

**MINUTES OF THE REGULAR MEETING OF  
THE EDINA PLANNING COMMISSION  
HELD ON WEDNESDAY, APRIL 2, 1997  
7:30 P.M., EDINA CITY HALL COUNCIL CHAMBERS**

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**MEMBERS PRESENT:** Chair, Gordon Johnson, Helen McClelland, David Byron, David Runyan, Geof Workinger, Lorelei Bergman

**MEMBERS ABSENT:** Ann Swenson, Chuck Ingwalson

**I. APPROVAL OF THE MINUTES:**

Commissioner McClelland moved approval of the minutes. Commissioner Byron requested a change to the minutes; page 8, vote to read 7-2. Commissioner Runyan seconded the motion. All voted aye; motion carried.

Mr. Larsen asked the Chair to consider the Four S. Properties, Inc. proposal out of order because of staff's recommendation, and consideration for the proponents.

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**P-97-3 Four S. Properties, Inc. & Gordon Lewis  
5229 Eden Avenue**

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Mr. Larsen informed the Commission staff is requesting this item be held over to allow staff more time to review the proposal and its appropriateness in the area.

Mr. Tim Keane, attorney representing Four S. Properties, Inc. asked the Commission to note his appearance, and the appearance of the principals for the project.

Commissioner Workinger asked Mr. Larsen the reason for the continuance. Mr. Larsen asked the Commission to recall past proposals for this area, noting the proposal presented by Four S. Properties, Inc. is not in keeping with what Council feels is appropriate for this site. Mr. Larsen concluded, reiterating staff requires more time to study this proposal.

Commissioner McClelland moved to continue P-97-3 until April 30, 1997. Commissioner Runyan seconded the motion. All voted aye; motion carried.

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**II. OLD BUSINESS:**

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**Z-96-3                      Final Rezoning, R-1, Single Dwelling Unit District  
to PRD-1, Planned Residence District. The Philip  
Stephen Company**

**&**

**S-96-5                      Final Plat Approval. Olde Vernon. The Philip  
Stephen Company**

**General**

**Location:                      South of Vernon Avenue and East of Olinger Road**

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Mr. Larsen informed the Commission the City Council granted Preliminary Rezoning approval for a 26 unit townhouse development of this property on October 7, 1996. The Commission will recall the developer had proposed a development of 32 units. The Council, in granting preliminary approval did not specify how the unit reduction should be handled. The developer presented a revised plan illustrating 26 units to the Council on January 21, 1997.

Mr. Larsen explained the developer has now prepared final plans and is requesting Final Rezoning and Final Plat approval. The primary change in the development plan is that all 26 units are detached, whereas, the preliminary plan illustrated all two unit buildings. The development plan continues the townhouse concept with individual ownership of house pads and common ownership of all other areas, including the road.

Mr. Larsen pointed out the proposed Final Plans conform to all requirements of the Zoning and Subdivision Ordinances, including the required 100 foot setback from Hawkes Lake. In response to concerns raised by the Council additional guest parking has been added to the development. The proposed landscaping plan exceeds ordinance requirements both in terms of sizes and amount of plantings.

Mr. Larsen concluded staff recommends Final Rezoning and Final Plat approval. The proposed plans are consistent with preliminary approval and satisfy all requirements for final approval. Final approval should be conditioned on:

1. Developers Agreement
2. Landscaping Bond
3. Subdivision Dedication

Mr. Philip Dommer, was present to respond to questions.

Chairman Johnson asked Mr. Larsen what the parkland dedication is for this proposal. Mr. Larsen explained the City agreed to accept 100 feet upland from Hawkes Lake, and the most easterly portion of the site as parkland dedication.

Mr. Dommer addressed the Commission informing them of changes to the plan since he last appeared before them. Continuing, Mr. Dommer asked the Commission to note off-street guest parking is now provided, and landscaping for the site will retain a large number of existing trees, and also incorporate new landscaping throughout the site. Mr. Dommer pointed out the development team has also worked closely with neighbors to the south to provide them with an adequate buffer in the form of a berm and landscaping. Mr. Dommer concluded it was the goal of the development team to keep the project centralized and cohesive.

Chairman Johnson noted in reality these are individual lots with common grounds. Continuing, he asked how control is maintained in a situation like this. Mr. Larsen said this proposal is requesting a PRD zoning which affords the City more control than if it were a single family development. Continuing, Mr. Larsen explained the structure and building pad will be owned by the homeowner with the rest of the site as common area. Mr. Larsen pointed out that the association will also have control of the common area, yard maintenance, snow removal, trash collection, etc.

Commissioner Byron questioned Mr. Larsen on the density for a PRD-1 zoning. Mr. Larsen said the density for a PRD-1 district is 4 units per acre, and this proposal complies with the Ordinance.

Mr. Dommer interjected a majority of the homes will be walkout with total square footage for each unit around 3,600 square feet, with an 1800 square foot building pad. Continuing, Mr. Dommer said the proposed retaining walls will be used to provide variation between units and ensure character and balance. Mr. Dommer said owners will be able to design their own home within certain guidelines. With graphics Mr. Dommer pointed out the different home styles offered to future buyers. Concluding, Mr. Dommer said if in the future the adjoining Wegner property becomes available to Mr. Evans he may be interested in developing it by adding it to the westerly portion of the subject site creating a more cohesive development and presence from Olinger.

Commissioner McClelland told Mr. Dommer the Commission appreciates the response to concerns raised at previous hearings, and his continued work with the residents of the area. She stated in her opinion this proposal is superior to the previous proposal.

Commissioner Byron asked Mr. Dommer if exterior building materials will be required to match, or somehow blend together. Mr. Dommer said the development team will come up with color pallets that prospective owners can choose from, adding exterior materials will usually be stucco with brick, brick, or like variations. The roof choices will be slate or shake. Mr. Dommer said it is the goal of the development team to have unity

in this project, with owners choosing from possibly five different building styles. Mr. Dommer said the real flexibility in this project will be that the owners will be able to choose from five different housing styles and create their own interior layout and interior materials.

Commissioner Byron asked Mr. Dommer to expand on surface parking. Mr. Dommer said each unit will have a two stall garage with driveway surface parking of between 2-4 cars depending on if they choose a front loading garage versus a side loading garage. Mr. Dommer said it is the preference of the development team to have a majority of the garages side loading, which would give each unit two spaces in the garage and four spaces on the driveway. Continuing, Mr. Dommer said on the internal south side of the street pads have been pushed back to allow for parallel parking. Mr. Dommer said there are 18 parking stalls provided on site for visitors.

Mr. T. Siefert, 5901 Merold Drive told members of the Commission that he does not have a problem with the proposal as presented, but does not want to see anymore building on the site, or on adjacent properties.

Mr. Jim Matson, 5812 Merold Drive, told members of the Commission his property abuts the proposed development and informed the Commission he has worked closely with the developer on landscaping, etc. Continuing, Mr. Matson questioned if fill would be brought in.

Mr. Dommer said fill will be brought in especially for lots 7-14. Mr. Dommer added fill will also be brought in to accomplish a berm behind some of the adjoining properties (including Mr. Matsons). Concluding, Mr. Dommer explained the majority of the fill will be used in the frontyard area so the front of the house is at grade with the rear remaining at grade.

Chairman Johnson asked Mr. Dommer the height of the proposed berm along the property boundary abutting the residential homes. Mr. Dommer said the berm is four to five feet in height. Mr. Dommer asked the Commission to note the proposed retaining walls are located only in the front yard area.

Chairman Johnson said he seems to recall the Commission preferred that the road into the development be one-way. Mr. Dommer said during review of the project the County, City Engineering Department and Fire Safety felt a two-way road was safer and more efficient. They believed a two-way street system would divide traffic flow into and out of the site.

Commissioner Runyan commented when viewing the proposal it appears to be a single family development. Mr. Dommer agreed, adding this layout affords its owners the privacy one usually associates with single dwelling living, with the added benefit of routine maintenance (i.e. snow removal, lawn service, etc.) one enjoys with townhouse development living.

Commissioner McClelland moved to recommend final rezoning and final plat approval subject to staff conditions, subject to the plans presented, maintaining the 100 foot setback from Hawkes Lake, and no development can occur on the northeast corner of the property. Commissioner Runyan seconded the motion.

Commissioner Byron noted he wants to ensure the westerly portion of the site remains as is, and what the Commission is voting on this evening is the plans presented. Commissioner Byron said if in the future the adjoining Wegner property becomes available for development with the westerly portion of this site the property owner has the right to apply for redevelopment, but that is an issue the Commission and Council will consider at that time.

All voted aye; motion carried.

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**Z-96-2 Amended Final Rezoning, PRD-3, Planned Residence District to PRD-4, Planned Residence District. 5120 and 5124 France Avenue. Hans Kuhlman**

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Mr. Larsen informed the Commission the City Council approved Final Rezoning plans for a seven (7) unit condominium building on December 16, 1996. The approved plans illustrated four units on the first floor and three units on the upper floor. The developer has returned to the City asking for approval of a revised Final Development Plan.

Mr. Larsen explained the revised plan would increase the number of units in the building from seven to eight. This would be accomplished by redesigning the second floor to accommodate four units in a layout similar to the four unit first floor plan. The building exterior and the site plan would not change. All modifications would occur internally. Plans for the approved three unit second floor and the proposed four unit layout are attached.

Mr. Larsen pointed out the Planned Residence (PRD-3) District requires a total site area of 29,200 square feet to support an eight unit development. The subject site has an area of 27,646 square feet. In order to allow an eight unit development it would be necessary to change the zoning from PRD-3 to PRD-4. A PRD- 4 zoning would require a site of 17,200 square feet. The proposed building complies with all other zoning ordinance requirements.

Mr. Larsen concluded the question before the Commission is “what level of density is appropriate for this site and future redevelopments along France Avenue?”. The proponent has submitted information showing his proposal is less dense than other

multi-family projects in the area. Mr. Larsen said staff agrees with the proponent that four units per floor, rather than three, makes more sense within the proposed footprint. It is also true that the passer-by could not detect the difference if the extra unit is added to the building. Mr. Larsen noted staff did not initially support the eight unit townhouse proposal, based on density and building setback issues. However, the redesign has solved the parking and building set back problems that caused the original development to crowd the site. In light of these changes staff can support the revised plan subject to:

1. Landscape Bond
2. Watershed District Permit
3. Developers Agreement

The proponent, Mr. Hans Kuhlman was present to respond to questions.

Commissioner McClelland asked Mr. Kuhlman the square footage of the proposed units. Mr. Kuhlman responded the square footage of the units are between 1860 - 1900 square feet.

Commissioner Runyan said in his opinion this layout works better internally than the seven unit development that was previously approved. Mr. Kuhlman acknowledged that is true, and the reason he is before the Commission this evening.

Chairman Johnson asked Mr. Larsen how Mr. Kuhlman came up with the number seven in the first place. Mr. Larsen explained the previous proposal had more of a townhouse feel, and staff and the Commission decided that no more than seven townhouse units would comfortably fit on this site while maintaining adequate sideyard setbacks (Mr. Kuhlman originally requested 8 units). Continuing, Mr. Larsen pointed out the building now is condominium style which solved the previous setback issues.

Commissioner Runyan asked Mr. Kuhlman if this building is a true condominium building (homestead) or will it be rental property. Mr. Kuhlman said the building is a condominium, and the units will be sold. Continuing, Mr. Kuhlman reiterated the previous proposal had three units on upper level, and the layout just did not work efficiently.

Commissioner Workinger asked if the density between PRD-3 and PRD-4 is that much different. Mr. Kuhlman said the PRD-3 zoning allows 7.6 units, and this proposal is eight units. Mr. Larsen interjected a PRD-3 zoning would place the proposal be at the high end (.6 units over) and traditionally the City has rounded down, which is the reason for the request for a PRD-4 zoning. Continuing, Mr. Larsen said there is a difference between PRD-3 and 4, zoning districts. PRD-4 allows a denser development and if setbacks permit a taller building.

Mr. Kuhlman told Members of the Commission with the change in the number of units the site continues to retain the 16 underground parking stalls with five surface parking stalls on site. Mr. Kuhlman also noted on-street parking is also available.

Commissioner McClelland said in her opinion the site should retain the PRD-3 zoning. She added she has a concern if this property is zoned to PRD-4 and is not developed by this developer another developer could come in and propose a building with more than eight units, and in her opinion that is too dense for the amount of land present.

Commissioner McClelland moved to recommend final rezoning and final plat approval subject to the plans presented, subject to staff conditions, noting the change in unit number from seven to eight, with the further recommendation that the site retains the PRD-3 zoning. Commissioner Lonsbury seconded the motion.

Commissioner Byron asked Mr. Larsen if it is acceptable to retain the PRD-3 zoning to ensure that this site is not developed with more units. He pointed out the PRD-4 zoning allows a higher density, and building height. Mr. Larsen said he believes it is perfectly acceptable, but will consult with the City Attorney. He said the Council can act on the recommendation of the Commission, and may be able to grant a variance.

Chairman Johnson called the vote. All voted aye; motion carried.

Commissioner Workinger asked Mr. Kuhlman when he plans on breaking ground. Mr. Kuhlman said if all goes well we plan to break ground in mid summer or early fall.

### **III. NEW BUSINESS:**

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**LD-97-1**                      **Brad and Caroline Carlin**  
**5451 Grove Street**  
**Scott Forsberg & Cyndi della Santina**  
**5501 Grove Street**

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Mr. Larsen informed members of the Commission the proposed lot division would split an existing, vacant Outlot and combine the resulting parcels with two developed parcels with frontage on Grove Street. From a Zoning Ordinance viewpoint, the status of the Outlot would remain unchanged. It would not be a developable parcel until replatted and until the property gains frontage on an improved public street.

Commissioner Workinger said it appears we are allowing the proponents to subdivide an Outlot.

Mr. Larsen explained the approach staff is taking on this issue is that we are allowing each property owner the ability to enlarge their present lot by dividing the

adjoining Outlot in half. Continuing, Mr. Larsen pointed out the subject site is still considered an Outlot, and the City does not allow building on an Outlot without going through a process.

Commissioner Byron said he is comfortable with recommending approval of this proposal if the lot is left an Outlot as indicated by staff. Continuing, Commissioner Byron said as he understands the issue, the Outlot designation protects the City from future development, and is not subdividable, or buildable, unless re-heard by the Commission and Council.

Mr. Larsen said that is correct. The divided Outlot can not be build on, or considered two legally platted lots. Continuing, Mr. Larsen said it is his understanding the proponents are buying the Outlot to acquire more land, protect their property, and preserve some control over future redevelopment of the area if it occurs.

Commissioner Byron moved to recommend lot division approval. Commissioner Bergman seconded the motion. Ayes; Bergman, Byron, Workinger, Lonsbury, Runyan, Johnson. Nay; McClelland.

#### **IV. OTHER BUSINESS:**

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##### **Ordinance No. 815/Antenna Ordinance**

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Mr. Larsen reminded the Commission at their last meeting they heard comments from staff and the industry on changes to the City Code, Ordinance 815, the Antenna Ordinance. Continuing, Mr. Larsen explained the City understands the Federal regulations and want to work within the federal guidelines, but we also want to protect the City's residential properties. Mr. Larsen said another goal of the proposed changes to the Antenna Ordinance is to encourage co-location between providers.

Chairman Johnson asked if the reduced tower height creates the need for more towers. Mr. Larsen said it is his understanding that may be true, but with co-location it is hoped that will not be the case.

Commissioner McClelland said at the last meeting it was mentioned the City should consider looking into the possibility of co-locating on City water towers, and other structures, and questioned if that is being studied. Mr. Larsen said that issue is currently under study.

Mr. Peter Beck introduced himself as a representative of AT&T. Continuing Mr. Beck explained the reason this is becoming an issue is because the FCC has granted six new PCS licenses. Continuing, Mr. Beck said he agrees the City needs to protect its residential properties, and acknowledged there is the perception that towers are not

aesthetically pleasing. Mr. Beck said presently there are towers standing that blend in very well with the environment, and a person with an untrained eye may not even notice a tower is in the vicinity. Mr. Beck explained the industry has changed because of the demand for personal communication devices. He pointed out in the past the metropolitan area had 9 cells, and at present the range is 75 to 150 cells. Mr. Beck in response to Chairman Johnson's question on height reduction, said more towers may be needed because trees and buildings do have impact on the signals received. Mr. Beck informed the Commission the PCS technology uses a low power frequency, so the task to locate towers becomes more complex as more users come on line. Mr. Beck said the goal of the industry is to make service available to everyone, and the industry tries to co-locate on existing structures, but if that is not possible a mono-pole needs to be erected. In response to the height limit, 75 feet is as low as the industry can go. 75 feet is difficult for co-location because most co-location sites require at least 100 feet, because spacing needs to be available between the antennas of the different providers. Mr. Beck addressed the proposed setback restrictions, and mentioned a majority of cities have setbacks that are the height of the pole X 2. Reiterating, Mr. Beck said if co-location is the goal of the City of Edina, a 75 foot pole is too short, the shortest pole we usually see for co-location is 100 feet. Concluding Mr. Beck stated in his opinion the points of conflict between the City and the providers can be resolved.

Commissioner Byron asked Mr. Beck to re-explain the reason the mono-pole needs to be higher than 75 feet if it is used for co-location. Mr. Beck explained the mono-pole will have a number of antennas attached to it, and each PCS user requires a certain number of antennas, and there needs to be distance between the antennas. Mr. Beck pointed out if there are trees or other structures in the vicinity that could potentially block signals, height also increases. Mr. Beck said this is a difficult issue to pinpoint, but in my experience there may be an instance where co-location can occur on a pole 75 feet in height, but only if there are no obstructions in the vicinity, reiterating that is very rare.

Commissioner McClelland commented that the Ordinance is still in the draft stages, and questioned if staff feels more time is needed to create an ordinance that is enforceable. Mr. Larsen acknowledged the ordinance is still in the draft stages, but the issues remain relatively the same. Continuing, Mr. Larsen said staff would like to see the Commission move the draft ordinance forward to the Council allowing them time to study the proposed changes, and solve the concerns and questions brought up by the Commission regarding setbacks, tower height and co-location on water towers, etc.

John Barnsdale, PCS provider, told the Commission there may be instances where we can not locate where cities want us to locate. Mr. Barnsdale said in many cities this issue is viewed as a conditional use, and questioned if Edina would view the location of towers as conditional uses.

Mr. Larsen explained the City of Edina recognizes conditional uses as uses allowed in the residential districts. Conditional uses are schools, churches, golf courses.

Mrs. Barnsdale asked if in the PRD and PSR zoning districts towers could be viewed as conditional uses. Mr. Larsen said that is not an option.

Mr. Barnsdale stressed to the Commission 75 feet is the minimum height we can go, and realistically towers have been as high as 160 feet. Mr. Barnsdale reiterated statements from Mr. Beck that the communication business does want to co-locate when possible, and understands the position of the City to control the location of towers, adding if the Commission encourages the Council to consider co-location on water towers, and other public structures it reduces the need for individual mono-poles.

Commissioner Workinger asked Mr. Larsen if the Ordinance can require co-location. Mr. Larsen said that may not be a practical approach. He added staff is trying to draft an ordinance that encourages co-location, added he is unsure if legally the City can mandate co-location.

Commissioner McClelland asked Mr. Larsen if the Commission can request that the Council consider co-location on water towers. Mr. Larsen said that is appropriate. He reiterated at present a committee is studying the issue. He said if the Commission wants to encourage co-location on City water towers, and public structures they should do so, as long as co-location does not interfere with public safety.

Commissioner Lonsbury questioned if the Park Board has input on this issue. Mr. Larsen responded Mr. John Keprios is on the committee and is aware of the issues facing the City regarding towers.

Chairman Johnson said in his opinion the ordinance still has a way to go, adding it is difficult to act on an ordinance that is not in the final form. Mr. Larsen agreed, but pointed out the policy of the City is sound regarding this issue and with the variance process intact staff believes the Council needs to review it with noted comments from the Commission.

Commissioner McClelland said in reading the proposed ordinance, in her opinion there are areas where we may not be able to enforce the ordinance. She noted we do not allow the placement of a tower in a residential area, but in reality can we say no to that. She pointed out the variance process, and in sitting on variance boards hearing variance requests for the placement of antenna dishes, the Board had little authority in preventing placement of these dishes, because of the FCC rules, and obstacles that obstruct the reception of signals (like trees). Concluding, she added there may be little we can't allow.

Commissioner Byron said in his opinion what we have been reviewing and listening to has been very educational. He stated in his opinion the process is working, and we are drafting an ordinance that protects to the best of our ability our City. Continuing, while the variance process may not be perfect we are doing everything that can be done to ensure that the goals and requirements of the City are met.

Chairman Johnson reiterated he is uncomfortable that the ordinance is not yet in its final form and we are being requested to send it on to the Council.

Commissioner Byron said in his opinion staff is moving in the right direction and we have heard this item two times with changes made and more changes indicated. Commissioner Byron said the Council should now decide what is appropriate and add their comments and concerns.

Commissioner Bergman questioned the length of the moratorium. Mr. Larsen said the Council granted a 90 day moratorium, March 4th to June 4th. Mr. Larsen added staff would like to move this on, noting there are technical changes to the draft that need to be implemented.

Commissioner McClelland said in her opinion there are many unanswered questions, and this is a difficult technical issue with few of us with any expertise.

Mr. Larsen responded with any ordinance we establish it may appear general, but the variance process is an option that can be implemented when needed.

Commissioner Byron said in his opinion the Commission should give the Council the benefit of the moratorium so they can study the proposed changes, and adopt the revised ordinance.

Commissioner Bergman asked if anyone can give her an estimate on how many towers may be constructed in Edina in the future.

Mr. Beck said that is a hard question to answer, especially with the technical changes the keep occurring in the industry , but with a disclaimer, maybe 8-12 towers could be constructed within the City. Continuing, Mr. Beck said he has an excellent rapport with city staff, and has worked with planning staff for many years, reiterating he has worked well with staff in the past on different issues, and believes the relationship will last and any conflicts with ordinance language can be resolved.

Commissioner McClelland moved to recommend that the proposed Ordinance be moved to the Council for their consideration. Commissioner Lonsbury seconded the motion.

Commissioner Bergman suggested that the Council review the 75 foot height limitation, as it relates to co-location, and the 6X the height proposed rule.

Commissioner Lonsbury wants the Council to note the Commission wants to encourage co-location. Continuing, Commissioner Lonsbury said he likes what he has reviewed so far, pointing out there is always the option for a provider to apply for a variance if our rules prevent tower placement, or impose height restrictions.

Commissioner Workinger stated he wants co-location encouraged, and suggested staff revisit the ordinance to ensure that co-location is not difficult to achieve.

Commissioner Byron said he agrees with Commissioner Workingers comment regarding co-location, noting the industry has indicated 75 feet is too low for co-location. Continuing, Commission Byron recommended that staff contact other cities to see how they have resolved this issue in their communities. Commissioner Byron suggested a change in the ordinance that may work is if a mono-pole is only going to have a single provider 75 feet is the maximum height, but if it will be a tower with two providers (co-locate) ordinance could allow a higher tower (Council set limit) that would not require the providers going through the variance process.

All voted aye to pass the revised ordinance to the Council for their consideration and action.

**V. ADJOURNMENT:**

The meeting was adjourned at 10:30 p.m.

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Jackie Hoogenakker