subd 12 of Subsection 850.16 is amended by deleting the reference to PCD-3 in the heading of such paragraph.

Section 10. Paragraph O of Subd. 12 of Subsection 850.16 is amended to read as follows:

"O. Standards for Residential Dwelling Units.

1. No part of any dwelling unit shall be located in a basement or on the first story of a building in the PCD-1 or the PCD-2 subdistricts.
2. In the PCD-1 and the PCD-2 subdistricts, the floor area of that portion of a building used for multi-residential purposes shall not be included for the purpose of calculating the maximum floor area ratio allowed by Paragraph A of Subd. 11 of this Subsection.
3. In the PCD-3 subdistrict, the floor area of buildings or portions thereof used for multi- residential purposes shall be included for the purpose of calculating the maximum floor area ratio allowed by Paragraph A of Subd. 11 of this Subsection.
4. In the PCD-3 subdistrict, the maximum floor area ratio allowed by Paragraph A of Subd. 11 of this Subsection may be increased by .25 by including the floor areas of dwelling units classified as affordable housing units pursuant to an agreement with the Housing and Redevelopment Authority of Edina.

Section 11. Paragraph BB of Subd. 1 of Subsection 850.08 is amended by adding a new subparagraph 3 as follows:

"3. Multi-Residential Uses. One fully-enclosed parking space for each dwelling unit, except that dwelling units with a floor area in excess of 1,500 square feet must provide 1.50 fully-enclosed parking spaces per dwelling

unit. Such parking spaces must be designed for the exclusive use of residents of the dwelling units and their guests. The Council may require the provision of exposed parking spaces in addition to the required enclosed spaces as a condition to the issuance of a conditional use permit.

Section 12. Subd. 12 of Subsection 850.16 is amended by inserting new paragraphs C, D, E and F as follows and renumbering existing paragraphs C,D,E,F,G,H,I,J,K,L,M,N, and O as G,H,I,J,K,L,M,N,O,P,Q,R and S respectively.

“C. Setbacks for PCD-3. The minimum building setback required by Paragraph B of Subd. 11 of this subsection shall be increased as follows:

1. In the area bounded by France Avenue on the west, York Avenue on the east and W. 70th Street on the south, the minimum building setback shall be increased by 1/3 foot for each foot that the building exceeds 50 feet in building height. For purposes hereof, only those portions of buildings which exceeds 50 feet in building height need provide the additional setbacks required by this paragraph.
2. In all other areas, the minimum building setback shall be equal to the building height for buildings taller than 50 feet.

Notwithstanding the requirement of this subsection, the City encourages, i) ground level retail and service uses that create an active pedestrian and streetscape environment, and ii) pedestrian connections by way of skyways and tunnels and, therefore, the City Council will consider exceptions to setback requirements for these purposes.

D. Maximum Building Height in PCD-3. Maximum building height in the PCD-3 subdistrict shall be as follows:

1. In the area bounded by France Avenue on the west, York Avenue on the east and W. 70th Street on the south, the maximum building height shall be 18 stories or 225 feet, whichever is less.
2. In the area located west of France Avenue and the area located east of York Avenue, the maximum building height shall be four stories or 50 feet, whichever is less.
3. In all other areas, the maximum building height shall be equal to the required setback.

E. Travel Demand Management. Final development plans for any office use in the PCD-3 subdistrict which requires the issuance of a conditional use permit shall include a travel demand management (TDM) plan prepared by an independent TDM professional. The plan must document TDM measures and performance measures to be implemented. Approval of the TDM plan by the City shall be a condition of the issuance of the conditional use permit.

F. On Site Sanitary Sewerage Retention System. This paragraph applies to properties served by Metropolitan Sewer Interceptor No. 1-RF-491 Final

development plans for any new buildings or uses in the PCD-3 subdistrict that require the issuance of a conditional use permit shall include plans for storage tanks and other facilities designed to retain on site sanitary sewer discharges during peak flow conditions that would otherwise enter the City's sanitary sewer system. Such plans must be prepared by a registered professional engineer acceptable to the City. The plans must provide for facilities designed to prevent discharges to the sanitary sewer system during peak flow conditions, as defined by the City Engineer, in amounts and volumes that exceed discharges that existed prior to construction of the buildings and uses proposed by the final development plans. Approval of the sanitary sewer retention system shall be a condition of the conditional use permit and shall be approved by the City Engineer.

Section 13. Subd 4 of Subsection 850.08 is amended by adding the following sentences:

"Parking ramps shall comply with the requirements of Paragraph G of Subd 5 of this Subsection 850.08.

Section 14. Subd 5 of Subsection 850.08 is amended by adding a new Paragraph G as follows:

"G. Parking Ramps. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply to parking ramps:

1. The front street and side street setback shall be not less than 20 feet and the interior side yard and rear yard shall be not less than 10 feet. The minimum setbacks shall be increased by one foot for every foot that the parking ramp exceeds 20 feet in height. No parking ramp or any part thereof, shall be located within 50 feet of the nearest lot line of any property in an R-1 District used for residential purposes.
2. The front street or side street setback for parking ramps and garages, and other structures, shall be increased to 50 feet when the ramp, garage or structure is located across the street from a property in an R-1 District used for residential purposes.
3. All exterior wall finishes of a parking ramp shall be of materials that architecturally complement the building or buildings that the parking ramp serves through the use of exterior materials, architectural elements and colors and shall be one or a combination of the following:
 - a. Face brick.
 - b. Natural stone.
 - c. Specially designed pre-cast concrete units if the surfaces have been integrally treated with an applied decorative material or texture.
4. Parking ramps must include architectural elements that enhance the structure, reduce its perceived mass and complement the building or buildings

that it serves. Architectural elements shall include decorative pilasters, banding, reveals, accents, wall plane articulation, facade treatments, and ornamental grillwork as appropriate.

5. Parking ramps must include screening or other appropriate design elements to screen the visibility of vehicle headlights from outside of the parking ramp.

6. The City encourages parking ramp designs that include ground floor retail, service and other uses, allowed by the zoning district in which the parking ramp is located. Such uses which are integrated into the parking ramp structure need not maintain front street and side street setbacks greater than that required for the parking ramp.

Section 15. Subsection 850.07 is amended by adding a new Subd 24 as follows:

“Subd 24 Sidewalks, Trails, Bicycle Facilities. In order to promote and provide safe and effective sidewalks and trails in the City and encourage the use of bicycles for recreation and transportation, the following improvements are required, as a condition of approval, on developments requiring the approval of a Final Development Plan or the issuance of a conditional use permit pursuant to Subsection 850.04. The expense of such improvements shall be borne by the applicant.

- A. It is the policy of the City to require the construction of sidewalks and trails wherever feasible so as to encourage pedestrian and bicycle connectivity throughout the City. Therefore, developments shall provide sidewalks and trails which adjoin the applicant’s property i) in locations shown on the City’s sidewalk and trail plan and ii) in other locations where the Council finds that the provision of such sidewalks and trails enhance public access to mass transit facilities or connections to other existing or planned sidewalks, trails or public facilities.
- B. Developments shall provide sidewalks between building entrances and sidewalks or trails which exist or which will be constructed pursuant to this Subd.
- C. Developments shall provide direct sidewalk and trail connections with adjoining properties where appropriate.
- D. Developments must provide direct sidewalk and trail connections to transit stations or transit stops adjoining the property.
- E. Design standards for sidewalks and trails shall be prescribed by the Engineer.
- F. Non-residential developments having an off-street automobile parking requirement of 20 or more spaces must provide off-street bicycle parking spaces where bicycles may be parked and secured from theft by their owners. The minimum number of bicycle parking spaces required shall be five percent of the automobile parking space requirement. The design and placement of bicycle parking spaces and bicycle racks used to secure bicycles shall be subject to the approval of the Engineer. Whenever possible, bicycle parking spaces shall be located within 50 feet of a public entrance to a principal building.

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Section 16. This ordinance shall be in full and effect upon passage and publication.

First Reading: February 21, 2006

Second Reading: March 6, 2006

Published: March 16, 2006

Attest:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Swenson, Hovland

Nays: Hulbert, Masica

Motion carried.

FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT APPROVED FOR GABBERT AND BECK, RYAN COMPAINES - 3510 GALLERIA Affidavits of Notice were presented, approved and ordered placed on file.

Member Housh disclosed that the insurance brokerage firm he worked for, Willis of Minnesota, Inc. did business with the Ryan Companies, and however, he personally did not have any dealings with Ryan. Attorney Gilligan said affiliation would not constitute a conflict of interest and would not preclude Member Housh from taking part in the discussion or vote on the matter.

Planner Larsen explained the subject property was the Galleria site bounded on the west by France Avenue, on the east by York Avenue, north by West 69th Street and south by West 70th Street. He said the proposal before Council was for a development that would occur on what was now an existing parking area on the easterly side of the development. It would not change the existing development on the site, but would connect the new development, the hotel with its accessory restaurants, upper levels of condominium units with a structured parking ramp directly south of the building. Mr. Larsen said the action that was before the Council would be a final development plan approval allow the hotel to be constructed which would include the assumption of a parking variance and secondly a conditional use permit to allow the dwelling units to be located above the hotel in the PCD-3 District. He outlined the recommended conditions: 1) an executed proof of parking agreement that would illustrate the ability and allow the City to force the construction of an additional level on the parking structure if needed sometime in the future; 2) an executed cost sharing agreement for any necessary improvements with access to the site from either West 69th Street or West 70th Street; and 3) Watershed district permit from Nine Mile Creek Watershed District.

Proponent Presentation

Warren Beck, President of Gabbert and Beck, introduced Collin Barr, representing Ryan Companies, the design builder for the project; Mark Swenson, President and Tracy Jacques, Senior Designer of ESG Architects, architect for the project; Paul Wischermann, Wischermann Partners, the hotel consultant; Mark Heisler of Starwood Hotel and Resorts; Damon Farber, Landscape Architect, Damon Farber and Associates; and John Dietrich of RLK Kussisto Traffic Engineers. Mr. Beck said he would briefly outline the scope of the project. He said they were proposing a 225 room Westin Hotel. Above the hotel, there would be 82 condominiums. Mr. Beck pointed out this was a change from the January 17th presentation to

the Council. He added it was found that splitting the penthouses into two units provided a more salable unit.

Mr. Beck said the project will include an upscale restaurant, and a ballroom and meeting rooms as part of the hotel component. In addition there will be a four-level parking ramp to serve the hotel and the Galleria.

Mr. Beck outlined the public review process followed thus far beginning with the November 30th initial Planning Commission presentation. Following that presentation, the project was presented at the December 2005 Transportation Commission meeting. He noted on January 2, 2006, the second presentation took place with the Planning Commission and an informational presentation was made to the Edina City Council on January 17, 2006. Following the January 17th presentation, Mr. Beck said the Council had meetings on the Greater Southdale Area Land use and Transportation Study and also on the proposed ordinance amendment. He noted that the Westin proposal had been part of both of those issues. Mr. Beck concluded saying he hoped that the Council would grant approval to the hotel proposal following the public hearing. He commended the Council for going through the thoughtful process to establish some clearer guidelines for future development in the area.

Mr. Beck said the development team hoped to demonstrate the changes made to the proposal since its initial presentation in November in their attempt to adapt and address the concerns and thoughts that have come out of the public hearing process as well as new zoning guidelines for the area. He said that first they heard about the traffic concerns from residents and noted traffic concerns really focus on peak hour traffic generation that has taxed public street infrastructure; particularly the heaviest traffic which typically happened during the PM peak hour. Mr. Beck said their project would add 215 trips daily to the existing 7700 average daily trip volume on West 70th Street. He said this amounted to approximately a 2.8 percent traffic increase. Mr. Beck displayed a graphic that depicted the intersections' level of service on the key intersections around the Galleria as it currently existed and as it would exist after the hotel project was built. He pointed out that the level of service remained the same for the intersections with or without the hotel project with one exception. Mr. Beck said he was aware of the Council's concern of the project's impact on West 70th Street west of France Avenue, but he said the developers believe since the hotel would serve guests primarily from outside of the City it would have little impact on traffic to the west. He added that he believed the condo residents would disperse over a broader area and not necessarily all onto West 70th Street. Mr. Beck explained that access to the site from West 69th Street had been changed to disperse west bound traffic from that intersection onto West 66th Street which was hoped would ease the area. He added that the Transportation Commission had granted approval of the project in December.

Mr. Beck said the next issue consistently brought up was the desire that pedestrian design concepts be incorporated into the project, both for safety reasons and as a desirable amenity. He referred to a graphic display, noting that sidewalks have been incorporated around the site and between the hotel and the courtyard from York Avenue to the Galleria. He said that where feasible, these sidewalks would be boulevard sidewalks. Mr. Beck said that two crosswalks have been added on the project site between the hotel and the Galleria on the

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surface and they have incorporated a tunnel underneath the drive lane in order to access the hotel and the parking structure directly into the Galleria property. He said that a plan for West 70th Street was developed they would work with staff to incorporate a safe pedestrian link from the hotel project to the promenade along 70th Street.

Mr. Beck noted the need to incorporate an existing MTC transit stop located on 70th Street into their project. He added that the sidewalk on 69th Street has been connected to the hotel entrance making it easier for pedestrians to access the hotel property from the street. Mr. Beck said the courtyard had been opened up allowing pedestrians, hotel guests, condominium residents, and Galleria patrons to better enjoy the courtyard area. Bike racks have been incorporated into the design for both bike users at the Galleria and the hotel.

Mr. Beck said that in order to enhance the public realm, outdoor dining has been added to the restaurant areas, two areas have been designated for the display of public art (near the hotel entrance on 69th and in the hotel courtyard). He added that the Galleria monument signage and landscaping will be enhanced.

Mr. Beck said that as the owner of both properties he wanted to make sure adequate parking was available for his patrons. He said the proposed parking ramp adds 751 stalls. The ramp would serve the hotel and the retail customers. All condo owners will have parking beneath the hotel footprint. Mr. Beck said the existing Galleria site has over 1,600 parking spaces. He noted that being the operator of the hotel, he would be able to control the number of events going on and the number of people that would be programmed for an event. Mr. Beck added he also knew when peak demands for the shopping center will occur and will not overextend the hotel during these times. He concluded stating it was his intention to execute the requested proof of parking arrangement that would require adding to the ramp, but he was confident it would not be needed.

Mr. Beck said the proposed parking ramp would be constructed in total compliance with the new zoning amendments because they would:

- Use complementary materials - two colors of architectural pre-cast to complement the hotel/condo building
- Use elements that architecturally enhance the ramp - glass stair towers located to the Northeast and Northwest corners of the ramp provide a nice accent to the ramp
- Provide screening from the street - use a combination of existing trees and add a significant amount of landscape to screen the ramp from the view of 70th and York.
- Ensure that headlights have been screened from view so that no lights would be visible from the outside of the ramp

Collin Barr, Executive Vice President of Ryan Companies, said he was in the role of development manager and design build contractor for the proposed hotel project. He reviewed the following City infrastructure concerns, noting that both the Planning Commission and City Engineer recommended that on-site peak sewage storage tank be included to accommodate peak flows. Mr. Barr reported that this recommendation had been incorporated into their design, adding that use of the grey water could be of benefit to the hotel's landscape maintenance.

Mr. Barr reported the developers were very excited about how their building will look. Mr. Barr said that they have invested in some new computer imagery that takes the existing rendering and turns those into a photographic quality style image because the image shown gives a much better feel of what the project will look like when it has been completed. He added they believed the proposed building was a building all of Edina will be very proud of for many years to come. Mr. Barr said glass had been added around the restaurant area and the entrance has been enhanced. The courtyard area had been opened up making it more welcoming to pedestrian moving into the space. They have also added a glass curtain wall to the northwest corner of the project.

Mr. Barr said the developers believe that the condominium portion of the project was a public benefit in that it would offer empty nester housing alternatives for people who want to stay in Edina. In addition, those single family homes would become available for families wishing to move into Edina. Other benefits of the hotel would include:

- This hotel will be one of the finest in the Twin Cities and will be very popular for use by businesses in Edina that have significant business travel needs and also families with out of town guests;
- The ballroom will be the site of proms and weddings;
- The meeting spaces will be available to area business with needs to meet within the community;
- The restaurant will provide residents with a higher end dining option that complements the great selections in the area; and
- This will benefit Southdale Area Retailers who have been challenged by competition from the Mall of America.

Mr. Barr said Starwood and their Westin Hotel Brand was a fundamental stakeholder in the success of this project. He introduced Mark Heisler, the executive in charge of new Westin Hotel Developments for the Midwest and northeast regions of the United States.

Mark Heisler, Starwood, said he was brought in by Starwood strictly to evaluate locations for hotels. During the last fifteen months he has evaluated five credible sites, two within the City of Edina and three within the City of Bloomington. He said the present site was chosen based upon the amenities, and the development team reputations. Mr. Heisler said the project was ready to proceed as soon as the necessary approvals were granted. He noted that in order for the hotel project to be successful at the selected location, it was important for it to begin construction yet this spring. He showed a three minute video of the Westin hotels and explained their involvement in the proposed project.

Mr. Barr thanked the Council for the opportunity to present their proposal and asked for an affirmative approval of the requested Final Development Plan and Conditional Use Permit.

Member Swenson noted that the Planning Commission minutes reflected that the parking garage was to be three levels above ground and one level below ground. She said that all the graphic depictions however, show four levels above ground and would the developer be willing to put one level below ground. Mr. Barr indicated said that the developers were prepared to install one level of the ramp below grade.

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Member Masica asked who the targeted market was for the hotel guests and were the corporate entities in need of such a hotel within Edina. Mr. Barr replied that approximately sixty per cent would be business related travel, with the remainder being leisure travel. Mr. Heisler added that Westin travelers typically are frequent business travelers with incomes significantly over \$100,000 annually and that there was no doubt that the businesses within Edina would generate the business travelers at the hotel.

Member Masica asked how many parking spaces short was the proposal. Mr. Hughes replied that the hotel was about 140 spaces short.

Member Housh asked what traffic pressures would occur if a 350 guest wedding were scheduled for a Saturday. How would this interact with a corporate noontime meeting. Mr. Barr said that since there was common ownership and control of the adjacent shopping center, it allowed the ability to not allow bookings of conflicting events that would overtax the parking for either the Galleria or the hotel.

Member Housh asked about local businesses using the hotel as a lunch time place to meet, in conjunction with peak retail and peak traffic. Mr. Beck said that he believed the uses were complimentary with three components: 1) hotel rooms, 2) meeting rooms, and 3) retail uses. He said that at noon time, for all practical purposes the hotel rooms would be not using parking stalls, or if they were, they would be part of the meeting within the hotel. He said that this has been analyzed and they are comfortable with the parking.

Member Hulbert asked how far down 70th Street would the sidewalk be extended. Mr. Barr said at this time it would be stopping at the edge of the hotel, but once the spine street was configured and the 70th Street design was finalized they would work with City staff to extend the sidewalk to where it would connect to the spine street.

Mayor Hovland asked about the legal relationship between the Westin and the Gabbert/Beck. Mr. Heisler said it would be typically a twenty year license agreement and it would be executed within ten days of the Council's approval of the project.

Member Hulbert asked about the overall timing of the project. Mr. Barr said that the overall site processing was begun last fall, and then moved into schematic design in October-December. He said their drawings were at what was termed design development. He said from a design standpoint they were seventy-five percent completed with design. Mr. Barr said they planned on launching the marketing of the condos on April 20th with construction beginning on the parking ramp on June 1st. The plan was to complete construction of the ramp over the summer and fall so that by November 1st the ramp was open and operational. At that point, construction would begin on the hotel, but he reiterated that the ramp would be available for parking during the holiday season. All staging would take place on the hotel site.

Mayor Hovland commented that the zoning code changes approved earlier require ramp screening. He said that the Council had previously discussed encouraging appropriate ramp design that would screen the visibility of headlights from outside of the ramp, and also talked about architectural elements that could be included from a variety of sources. Mayor

Hovland asked the proponents what efforts they have made to comply with these regulations. Mr. Barr presented a graphic of the proposed parking structure, stating the ramp would be constructed of architectural pre cast concrete in two colors that would match with the building. He said that glass elements have been added to the southeast and northwest corner of the ramp as design elements to add visual interest. Mr. Barr said that various types of louvers and other screening were reviewed, but the proponent believed that extensive landscaping was a wiser way to screen the ramp.

Mayor Hovland asked what size classes of landscape materials would be used and the total cost of the landscaping along the ramp. Mr. Barr said he believed that approximately \$400,000 in new landscaping would be added, but he pointed out there were existing trees and plantings that will be maintained. Mr. Barr said most of the new materials will be coniferous trees of approximately 8-12 feet when planted.

Member Masica clarified that one level of the parking structure will be below grade, one at grade and two above grade. Mr. Barr confirmed that was correct.

Mayor Hovland asked how many new parking stalls will there be after the hotel has been constructed. Mr. Beck said there will be 231 new additional stalls to serve the retail and commercial, excluding the condominiums.

Mayor Hovland asked for an overview of increases in peak hour traffic from the traffic engineer.

John Dietrich, RLK Inc, Traffic Engineers, said that in terms of the overall development, the uses that have been proposed were complimentary. He said they have finished a complete traffic analysis of the area looking at the intersections from France and 69th Street, over to York and 69th, York and 70th and 70th over to France. Mr. Dietrich said the critical driveway intersections were also reviewed with the four mentioned intersections level of service. He said in terms of the proposed development between the hotel, condominiums and retail, they were estimating approximately 2798 new additional twenty-four hour daily trips to the entire area. Mr. Dietrich said that in terms of peak hour both a.m. and p.m. were studied to ascertain the highest volumes on the roadway at that time in addition to the highest volume that would be generated from the proposed development. He said the AM and PM peaks would be the higher generator of traffic. Mr. Dietrich said that the PM peak for the proposed development 215 trips would be generated. This would be an increase of approximately a 2.8 % increase to the area network. He defined the area network as France to 70th, 70th to York, York to 69th and that block of study. Mr. Dietrich said there were approximately 77,000 vehicle in the peak hour, and adding 215 PM peak hour trips was the 2.8% increase.

Mayor Hovland asked what design was utilized. Mr. Dietrich said the Institute of Traffic Engineers National Models which was a compilation of studies completed locally and nationally for the specific uses that go into a site. He said there were specific definitions of retail, hotels, condominiums each with factors attributable to a particular use and how that use would generate trips on a daily and peak AM and peak PM basis. Mr. Dietrich said the modeling year used for the study was 2009. This was using the daily traffic counted in

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October 2005, a 1.5 % increase in background traffic, and the development (studied one year after construction completed).

Mayor Hovland asked what was determined based upon the data what the impact would be upon the level of service on the four intersections based upon the AM and PM peaks. Mr. Dietrich said that at the previously identified four critical intersections, there would be no change in level of service whether the proposed developments were built or not.

Member Masica asked if the projections were based upon the current buildings in existence or where any other proposed developments also factored into the projections. Mr. Dietrich explained that an actual count was taken in October; the Target redevelopment for south side of 70th Street was added into the background mix, assuming it was moving forward, and then background growth of 1.5% annual increase was added into the analysis. Specifically, Member Masica asked if the proposed Cypress Development 17 story project had been factored into the study. Mr. Dietrich said he was not sure if it was factored in or not without checking his study data more closely.

Mayor Hovland said that it seemed confusing that there would be no change in level of service even though 2798 vehicle daily trips were added to the traffic load. He asked what was meant in no change in the level of service. Mr. Dietrich explained that level of service looked at the operation of an intersection and grades how it functions on levels of acceptability. The grades were like a report card A, B, C, D, E and F. In an urban situation, such as Edina, a level of service D was acceptable and a fully-passing grade of intersection capacity and analysis. What the grade of intersection talks about the way the delay that it takes a vehicle to move through an intersection. Today, the study looked at the four critical intersections and projected out that in 2009 there would be a level of service 'C' in the PM peak hour when the highest volume of background traffic would be on the road and the highest volume of the development traffic would be added.

Public Comment

Joni Kelly Bennett, 4003 Lynn Avenue, stated she was a member of the Traffic Commission and one of the two members voting against the proposal. Ms. Bennett said the traffic counts the proponents used were done the Thursday of MEA week when she believed traffic would be much lighter.

Sandy Phillips, 6800 Cornelia Drive, stated her concern was West 70th Street traffic. The current configuration of West 70th does not meet the current needs of the traffic and it's expected to handle the additional traffic of a new development. She expressed her displeasure that no overall traffic study of the area had been undertaken. Ms. Phillips asked the Council to take action approving a group of four to six residents to proactively work on traffic in the area.

Harold Babb, , 4701 West 70th Street, said an advisory committee as requested by Ms. Phillips would be a link between City Hall and residents, engineering staff and the Transportation Commission. Mr. Babb said it was no longer possible to walk on West 70th Street because of the noise and pollution. Commenting on the proposal before Council, Mr. Babb said the highest and best use of a piece of land may not be the highest and best for the community.

Arlene Clapp Gumingo, 6925 Cornelia Drive, said she had been a resident of Edina for twenty-eight years. Ms. Gumingo said the hotel has been described as beautiful and a project that would enhance Edina. She said she would love to see meetings held at this facility. Ms. Gumingo did express her concern about the traffic on West 70th Street and suggested if the street were made four lanes, the hotel would be wonderful. Mayor Hovland emphatically stated there were no plans to change West 70th Street into a four lane highway. He added that no homes were being taken and there was no basis for the rumor being spread about West 70th becoming a four lane highway in a flyer being distributed.

Gary Hudson, 4512 Belvedere, asked if the proposed parking ramp would be free or would users be charged a fee to park in it. Warren Beck, proponent, replied the ramp would be available at no charge to patrons.

Michael McConnell, 4513 Belvedere Lane, stated he was the person who distributed the pink flyer. He added he was attempting to point out the lack of planning about what the outcome for 70th Street would be once the developments were built. Mr. McConnell said the traffic study should have been done during the holiday shopping season. He added that the City should have studied mass transit and how to manage traffic before approving large developments. Mr. McConnell said the impact of the 18-20 story buildings will be huge and he could not believe the proposals were moving forward.

Ralph Campbell, 6700 Point Drive, stated he has lived in Edina since 1951 when France Avenue was a dirt road. Mr. Campbell said that he has seen myriad changes since that time. He urged the Council to please approve the request of Mr. Warren Beck. Mr. Campbell stated that Mr. Beck has given a tremendous amount to the community and the proposal deserved careful consideration.

Kristine Loubert, 4301 West 70th Street, stated she was impressed with the hotel presentation, but she wondered by the City needed a hotel of this size. In her opinion the hotel was not needed and was too big. Ms. Loubert said she liked shopping at Southdale, but was fearful that approval of the proposal will spur additional large developments and urged the Council to not approve the hotel proposal.

Jean Holmes, 4501 Belvedere, states she liked that she can feel at home in the Galleria and that traffic was a major concern.

Stefan Helgeson, 3609 West 55th Street, stated this project will matter. He said things can be done with the proposed Westin project to make a difference. If done properly the City can celebrate the pedestrian walkways. However, Mr. Helgeson expressed concern that the hotel was proposed to be built 90 feet from the corner and he suggested that it be pulled close to the corner. Mr. Helgeson said this would allow enhancement of the public realm.

Gene Persha, 6917 Cornelia Drive, said he has been to Council meetings five times. Mr. Persha said the residents of the community feel left out of the process. He suggested there should be a referendum in Edina to find out what the people really want. Mr. Persha said there should be alternative use of land and suggested the Council review the code of Palo

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Alto, California. He again referred to the work he previously sent the individual Council members and urged them not to approve the hotel project.

Richard Riley, 6637 Parkwood Road, stated he lived outside of the immediate area, but was in favor of the project. He said he wanted to remain in Edina and since his children were grown, he was ready to downsize. Mr. Riley said he has worked in and around the Southdale area for twenty-five years and that he knew his clients would appreciate the hotel.

Ms. Sobling, 7540 Edinborough Way, said she was speaking on behalf of her mother and asked about the sewer holding tank, inquiring how it would work. She also expressed concern about the parking and traffic issues. Mr. Houle explained that the sewage for two thirds of Edina flows through a pipe to the Richfield/494 area. In the case of a peak event that could cause a surcharge exceeding the pipe's capacity, the holding tank would be utilized for between six and eight hours until the pipe's capacity would allow it to be discharged into the line.

Doug Mayo, 6041 Kellogg Avenue, said he was representing the Inter Faith Edina Housing Initiative drawn from twelve churches. He encouraged the inclusion of affordable housing within the Gabbert and Beck proposal. Mr. Mayo said life cycle and affordable housing that would be an option for low and moderate incomes should be made a condition of approval for the project. He suggested that the developer be directed to work with the City and the Housing Initiative. Mayor Hovland asked if there were a definition of affordability. Mr. Mayo said the City would have to define affordability and he suggested a reasonable definition would be where people pay no more than 30% of the median income for shelter.

Mary P. Martin, 4519 West 70th Street, said she enjoyed living on West 70th Street. She asked what happened to the buffer to the residential neighborhoods. How would this affect the West 70th Street residents. Ms. Martin asked if the Galleria would someday be four stories high.

Dana Widstrom, 5032 Juanita Drive, said he felt the City had an opportunity to achieve a high quality development by high quality people. Mr. Widstrom said Southdale was and has been a regional center. He noted the Twin Cities area was growing and if the proposed project was not accomplished inner ring sprawl will likely increase. Mr. Widstrom said he did not believe the proposed project would affect the peaks of traffic, but that did not mean that West 70th Street did not have traffic problems. He said he did not believe the current proposal would not affect any potential fixes to the West 70th Street traffic issues.

Bob Mayo, 6836 Creston Road, said the West 70th Street traffic was so bad that he knew not to leave his home at certain times of the day. He urged the Council to deal with the issue stating they have the power to add conditions to the approvals. Mr. Mayo expressed his concern about other proposals that would come and further increase the traffic issues.

Roberta Thorpe, 6904 Cornelia Drive, suggested that the citizens have an opportunity to vote. She said she did not favor any developments in the Southdale area. Ms. Thorpe said she did not understand why there was the rush for a decision. She suggested the Council tell the

developer to back off. Ms. Thorpe said in her opinion, the building will be very sterile and the glass will be reflecting sunlight, and that the landscaping would be inadequate.

Beverly Busahaub, 7540 Edinborough Way, said she did not want the project approved because of the need for the sewer holding tank because they sound unsafe and she could not believe they meet City Code. She suggested the developer be required to upgrade the sewer system before granting any approval.

Motion by Member Housh, seconded by Member Swenson to close the public hearing.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland asked for responses to questions raised during the public testimony. First he asked staff to respond to the question of the water supply. Mr. Houle said that the City's water system consisted of seventeen wells of which seven were used during the winter months. He said the other eleven wells were only used in the summer when Edina residents were watering yards. Mr. Houle said that as far as the holding tanks were concerned, the City has currently twenty-three sanitary sewer lift stations. The proposed holding tank would be no different than any lift station currently in use. He said the tank would be designed to industry standards and there were no safety concerns.

Mr. Barr said the sale prices for the condominiums would be announced approximately April 20th and would be at the high end of the market in the southwest range of the Twin Cities Metro which was currently between \$400-\$500 per square foot. He said that the round court yard between the hotel and the parking ramps was approximately 100 feet in diameter.

Mayor Hovland asked the developers to respond to the questions raised regarding light reflection off the glass on the building. Tracy Jacque, Senior Designer with SG Architects said the lower level first floor of the building meeting the street and sidewalks would be primarily brick, except the hotel lobby entrance and courtyard entrance would be more glass to achieve transparency between inside and outside. The tower would be of glass and pre-cast concrete. The pre-cast concrete would be two colors to break up the mass, make it more articulated and more interesting to the eye. Mr. Jacques said the glass would occur in quantity on the east and west sides to again break up the mass of the broad side of the building. He said part of the plan for the tower included chamfering of the walls to break up broad expanses of glass reducing the mass. Mr. Jacques said that the balconies on the upper levels break up the mass. Mr. Barr added that the glass used on the tower would be a low e glass that was not highly reflective; it was more a vision glass, than what would typically be used in office buildings.

Member Hulbert asked if the proposed sign would be in compliance with City sign regulations. Mr. Larsen said that City sign regulations were based upon the square footage of wall area, so while the sign appeared to be large, if compared to the wall area it would be well below the limits for this zoning district.

Mayor Hovland commented that a resident had stated they thought the landscaping as proposed contained too many conifers. Damon Farber, 923 Nicollet Mall, Minneapolis, Landscape Architect, said there was a significant number of coniferous plantings planned to

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break up the mass of the parking structure, but there were also a number of ornamental trees plus the existing honey locust which will be maintained. He said the courtyard was planned to have a variety of plant materials both ornamental and coniferous. It was desired to have year round color and seasonal interest throughout the year.

Mayor Hovland asked staff to comment about the request that the developer pay for the upgrade to the sewer system. Mr. Hughes explained that sanitary sewer in the Metropolitan area was handled through a system of local and regional sewers with all the sewage treatment being handled regionally in plants scattered throughout the metropolitan area. Cities were served by sewer interceptors, which were large lines maintained by the Metropolitan Council, which carry sewage from individual cities to the regional treatment plants. He said the interceptor line serving the southern part of Edina which was not at the proper capacity to accommodate further growth in not only southern Edina, but also parts of Bloomington and Richfield. The Metropolitan Council has begun the process to increase this interceptor, but until the line has been completed, temporary provisions would be needed to accommodate peak flow conditions typically prompted by heavy rainfall. The tanks would temporarily hold the sewage and then gradually release it when the peak flow had subsided.

Member Masica asked if all the tanks would then be releasing at the same time. Mr. Houle explained that there would be a release plans developed when the tank was built and it would be approved by the Met Council as well as the City.

Mayor Hovland asked Mr. Barr to respond to the impact on the proposed development if the City were to require them to wait until infrastructure was finished. Mr. Barr replied that if their project were not approved, there was a limited time that they would be able to hold the Westin brand; there was a limited time frame to build the ramp and accommodate the holiday shopping season, plus the need to capture the proper time for condo sales during the spring.

Member Swenson asked if the developer would be willing to work with the City if the location of the connection to the pedestrian, mass transit system were to change due to the development occurring with other properties in the area. Mr. Beck said that he did not believe the location would need to change, but the intent of the developer was to work with the City either now or later to facilitate the connection pedestrian and mass transit system.

Mayor Hovland asked questions regarding the traffic impact on West 70th Street. Mr. Dietrich reiterated his earlier comments that the complimentary uses of the commercial and hotel/condominium which can be described as overlapping. He said that 215 PM peak hour trips that was about 107 trips in and 107 out. When the distribution of these trips was reviewed relative to the four critical intersections it was fairly evenly spread in each direction. He said that his projection of the percent of traffic that would be going on West 70th Street toward Highway 100 was minimal in the PM peak hour trip and only 12 additional vehicle trips would be coming from Highway 100 along 70th to France. In the AM peak hour there would be 9 additional trips going through the France and 70th intersection heading toward Highway 100. Mr. Dietrich told that West 70th contained approximately 15,080 ADT trips on West 70th between Highway 100 and France. He said that typically, ten percent of the ADT occurred during the peak hour so assuming the PM peak would be 1500 per hour,

750 going each direction east and west. Mr. Dietrich said the 12 additional trips approximated an increase of 1.6 percent.

Member Housh asked about the 69th Street NO LEFT TURN entrance, and about issues arising from the Target Development entrances perhaps being moved to align with the hotel entrance and potentially the possibility of a traffic light being installed which the developer would be funding such lights. Mr. Dietrich agreed that the developer had said the West 69th Street entrance would not allow a left turn into the site and stated that the developer has indicated his commitment to work with the City and their share of interception improvements necessary on 69th or 70th Streets.

Mayor Hovland asked if there were anything about the proposed development that would preclude a traffic solution to West 70th Street. Mr. Dietrich said he did not believe the proposed development would preclude any future study or improvements necessary to address the West 70th Street traffic problem that currently existed.

Mayor Hovland asked the developer to comment on the request for inclusion of affordable housing as defined by Mr. Mayo. Mr. Barr responded that this was a delicate issue especially in a City such as Edina. He commented that Ryan Companies had just completed a redevelopment on the Sears site in downtown Minneapolis. At that location they were able to incorporate some affordable housing, both because of the location, and that the City of Minneapolis had a clear definition of affordable housing and some specific goals for affordable housing. Mr. Barr said at this time no affordable housing was included in the condominium units. Further, he said that wrapping the parking ramp with affordable housing would be, in his opinion, not the right location.

Member Hulbert asked how the City of Edina compared to neighboring communities for multiple-unit housing. She said she thought that most of the condo occupants would be coming from outside of Edina because of the projected price points. Member Hulbert wanted to know how Edina compared with the ratio of single family to multi family dwellings. Mr. Larsen said that Edina was predominantly single family, but there was a relatively close balance between the two. He said most of what was seen coming in currently was for multi dwelling units. Member Hulbert said she thought Edina was at about .6 and our neighbors were at about .4 so we already had more multiple dwelling housing. Mr. Hughes replied that Edina received reports called "bench marks" from the Metropolitan Council that evaluate cities on multi family vs. single family, ownership vs. rental and affordability. He said that Edina compared quite closely on multi family vs. single family mix and the rental vs. ownership mix, but Edina does not hit bench marks on the affordability, but the tenure and type was quite comparable to the communities the Metropolitan Council used for the analysis.

Mayor Hovland asked about the timing of the traffic counts. Mr. Dietrich said he did not have the specific date and if they did count on the MEA date, there may be slightly lower daily trips for business, but it could possibly increase the retail trips. He pointed out if the ADT volumes were higher, the percentage increase generated by the new development would actually be lower, lessening the project's impact on traffic.

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Member Housh asked for clarification of the variance required for parking. He asked if it was because an additional level of parking was required by the regulations. Mr. Hughes replied that was correct. He said request was for a parking quantity variance with the developer providing the proof of parking agreement which the City could if it determined at a future date that a parking shortage existed, the developer would be required to build the additional level of parking as detailed by the "proof of parking plan".

Member Housh asked how often this has happened in the past and was it really feasible to add onto a parking ramp. Mr. Hughes replied proof of parking agreements were not uncommon. He said that to his knowledge the City has not ever been in the position to exercise the option to require construction because there has never been a problem requiring additional parking. Mr. Hughes pointed out that the City has added onto their public parking ramps in the 50th and France Business District. Mr. Larsen added Galleria had been operating for quite a few years with a proof of parking agreement already in place.

Mr. Beck commented that he believed the parking variance had been granted because the spaces that would have been a parking lot were landscaped and turned into green space. He said this benefited all stakeholders in his opinion.

Mayor Hovland said one of the conditions of approval was an executed cost sharing agreement for West 69th and West 70th Street improvements. He listed them at 50% of the total cost for required signal justification reports, traffic signal plans, signal timing optimization and improvements shall be born by the Galleria. Mr. Beck said that he believed what they had agreed to was to work with the City and they were prepared to participate in the cost sharing, but until staff develops a plan for 70th Street and the developer can review it, he felt it would be difficult to know what they were agreeing to. He added that they would agree if the warrants existed for signalization for the project and 70th Street, they would participate in the cost sharing. Mr. Beck said that to the effect that modifications were required to 70th Street to allow left turn lanes in and out of the project, they would participate.

Mayor Hovland continued stating the applicant shall be responsible for the potential roadway/median/sidewalk modification to accommodate exclusive left turn lanes on West 70th Street at the southern Westin entrance; 50 percent of the total cost for the required modification, plans and improvements shall be borne by the applicant; 100 percent of the total cost for the turn restrictions and entrance modifications south of West 69th Street; plans and improvements shall be borne by the applicant owner; all improvements shall be designed and constructed to MnDOT State Aid Standards. Mr. Beck agreed.

Mayor Hovland said the traffic engineer has requested that the site plan shall be revised and designed to reflect all entrances and throat lengths fully accommodating the 95 % queue length. Mr. Barr said this has already been accomplished in the plans. The Mayor continued that all sidewalks within City easement that are impacted shall be reconstructed with ADA accessible pedestrian ramps. The site plan shall be revised to include a connection from the internal sidewalk system to the sidewalk adjacent to York Avenue at the east site entrance. The other change would be those required by the change in the zoning regulations. Mr. Barr

indicated that these items had either already been accomplished or would be done as requested.

Mr. Houle said they have contracted with a consultant and expect within the next month to have some plans and a memorandum for modifications to West 70th between France and York Avenues in response to the Galleria project and the Target application for redevelopment.

Member Hulbert asked that assurance be given that no construction vehicles use West 70th Street west of France Avenue. Mr. Beck said they would allow the contractor to manage that issue. Mr. Barr said they would likely traverse York Avenue.

Member Hulbert said she thought that sidewalks should be required the entire length of 70th Street from York to France to facilitate pedestrians, particularly runners wishing to access residential neighborhood. Member Housh pointed out runners could currently run south for almost two miles. Mayor Hovland suggested that the timing of this sidewalk request should be discussed. Mr. Houle said that part of the consultant's assignment was to look at sidewalks along the north side of West 70th between York and France. He said there would be an eight foot trail connecting to the promenade on the south side of 70th and a five foot sidewalk on the north side.

Mayor Hovland asked how many parking stalls were provided on one level of the parking ramp. Mr. Beck replied that 178 spaces were on one level.

Mr. Barr requested the Council favorably consider the requested final development plan and conditional use permit. He said he truly believed the project will become a major asset to the community.

Member Masica asked if she had understood correctly that the developer would enter into discussions with the steering committee from the neighborhood and would Mr. Beck initiate this process. Mr. Beck said that he has from the Galleria always been involved in the community and he would be entering into discussion with the neighbors.

Mayor Hovland reviewed the conditions of approval:

1. Executed Proof of Parking Agreement;
2. Cost sharing agreements for the West 69th Street and West 70th Street Improvements;
3. Watershed District Permits;
4. Traffic Commission Conditions a through e as follows:
 - a) An intersection and signal warrant analysis was performed and reviewed for the intersections of West 70th Street with the south entrance and West 69th Street with the north entrance. Although the 2009 build scenario does not indicate signal systems are warranted, if it is determined that signal warrants are met during or after the project completion, fifty percent of the total cost for the required signal justification reports, traffic signal plans, signal timing/optimization and improvements shall be borne by the applicant/owner. All signal improvements shall be designed and constructed to Mn/DOT and Hennepin County standards.

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- b) Currently, the City of Edina is reviewing potential roadway improvements to West 70th Street in response to the recent area re-development applications received by the City. Upon further City evaluation of these improvements, the applicant shall be responsible for potential roadway/median/sidewalk modifications to accommodate exclusive left turn lanes on West 70th Street at the south Westin entrance. Fifty percent of the total costs for the required modifications, plans and improvements shall be borne by the applicant/owner. All improvements shall be designed and constructed to Mn/DOT State Aid standards.
 - c) Currently, the City of Edina is reviewing potential roadway improvements to the intersection of West 69th Street and the north Westin entrance in response to the recent area redevelopment applications received by the City. Upon further City evaluation of these improvements, the applicant shall be responsible for potential roadway/median/sidewalk modifications to accommodate turn restrictions (e.g. 3/4-type intersection) and/or entrance modifications/realignments at the intersection of West 69th Street with the north Westin entrance/South Southdale entrance to mitigate the queuing issue at this intersection identified in the traffic impact study. One hundred percent of the total costs for the required turn restriction and entrance modifications (south of West 69th Street), plans and improvements shall be borne by the applicant/owner. All improvements shall be designed and constructed to Mn/DOT State Aid standards.
 - d) The site plan shall be revised and designed to reflect all entrances and throat lengths fully accommodating the 95% queue length.
 - e) All sidewalks within City easements that are impacted shall be reconstructed with ADA accessible pedestrian curb ramps.
 - f) The site plan shall be revised to include a sidewalk connection from the internal sidewalk system to the sidewalk adjacent to York Avenue at the east site entrance.
5. No Construction Traffic to transverse residential neighborhood streets.

Member Swenson added some conditions to be included in the approvals as follows:

1. One floor of the parking structure must be constructed below grade;
2. The use of plans and materials as per the plan presented to the Edina City Council at their meeting on March 6, 2006;
3. Potential release and rededication of the easement for pedestrian and mass transit as determined by the City.

Member Hulbert congratulated the developers for the proposal the team has accomplished. She said from her point of view the proposal was too grand, a little too big for the Edina community. The proposed project was overwhelming for the area. She said she would be more able to support a more modest project for the area. Member Hulbert said that development should be a match to be made and not a prize to be won. She said she would love to see projects that match the view of the community and felt that if the proposed project had been a little bit shorter it could have been accomplished and been a win/win situation.

Member Housh said he believed this was the type of development many communities envy and he thought it was fantastic that members of Edina's community were willing to make this type of investment. He said it was part of the Council charge to ensure that Edina stayed the vibrant city it was currently. Member Housh acknowledged that traffic and future

development need to be managed, but he cautioned that there must be room for good development. He said he supported the proposal.

Member Swenson said when she became aware of the proposed development, she began asking questions. Since she did not know Mr. Beck, she said she inquired about him and heard in response that he was honest and straight forward and could be trusted. She told him she trusted that the project would be something all Edina can be proud of, and she felt the redesign was a good one.

Mayor Hovland commented that everyone wished the timing was a little different. He said that during his entire tenure on the Council, there has been a desire for a first rate hotel in Edina. Mayor Hovland said he believed the proposed location to be excellent for the location of such a project. He said as the City has gone through the entire Southdale Study process, many people have experienced the discomfort of moving into the vertical plane. Mayor Hovland quoted a Brookings report noting that suburbs have begun to take on some urban characteristics and he pointed to the proposed project as a case in point. Continuing, Mayor Hovland said first ring suburbs must focus on bold plans that preserve first ring suburban ideals of design, quality, centrality, convenience, infrastructure and networks. He said he believed the developer had accomplished all of these. Mayor Hovland said he wished the neighbors embraced the project, but pointed out that the Hospital and Southdale both were looking forward to the amenities offered by the hotel. He acknowledged the traffic issues and said the City was diligently working on those issues.

Motion made by Member Housh to adopt Resolution No. 2006-34 approving the Final Development Plan and Conditional Use Permit for Gabbert & Beck/Ryan Companies, 3510 Galleria, Edina, MN, allowing the construction of a 225 room hotel and 79 condominium units, generally located west of York Avenue, south of 69th Street West and north of 70th Street West as follows:

**RESOLUTION NO. 2006-34
FINAL DEVELOPMENT PLAN AND
CONDITIONAL USE PERMIT APPROVAL**

BE IT RESOLVED BY THE EDINA CITY COUNCIL, the Final Development Plan and Conditional Use Permit for Gabbert & Beck/Ryan Companies, 3510 Galleria, Edina, MN, allowing the construction of a 225 room hotel and 79 condominium units, generally located west of York Avenue, south of 69th Street West and north of 70th Street West are hereby approved with the following conditions effective upon the publication date of the Ordinance No. 2006-02:

- 1. Executed Proof of Parking Agreement;**
- 2. Cost sharing agreements for the West 69th Street and West 70th Street Improvements;**
- 3. Watershed District Permits;**
- 4. One floor of the parking structure must be constructed below grade;**
- 5. The use of plans and materials as per the plan presented to the Edina City Council at their meeting on March 6, 2006;**
- 6. Potential release and rededication of the easement for pedestrian and mass transit as determined by the City;**
- 7. Traffic Commission Conditions a through e;**
 - g) An intersection and signal warrant analysis was performed and reviewed for the intersections of West 70th Street with the south entrance and West 69th Street**

with the north entrance. Although the 2009 build scenario does not indicate signal systems are warranted, if it is determined that signal warrants are met during or after the project completion, fifty percent of the total cost for the required signal justification reports, traffic signal plans, signal timing/optimization and improvements shall be borne by the applicant/owner. All signal improvements shall be designed and constructed to Mn/DOT and Hennepin County standards.

- h) Currently, the City of Edina is reviewing potential roadway improvements to West 70th Street in response to the recent area re-development applications received by the City. Upon further City evaluation of these improvements, the applicant shall be responsible for potential roadway/median/sidewalk modifications to accommodate exclusive left turn lanes on West 70th Street at the south Westin entrance. Fifty percent of the total costs for the required modifications, plans and improvements shall be borne by the applicant/owner. All improvements shall be designed and constructed to Mn/DOT State Aid standards.
- i) Currently, the City of Edina is reviewing potential roadway improvements to the intersection of West 69th Street and the north Westin entrance in response to the recent area redevelopment applications received by the City. Upon further City evaluation of these improvements, the applicant shall be responsible for potential roadway/median/sidewalk modifications to accommodate turn restrictions (e.g. 3/4-type intersection) and/or entrance modifications/realignments at the intersection of West 69th Street with the north Westin entrance/South Southdale entrance to mitigate the queuing issue at this intersection identified in the traffic impact study. One hundred percent of the total costs for the required turn restriction and entrance modifications (south of West 69th Street), plans and improvements shall be borne by the applicant/owner. All improvements shall be designed and constructed to Mn/DOT State Aid standards.
- j) The site plan shall be revised and designed to reflect all entrances and throat lengths fully accommodating the 95⁰% queue length.
- k) All sidewalks within City easement that are impacted shall be reconstructed with ADA accessible pedestrian curb ramps.
- l) The site plan shall be revised to include a sidewalk connection from the internal sidewalk system to the sidewalk adjacent to York Avenue at the east site entrance.

8. No Construction Traffic to transverse residential neighborhood streets.

Passed and adopted this 6th day of March, 2006. Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Swenson, Hovland

Nays: Hulbert, Masica

Motion carried.

***PRELIMINARY REZONING AND CONDITIONAL USE PERMIT APPROVED FOR EDINA GATEWAY, LLC - 4930 77TH STREET WEST CONTINUED TO MARCH 21, 2006**

Motion made by Member Masica and seconded by Member Swenson to continue the Preliminary Rezoning and Conditional Use Permit for Edina Gateway LLC - 4930 77th Street West to March 21, 2006.

Motion carried on rollcall vote -five ayes.

***HEARING DATE SET OF MARCH 21, 2006, FOR PLANNING MATTERS** Motion made by Member Masica and seconded by Member Swenson setting March 21, 2006, as hearing date for Planning Matters as follows:

1. Preliminary Plat Approval for ERS Development, LLC, 7108 Valley View Road, Generally located west of Valley View Road.
2. Preliminary Rezoning - Noonan Construction/Kingdom Properties - 5300 France Avenue, Generally located east of France Avenue and south of 52nd Street.
3. Conditional Use Permit and Lot division Approval - Normandale Lutheran Church - Frank Cardarelle - 6100 Normandale Rod and 6125 Wilryan Avenue - Generally located west of Highway 100.

Motion carried on rollcall vote - five ayes.

CONCERN OF RESIDENTS

Gene Persha, 6917 Cornelia Drive said that people should be allowed to vote on the issue and give their opinion. Mr. Gilligan explained that cities in Minnesota were not allowed to hold advisory referendums.

RESOLUTION NO. 2006-30 - ACCEPTING VARIOUS DONATIONS TO CITY OF EDINA

Mayor Hovland stated in order to comply with State Statutes, all donations to the City must be adopted by Resolution, approved by four favorable votes of the Council accepting the donation.

Member Masica made a motion approving the following resolution:

**RESOLUTION NO. 2006-30
ACCEPTING DONATIONS ON
BEHALF OF THE CITY OF EDINA**

WHEREAS, Minnesota Statute 465.03 allows cities to accept grants and donations or real or personal property for the benefit of its citizens;

WHEREAS, said donations must be accepted via a resolution of the Council adopted by a two thirds majority of its members.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council accepts with sincere appreciation the following listed donations on behalf of its citizens.

Donation to the Braemar Memorial Fund for future Golf Course equipment purchases as follows:

Pat Wise	\$20.00	The Joschko Family	\$25.00
<u>Donations to Edina Art Center as follows:</u>			
Beatrice Thacher	\$10.00		
Martha Murphy	Five Art Books	Shelley and Richard Jensen	\$60.00
Donna and John Skagerberg	\$10.00	Debby and Bill Crowley	\$10.00
Joe and Theresa Stephens	\$10.00	Barry Taylor/Pottery	
Kimberly Barret/Salara Inc.	\$500.00	Books, Tapes, Magazine	
Richard and Ruth Johnson	\$60.00	Jean C. Slattery	\$1,000.00
Eddi & Rick Fesler/ Opening Dinner 2/2	\$375.00		

Dated: March 6, 2006

Member Swenson seconded the motion.

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Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

ON-SALE INTOXICATING, CLUB ON-SALE AND SUNDAY SALE LIQUOR LICENSE RENEWALS APPROVED Manager Hughes explained applications had been received for renewal of On-Sale Intoxicating, Club On-Sale and Sunday On-Sale Liquor Licenses for a number of establishments. Following review of paperwork, receipt of license fees and review by the Edina Police Department, renewals are recommended.

Member Housh questioned where the Louis XIII Restaurant licensing process is presently. Mr. Hughes noted if the license were submitted now it would be unlikely it could be processed in time to allow no interruption in their ability to serve liquor.

Mayor Hovland asked for more information on Sidney's Restaurant. Mr. Hughes informed the Council there is a tax issue with Sidney's and when a resolution is reached with the Minnesota Department of Revenue, the license will be issued.

Member Masica made a motion approving renewals for the following: ON-SALE INTOXICATING AND SUNDAY SALE: Big Bowl, California Pizza Kitchen, Eden Avenue Grill, Kozy's Steak and Seafood, Lakeshore Grill, Maggiano's Little Italy, P.F. Chang's China Bistro, Romano's Macaroni Grill, Ruby Tuesday, Salut Bar Americain, Tejas, The Cheesecake Factory; and CLUB ON-SALE and SUNDAY SALE: Edina Country Club, and Interlachen Country Club. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

ON-SALE WINE AND ON-SALE 3.2 BEER LICENSE RENEWALS APPROVED Mr. Hughes presented the list of restaurants holding On-Sale Wine and On-Sale 3.2 Beer Licenses recommended for approval. He noted that when establishments receive both an On-Sale Wine License and an On-Sale 3.2 Beer License, they might, per State Statute with no further license, sell strong beer in their restaurants. Mr. Hughes reported that all necessary documentation has been submitted for renewal, fees collected, and the Police Department has recommended renewal.

Member Swenson made a motion to approve issuance of ON-SALE WINE and ON-SALE 3.2 BEER licenses as follows: Alfred's Café, Beaujo's, Chapati, Chipotle Mexican Grill, Chuck E. Cheese's, D'Amico & Sons, Dino's of Edina, Edina Grill, Good Earth Restaurant, Noodles & Company, Pizzeria Uno, Marriott Residence Inn Edina, and Szechuan Star Restaurant. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

3.2 BEER LICENSE RENEWALS APPROVED Mr. Hughes presented a list of applicants for renewal of their 3.2 beer licenses, both On-Sale and Off-Sale. All necessary documentation has been submitted for renewal, fees have been collected and the Police Department has recommended approval.

Member Masica made a motion approving issuance of beer license renewals as follows: ON-SALE 3.2 BEER LICENSES: Davanni's Pizza/Hoagies, TJ's Family Restaurant; ON-SALE 3.2. BEER LICENSES: Cub Foods, Holiday Stationstore #217, Jerry's Foods, Speedway SuperAmericaLLC. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

*RESOLUTION NO. 2006-29 AMENDING CITY OF EDINA'S FLEXIBLE BENEFIT PLAN AS OF JANUARY 1, 2006 Member Masica introduced the following resolution seconded by Member Swenson and moved its adoption:

**RESOLUTION NO. 2006-29
AMENDING CITY OF EDINA**

FLEXIBLE BENEFIT PLAN AS OF JANUARY 1, 2006

WHEREAS, the City of Edina (the "Employer") provides employees with an opportunity to pay for certain employee welfare benefits on a pre-tax basis through the above mentioned Plan (the "Plan"); and

WHEREAS, the Employer considers it desirable and in the best interests of the Plan to make the following amendment to the Plan:

NOW, THEREFORE, pursuant to the authority reserved in the Plan to allow amendments to the Plan, the Plan is amended as follows:

- The Plan desires to amend and restate the Plan to comply with the most recent and relevant regulatory changes since the last amendment and restatement of the Plan which was on January 1, 2002;

NOW, THEREFORE, BE IT RESOLVED, that City of Edina Flexible Benefit Plan be and the same is amended effective January 1, 2006;

BE IT FURTHER RESOLVED, that any proper members of the City Council are hereby authorized to make such contributions from the funds of the City as are necessary to carry out the provisions of said plan at any time; and

BE IT FURTHER RESOLVED, that in the event any conflict arises between the provisions of said Plan and the Employee Retirement Income Security Act of 1974 (ERISA) or any other applicable law or regulation (as such law or regulation may be interpreted or amended), the Company shall resolve such conflict in a manner which complies with ERISA or such law or regulation.

Adopted this 6th day of March, 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-28 - AUTHORIZING EDINA FIRE RELIEF ASSOCIATION (EFRA) BOARD MEMBERS Member Masica introduced the following resolution, seconded by Member Swenson and moved its adoption:

**RESOLUTION NO. 2006-28
DESIGNATING MUNICIPAL TRUSTEES
OF THE EDINA FIREFIGHTERS RELIEF ASSOCIATION (EFRA)
BOARD OF TRUSTEES**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows: James B. Hovland, Mayor and John C. Wallin, Finance Director are hereby designated to

serve as a Municipal Trustees of the Edina Firefighters Relief Association (EFRA) Board of Trustees for the year 2006 and until their successors are appointed.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2006-27 - APPROVING VARIANCE OF BROWDALE BRIDGE FOR MnDOT** Member Masica introduced the following resolution seconded by Member Swenson and moved its adoption.

**RESOLUTION NO. 2006-27
A RESOLUTION REQUESTING
A VARIANCE FROM MINNESOTA RULES
FOR STATE AID OPERATIONS CHAPTER 8820**

WHEREAS, the City Council of the City of Edina is preparing construction plans for the rehabilitation of the Browndale Avenue Concrete Arch Bridge No. 92643 over Minnehaha Creek; and

WHEREAS, the City Council of the City of Edina, its citizens, and City staff believe that the minimum design standards set forth by Minnesota Statutes as applicable to the proposed rehabilitation of Bridge No. 92643 create an undue hardship; and

WHEREAS, said hardship is further explained in the attached supplementary letter from the City Engineer;

NOW THEREFORE, BE IT RESOLVED that the City Council, located in Hennepin County, Minnesota, hereby respectfully submits a request for a variance to the Commissioner of Transportation for Minnesota Rules for State Aid Operations, Chapter 8820.9936, Geometric Design Standards, Urban; New or Reconstruction Projects, as they apply to the proposed Browndale Avenue Bridge rehabilitation project located in the City of Edina, so as to allow the following:

1. 10'-11" Traffic Lane Widths and no Curb Reaction Distance; in lieu of the minimum 11'-0" Traffic Lane Widths and 2'-0" Curb Reaction Distance;
2. 21'-10" Bridge Width; in lieu of the minimum 24'-0" Bridge Width required;

BE IT FURTHER RESOLVED that the Edina City Council hereby indemnifies, saves, and holds harmless the State and its agents and employees of the from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance. The Council further agrees to defend at its sole cost and expenses any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of the variance.

Adopted by the Edina City Council at a regular meeting held on March 6, 2006.

Motion carried on rollcall vote - five ayes.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 22, 2006, and consisting of 27 pages: General Fund \$100,743.88; Communications Fund \$1,834.46; Working Capital Fund \$77,837.18; Construction Fund \$20,589.77; Art Center Fund \$17,152.66; Golf Dome Fund \$24,433.69; Aquatic Center Fund \$150.00; Golf Course Fund \$11,440.60; Ice Arena Fund \$1,067.89; Edinborough/Centennial Lakes Fund \$6,739.59; Liquor Fund \$178,619.25; Utility Fund \$113,786.15; Storm Sewer Fund \$97,086.93; PSTF Fund \$264.94; TOTAL \$651,746.99; and for

approval of payment of claims dated March 2, 2006, and consisting of 21 pages: General Fund \$83,944.05; Communications Fund \$269.82; Working Capital Fund \$7,102.34; Construction Fund \$19,478.51; Art Center Fund \$985.23; Golf Dome Fund \$890.44; Aquatic Center Fund \$98.94; Golf Course Fund \$6,235.83; Ice Arena Fund \$1,619.43; Edinborough/Centennial Lakes Fund \$9,835.70; Liquor Fund \$114,793.07; Utility Fund \$72,102.84; Storm Sewer Fund \$719.37; PSTF Fund \$923.72; TOTAL \$318,999.29.

Motion carried on rollcall vote - five ayes.

COUNCIL WORK SESSIONS SCHEDULED WITH PARK BOARD, AFFORDABLE HOUSING TASK FORCE AND RECYCLING AND SOLID WASTE COMMISSION

Following a brief Council discussion, work sessions were scheduled as follows:

EDINA PARK BOARD - March 21, 2006 - 5:00 P.M.

AFFORDABLE HOUSING TASK FORCE - April 18, 2006 - 5:00 P.M.

RECYCLING AND SOLID WASTE COMMISSION - May 16, 2006 - 5:30 P.M.

POSITION OF ASSISTANT CITY MANAGER FILLED Manager Hughes noted that Heather Worthington, City Administrator at Falcon Heights, has accepted the position of Assistant City Manager for the City of Edina and will begin work in May 2006.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:45 A.M.

Respectfully Submitted

Debra A. Mangen, City Clerk