



MEETING MINUTES
Regular Meeting of the Edina Planning Commission
Wednesday, October 27, 2010, 7:00 P.M.
Edina City Hall Council Chambers

MEMBERS PRESENT:

Chair Fischer, Carpenter, Risser, Scherer, Staunton, Schroeder, Brown, Grabel, Forrest, Rock, Stefanik

STAFF PRESENT:

Teague, Aaker, Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the September 29, 2010, meeting was filed as submitted.

II. OLD BUSINESS:

2009.0004.10 Zoning Ordinance Amendments

- 1. Non-Conforming Use/Alternate Setback Standard Ordinance**
- 2. Driveway Width**
- 3. PUD**

Introduction

Planner Teague addressed the Commission and explained since their last meeting planning staff and Roger Knutson's staff reviewed the three ordinances and made grammatical changes and ensured consistency. Teague noted the majority of changes to the text occurred in the Non-Conforming Use/Alternate Setback Standard Ordinance; specifically the Conditional Use Permit addressing additions, repairs, etc.

Three "conditions" were incorporated into the Conditional Use Permit process when the first floor is raised by more than one foot; 1) FEMA, 2) Groundwater, and 3) Building Code. Teague said all or one of these conditions must also meet a fourth condition: ensuring that the new structure or addition fits the character of the neighborhood.

Continuing, Teague noted changes from Chair Fischer and informed the Commission that Connie Carrino had also submitted language pertaining to the Non-Conforming Use/Alternate Setback Ordinance as it relates to the first floor elevation for their review.

Concluding Planner Teague said the discussion would continue in three parts; 1) PUD, 2) Driveway width, and 3) Non-Conforming Use/Alternate Setback Standard.

1. PUD

Planner Teague explained a change was made to the Ordinance Amending the Zoning Ordinance Concerning Administration and Procedures and Establishing a PUD District by creating a mechanism that allows “text amendments” by ordinance. The proposed change would allow a text amendment process (pg. 33).

Chair Fischer asked for an example of a text amendment. Attorney Knutson said a zoning ordinance text amendment could be requested when a specific “use” is not addressed by ordinance; the current ordinance is silent. Commissioner Scherer asked if a text amendment would apply to the entire zoning district. Knutson responded in the affirmative. Commissioner Grabel questioned the reason for establishing a text amendment process pointing out a zoning ordinance amendment process was already in place. Knutson agreed; however, the current way a “change” was processed would be through two hearings; preliminary and final. The proposed text amendment is a one step process.

Chair Fischer said as previously mentioned at the last meeting on pg. 8 1. eliminate the word strongly ...”applicants are strongly encouraged”. Eliminate strongly in this context throughout the ordinance (possibly two other places).

Commissioner Staunton said at the last Commission meeting he brought up the point that in its present form the Zoning Board of Appeals is a “place holder”. The discussion on the status of the Zoning Board of Appeals and who would make-up the “Board of Appeals” continues.

Commissioner Carpenter noted on page 7 - B.1. Close parenthesis after 10% –

Motion

Commissioner Brown moved to recommend adoption of the proposed Zoning Ordinance Amendment establishing a Planned Unit Development (PUD) with the noted changes. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

Chair Fischer acknowledged members of the public; and explained that last month the Planning Commission conducted a public hearing and took testimony on the three ordinance amendments. Fischer said at this time he would welcome further comments on the proposed amendments presented.

Chair Fisher directed the discussion to the Driveway Width Ordinance.

2. Driveway Width Ordinance

Jared Anderson, 4004 Monterey Avenue addressed the Commission and explained that he lives in a 1938 home with a one-stall garage. Mr. Anderson said he would like to add a detached garage to the rear of his home but because of the 12-foot driveway width requirement he can't do that. Chair Fischer said the proposed ordinance eliminates a minimum driveway width. Mr. Anderson thanked the Commission for their work on this issue.

Motion

Commissioner Grabel moved to recommend adoption of the Ordinance Amending the Zoning Ordinance Concerning Driveways. Commissioner Risser seconded the motion. All voted aye; motion carried.

3. Nonconforming Buildings and Uses

Chair Fischer addressed the Commission and said at the last Commission meeting changes were accepted and made to the proposed ordinance, adding the majority of the discussion and changes focused on the Conditional Use element of the ordinance and three conditions relating to the first floor elevation of more than one (1) foot above the existing first floor elevation of the existing dwelling unit. Fischer noted in the text presented that additional language was added to address State Building Code, City of Edina Code, and other relevant agency requirements. Fischer stated he thought this was an important addition to the ordinance to minimize conflict between ordinances, state and building codes, etc. Fischer gave brief examples of Code conflicts.

Chair Fischer directed the Commissions attention to e-mails between Roger Knutson and City Staff and Section 3. I. and the term "relevant agency requirements". Fischer said Knutson suggested eliminating "other relevant agency requirements" and replacing that with "other statutory requirements".

Chair Fischer said in going through the amended language another issue that was brought up at the last meeting was requiring documentation of ground water by a hydrologist; adding after reviewing the building and engineering code requirements it was found that code already requires property owners to hire geotechnical engineers. Fischer asked the Commission what language they are comfortable with to ensure ground water issues are present; and if so, how are they addressed. Commissioner Brown commented that the Commission needs to determine who is credible in addressing ground water to ensure documentation if there is an issue, and if so, how to correct it.

After further discussion it was determined that reference to ground water documentation should read: “shall be determined in accordance with accepted hydrologic and hydraulic engineering practices.”

A brief discussion ensued on the use of the term “registered design professional”. All references to this term are to be deleted and replaced with the term “licensed design professional”.

Connie Carrino said in reviewing building code and other state requirements she thought she read or heard reference to an 8-foot ceiling height requirement. Ms. Carrino asked if that was correct; and if that wasn't correct; should the ordinance allow language indicating “standard building practice” or reference “8-foot ceilings”. Bjorn Freudendahl said every builder today builds new homes with 8-foot ceilings. Chair Fischer said the building code requires a ceiling height of 7-feet, not 8.

A discussion ensued on whether 8-foot ceiling heights should be referenced in the amended language. Commissioners said they felt there should be no reference to ceiling height or adding standard building practices to the language. Those changes do not fit what the Commission was trying to achieve with the Conditional Use process.

Further discussion ensued on Conditional Use relating to Section 3 with the following changes to the proposed ordinance:

Section 3. I. Last line reads: Subject to the following conditions. It was determined that this reference should be clearer and that: # 4 is constant requirement but 1, 2, or 3 could apply depending on the property in question. Maybe it could read: meet one of the following 1, 2 or 3. 4 must be met at all times.

Sections 2.b. add from the “applicable lot line”.

Section 3 make sure everything is uniform and that all references state “single dwelling unit building”.

Section 3. I. 1-4 add after “may be increased to the extent necessary” throughout.

Motion

Commissioner Risser moved to recommend adoption of the Ordinance Amending the Zoning Ordinance Concerning Nonconforming Buildings and Uses. Approval is subject to the changes suggested. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

III. COMMUNITY COMMENT:

None.

IV. OTHER BUSINESS:

Planning Commission By-laws.

Chair Fischer said Commissioner Carpenter would speak to the proposed Commission By-laws.

Commissioner Carpenter briefed the Commission on the changes to the By-laws since their last meeting, noting the majority of changes “cleaned up” the text.

Chair Fischer noted under e. second line; there is an extra word. Continuing, Fischer said he observed the term “presiding officer” and questioned if “presiding officer” was the same as chairperson”. After a brief discussion Commissioner Carpenter said he would review the By-laws and use “Chairperson” and “Presiding Officer” where applicable, acknowledging the “chairperson” has duties different from “presiding officer”

The discussion continued on when members of the public can give input during a Planning Commission meeting. It was determined that public input at a Planning Commission meeting was at the discretion of the Chair. It was noted when the Commission holds a public hearing notice of the meeting must be published in the local paper 10-days prior to the hearing.

A brief discussion ensued on how to supply the City Council with a “courtesy copy” of the new By-laws. It was determined that the By-laws would be added as back of the packet” materials in the Council packet that goes out the Friday before each Council Meeting.

Motion

Commissioner Risser moved to recommend adoption of the three ordinances discussed: 1) Non-Conforming Buildings and Uses and Addition 2) Administration and Procedures and Establishing a Planned Unit District (PUD), and 3) Driveway Width. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

V. INTERGOVERNMENTAL BUSINESS:

Chair Fischer acknowledged receipt of back of packet materials, and asked if Board/Commission liaisons had anything to offer.

Commissioner Risser reported that on November 8th, in the Edina City Hall lobby and Council Chambers a “NEMO” workshop will be conducted on air, water quality and sustainability.

Reminder: Tuesday, November 2nd – Election Day.

Chair Fischer reported the Zoning Ordinance Update Committee will not meet on Wednesday, November 10th, noting the ordinances discussed tonight will be forwarded to the Council for their review/approval on November 16th.

VI. ADJOURNMENT:

Commissioner Carpenter moved adjournment at 8:40 pm. Commissioner Risser seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted