



**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA PLANNING COMMISSION  
WEDNESDAY, JANUARY 4, 2006, 7:00 PM  
EDINA CITY HALL COUNCIL CHAMBERS  
4801 WEST 50<sup>TH</sup> STREET**

---

**MEMBERS PRESENT:**

**Chair, David Byron, Michael Schroeder, Michael Fischer, John Lonsbury, Helen McClelland, Geof Workinger, Stephen Brown, Floyd Grabel and Basima Tewfik**

**MEMBERS ABSENT:**

**David Runyan**

**STAFF PRESENT:**

**Craig Larsen, Jackie Hoogenakker**

---

**I. APPROVAL OF THE MINUTES:**

The minutes of the November 30, 2006, meet were filed with corrections.

**II. NEW BUSINESS:**

---

**Amendment to the PCD-3 District of the Zoning Ordinance to allow increased Floor Area Ratio (FAR) and reduction in setback due to building height**

**P-06-1 Final Development Plan Approval  
C-06-1 Conditional Use Permit Approval  
Ryan Companies US Minneapolis and Gabbert & Beck  
3510 Galleria, Edina, MN**

---

Mr. Larsen informed the Commission the subject property is the Galleria block, between France and York Avenues and West 69<sup>th</sup> and 70<sup>th</sup> Streets. The request is for Final Development Plan approval to allow construction of a 225 unit hotel, and Conditional Use Permit approval to allow housing to be constructed above the hotel. Recently the Zoning

Ordinance (PCD) was amended to allow construction of residential dwellings unit above retail space.

Mr. Larsen explained the Zoning Ordinance needs to be amended to accommodate this development with an increase in FAR of 1.0, but no more than 0.75, and a reduction in building setback to 35 feet, or one-quarter foot per foot of building height. If not amended approval would be subject to variances.

Mr. Larsen concluded it seems the City has two choices. First, it could deny the request or ask the developer to withdraw the request until the Greater Southdale Study is adopted, and changes are made to the Zoning Ordinance and possibly other Ordinances. The other option would be to follow recommendations set out in the plan, implement changes to the Zoning Ordinance, and then approve the Final Development Plan, and Conditional Use Permit.

Mr. Warren Beck proponent, and members of his development team, were present to respond to questions from the Commission.

Chair Byron noted on the agenda there is a proposed amendment to the Zoning Ordinance (which is required to accomplish the proposed development on the Galleria site) and asked the Commission to share their thoughts on amending the Zoning Ordinance/PCD-3 designation.

Commissioner Schroeder questioned where other properties are located with a PCD-3 zoning classification, noting these properties could evolve if the proposed changes are made to the Zoning Ordinance. Mr. Larsen responded the PCD-3 district generally lies between France and York Avenues, and W. 66<sup>th</sup> Street to Gallagher Drive (excluding the condo and apartment developments). Continuing, Mr. Larsen said this “overlay district” would not extend west of France Avenue or east of York Avenue.

Commissioner Fischer informed the Commission he sits on the Greater Southdale area planning committee and believes this area has the potential to “head in the direction” of taller buildings with reduced setback. Commissioner Fischer asked Mr. Larsen how the City arrived at the proposed “changes in numbers” for the amendment. Mr. Larsen explained all numbers could be considered somewhat arbitrary, however, there has to be a starting point. Mr. Larsen explained a study was conducted reviewing the height and setbacks that exist today, adding it was felt this approach (Ordinance amendment) was a reasonable approach for redevelopment. Mr. Larsen pointed out when Edina was first developed the zoning ordinance reflected suburban zoning, pointing out Edina has areas of high density. Commissioner Fischer acknowledged things will change, but without a massing study, it may be difficult for the City to

come to grips on what this change will actually look and feel like. Commissioner Fischer stated he believes the direction the City is going in is correct, acknowledging change can be difficult and hard to envision. Mr. Larsen agreed, commenting the redevelopment phase is a work in progress.

Commissioner Lonsbury stated he is very uncomfortable in making any recommendation that changes the Zoning Ordinance “across the board”. He said at his point he doesn’t feel he has had enough time to study the proposed Ordinance changes, adding he is also worried about hearing a proposal with the appearance of it being tied to an ordinance amendment. Concluding, Commissioner Lonsbury reiterated he is uncomfortable “pushing this through” (Ordinance change) without more study.

Commissioner McClelland stated she agrees with comments expressed by Commissioner Lonsbury.

Commissioner Brown stated he continues to struggle with proposals coming before the Commission before the Southdale Study is confirmed by Council, adding, in his opinion; the City is “running at a break neck pace” in making decisions. He pointed out in the future the Southdale shopping mall, and other locations in this area will undergo redevelopment, and amending the Ordinance that affects the entire area without the Greater Southdale Area Land Use and Transportation study confirmed is difficult. Concluding, Commissioner Brown said he has a real concern with the existing infrastructure and building setbacks that push properties closer to the street.

Commissioner Grabiell stated if he understands the Zoning Ordinance correctly, if the Ordinance isn’t amended, he assumes this proposal could proceed requiring variances. Mr. Larsen responded he believes that is correct. Continuing, Commissioner Grabiell said if the Commission/Council were to approve the recommended changes to the Ordinance, and in the future another property owner seeks redevelopment under the “newly amended” Ordinance would that proposal be required to be heard by the Commission and Council. Mr. Larsen responded any redevelopment proposal, even if the proposal meets code would have to be heard by both the Commission and Council. With regard to variances – variances are unique to a proposal and if granted are granted only for that proposal.

Commissioner Workinger commented without regard for the properties (Cypress, Galleria) presently under consideration, it could seem that a 35 foot setback may be overly generous if the intent of the City is to invite height. Continuing, Commissioner Workinger said what he would

like the City to keep in mind during redevelopment is finding a comfort level for setback from the proposed trail way. Mr. Larsen agreed creating a more pedestrian friendly area is a challenge in a suburban setting. Constructing buildings that relate more to streets or sidewalks is moving more toward the urban experience and is more pedestrian friendly. Commissioner Workinger agreed. He said in a sense he is haunted by what “could be”, adding he likes the Westin proposal, but worries when one considers the entire area the thought of “what could go wrong with such a good idea”, is out there.

Commissioner Schroeder commented in reviewing not only this proposal but future proposals with regard to Floor Area Ratio (FAR), it may be wise for the City to consider the possibility of establishing a minimum FAR. Establishing a minimum FAR would reduce the potential for one story buildings surrounded by parking lots. Concluding, Commissioner Schroeder suggested looking at the entire Southdale study and the desired density when considering FAR.

Chair Byron, commented he agrees with much of the discussion. Continuing, Chair Byron noted when he read portions of the PCD-3 Zoning District he discovered an increase in setback is required if the subject site is close to residential properties. Chair Byron asked Mr. Larsen if this proposal triggers an increase in building setback beyond the normal requirement because of the nearby residential properties. Mr. Larsen responded he spoke with the City Attorney about the additional setback requirement and was told the increased setback requirement does not apply in this case because of the interruption by commercial uses between this property and residential.

Mr. Warren Beck, introduced the development team to include, Mark Swenson, erg Architects Inc, Collin Barr, Ryan Companies US, Inc, and Vern Swing RLK. Inc.

Mr. Beck stated he believes this is an excellent team with shared ties and commitment to the City as workers and residents. Continuing, Mr. Beck reiterated the Galleria is a life style center, with the experience as important as the merchandise. Mr. Beck told the Commission he is aware of the on-going study of the greater Southdale area and believes this proposal fits with that study. Mr. Beck noted a study of Edina residents found that Edina is an older community and in the near future 21% of its residents will be between the ages of 45-64. The majority of these residents have achieved high income status and it is believed the proposed hotel and residential condominium buildings would meet the needs of this target group as they transition from single family homes to one level living. Concluding, Mr. Beck told the Commission the proposal is for a hotel and condo tower to include 225 upscale hotel rooms and

suites and 79 luxury condominium units. The first floor of the hotel is common space for both hotel and condominium residents and provides a 7000 + square foot bar/restaurant, and an event/meeting facility of roughly 9000 square feet. Mr. Beck introduced Mr. Tracey Jacques to provide visuals and animation.

Mr. Jacques with graphics pointed out the Galleria is located between West 70<sup>th</sup> and 69<sup>th</sup> Street, and between York and France Avenues. North of the site is Southdale Shopping Center, office buildings, retail, Fairview Southdale Hospital and residential properties to include Edina Towers at 17 stories. To the east there is a buffer block of commercial properties, west of the site office uses and residential, and to the south retail, residential and the mixed use developments of Edinborough and Centennial Lakes.

Mr. Jacques said presently the plan will use the existing curb cuts with the possibility of a one lane in and out at the north end to avoid queuing issues.

Mr. Jacques pointed out the transitional aspect of the existing building and proposed building as it steps from west to east. The east end of the Galleria site consists of two levels, and it transitions to one story as the existing building extends east. The base of the proposed tower structure is one story, with central courtyard, with the hotel and condominium spaces broken up or stepped back, each with different heights to reduce the towers mass. Concluding, Mr. Jacques explained the exterior building materials are reflective to break up the towers scale and to add interest. Building materials will be a blend of brick (to match existing Galleria) polished pre-cast panels, glass and metal. The color scheme is muted browns, tans, with grey and green tinted glass.

Mr. Beck told the Commission he has had positive responses from members of the public regarding this project. Mr. Beck stated the proposed change in the FAR for the PCD-3 District still would be less dense than what the code permits in the PCD-1 and 2 districts. Continuing, Mr. Beck said he also believes the project responds to traffic concerns and parking, adding the residential element of the tower further addresses traffic and parking concerns. Mr. Beck explained a Proof of Parking agreement is planned, and if it is found additional parking is needed the Proof of Parking agreement will be implemented. Concluding, Mr. Beck stated he believes the project would be a public benefit.

Chair Byron commented in reviewing the traffic study he was not persuaded that the peak traffic time in this area is falls between the hours of 7-9 am, 4:30-6 pm. He pointed out most of the retail shopping stores aren't even open during the early peak time hours.

Commissioner Lonsbury commented traffic studies are very detailed and carefully done, adding, however, that sometimes the “study to reality” is difficult to see. Continuing, Commissioner Lonsbury said if one disagrees with the assumptions made in the traffic report, or if the assumptions are faulty, then it follows that one cannot agree with the conclusions of the report. Commissioner Lonsbury said he, like Chair Byron, has a problem with the studies assumption that the peak traffic times in this area are 7-9am and 4:30–6 pm and asked why the entire day isn’t reported. Mr. Swing explained the methodology of traffic studies use peak time traffic counts. Mr. Swing said during peak periods traffic is at its highest level. Mr. Swing acknowledged the site itself may have hours when traffic is generated at a higher level, but in terms of the overall area, those times have less impact on the “system”. Commissioner Lonsbury pointed out traffic generated by this project may have a greater impact on streets in the area over the noon hour. Mr. Swing responded traffic “going in and out” of this site during peak hours would create more negative impact on the roadway systems, which is why peak hours are studied. Commissioner Lonsbury noted it appears the traffic study areas selected to determine peak time counts were W. 69 and 70 Streets at France Avenue, and not the entrances to the site. Mr. Swing responded that is correct, adding one must keep in mind with this type of development (hotel and residential) there is a more even flow throughout the day. Commissioner Lonsbury pointed out the report projects the total daily trips generated by the proposed project on W 69 and 70 streets was a 15% increase throughout the day; a much greater increase than the impact indicated during the peak periods. Mr. Swing acknowledged that the daily trip generation numbers used by Commissioner Lonsbury are correct. Commissioner Lonsbury asked how the trip generation numbers are estimated for the proposed condo/hotel, “is it from suburban Midwest counts or more urban counts?” Mr. Swing said a national data base is used to incorporate future trip generations by use. Commissioner Lonsbury asked if there was any trip generation information available on existing hotels in the area, like the Sheraton in Bloomington. Mr. Swing responded they didn’t take a specific look at suburban hotels in the immediate area.

Commissioner Brown asked if the conference/meeting rooms were included in the traffic counts. Mr. Swing responded they were included.

Chair Byron said if he understands correctly peak time traffic counts were not taken at the entrances and exits for this site. Mr. Swing responded that is correct.

Commissioner Workinger asked Mr. Beck if the site would remain a single site, or would the hotel end up on a separate parcel. Clarifying, Commissioner Workinger questioned if this is platted as a separate parcel

what would happen to parking, roadway access, and traffic flow in the internal area of the site. Mr. Beck responded currently the Galleria is already two parcels, one parcel the furniture store, and the other parcel the remaining retail space. Mr. Beck said in the future he anticipates a third parcel could be created; however, all parcels would continue shared use of parking and circulation via recorded easements.

Commissioner Brown said as he viewed the project he couldn't discern how many stories are proposed for the ramp. Mr. Jacques responded the ramp is 4 levels, 3 above grade. Commissioner Brown said if he remembers correctly he read the ramp either does, or could have, a 5<sup>th</sup> level. Mr. Beck responded that is correct a 5<sup>th</sup> level is proposed as a "Proof of Parking" agreement if parking demands exceed existing parking. Commissioner Brown questioned if the existing Galleria will also be connected to the hotel/condo tower via a skyway. Mr. Beck responded the link between the proposed hotel/condo tower will be at grade and below grade via a tunnel.

Commissioner Grabiell asked Mr. Beck if he had any conversations with representatives from Target or Southdale about their proposed "remodeling/expansion" plans. Continuing Commissioner Grabiell suggested that opening up a dialogue to "coordinate" projects would be a good idea. Mr. Beck responded he spoke with Target representatives, adding their focus was on traffic issues and driveway access points. With regard to Southdale, conversations were informal. Mr. Beck stated at this point in time he has no idea if Southdale or Target has established a time frame for redevelopment. Continuing, Mr. Beck stated it is unusual for private companies to coordinate developments and redevelopments during the same planning cycle. Commissioner Grabiell said he is not suggesting that redevelopment of these properties moves forward at the same time, but an interface between projects would be nice to accomplish. Mr. Beck said he agrees. A goal would be to achieve an attitude of working together not only with the City but with members of the greater Southdale area. Mr. Larsen commented past developments of both Edinborough and Centennial Lakes were coordinated projects between private and public (City).

Commissioner Workinger commented in his opinion traffic is a major issue and a cooperative approach is important; acknowledging it may be difficult to coordinate.

Chair Byron opened for public comment.

## Public Comment

Mr. Steve Helgeson, 3609 55<sup>th</sup> Street West, told the Commission he thinks this is a very exciting project. The idea of a Westin in Edina near Southdale is great. He added creating a pedestrian experience is important, and in his opinion the proposed project could be stretched even further creating an urban core center. Concluding, Mr. Helgeson acknowledged he likes the proposal, reiterating it could be stretched even further, stating this proposal presents a unique opportunity; people are “coming back” to urban areas because they desire the urban experience.

Mr. Gene Persha, 6917 Cornelia Drive, addressed the Commission informing them he is concerned there is another “plan on the table” in the Southdale area and the Greater Southdale Area Land Use and Transportation Study hasn’t been approved. Mr. Persha added he is very concerned about the potential increase in traffic and building height. He said he is also very concerned on how the City reviews projects. Mr. Persha stated he believes the height of the proposed building doesn’t fit the area, and the Southdale area has become first and foremost a commercial area he doesn’t want to see “urbanized”. Concluding, Mr. Persha said he is an avid cyclist and this proposal negatively impacts his views.

Ms. Charlotte Moore, 6768 Valley View Road, thanked the Commission for their service and asked them to please consider affordable housing when reviewing development proposals. Ms. Moore pointed out Edina’s Vision 20 20 indicated the City’s willingness to participate in maintaining and creating affordable housing. Ms. Moore concluded, pointing out Edina appears to be entering a redevelopment phase which presents to the Commission and Council a defining moment, whereby affordable housing can be considered.

Mr. McPherson, 6405 Mendelssohn, told the Commission he would encourage the developer to “think out of the box”.

Mr. Jeffrey Hugett, 4008 Wood End Drive, told the Commission, in his opinion redevelopment in the area should be more pedestrian friendly.

Mr. Mayo, 6304 Kellogg Avenue, addressed the Commission and informed them he represents the Affordable Housing Committee in Edina with the objective of encouraging property owners and the City to work together to maintain and create affordable housing. Continuing, Mr. Mayo said he met with Collin Barr of Ryan Companies and they had a good conversation with regard to funding sources, adding Ryan Companies is very familiar with affordable housing. Mr. Mayo noted the goal of the Edina Affordable Housing Committee is to work with the City and developers on how to best achieve affordable housing. Mr. Mayo acknowledged City codes must be met; however, if one is creative affordable housing goals can be accomplished. In this situation, Mr. Mayo

suggested that the City's requirements for structured parking be changed. A variance could be granted to increase the height of the proposed structured parking, shrinking the footprint, thereby creating an opportunity to construct affordable townhouses in the area of the original ramp footprint. Concluding, Mr. Mayo reiterated if the project needs a variance a way for the developer to achieve that variance may be in the form of affordable housing.

Chair Byron closed the hearing.

Chair Byron referred to the recommendations in the staff report and asked Mr. Larsen how this proposal differs from the proposal heard by the Commission on the Cypress project. Mr. Larsen responded the proposal to construct retail and a condo tower on the Centennial Lakes theatre site required an amendment to the overall development plan for Centennial Lakes, adding Centennial Lakes is located in a Mixed Development District (MDD), no rezoning was required. Mr. Larsen noted the subject site is zoned PCD-3, and both districts have different rules. This project requires a Final Development Plan, Conditional Use Permit and amendment to the Zoning Ordinance. Concluding, Mr. Larsen said the bottom line is, this proposal, if everything is in place, doesn't have a preliminary component, and would not come before the Commission twice unless directed by the Council.

Commissioner Lonsbury said he intends to recommend denial of the request, or ask the developer to withdraw the request until the Greater Southdale Study is adopted, and the proposed changes are made to the Zoning Ordinance (and possibly other Ordinances). Continuing, Commissioner Lonsbury stated he is not prepared this evening to draft or approve any form of a draft or recommendation on ordinance change.

Commissioner Lonsbury moved to deny the request or ask the developer to withdraw the request until the Greater Southdale Study is adopted, and changes are made to the Zoning Ordinance, and possibly other Ordinances. Commissioner McClelland seconded the motion.

Commissioner McClelland stated she has reasons for her second to deny the proposal as presented. She added she is extremely upset by the possibility of "ramming through" an ordinance amendment. Commissioner McClelland said in her opinion the proposed changes are radical, and appear to be tied to a specific project. Commissioner McClelland said she would rather review an amendment to the Zoning Ordinance independently from a proposal. Continuing, Commissioner McClelland said the project in itself is good, but agrees with comments from Commissioner Brown that "we" are moving too fast. Noting in her opinion this could trigger a domino effect. Commissioner McClelland pointed out an 18 story condo building with retail was recently approved on France Avenue, and now this proposal appears. She commented there are "rumors out there" that Target and Southdale Shopping Center also plan renovations in the

future. Commissioner McClelland said before another decision is made in the Southdale area residents should be able to weigh in on the Southdale plan, adding it is important to find out where Edina's residents stand. Concluding, Commissioner McClelland said there needs to be more discussion on the greater Southdale area, to include amending the Zoning Ordinance. She stated the Southdale study is proposed as a guide, but she wants more input on traffic in the entire area, not just on certain corners.

Commissioner Grabiell said in the context of this discussion he pointed out many Commissioners are residents of the Cornelia area. Continuing, Commissioner Grabiell stated the public has the right to be heard, and residents of Edina have the right to maintain and improve their property values. He added, Mr. Beck, as a former Edina resident and long standing commercial property owner also has an investment in his property and he is also entitled to maximize his value. Commissioner Grabiell said it just isn't us, the residential property owners to consider, because if the City forgets about Mr. Beck in the future the City could be looking at a Brookdale. Continuing, Commissioner Grabiell stated he would rather live near a Southdale, adding this shouldn't become an issue of homeowners vs. developers. Commissioner Grabiell also pointed out Southdale is a commercial area, stating that is a fact of life. Concluding, Commissioner Grabiell said what is before the City are a number of issues. Does Edina want to become the City of empty nesters, which may be good in the short term, but what is the long term goal of the City? Commissioner Grabiell stated he likes the project, and believes 18 stories are appropriate for the east end of the Galleria site, adding he is "not crazy" about an ordinance amendment, reiterating he likes this project.

Commissioner Brown commented this site, the Centennial Lakes theatre site, including the entire greater Southdale area create very complex issues, adding the discussions so far have only scratched the tip of what needs to be done. Commissioner Brown stated he also lives in the area and agrees the nearby residential component also needs to be addressed and heard. Commissioner Brown said in his opinion things are moving quickly, especially as they relate to an Ordinance amendment. Commissioner Brown acknowledged land values in the greater Southdale area are very high, but those values will not diminish if the Commission and Council take adequate time to evaluate the area. Concluding, Commissioner Brown said the project isn't far off in its concept; however, coupled with an amendment change, it doesn't work for him.

Commissioner Schroeder stated he agrees with much of comments made this evening, adding he likes the project, likes the direction it is going, but he is reluctant to move forward so quickly on an amendment to the Zoning Ordinance.

Commissioner Fischer commented he learned this evening many Commissioners live in Cornelia area. Continuing, Commissioner Fischer stated he also wants to echo fellow Commissioners that this project is very well

designed. It is a suburban project designed around suburban zoning that needs to be tweaked. Commissioner Fischer said the question is, should the Ordinance be tweaked, can it be tweaked, and is the proposed tweak the right tweak. Commissioner Fisher noted there are residents out there talking about redevelopment, coming down on both sides of the issue. Many residents want to be able to walk to the “corner store” even if the “corner store” is Southdale. Many residents envision the day when one can safely navigate by foot the greater Southdale area, and many don’t want that urban experience. Concluding, Commissioner Fischer said the Commission has addressed the issue of mixed use, but looking at the greater Southdale area with more creativity is needed.

A discussion ensued between Commissioners with regard to the original motion on the table from Commissioner Lonsbury. Chair Byron suggested that the motion be further clarified.

Commissioner Lonsbury moved to deny the request or ask the developer to withdraw the request until the Greater Southdale Study is adopted, and changes are made to the Zoning Ordinance and possibly other Ordinances. Commissioner McClelland seconded the motion.

Collin Barr told the Commission as he listened to the discussion this evening there appears to be a consistent theme. The proposal has merit and the idea of a Westin hotel and condo tower are a supported use; however, amending the Ordinance is difficult for the Commission at best. Continuing, Mr. Barr explained there is only a small window of time to capture this hotel, and there is a real concern this hotel could be lost to Bloomington. Concluding, Mr. Barr stated he believes in this project. The development team has a high commitment to the community. Concluding, Mr. Barr pointed out there is a third option available; approving this request with variances. Commissioner Brown said he is uncomfortable with that suggestion, adding the suggestion of losing the Westin if this isn’t approved doesn’t sit well with him.

Mr. Larsen stated there is a timing issue present and the City is operating under constraints stipulated by State law, adding this should be forwarded to the Council. Chair Byron agreed this should proceed to the Council, adding the denial doesn’t rule out other avenues for the proponent, noting the council hasn’t had their first look at the project. Continuing, Chair Byron said when looking at this proposal in the context of the existing ordinance it would appear significant variances would be required, pointing out City staff felt other options could be placed on the table, adding he agrees with that approach. At this time however, the community is confronted with issues and the Commission is uncomfortable with the process.

Chair Byron called for the vote. Ayes; Schroeder, Fischer, Lonsbury, McClelland, Workinger, Brown, Byron. Motion to deny carried.

---

**P-06-1      Preliminary Plat Approval  
Eugene Frey  
5201 Schaefer Road  
Create One New Buildable Lot**

---

Mr. Larsen informed the Commission the applicant Mr. Eugene Frey is proposing to subdivide the subject property to create one, new buildable lot. Mr. Larsen told the Commission Mr. Frey has indicated at this time his intent is to not develop the lot; however, if approved the lot is considered buildable.

Mr. Larsen concluded by pointing out the proposed subdivision is similar to other subdivisions of larger lots along Schaefer Road. Mr. Larsen stated no variances are required, and there are no existing natural conditions that would limit development, adding staff recommends approval subject to Subdivision Dedication.

Mr. Jim Frey, son of the proponent was present to respond to questions.

Mr. Frey, 5017 Oak Bend Lane, addressed the Commission reiterating the intent of his father at this time is only to subdivide the lot, not develop it. Mr. Frey said the purchase of this property provides a buffer for his father's home on Fox Meadow Drive.

Chair Byron asked Mr. Larsen if he believes a house could be constructed on the new lot without the need for variance(s). Mr. Larsen responded, in his opinion, designing a house to "fit" the new lot without the aid of variances should not be a problem. Chair Byron said he wants the proponents to know if a new house is constructed on a newly subdivided lot in Edina, that new house should meet current setbacks, and not require variances.

Commissioner McClelland moved to recommend Preliminary Plat approval subject to Subdivision Dedication. Commissioner Brown seconded the motion. All voted aye; motion carried.

---

Chair Byron told the Commission he would like to take this opportunity for formally thank Commissioner McClelland for her many years of service to the City of Edina as a member of the Planning

Commission and Zoning Board. Chair Byron informed Commissioners  
Commissioner McClelland has served the City for over 30 years.

Chair Byron and Commissioners thanked Commissioner  
McClelland for her service to the City of Edina.

---

**S-06-2**                      **Preliminary Plat Approval**  
**Louis and Patricia Starita**  
**604 Blake Road, Edina, MN**

---

Mr. Larsen told the Commission the subject property is a developed single dwelling lot containing a lot area of 49,586 square feet. The existing home is in the northeast corner of the lot and a free-standing garage is located south of the home. A pond, part of Mirror Lake is to the west with the lot sloping steeply from Blake Road to the pond.

Mr. Larsen informed the Commission a similar subdivision request was denied by the City in 1986. The subdivision requires a 100 foot easement on lots abutting water bodies. The proponents are asking for a variance to reduce the easement to 50 feet.

Mr. Larsen concluded staff can not support the proposed subdivision. He added this is the same proposal that was denied in 1986, and he recently learned in 1976 a similar proposal was also denied by the Council. Staff can not identify changed conditions that would warrant reconsidering the decision made in 1986.

The proponents, Mr. and Mrs. Starita were present along with their attorney Mr. J. Christensen.

Mr. Christensen addressed the Commission informing them the Starita's were unaware of the 1976 request to subdivide their property. Mr. Christensen said a neighborhood meeting was held with one neighbor attending. Continuing, Mr. Christensen noted the only variance requested is from the pond, pointing out the existing house complies with the Ordinance as it relates to setback from the pond. Mr. Christensen acknowledged the need for a variance from the pond for a new house; however, Ordinance permits variances where hardship occurs. A hardship is to be unique to the property and not self-imposed. Mr. Christensen stated he believes the topography of the lot is not a self-imposed hardship, reiterating the only variance required is from the pond, adding in the immediate area there are many homes closer than 100 feet to the pond. Mr. Christensen introduced Mr. John Barnes, Surveyor.

Mr. Barnes with graphics pointed out individual homes along the pond, and their setback, pointing out the homes range between a low of 22 feet and a far as 138 plus feet from the pond.

Chair Byron asked Mr. Larsen if this proposal differs from past proposals. Mr. Larsen responded the proposed subdivision is similar to the division presented in the 80's.

Chair Byron asked Mr. Christensen to clarify for him the variance they are requesting. Mr. Christensen responded because of the steep topography and location of the pond placement for the new house drives the pad closer to the pond than required. A revised plan places the new house at a 70 foot setback from the pond, which if permitted would create the need to readjust the common lot line triggering the need for a lot width variance. This scenario preserves the slope; however, the Commission can determine the setback.

Commissioner Lonsbury asked if an additional curb cut is required. Mr. Christensen stated there are two curb cuts on this property one on Lot 1 and one on Lot 2. Lot 2 (proposed lot) is served by an unimproved drive that services a free-standing garage.

Commissioner Grabiell asked why this request should be considered a hardship. Mr. Christensen responded when you look at the lot area of the subject site it is certainly large enough to accommodate two houses, with both lots exceeding lot area, width and depth requirements. He pointed out the physical characteristics (steep slopes, water) of the lot create the need to grant a variance if developed and the hardship is the configuration of the lot and its steep slopes.

Commissioner Brown said he believes "physical characteristics" are a creative position; however, a case could also be made the hardship is created by the request to subdivide. Commissioner Brown stated he cannot envision another home on this site.

### Public Comment

Mr. William Haertzen, 6400 Interlachen Boulevard, informed the Commission as Mr. Larsen briefly indicated, this request has been heard by the Commission, not once, but twice, and denied both times by both the Commission and Council. Continuing, Mr. Harzen said there is strong neighborhood opposition to this request. Mr. Hartzen said in his opinion, the benefits of the proposed subdivision go strictly to the proponents, not the neighborhood. Concluding, Mr. Haertzen invited the Commission to visit the site or drive by it to observe how sharp the curve is at this point and visualize the impact this subdivision would have on traffic safety.

Mr. Scott McPherson, 6405 Mendelssohn, told the Commission in his opinion, another house on this site will not benefit the neighborhood, adding he doesn't believe Lot 2 provides an appropriate building site

Mrs. Eloise Walcher, 6401 Mendelssohn Lane, told the Commission she has resided on her property for many years, noting the history of the area and pointing out this issue has come before both the Commission and Council in the past and been denied. Mrs. Walcher asked the Commission to deny the subdivision request. There is no "hardship"

Chair Byron closed the public portion of the hearing.

Commissioner Grabiell asked if the water body located to the rear of the subject site is part of Mirror Lakes, and if it is, according to the Zoning Ordinance the setback from Mirror Lakes is 75 feet, not 50 feet, as is required of other water bodies. Mr. Larsen responded the pond is part of Mirror Lakes, adding Commissioner Grabiell is correct, the required setback from Mirror Lakes is 75 feet (the 100 foot setback is a requirement of the Subdivision Ordinance). This proposal creates a setback situation not only from the Subdivision Ordinance but from the Zoning Ordinance as well.

A discussion ensued with Commissioners in agreement the proposed subdivision would have a negative impact on traffic in the area noting the same proposal has been heard and denied by both the Commission and Council in the past.

Commissioner Brown moved to recommend denial, Commissioner Lonsbury seconded the motion. Commissioner Lonsbury stated in the motion reasons for the denial are:

- traffic safety
- reduction in setback from the pond
- no hardship proven

All Commissioners voted Aye; motion to deny carried.

### **III. OTHER BUSINESS:**

Mr. Larsen told the Commission he has another item of business he would like to present to them. He added the background of this request goes back to the Cypress proposal. Mr. Larsen explained the Cypress proposal was an Amendment to the Overall Development Plan of Centennial Lakes and Final Development Plan. Notices were mailed and the request was published in the Sun newspaper according to Edina City Code; however, in this situation a sign was not required to be posted because the property was correctly zoned. Mr. Larsen said at this time staff would like to amend the Ordinance to require signage for Final Development Plans.

Commissioner Brown commented this may not be the appropriate forum, but is the 500 foot required mailing notice adequate? He said in the Cypress situation some residents of the Coventry did not receive written notice. Mr. Larsen responded the City of Edina has established 500 feet as the proper notification area, which is larger than required by State Statutes. Mr. Larsen said in his opinion to be fair, one must be consistent, and 500 feet is the established rule in the City of Edina. Continuing, Mr. Larsen noted there always is the case of “never getting it right”; reiterating the only hope for success is to be consistent. Concluding, Mr. Larsen said with regard to residents of the Coventry he met with members of the Homeowners Association a month before the Cypress proposal was heard by the Commission.

Chair Byron said as he sees it, the proposed signage requirement addresses any perceived lapse in notification process.

Commissioners agreed requiring a sign to be posted for Final Development is appropriate.

**III. ADJOURNMENT:**

Commissioners asked Commissioner McClelland to move adjournment.

Commissioner McClelland moved for adjournment at 11:15 PM. Commissioner Lonsbury seconded the motion. All voted aye; motion carried.

---

Jackie Hoogenakker