

**MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, NOVEMBER 28, 2001, 7:30 P.M.
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

**Chairman Gordon Johnson, John Lonsbury, Ann Swenson, David Byron,
Helen McClelland, David Runyan, Steven Brown and Lorelei Bergman**

MEMBERS ABSENT:

Geof Workinger

STAFF PRESENT:

Craig Larsen and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the September 26, 2001, meeting were filed as submitted.

II. NEW BUSINESS:

S-01-7	Preliminary Plat Approval T/C Builders, Inc. North of Belmore Lane, west of Griffit Street, east of Arthur Street
---------------	--

Mr. Larsen informed the Commission the proponents are requesting a proposal that would combine 4+-platted lots and a portion of platted right of way for Spruce Road. The total area of the proposed replat is 99,688 square feet or 2.28 acres.

Mr. Larsen concluded staff recommends approval of the proposed replat as presented subject to:

- Final Plat approval
- Subdivision dedication for one lot
- Developers Agreement
- Watershed District Permits

The proponent, Mr. Eric Lind was present to respond to questions.

Commissioner McClelland asked Mr. Larsen to explain to her the “vacation procedure” mentioned in the staff report. Mr. Larsen explained the proponents are requesting a vacation of the abutting Arthur Street/Spruce Road. The vacated right of ways will be added to the existing property. Arthur Street will be developed with a cul de sac that “cuts into” the lot dept of the Arthur Street lot creating a lot depth variance. The “vacation procedure” requires a public hearing by the City Council. Previously the property owners of 309 Arthur Street (Lundholm) requested and received a similar vacation of Spruce Road.

Commissioner McClelland asked Mr. Larsen if anyone could request a street vacation. Mr. Larsen said a vacation could only be requested by abutting property owners if the right of way adjoining them has no public benefit. Continuing, Mr. Larsen explained there are many areas in the City where vacations of either alleyways or streets have been requested by residents and granted.

Commissioner Runyan in viewing the location map asked Mr. Larsen if the vacant lots to the west are proposed for development. Mr. Larsen responded at this time the property owners of those lots (the Lundholms) do not plan on development. Commissioner Byron interjected and asked if the Arthur Street cul de sac created a variance situation. Mr. Larsen responded in the affirmative. Commissioner Byron asked if the proposed cul de sac off Arthur Street would also serve the vacant properties to the west if the property owners would decide to develop them. Mr. Larsen said that is correct. The proposed road and cul de sac of Arthur Street would serve all lots.

Commissioner Swenson asked if the radius of the proposed Arthur Street cul de sac is adequate especially during heavy snow fall seasons. Mr. Larsen said the proposed radius according to review by the city engineer is adequate.

Commissioner Swenson asked who pays for the extended road. Mr. Larsen said traditionally all benefited parties are assessed for road improvements. Mr. Larsen said there is a new home on 311 Arthur Street that will receive a credit.

Commissioner Swenson pointed out the depicted 10’ of right of way designated as a path along Arthur Street and questioned if that path exists today. Mr. Larsen responded it is an exiting trail used by residents of the neighborhood.

Mr. Eric Lind addressed the Commission and informed them he proposes to construct five single-family homes. Three of the homes will front on Griffit Street and two will front on the new cul de sac off Arthur Street. Mr. Lind said he believes the project is a good project, adding he has met with immediate neighbors regarding his proposal.

Mr. Bob Anthony, 301 Griffit Street, stated he doesn't have a problem with the development, but has a concern with the layout of the homes on the Griffit Street site. Mr. Anthony asked Mr. Lind which way the garages and front doors will face. Mr. Lind responded future property owners will be able to choose their home design, but he believes the houses and garages will face Griffit Street.

Chairman Johnson asked Mr. Lind if he has renderings of future homes. Mr. Lind responded at this time he does not have building plans for the 5 lots. Mr. Lind explained the homes would be custom homes with the buyer of the lot choosing the type and style of home they want. Mr. Lind said presently their plan is to construct a two-story model home. Continuing, Mr. Lind said the new homes would be in the range of \$500,000 +.

Mr. Larsen interjected and pointed out all new homes will have to maintain residential setbacks as stipulated by ordinance. The City Code does not require building plans for preliminary plat approval.

Ms. Deb Naiditch, 6512 Belmore Lane, asked Mr. Lind what type houses he proposes to build.

Mr. Lind reiterated at this time he is planning on constructing a two-story model home with future buyers retaining the option to construct any style of house they desire.

Mr. Anthony asked Mr. Lind with regard to the Griffit Street lots the direction the front door will face. Mr. Lind said he believes the front doors will face Griffit Street.

Mr. Larsen cautioned explaining the process this evening is either denying or approving a 5-lot replat. Not approving the style and type of houses that may be constructed on the lots.

A resident of 308 Arthur Street asked Mr. Lind if he is planning on "saving" as many trees as possible if this replat is approved. Mr. Lind said they would be very careful with tree removal. Mr. Lind acknowledged there are many large trees on these lots and he wants to "save" as many trees as possible.

Chairman Johnson asked Mr. Larsen what drives road and cul de sac width. Mr. Larsen said our code is driven by certain engineering standards and a standard that ensures the width and/or radius can accommodate emergency vehicles.

Ms. Dorothy Lundholm, 309 Arthur Street, introduced herself and informed the Commission her family owns the property at 309 Arthur Street and also owns the vacant lots directly west of the vacant lots (Lind) on Arthur Street. Ms.

Lundholm said she does not want the development to occur, and if it is approved she does not want Arthur Street to be extended and cul de saced. Ms. Lundholm said there are a number of area residents who do not want to see any development occur in this area. She pointed out this area has been left pristine for many years and any development would take away from the natural and familiar surroundings.

Chairman Johnson asked Mr. Lind if he held neighborhood meetings. Mr. Lind responded he held a number of neighborhood meetings.

Mr. Larsen interjected and told the Commission he and Fran Hoffman, City Engineer, have met with Ms. Lundholm on a number of occasions regarding her properties. Mr. Larsen explained staff supports the plan before the Commission this evening because in his opinion less disruption will occur in the area and all undeveloped properties will be served by these extensions, including the Lundholm property. Continuing, Mr. Larsen pointed out the proposed road layout splits the traffic flow and does not put the entire development burden on Griffit Street.

Mr. Greg Wilson, 6320 Belmore Lane, pointed out to the Commission the current lot configuration is 4 ½ lots and if you recommend approval of 5 you are technically giving the developer one lot. Mr. Wilson said if that is granted many people could request replat of their existing lots. Mr. Remington, 6424 Belmore echoed Mr. Wilson's comments and asked if the decision will be made tonight.

Mr. Larsen explained the Planning Commission is an advisory board and any recommendation made by them is forwarded to the City Council for their decision.

Mr. Bob Lundholm told the Commission his concern is in regard to the character of the neighborhood. Mr. Lundholm pointed out this neighborhood is comprised of modest single-family homes. Mr. Lundholm said he worries that if approved as proposed the homes that will be constructed will be out of character with the neighborhood, dwarfing the existing homes around them.

Commissioner Byron told the Commission in reviewing the proposal before them he remembers something about a vacation(s) for a portion of Spruce Road and asked who requested that vacation.

Ms. Lundholm told Commissioner Byron her family requested the vacation of Spruce Road that abuts their property. Ms. Lundholm said that portion of Spruce Road is not used and the approved vacation affords her family protection over that portion of land. Commissioner Byron asked if the proponent is also requesting a vacation of Spruce Road. Mr. Larsen said that is correct. Mr. Lind is requesting that the portion of Spruce Road that abuts his property is also vacated. Mr. Larsen said the portion of Spruce Road that abuts both the

Lundholm and Lind property is unused right of way. Mr. Linds request for vacation of "his" portion of the Spruce Road right of way will go before the Council in January.

Commissioner McClelland wondered if the replat should be heard before granting of the vacation. Mr. Larsen said the vacation of Spruce Road is really a technicality and there would be no reason for the Council to not grant that request.

Mr. Lind addressed the Commission and explained the proposed three lots that front Griffit Street are all over 17,000 square feet and the two lots on the Arthur Street cul de sac are in excess of 22,000 square feet or roughly ½ acre in size. Continuing, Mr. Lind said he held three meetings with property owners in the neighborhood and many different scenarios have been discussed. Mr. Lind assured the Commission he listened to input from neighbors and from the City staff and he believes what is presented is sensitive to the area. He said he is asking for a 5-lot development. He acknowledged there are only 4 ½ sites, but combining the ½ lot with the Griffit lots and the vacated Spruce right of way create lots on Griffit Street that exceed the neighborhood standards. Mr. Lind reiterated stressing he worked very hard on this project and listened to all concerns.

Mr. Anthony interjected and asked the Commission what they are talking about, the Lind property or the Lundholm property. Chairman Johnson told Mr. Anthony the discussion thus far has touched on the Lundholm vacant property, and their vacation of Spruce Road, but the duty of the Commission this evening is to focus and act only on the Lind property. Mr. Anthony said he just wants to make sure the houses constructed on Griffit Street face Griffit Street.

Mr. Lundholm addressed the Commission and Mr. Lundholm said in a quick discussion with his sister they are willing to purchase Mr. Lind's property at a 1% profit to Mr. Lind, plus the costs he has accrued thus far. Mr. Lundholm said this area has sentimental value to him, his sister and his elderly mother. They want all the vacant property, their vacant lots and the Lind lots to remain undeveloped and in its natural state for 20 years.

Chairman Johnson addressed Mr. Lundholm and stated at this point he does not know how to respond to his proposal. Chairman Johnson told Mr. Lundholm if he really wants this area kept natural for the next 20 years that is between him and Mr. Lind. Chairman Johnson said the Commission could have this request held over to allow time for negotiations. Chairman Johnson pointed out there have been three neighborhood meetings where this could have been discussed.

Mr. Lind explained the property he presently owns was a trust that was offered through sealed bids. Mr. Lind said he won the bid. Continuing, Mr. Lind

stated he understands the emotions present this evening. Mr. Lind said this is his business and he is in business to make a profit, but that is not bad or wrong. All the lots proposed exceed lot area. Mr. Lind stressed he has worked very hard on this project and has the support of both the Planning Department and the Engineering Department. Mr. Lind stressed he firmly believes what is presented best suits the area and is not unreasonable.

Commissioner Swenson said that while she understands both the Lind and Lundholm properties benefit from the vacated Spruce Road that vacation does add to the overall area. Mr. Larsen said that is correct but legally that land is not the City's. Right of ways are platted for a public purpose and there is no public purpose in extending Spruce Road. Mr. Larsen said in fact there are many residents in the area who would object to Spruce Road being put through. Concluding, Mr. Larsen said what is important to the City is that the houses that are constructed on the new lots "fit" the neighborhood, and three lots on Griffit Street maintain the character of that street better than two overly large lots, which could result in two overly large houses.

Commissioner McClelland said she hears the concerns presented by some neighbors and Mr. Lind but reminded the Commission character and symmetry is very important and agreed with the comment from Mr. Lundholm that this is a very modest neighborhood. Commissioner McClelland said overbuilding a neighborhood is not in the best interest of anyone. Commissioner McClelland asked Mr. Lind to be careful with his designs.

Mr. Lonsbury said at first look he thought the proposal presented this evening was reasonable, but after consideration what we are talking about recommending is approval of one additional lot and that may not be the best use of that ½ lot.

Commissioner Byron asked if the vacation for the portion of Spruce Road that abuts the Lind property goes before the Commission. Mr. Larsen explained the request for vacating Spruce Road goes before the Council. Vacations are heard and approved by Council. The Lundholms have already received their vacation request.

Commissioner Byron acknowledged this has become a passionate subject with pros and con's on both sides. Commissioner Byron said Mr. Lundholm's proposal is between him and the proponent. Commissioner Byron clarified the Planning Commission is advisory to the Council and what we recommend is not "set in stone", and he believes if the proponent wants the Commission to act on his request we should. Continuing, Commissioner Byron said the character and symmetry issue is present, but is present with every request, and in reality the market will determine what will be constructed. Commissioner Byron said he doesn't think the Commission is in the position to decide if this area should be left

as “open space” and a vote either up or down may be warranted or this should be held over.

Commissioner Swenson asked Mr. Larsen if the City has any plans to extend Spruce Road. Mr. Larsen responded no. He pointed out a portion of Spruce Road has already been vacated by the Lundholms and he doesn't believe extending the existing Spruce Road to serve the Lind lots is appropriate.

Commissioner Swenson said her concern is if developed as presented there will be a very small, non-conforming lot 45 feet wide fronting Griffit Street. She commented she would feel more comfortable if Mr. Lind used the vacated portion of Spruce Road by moving everything to the north allowing more space in the middle of the block, not boxing in the 45 foot lot, or adding footage to the 45 foot lot.

Mr. Lind said the 45' lot belongs to Ms. Fortier, adding he doesn't know how to respond to that suggestion without discussing it with Ms. Fortier or city staff first.

A discussion ensued with Commissioner Lonsbury offering a motion to recommend that S-01-7 be tabled until the next meeting of the Planning Commission allowing time for discussion between interested parties. Commissioner McClelland seconded the motion. All voted aye; motion carried.

A brief discussion ensued regarding the date of the next Planning Commission Meeting because of the upcoming holidays. Chairman Johnson suggested either December 27th, or January 3rd and informed residents to contact the Planning Commission for the date.

Z-01-4 **Preliminary Rezoning – Planned Office District to
Planned Residence District
Steven Scott Development Company and
The Craig Company**

4015 West 65th Street

Mr. Larsen presented the staff report informing the Commission the proponents are requesting an Amendment to the Comprehensive Plan and a rezoning from POD-1, Planned Office District to PRD-4, Planned Residence District which would allow construction of a 4 story, 100-unit apartment building.

Mr. Larsen concluded staff believes the proposed apartment building represents an excellent reuse of this property. From a traffic perspective a

residential use of this site will create fewer peak hour trips than a comparable office use. The proposed building fits the site well and does not require any variances. Staff recommends amending the Comprehensive Plan designation for this site, preliminary rezoning and preliminary plat approval subject to:

1. Watershed District Permit
2. Final Rezoning
3. Relocation of Sanitary Sewer Line by Developer

The proponents, Mr. Craig Alshouse and architect Mr. Dennis Sutlift were present.

Chairman Johnson noted during past hearings held on the expansion of the hospital it was indicated a traffic light would be installed at the intersection of Valley View Road and West 65th Street. Chairman Johnson asked Mr. Larsen if the light is still planned and when it will be installed. Mr. Larsen responded the traffic light would be installed in the summer of 2002.

Commissioner Bergman asked Mr. Larsen if the intersection would be widened. Mr. Larsen explained the intersection would be widened and the curb cut moved farther east.

Mr. Craig Alshouse addressed the Commission and informed them the property is owned by the Rovick Realty Company and is presently on the market. Mr. Alshouse said in deciding on the land use of this site it was felt there is a certain element in the community who want to rent and desire up-scale apartments and that desire needs to be met. Expanding, Mr. Alshouse explained many empty nesters may decide to purchase a home in Arizona, or Florida, etc., but also want to maintain a "home base" in the community they lived in for many years. He stated the decision was made to request a rezoning to allow the construction of a luxury apartment building. Continuing, Mr. Alshouse said the building will be of traditional design and will be four stories high including penthouse suites. Current lot coverage is 46% and after demolition of the existing building and construction of the new building lot coverage will be 42%. The change in zoning will also reduce traffic. An apartment complex will generate 1/3 less traffic in this area. Concluding, Mr. Alshouse told the Commission he is very excited about the project and believes it is a good re-use of the land and a benefit to the community at large.

Commissioner Swenson complimented the proponents on the building design and questioned if they believe the 35 surface parking spaces depicted are adequate. Continuing, Commissioner Swenson observed in her opinion parking will not be allowed on West 65th Street reiterating her concern that surface parking may not meet the needs of the new residents.

Mr. Alshouse said in his experience the 35 parking spaces are adequate. Mr. Alshouse pointed out the proposed building also provides underground parking.

Commissioner Swenson asked Mr. Larsen if he is comfortable with the parking. Mr. Larsen said the parking provided meets ordinance standards. Continuing, Mr. Larsen acknowledged in a residential setting parking demands need to be met but maintaining green space is also important.

Commissioner Swenson agreed that maintaining adequate green space is important and asked Mr. Larsen if he feels a proof of parking agreement is warranted on this site.

Mr. Larsen said he is unsure a formal proof of parking agreement is needed. He stated the "bottom line" is if the building owners experience a shortage of parking they will contact the City for our input and approval of any changes.

Commissioner McClelland asked when the project is proposed to be occupied if approved. Mr. Alshouse said occupancy would not occur until the Spring of 2003. He pointed out that will coincide with completion of the street re-configuration and signalization.

Commissioner Brown told the proponents he believes the project they are proposing is beautiful but in his opinion this is not the proper location for it. Mr. Brown said in his opinion this area should be further studied for potential redevelopment. Commissioner Brown stated he believes the best use of this site is a health care use complimenting what is occurring along this corridor.

Commissioner McClelland moved to recommend amending the Comprehensive Plan from office to residential and to recommend preliminary rezoning from office to residential and subject to staff conditions. Commissioner Bergman seconded the motion. Ayes; Lonsbury, Swenson, Byron, McClelland, Workinger, Bergman, Johnson. Nays, Brown. Motion carried 7-1.

LD-01-5

**Robert Kern
5808/5810 Schaefer Road**

Mr. Larsen informed the Commission the proposed party wall division complies with Zoning Ordinance requirements. Staff recommends approval.

Commissioner Lonsbury moved lot division approval. Commissioner Bergman seconded the motion. All voted aye; motion carried.

LD-01-6

**SMB MM LLC
C/O Bruce Carlson
6545 France Avenue South**

Mr. Larsen informed Commission Members the proponent proposes the lot division to create separate parcels for mortgage financing. Concluding, Mr. Larsen stated staff recommends approval.

Commissioner Swenson moved lot division approval. Commissioner Byron seconded the motion. All voted aye; motion carried.

Discussion on front overhangs

Mr. Larsen told the Commission the Council expressed interest in variances for front entryways and how the City and other communities are dealing with them. He explained this interest came up because of an appeal by a neighbor from a variance request for a front entryway heard and approved by the Zoning Board. Mr. Larsen said staff has re-worded a portion of zoning ordinance language as it relates to front entryways. Continuing Mr. Larsen stated he wants to know how the Commission feels about the proposed language change and if changing the code to allow front entryways supported by posts to encroach into the front yard setback variance is a good idea.

Commissioner Lonsbury said that while the variance board does consider many requests for an unenclosed front entryway he would hate to see the control of the board lost. He pointed out in his opinion the way the ordinance currently reads affords the City protection.

Commissioner McClelland agreed. She said many of the front entryways the Board considers are only architectural statements and an inexpensive way for a homeowner to spruce up their home, but the Board should retain review options. Not all homes are the same and the Board has viewed some proposals that are definitely “out of whack” with what we want to see.

A discussion ensued between Commission Members indicating that in their opinion the way the present ordinance reads affords the City the best protection. Commission Members pointed out every variance case is studied on its own merits and if the ordinance were changed flexibility would be lost. Commission Members also pointed out 80 square feet on some homes would be too small of an enclosure, and on others too large. The Commission indicated their preference in retaining the existing language.

Commissioner Lonsbury moved to retain the existing ordinance language with regard to front yard setback requirements. Commissioner Brown seconded the motion. All voted aye; motion carried.

Public Facilities Redevelopment Plan and Redevelopment Project

Mr. Larsen informed the Commission the Edina HRA is proposing to improve Edina's City Hall building and renovate the existing library located at 4701 West 50th Street to house our police department.

Mr. Larsen said at this time the HRA requires a motion from the Commission allowing them to proceed with the redevelopment projects.

Commissioner Lonsbury moved to recommend that the Edina HRA proceed with a public facilities redevelopment plan and a redevelopment project. Commissioner McClelland seconded the motion. All voted aye; motion carried.

III. ADJOURNMENT:

The meeting was adjourned at 9:45 p.m.

Jackie Hoogenakker