

**DRAFT MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, JUNE 25, 2003, 7:30 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

Acting Chair, Helen McClelland, David Runyan, John Lonsbury, Ann Swenson, David Byron, Geof Workinger, and William Skallerud

MEMBERS ABSENT:

Gordon Johnson and Stephen Brown

STAFF PRESENT:

Craig Larsen and Jackie Hoogenakker

I. OLD BUSINESS:

**Z-03-7 Final Rezoning POD-1 to PCD-2
 Madison Marquette Realty Services
 3100 West 66th Street**

Mr. Larsen informed the Commission on April 15, 2003, the City Council granted preliminary rezoning approval subject to final rezoning, street vacation, Richfield approvals, Watershed District permit and Hennepin County curb cut permits.

Mr. Larsen concluded staff recommends final rezoning approval. The plans presented are consistent with the approved preliminary plans. All preconditions to final approval have been satisfied. The revised parking and circulation plan is an improvement over the preliminary plan.

Mr. Lee Hoffman, and Mr. Thorpe were present representing the proponent, MadisonMarquette.

Mr. Hoffman addressed the Commission and told them he believes the plan before them this evening addressed their previous concerns and is more "user friendly" with regard to traffic circulation. Continuing, Mr. Hoffman told the Commission he believes a national jewelry chain and a national bridal shop will lease the new retail building. He asked the Commission to remember from

previous discussions that the façade of the “old” shopping mall will be renovated to blend with the new construction.

Commissioner Runyan asked Mr. Hoffman if the proposed retail store has a rear service corridor. Mr. Hoffman responded in the affirmative.

Commissioner Workinger complimented Mr. Hoffman on responding to concerns expressed by the Commission at their last meeting, adding in his opinion this is a better plan. Continuing, Commissioner Workinger questioned the plans depiction of a narrow lane along the east side of the proposed new building and the west side of the Tire’s Plus building south onto West 66th Street. Mr. Hoffman acknowledged that lane is narrow but it is a one-way out-only lane. Commissioner Workinger commented that makes sense and provides a safe exit.

Commissioner Workinger asked how the rear elevation of the new building was addressed. Mr. Thorpe responded the rear elevation has a brick base with the remainder of the building wall finished with stucco. Mr. Thorpe added the rear elevation of the building will be “broken up” by decorative downspouts and lights.

Commissioner Byron asked Mr. Larsen who controls York Avenue. Mr. Larsen responded that both York Avenue and West 66th Street are County roads.

After further discussion the Commission expressed their support for the revised plan adding their earlier concerns have been addressed.

Commissioner Swenson moved to recommend Final Rezoning approval to include a 12.8-foot easterly setback variance and a 10 stall parking variance. Approval is also conditioned on street vacation, Richfield final approvals, Watershed District Permit and Hennepin County curb cuts. Commissioner Runyan seconded the motion. All voted aye; motion carried.

II. NEW BUSINESS:

P-03-2	Final Development Plan Four Crown Inc., (Vulcan Properties/Wendy’s) Generally location in the northeast corner of Yorktown Shopping Mall
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Mr. Larsen informed the Commission the proponents are proposing a Final Development Plan for a freestanding Wendy’s Restaurant near the northeast corner of the Yorktown Mall site. Circulation for the proposed new

building and drive through will be an improvement from the existing drive through at the farthest east end of the mall.

Mr. Larsen explained the proposed new building complies with the parking, lot coverage, building height and landscaping restrictions of the City Code. The proposal conforms to ordinance requirements without the need for variances. Mr. Larsen concluded staff supports the Final Development Plan subject to review by the Watershed District.

Ms. Kathy Anderson, Mike Givens, and Jill Hagen, were present representing the applicants.

Commissioner Lonsbury told the Commission he reviewed the plans and as they relate to parking he believes a parking shortage exists. He commented this mall will contain a number of food establishments and he is not sure the City's parking requirements for a retail center is adequate when so much of this site will be leased by food establishments.

Mr. Larsen responded this center is viewed as mixed-use shopping center, with the largest tenant a retail fabric store. Mr. Larsen explained with regard to retail parking it is one space per 200 square feet of gross floor area plus one additional space for each ten seats in a restaurant, theater or other place of assembly. Mr. Larsen noted atrium and mall areas not used for retail purposes are excluded from gross floor area calculations. Mr. Larsen acknowledged the Wendy's site is on a separate lot but in reality it functions as part of the mall. Mr. Larsen concluded that to date the City has never noticed nor has anyone, tenant or otherwise, reported parking problems at this location.

Commissioner Workinger questioned signage for Wendy's. Mr. Larsen said city staff will review signage and if a variance situation arises with regard to signage the zoning board of appeals would hear any request. Any action this evening does not include signage.

Commissioner Swenson asked if the only reason Wendy's could be developed as a freestanding building is because it is a separate parcel. Mr. Larsen responded it is correct that Wendy's is a separate parcel, but even if the lot were not a separate parcel a request such as this could be considered. Our Ordinance does not prohibit detached buildings in a PCD zoning district.

Commissioner Workinger asked Mr. Larsen if there are similar platting situations like this in the City. Mr. Larsen responded both Southdale and the Galleria were platted with similar aspects. Mr. Larsen pointed out the Southdale Center site already contains some freestanding structures. Gabberts razed the Southdale Bowling alley building and incorporated that site to join the mall. Concluding Mr. Larsen said another site worth mentioning is at Gus Young Lane, the strip mall and freestanding Davanni's.

Ms. Anderson addressed the Commission and informed them it is their intent to tie the proposed Wendy's Restaurant in with the great new look of the mall. She added renovations to the existing mall are occurring at this time and this addition will compliment the major renovation process.

Commissioner Runyan said he is interested in the reasoning behind the parking stall variations. He pointed out the site plan indicates a combination of 90 degree and angled parking stalls. Ms. Anderson said that observation is correct. She explained the variation in parking stalls avoids the need for a variance and encourages and controls traffic flow. Ms. Anderson said one goal is to encourage access off Hazelton Road.

Commissioner Swenson questioned how one accesses the building. She stated it appears to her one would have to walk over the drive through aisle to gain access to the building. Ms. Anderson responded that is correct. Commissioner Swenson asked Ms. Anderson if she is comfortable with that scenario. Ms. Anderson said in a short answer "yes", explaining 95% of the Wendy's food establishments have this type of "set-up". Commissioner Swenson commented traffic occurs on all sides of this building. Ms. Anderson said that is also correct.

Chair McClelland noted vehicles would be fully stopped to order and pick up food.

Commissioner Workinger noted on the plans there appears to be a railing that would help queue people allowing them time to survey the drive aisle and safely proceed.

Commissioner Byron moved to recommend Final Development Plan approval subject to Watershed District permits. Commissioner Workinger seconded the motion.

Commissioner Skallerud said in viewing this proposal some of the justification for its support is that it corrects some existing problems with the mall itself and the "old Wendy's" location. Commissioner Skallerud asked if Commission Members have the authority to recommend that whatever food establishment moves into the old Wendy's site, a drive through is prohibited. Mr. Larsen said that is a reasonable recommendation and one he agrees with. Commissioner Byron said he would accept that recommendation as an amendment to his motion for approval. Commissioner Workinger agreed.

Commissioner Lonsbury asked Mr. Larsen if the City Engineer has reviewed this proposal. Mr. Larsen responded Mr. Houle, City Engineer has reviewed and approved this plan.

Commissioner Lonsbury said Commissioner Swenson brought up a good point with regard to building access and questioned if there is a need for a marked or striped cross walk area on that side of the building.

Commissioner Byron commented in the absence of something unique to this site he believes this layout is similar to many strip mall layouts. He pointed out at this hearing the Southdale Square Center was addressed and when one views their parking the majority of visitors to the mall have to cross a “drive aisle” situation to gain access to the Red Pepper, Subway, etc. Commissioner Byron said pedestrians will be aware of the situation. Chair McClelland said the applicants may choose to add caution signs or consider re-stripping a walkway access but that would be at their discretion.

Chair McClelland called for the vote. Ayes, Lonsbury, Byron, Runyan, Workinger, Skallerud, McClelland. Nay, Swenson. Motion to recommend Final Development Plan approval carried 6-1.

S-03-3 **Preliminary Plat Approval**
James and Mary Gearen
6608 Dakota Trail

Mr. Larsen informed the Commission the proponents, Mr. and Mrs. Gearen are requesting a two-lot subdivision. The subject property is 2.9 acres in size with frontage on both Dakota and Mohawk Trails. Mr. Larsen commented if this looks familiar a nearly identical subdivision of this property was approved by the City Council 1995, however, the approved plat was never recorded. City rules state that if a plat is not recorded within one year the approval becomes void.

Mr. Larsen concluded that staff recommends preliminary approval of the proposed subdivision. The proposal is nearly identical to the subdivision approved in 1995 and no variances are required. Approval is conditioned on final plat approval, subdivision dedication and a 40-foot conservation easement along Mohawk Trail.

Ms. Linda Fisher of Larkin Hoffman was present representing the proponents, along with Mr. Barnes, engineer.

Commissioner Swenson asked Mr. Larsen if as a result of this subdivision the existing house requires variances. Mr. Larsen responded no variances are required for the existing house. Continuing, Mr. Larsen said there is an encroachment of playground equipment that has been addressed.

Commissioner Runyan referred to the site plan presented to the Commission and inquired if the proposed footprint for the new house is “real” or just a “possibility”. Ms. Fisher responded the footprint of the proposed new house is per ordinance requirements, and is a possibility. The location of the proposed house on the lot fronting Mohawk Trail was picked because it minimizes disruption to the topography. Mr. Barnes injected that this site affords the best access with the least impact. He added of course a potential homeowner may have another preference, but in his opinion this site makes the most sense.

Commissioner Workinger commented that in viewing the preliminary plat development of the site would rely upon the construction of retaining walls. Mr. Larsen responded that is correct and pointed out to the Commission retaining wall are not uncommon in Indian Hills. Mr. Larsen asked the Commission to remember the depicted placement for the new house is preliminary and a new house may not even be placed in this location.

Chair McClelland asked if there is anyway the Commission can limit where a building pad is located. Chair McClelland commented she doesn't want a new house perched on the ridge. Mr. Larsen pointed out in Indian Hills natural conditions usually drive the placement of a house, and the City has been hesitant in restricting the rights of property owners in home placement as long as they maintain setbacks. Continuing, Mr. Larsen noted as long as the future property owner maintains the 40-foot conservation easement along Mohawk Trail and abides by our codes house placement will be up to the owner of the site.

Commissioner Byron questioned if the Commission can be assured no variances will be required on this site to construct a house. Mr. Larsen responded to the best of his knowledge no variances should be required. He cautioned that this lot meets all subdivision standards and no variances from lot depth, width or area are required. If any setback variances are required to site a house on this lot the Zoning Board would hear that issue. The standards for this lot apply throughout the community. Mr. Larsen reiterated as he views this lot it appears from its size no further variances are required. Commissioner Byron said he is satisfied with that response.

Commissioner Skallerud commented that if the new lot would require a variance the hardship test stipulated by ordinance would be hard to make because they are creating a hardship as a result of subdivision. Ms. Fisher told the Commission it is the intent of the proponent to comply with all ordinance requirements.

Commissioner Swenson asked Ms. Fisher if anyone knows the height of the retaining walls depicted on the preliminary plat. Mr. Barnes responded he believes the height is around 8 feet.

Chair McClelland opened up the discussion to the audience.

Mr. Don Halla, 6601 Mohawk Trail told the Commission there is undue pressure in this area to subdivide properties and that while he also subdivided his property a few years ago and is in a similar situation as this owner he would like to see conservation restrictions placed not only along the front property line but the side property lines as well. Continuing, Mr. Halla said if the proposed home were placed where depicted many trees along our common property line would be destroyed and the future homes would be rather exposed and close together.

Chair McClelland asked Mr. Larsen if the Commission has any authority with regard to tree loss, etc. Mr. Larsen said subdivision standards require that trees over a certain width be identified. Mr. Larsen said the reason the City is requesting a 40 foot conservation easement along Mohawk Trail is to preserve the street scape. He added it is very important in this City to maintain and preserve original streetscapes. In this instance, Indian Hills is a heavily wooded area and from the street we want to preserve that element.

Commissioner Swenson commented that any time a property is subdivided neighbors are impacted along with the vegetation and topography. Mr. Larsen responded that is correct. He reiterated the goal of the City is to minimize any impact to the streetscape. He acknowledged tree loss will occur for house placement and road/driveway construction but the 40-foot conservation restriction along Mohawk Trail is extremely important to maintain. Reiterating, the City is traditionally protective of our front streetscapes.

Ms. Cindy Wallen, 6612 Mohawk Trail, told the Commission she is worried about the potential to subdivide this lot again (Mohawk Trail lot). Mr. Larsen reminded the Commission in 1995 the first proposal submitted by the Tambornino's (property owners at that time) was a three-lot subdivision, one lot fronting Dakota Trail and two fronting Mohawk Trail. That proposal failed. Mr. Larsen said in his opinion this lot is best suited for one lot fronting Mohawk Trail and one lot fronting Dakota Trail. Mr. Larsen acknowledged that in the future if an owner requests to subdivide this site (Mohawk Trail) we can't prevent that application but history indicates support for one lot fronting Mohawk Trail and one lot fronting Dakota Trail so any future "re-subdivision" would be difficult.

Mr. C. Caler 6609 Mohawk Trail, asked the Commission to pay close attention to where the current house was built on this lot. He said the house was constructed in his opinion to take advantage of the views provided by the ridge of both Dakota and Mohawk Trails. Mr. Caler said he and many of the residents in this area purchased their homes with the belief that what they "saw" when they purchased their properties would be protected. Mr. Caler said this subdivision will open the door for other subdivisions and the values of the properties within this immediate area will go down. Concluding, Mr. Caler said the proposed house placement for the house fronting Mohawk Trail is positioned such that it

appears possible to re-subdivide this lot in the future, and that is another issue and concern.

Mr. Halla agreed with the previous comment and told the Commission in his opinion the placement of the house on the Mohawk Trail site would create a large amount of tree loss. He added it would also be difficult to get up the hill because of the steep grade.

Commissioner Runyan responded whomever purchases this property will hire an architect that would study the topography and place the new house in the best possible location, with minimal disruption to the site. Continuing, Commissioner Runyan pointed out retaining as many trees as possible and creating a driveway with a navigateable slope would be important to any future homeowner.

Mr. Pope, 6621 Mohawk Trail told the Commission they can deny this proposal if it requires variances. Chair McClelland responded that is correct and reminded the audience no variances are required for this subdivision. It meets all ordinance standards. Chair McClelland pointed out at this time there is no final plan for house placement so they cannot comment on if a variance would be required for house construction. Mr. Larsen reminded the Commission and neighbors what the Commission is acting on this evening is a subdivision request to create one new lot. We are not considering future house placement.

Commissioner Skallerud commented he also serves on the variance board and when the variance board reviews variance requests each property is looked at individually and on its own merits. Members of the Commission cannot give an opinion on if a variance is required when there is no application for variance.

Commissioner Byron told the neighbors the City couldn't prevent a future property owner from applying for a variance to site a house or add an addition onto an existing house sometime in the future. Property owners have the right to be heard by the variance board and board members will listen to the facts presented at that time and act on the request on its individual merits. Commissioner Byron added the proposed house placement on the Mohawk Trail lot is located close to a side property line and not in the middle of the lot, but that in itself is not a reason to deny this request.

Chair McClelland told neighbors the minutes will reflect concern was expressed over the proposed placement of a future house. Chair McClelland also noted the Commission understands concerns with respect to the impact this proposal will have on the environment and is confident that any future property owner would do their best to site the new house with respect to the environment.

Mr. Barnes told the Commission the proposed placement of the house on the Mohawk Trail site was positioned in an area with the best grade. The access driveway elevation at this point is four percent. Mr. Barnes explained what the proponents are requesting this evening is subdivision approval not site plan review. Ms. Fisher interjected and told the Commission the proposal complies with all ordinance standards, no variances are required. She pointed out the two lots exceed the "500-foot" neighborhood standards. She concluded the proponents will take into consideration all comments made this evening by both the Commission and neighbors.

Commissioner Lonsbury moved to recommend preliminary plat approval subject to staff conditions. Commissioner Swenson seconded the motion. All voted aye; motion carried.

Commissioner Byron commented a precedent was set with regard to this lot by approving a similar subdivision in 1995. Commissioner Byron said he understands the frustration expressed by some neighbors that the Commission can't firmly "pin down" house placement on the lot fronting Mohawk Trail or assure them no further subdivisions can occur, but the Commission has listened and so have the proponents to neighbor comments and every indication given is that the new house will be placed in the proper location with as little disruption to the site as possible. As for the potential for "future re-subdivisions" of this property the comments presented this evening will remain on record with the property file.

LD-03-2 **Robert Lomicka and Susan Giese**
5600 Highland Road
5604 Highland Road

Mr. Larsen informed the Commission the applicant is requesting a simple lot division transferring land from 5600 to 5604 Highland Road. This transfer of land would allow expansion of the garage at 5604 without the need for a variance.

Mr. Larsen concluded staff recommends approval.

Commissioner Lonsbury moved to recommend lot division approval. Commissioner Workinger seconded the motion. All voted aye; motion carried.

LD-03-3

**Steve Stroncek and Steven Hong
5129 Windsor Avenue
5117 Richmond Drive**

Mr. Larsen informed the Commission the applicant is requesting a simple lot division to allow the transfer of the north 20 feet of 5120 Windsor to the lot at 5117 Richmond Drive. The proposed transfer will allow a garage addition to the home at 5117 Richmond Drive without the need of a variance.

Mr. Larsen concluded staff recommends approval.

Commissioner Lonsbury moved to recommend lot division approval. Commissioner Swenson seconded the motion. All voted aye; motion carried.

III. ADJOURNMENT:

The meeting adjourned at 9:30 PM

Jackie Hoogenakker