



**MINUTES OF THE REGULAR MEETING OF
THE EDINA PLANNING COMMISSION
WEDNESDAY, MARCH 30, 2005, 7:00 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

Acting Chair Geof Workinger, Michael Schroeder, Mike Fischer, John Lonsbury, Stephen Brown and Floyd Grabel

MEMBERS ABSENT:

David Byron, David Runyan and Helen McClelland

STAFF PRESENT:

**Craig Larsen
Jackie Hoogenakker**

I. APPROVAL OF THE MINUTES:

Commissioner Fischer moved approval of the February 23, 2005, meeting minutes. Commissioner Brown seconded the motion. All voted aye; motion carried.

II. OLD BUSINESS:

**C-05-1 Conditional Use Permit
 Haugland Companies
 Southwest quadrant of France Avenue and 50th St. W.**

Mr. Larsen told the Commission on March 15, 2005, the City Council approved and granted first reading of a Zoning Ordinance amendment allowing residential use in the Planned Commercial District subject to a Conditional Use Permit. The proponents, Haugland Companies, have now filed plans in support of their request for a Conditional Use Permit pursuant to the amended Ordinance.

Mr. Larsen concluded staff recommends approval of the Conditional Use Permit conditioned on:

1. Final adoption of ordinance amendment
2. Watershed District Permits
3. Developer's Agreement covering utility easements and vacations as required; air and subterranean rights easements; and temporary construction easements.
4. Landscaping bond covering replacement of plant materials and restoration of public walks, drives and fixtures.

The proponent, Mr. Gene Haugland was present to respond to questions.

Mr. Haugland addressed the Commission and with graphics explained the changes that occurred since the Commission last heard this issue. Mr. Haugland asked the Commission to note the majority of changes occurred on the façade of the proposed building and with the exterior building materials. Mr. Haugland pointed out the exterior materials and building elevation has been refined and in his opinion the change in the building design/facade allows individual units to better take advantage of the views. Concluding Mr. Haugland said fine-tuning still needs to be accomplished with regard to utilities.

Commissioner Brown stated if he remembers correctly from our previous meeting that certain sidewalks will be widened. Mr. Haugland responded that is correct, adding the sidewalk along France Avenue will be widened by 3 feet with the sidewalk along West 50th remaining the same. He noted the sidewalk between the Arbys site and Ampersand building will also be widened.

Commissioner Losnbury asked Mr. Haugland if there will be a visitor entrance at the rear of the building. Mr. Haugland responded his initial thought is to have visitor access only off France Avenue. Mr. Haugland acknowledged it may be possible that in the future the condo association may desire a rear visitor entrance, but at this time the building will be designed without that. The entrance and exit for visitors will be from France Avenue.

Commissioner Lonsbury asked Mr. Haugland if the issues with Mr. Curtin (property owner of Ampersand) have been resolved. Mr. Haugland responded he believes they have been resolved. He added discussions are continuing with regard to erecting a canopy over the adjoining walkway and walkway width.

Chair Workinger asked Mr. Haugland if any changes were made with regard to guest parking. Mr. Haugland responded the parking element remains the same with no guest parking in the below grade garage. Only residents of the building will park their vehicles in that area. Guest parking would be accommodated in the public ramps or on the public street.

Chair Workinger stated he was unable to attend the last Commission meeting when this issue was heard and noted there was some discussion regarding air/subterranean rights and questioned if they have been addressed.

Mr. Haugland responded air/subterranean rights will be addressed in the Developer's Agreement and at that time finalized.

Chair Workinger questioned if the trash enclosure would remain in the present location. Mr. Haugland said the trash enclosure area will remain in the same location, as it exists today. He explained the majority of the retail tenants use this trash area. He added he believes Lunds has its own trash enclosure area, but due to utility placement the conclusion was to retain the trash area as it presently exists. Chair Workinger questioned if the trash area is secured. Mr. Haugland responded presently the trash area is secured with a code pad for access, and to the best of his knowledge that will remain.

Mr. Hosmar Brown, property owner in the 50th & France business area, told the Commission he still has difficulty with this proposal. He said he agrees with much of what he sees, but questioned if this is the right location for a redevelopment of this size. He added his main concern is with traffic and traffic congestion. Mr. Brown stated he believes traffic in the area will only increase and this will contribute to that increase. He also added that presently area merchants already complain that their clients have a hard time finding adequate parking; this will clearly exacerbate the issue. Mr. Brown said he also worries about the entrance/exit situation that serves this proposal, pointing out Minnesota has extreme weather conditions. Concluding, Mr. Brown stated he hopes this proposal doesn't end up creating a "canyon like" feel to that corner.

Mr. Grabiell moved to recommend Conditional Use Permit approval subject to staff conditions. Commissioner Fischer seconded the motion. All voted aye; motion carried. 7-0.

A brief discussion ensued with Commissioners touching on some issues that still have an element of concern, one being the roadway system of the area. Mr. Larsen explained the roadway system has been implemented about as far as the City can go. Mr. Larsen noted in this area traffic has always been an issue with changes occurring throughout the years on both sides of France Avenue.

III. **NEW BUSINESS:**

C-05-3 **Conditional Use Permit**
Good Samaritan Church
5730 Grove Street
Church building expansion

Mr. Larsen informed the Commission the applicant is proposing a new addition extending north from the westerly end of the existing church building and

a new entry, lobby area adjacent to the east parking lot. No changes to existing parking areas are proposed.

Mr. Larsen concluded staff recommends approval of the Conditional Use Permit subject to watershed district permits.

Mr. David Knutson, Mr. Hamilton and Mr. Timmer were present representing the church.

Commissioner Schroeder noted it appears on the landscaping plan that a significant number of large oak trees will be removed with minimal replacement.

Mr. Knutson addressed the Commission and explained a letter was mailed to neighbors surrounding the church site inviting them to attend a meeting on November 30, 2004 to view and discuss the proposal. Continuing, in response to Commissioner Schroeder's comment, Mr. Knutson acknowledged that unfortunately a large number of trees will be removed as a result of expansion, but pointed out the site is large with many trees that will not be disturbed as a result of this proposal.

A discussion ensued with Commissioners in agreement the proposed additions to the church are tastefully done, but voiced concern with landscaping suggesting maybe more should be done with regard to landscaping and maintaining urban forests. Additional landscaping will also soften the addition.

Commissioner Schroeder moved to recommend Conditional Use Permit Approval subject to the building plans presented, subject to watershed district permits and subject to replacement of 26 large oak trees with 26 additional trees. Commissioner Lonsbury seconded the motion and requested that approval also be conditioned on matching exterior materials. Commissioner Schroeder said that was his intent and agreed exterior materials should match.

Commissioner Brown added he agrees with Commissioner Schroeder's suggestion of requiring additional landscaping.

Commissioner Grabiell stated he is hesitant to support the motion as presented. He asked church representatives if they believe there is enough room on site to support the planting of 26 additional trees. Mr. Hamilton responded a landscaping plan was submitted with the intent of adding additional plantings but not to the extent as suggested by Commissioner Schroeder. Continuing, Mr. Hamilton said with regard to exterior building materials that they would match the existing church buildings. Commissioner Grabiell said he agrees with Commissioner Schroeder with regard to tree replacement but is uncomfortable with the recommendation of replacing tree for tree, especially since the church has met landscaping code requirements.

Commissioner Schroeder stated he understands Commissioner Grabiél's comments adding he does not know the "correct" number of trees that should be replanted adding the Commission should note Edina is an older community with aging trees and vegetation and when we can the Commission should try to maintain our urban forest. Commissioner Grabiél responded he doesn't disagree with that comment.

Chair Workinger asked Mr. Grabiél what approach would make the most sense to him.

Commissioner Grabiél suggested that the Commission direct staff to review the existing vegetation keeping in mind what will be removed. He added this subject (landscaping) may need more visibility but having this discussion at this time may not be fair to this applicant especially in light of their compliance with code.

Mr. Steve Timmer, church member addressed the Commission and explained to them the building task force agonized over tree removal but after careful consideration came to the conclusion nothing could be done about it because of the proposed placement of the new addition. He stated at this time it would be a hardship for the church to replace tree for tree and asked the Commission to not request tree/tree replacement as a condition of approval.

Commissioner Lonsbury stated as he views this the Commission can either act on the motion on the table, deny the request or table this issue until an additional landscaping plan is presented. Mr. Hamilton asked the Commission to note the church has met all requirements set forth by City Code. Commissioner Lonsbury stated he agrees but in his opinion the landscaping plan is not adequate.

Commissioner Schroeder explained his intent with his motion was to ensure that additional landscaping is added above what was depicted on the landscaping plan. He added he does not want to tell the church how to achieve this and suggested one possibility could be a youth group activity that would plant seedlings. Commissioner Schroeder said he would love to see the large trees replaced with other large trees acknowledging that is probably not an option.

Mr. Larsen interjected adding he believes an option worth considering is to have planning staff walk the site with the City forester and church officials identifying the trees that will be lost as a result of this proposal and requesting if warranted that the church revise their landscaping plan to add additional plantings of undertimed size.

Commissioner Schroeder withdrew his previous motion and moved to recommend Conditional Use Permit approval subject to staff conditions, subject

to matching exterior building materials and subject to planning staff, the city forester and church officials walking the church site to determine what trees will be removed and agreeing on the amount of replacements trees and vegetation. Commissioner Lonsbury seconded the motion. All voted aye; motion carried.

Commissioner Grabiell questioned being new to the Commission Watershed approval. Mr. Larsen responded Watershed approval is triggered by the amount of grading and disruption that will occur on a site as a result of development or redevelopment. The Watershed District reviews plans to ensure that water quality standards are met and to measure the rate of water run-off.

**S-05-1 The Blake School
 City of Hopkins
 West of Blake Road and north of Belmore Lane**

Mr. Larsen informed the Commission the City of Hopkins has agreed to sell a 75-foot wide strip of land to The Blake School. The land extends westerly along the south side of school property for approximately 1,300 feet. The sale is in consideration for land acquired by the City for recent improvements to Excelsior Boulevard. The land is in the City of Edina but is owned by the City of Hopkins.

Mr. Larsen concluded staff recommends of the proposed subdivision. The sale will not change the function of the land for public use. The City of Edina has no utilities affected by the sale.

Mr. Griffith was present representing Blake School and interested neighbors were also present.

Commissioner Lonsbury asked Mr. Larsen if this request also triggers a Conditional Use Permit. Mr. Larsen responded not at this time. He explained if in the future the school decides to use this strip of land for school use they would have to come before the City with an application for a Conditional Use Permit.

Commissioner Grabiell asked for clarification on the reason this is being heard by Edina when it is a sale of property. Mr. Larsen explained it is not only a sale of the property but a re-plat of the Blake School property to incorporate this strip of land along with the changes that occurred along Excelsior Boulevard with land taking. Mr. Larsen said both municipalities (Edina, Hopkins) hear this replat.

Commissioner Fischer acknowledged this is a very peculiar piece of land and questioned how this strip “came about”. Mr. Larsen explained years ago after streetcars became obsolete the streetcar right-of-ways were made available for sale. Some street car right-of-ways were added to individual lots while others were sold. When this strip of right-of-way became available the City of Hopkins purchased it.

Chair Workinger questioned who maintains this strip of land. Mr. Larsen responded the City of Hopkins presently maintains the strip of land.

Mr. Bill Griffith addressed the Commission and explained Blake School plans to retain the strip of land as it exists today. He explained the strip of land borders the south property line of the Blake School campus and the City of Hopkins has agreed to sell this strip to the school to offset the taking of Blake School property when Excelsior Boulevard was redesigned.

Mr. Bob Anthony, 301 Griffith, told the Commission he has a concern not so much with this strip of land, but the larger piece of land recently purchased by Blake School. Mr. Anthony said his concern is with paragraph 4 of Exhibit B, which mentions landscaped area, playing fields, and sidewalks, and questioned if that reference is for the strip of land (subject property) or for the residential property Blake School purchased called “Blake Heights”.

Chair Workinger interjected and asked Mr. Larsen if any building could occur on this strip of land. Mr. Larsen responded probably not. He pointed out if any changes were to be made to the strip of land or any other piece of land in Edina owned by Blake School the Blake School would have to appear before the Commission and Council with a Conditional Use Permit application.

Mr. Griffith said when the land purchase agreement was drafted it was believed the strip of land was in the City of Hopkins. Continuing, Mr. Griffith pointed out the strip of land in question is replatted as an Outlot and Outlots, at least to the best of his knowledge, are considered unbuildable in the City of Edina.

Mr. Larsen acknowledged there might be some confusion with regard to this request. He explained to the Commission Mr. Anthony in his letter is also referring to five replatted residential lots on Griffith that received Commission and Council approval a couple years ago. At that time approval was granted to allow construction of five new single-family homes. Recently the developer and owner of the plat known as “Blake Heights” sold the 5-lot plat to Blake School. After purchase The Blake School withdrew the five-lot residential plat with the understanding if they want to develop this land in any other way they would have to appear before the Commission and Council to do so. Mr. Larsen stressed future use or redevelopment of this strip of land or other land in Edina owned by Blake School is not a matter before the Commission at this time.

Mr. Stevens, 304 Dearborn Street told the Commission his concern is that vehicles or buses would drive on that strip of land.

Chair Workinger commented if he understands correctly, at least at this point in time any change to the strip of land would require hearings before both the Commission and Council. Mr. Larsen responded that is correct, adding Blake School is aware of that requirement. Mr. Larsen also noted schools and their activities are permitted conditional uses in the R-1 residential zoning district.

Mr. Griffith stated it is not the intent of Blake School to use this strip of land as an alley. He reiterated the strip of land will be maintained in its present state.

Mr. Buzz Jonason told the Commission at present he is considering purchasing a property on Dearborn Court, adding he is worried about the potential for future school expansion noting he has no idea what the intention of the school actually is. Mr. Jonason said this strip of land grants them (Blake School) direct access to their residential lots in Edina.

Ms. Guandrame, 302 Dearborn, told the Commission Blake is a very noisy school with activities going on at all hours, adding with the school encroaching further into Edina and closer to her property that she doesn't feel safe.

A resident at 305 Harrison told the Commission she wants to echo what her neighbors have been saying this evening, which is, their concern that the school appears to be encroaching further into their residential neighborhood.

Commissioner Fischer moved to recommend division approval subject to staff conditions. Commissioner Grabiell seconded the motion.

Commissioner Fischer noted in his experience most trail way systems have agreements in place that protect their use as trail ways and questioned if this trail way has such an agreement. Mr. Larsen responded to the best of his knowledge, this "path" does not have such an agreement. He said the replatting as an Outlot prevents building on the site or change in its present use.

Commissioner Brown commented this appears confusing and asked where the jurisdiction actually lies. Mr. Larsen said at this time jurisdiction is with both municipalities, but if the use of this Outlot changes only the City of Edina would be involved. Mr. Larsen said this evening the Commission is only being requested to recommend approval of a replat. Mr. Larsen added staff has recommended approval with no knowledge on what, if anything, The Blake School plans to do with this Outlot or with their other property in Edina in the future.

Commissioner Grabiell said it appears to him, at least at this time, the proposal before the Commission this evening is for a replat of a 17-foot wide strip of land by adding it to the Blake School property. The Outlot designation of the strip of land prevents the Blake School from changing its use without first coming before the Commission and Council. Mr. Grabiell noted the Blake School has been at this location for many years.

Chair Workinger called for the vote. All voted aye; motion carried.

C-05-2 City of Edina/ISD # 273
Edina Community Center and Southview Campus
Proposal to construct two (2) gyms

Mr. Larsen informed the Commission the City is requesting a Conditional Use Permit to allow for the construction of two new gymnasiums on the campus. One gym is attached to the Community Center, and the other added to Southview Middle School.

Mr. Larsen explained the City Council and Edina School Board held a joint public hearing on November 26, 2004. Following that hearing each body voted to proceed and enter into a joint use agreement with the new facilities paid for by the City.

Mr. Larsen concluded staff recommends approval of the requested Conditional Use Permit subject to watershed district permits.

Mr. Rozeboom, project architect was present to respond to questions. Mr. John Keprios was present representing the City of Edina.

Mr. Rozeboom addressed the Commission and with the aide of graphics pointed out to the Commission the locations of the proposed gyms, greenspace and traffic circulation patterns. Mr. Rozeboom pointed out one aspect of the project is that school district users can move between the Community Center/Middle School and the new gyms internally. This flow makes the "joint use" component of the project work well.

Mr. Keprios explained the need for additional gyms resulted from the growth and desire of the City's recreational user groups for more gym space. Continuing, Mr. Keprios told the Commission over the past decade the City along with the user groups has had an ongoing discussion on how to provide additional gym space to meet the demands of growing "house" leagues. Mr. Keprios said different sites were looked at to achieve more gym space, one being the Northwest Racquet site, which did not work out. Concluding Mr. Keprios noted

traffic congestion will be eased when events are not scheduled simultaneously, and the school district and user groups are mindful of this.

Commissioner Brown asked Mr. Keprios whom the user groups would schedule their activities with. Mr. Keprios responded user groups would continue to schedule activities through City offices. Commissioner Brown asked if user fees would be increased as a result of construction of the new gyms. Mr. Keprios responded user fees would be increased with hourly fees set by the district and a one-time yearly fee set by the City.

Ms. Friedman, 6612 Sally Lane, addressed the Commission and informed them the EGAA is very happy with the proposed new gyms. She explained house league sports continue to grow and any traffic generated is usually not that intense. She pointed out most user groups car-pool, which reduces the number of vehicles coming and going. She pointed out house league activities usually do not meet on weekends except during championship games, which occur a couple times a year. Concluding, Ms. Friedman said she believes the addition of two new gyms is a wonderful asset for Edina's youth and the entire community.

Commissioner Brown moved to recommend Conditional Use Permit Approval. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

Commissioner Fischer told the Commission he believes the re-design of the campus along with the placement of the two new gyms may actually improve the existing situation, and reduce impact to the neighborhood.

LD-05-2 Brad Colehour
5516-5520 France Avenue South

Mr. Larsen informed the Commission the proponent is seeking a party wall lot division to facilitate separate ownership for each unit. Mr. Larsen explained the property does not have the required separate utility connections. Continuing, Mr. Larsen said proponent has applied to the Edina Construction Board to gain a waiver from the requirement.

Mr. Larsen concluded approval of the division is subject to a waiver from the Construction Board of appeals to maintain the existing utility service.

Commissioner Brown moved lot division approval subject to the proponent obtaining a waiver from the Edina Construction Board. Commissioner Fischer seconded the motion. All voted aye; motion carried.

LD-05-3

**Robert and Rebecca Prasclunas
6016-6020 Berne Circle**

Mr. Larsen informed the Commission the proponents are requesting a party wall lot division of an existing double bungalow. Mr. Larsen stated the property meets all requirements for division with separate utilities provided.

Mr. Larsen concluded staff recommends party wall lot division approval.

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

IV. ADJOURNMENT:

Jackie Hoogenakker