



**MEETING MINUTES**  
**Regular Meeting of the Edina Planning Commission**  
**Tuesday, February 24, 2010, 7:00 PM**  
**Edina City Hall Council Chambers**

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**MEMBERS PRESENT:**

**Chair Mike Fischer, Julie Risser, Nancy Scherer, Kevin Staunton, Michael Schroeder, Steve Brown, Floyd Grabel, Jeff Carpenter, Arlene Forrest and Karwehn Kata**

**STAFF PRESENT:**

**Cary Teague and Jackie Hoogenakker**

**I. APPROVAL OF THE MINUTES:**

The minutes of the January 27, 2010, meeting minutes were reworded to read "when school wasn't in session".

**II. OLD BUSINESS:**

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**Amendment to Zoning Ordinance No. 850.11 concerning regulation of front yard setbacks in the R-1, Single Dwelling Unit District.**

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**Planner Presentation**

Planner Teague informed the Commission that as a result of the recent court case with JMS regarding a front street setback variance at 6120 Brookview Avenue, staff is recommending a zoning ordinance amendment to tighten up the existing language for properties in the R-1 zoning district. The variance at 6120 Brookview involved a request to tear down and rebuild a new home on a vacant lot. The Zoning Board of Appeals and City Council denied the variance request; the applicant subsequently sued the city. The decision of the court case was in favor of the applicant due in large part to the judge finding that language in the city regulations regarding front street setbacks to be "ambiguous, vague, conflicting and unworkable."

Planner Teague noted at last month's meeting the planning commission asked staff to bring back a revised ordinance to make the existing language more clear. Planner Teague asked the Commission to refer to the draft ordinance amendment.

## **Discussion**

The discussion focused on the current front yard setback options provided for in the Ordinance and the Judge's recent ruling. Commissioners questioned the reasoning behind the three options, pointing out establishing a standard front yard setback would be easier. Planner Teague agreed, adding he believes the reasoning behind the three options was because of Edina's many unique neighborhoods, noting, as has been mentioned time and time again, in Edina, "one size doesn't fit all". Concluding, Planner Teague noted that the present Ordinance language had been "on the books" many years guiding Edina's residential development. Staff felt that clarifying the "options" was needed.

Commissioner Grabiell commented that part of the reason the City is amending the Ordinance is because the Judge deemed that the Ordinance in its present state was worthless and needed to be "cleaned up." Commissioner Grabiell said in his opinion this needs to be accomplished as soon as possible to ensure that those "gray" areas currently in the Ordinance are clarified. Commissioner Grabiell commented that if the Commission wants to re-review the front yard setback portion of the Ordinance at another time that could be done during the re-write process. Chair Fischer agreed, adding the crux of the issue is for the Commission to decide to accept the changes drafted by staff or re-write the Ordinance at this time, acknowledging the Commission has time during the re-write process to revisit this topic.

The discussion continued with Commissioners agreeing that the amended language achieves the goal of clarifying the front yard setback section of the Ordinance. Commissioners suggested changes to the amended language by motion.

## **Action**

**Commissioner Brown moved to recommend approval of amending Zoning Ordinance No. 850.11 as per staff's draft with the following changes:**

- **Section 1. Sub Section 850.11, Subdivision 6.B.-Minimum Setbacks: add asterisks under numbers 2. & 3. Front Street**

**Under chart:**

- **Replace: \*\* See Subd. 7. A.1. below for required setback if property is located on a block that is more than 25% developed with buildings to-\*\*See Subd. 7. A. 1. below for required setback when more that 25 % of the lots on one side of the street between intersections are occupied by principal buildings.**
- **Section 2. Sub Section 850.11, Subdivision 7.-Special Requirements: Special Requirements for Single Dwelling Unit Lots. A. 1.**

- Replace “Established Average Setback” with “Established Front Street Setback”.
- Replace “When lots representing more than 25 percent of the frontage” with “When more than 25% of the lots:
- Strike Without a principal building

**Commissioner Grabel seconded the motion. All voted aye; motion carried.**

Chair Fischer said the front yard setback requirements would be added to the “bucket list” as continuing discussion during the update review process.

### **III. NEW BUSINESS:**

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#### **Ordinance Amendment: Building Height**

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##### **Planner Presentation**

Planner Teague presented an Ordinance amendment that would bring the City’s Zoning Ordinance into compliance with the recently approved Comprehensive Plan. The Ordinance establishes height regulations as prescribed in the Comprehensive Plan.

Planner Teague explained that the Ordinance would establish a Building Height Overlay District across the City’s entire commercial, industrial and high density residential zoning districts. Planner Teague said this Overlay District would be similar to the overlay district in the Country Club and Flood Zone districts.

Planner Teague concluded that staff recommends approval of the Ordinance subject to any additions or amendments recommended by the Commission.

##### **Discussion**

Commissioner Schroeder commented that as he viewed the proposed overlay district map he was struck by two issues in particular; the first 54<sup>th</sup> France and Valley View/Wooddale. Commissioner Schroeder said in both these areas there are parcels with a building height limitation of 1-story (HOD-1) surrounded by parcels that are allowed to build up to 4-stories. Commissioner Schroeder said he doesn’t see any logic in that. Planner Teague responded and explained the reason is that the parcel(s) limited to 1-story are presently zoned PCD-4, which is the zoning designation for gas stations, etc. Planner Teague said a rezoning and an amendment to the overlay district map would need to be done to allow building height in excess of 1-story on those parcels.

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Commissioner Schroeder said the second issue was the incremental 12-feet=1 story, and asked Planner Teague how he came up with the 12 feet. Continuing, Commissioner Schroeder pointed out in certain areas (50<sup>th</sup> & France) the first floor/story of a building, be it commercial or another use, would need to be taller, possibly as high as 16 feet in order to achieve the right balance at street level. Commissioner Schroeder said in his opinion a 4-story building with a first floor of 12-feet would appear squatty. Commissioner Schroeder said this approach could limit design options. Planner Teague responded the 12-feet was taken from the Comprehensive Plan. Planner Teague added it is difficult since the Comp plan prescribes different height maximums on parcels zoned the same. Commissioner Schroeder acknowledged that number came from the Comp Plan and the goal of the plan was to limit building height; however, he reiterated he doesn't believe the intent of the Comprehensive Plan was to limit design.

Commissioner Forrest said in her opinion the Building Height Overlay District map would be able to add flexibility separate from what a property is zoned.

Chair Fischer asked Planner Teague how he "arrived" at the Height Overlay District Map. Planner Teague explained that the City needs uniform regulations within the same zoning district, adding his first attempt was to write a description for each area. Planner Teague reported in discussion with the City Attorney it was felt that the best way to achieve uniformity between the Ordinance and the Comp Plan was through an overlay district. Chair Fischer asked Planner Teague if the Height Overlay District map needs to match the underlying zoning. Planner Teague responded in the affirmative.

Commissioner Schroeder questioned how podium height would be achieved. Planner Teague responded podium heights would be achieved through the requirement that the building height shall be determined by required setbacks, or a setback equal to building height.

Commissioner Forrest said that she finds the Building Height Overlay District map to be a useful tool.

Commissioner Risser said as she looked at the overlay map, in the area of Valley View/Wooddale where 4-stories are allowed there is no mention or acknowledgement anywhere that there is a lake system in that area called the Nancy Lakes. Planner Teague clarified that the overlay map is only intended to reflect building height. Commissioner Risser commented she was just concerned because other bodies of water were called out on the map but not this system. Planner Teague acknowledged that area of water wasn't on the map. Chair Fischer suggested that staff should check if that system was included on the underlying map.

The discussion continued focusing on the intent of the Comprehensive Plan versus the zoning classification of particular parcels. The Commission felt that the real goal was to develop and maintain character districts, acknowledging that may be hard to achieve if building height is tied strictly to the underlying zoning.

Chair Fischer said he doesn't believe anything formal needs to be done on this topic, pointing out it's the "first showing" of the Building Height Overlay District map. Planner Teague said for the next meeting he would bring back to the Commission provisions that address the issue of podium height.

Chair Fischer asked if anyone would like to speak to this topic.

### **Public Comment**

John Bohan, 800 Coventry, addressed the Commission and stated he applauds the Planner for finding a creative way to address building height. Mr. Bohan said it may not be perfect; but it's a great start. Continuing, Mr. Bohan said he reviewed the proposed revised Ordinance language and didn't find a mention of podium height or a definition in the revision. Mr. Bohan said when the Comprehensive Plan was approved in 2008 it was after a long and deliberate discussion and during that discussion period neighborhood/character districts were mentioned in relationship to building height. Mr. Bohan said when viewing the materials it appeared to him that the height determined for Centennial Lakes is four stories, pointing out that the Coventry townhomes are just two stories. Concluding, Mr. Bohan questioned the four story designation.

### **IV. COMMUNITY COMMENT:**

John Bohan, 800 Coventry Way, asked what the meaning of slated is under Community Comment. Planner Teague clarified that the community comment period provides an opportunity for residents to ask questions or give their input on an issue that is not currently under review by the Council/and/or Boards and Commissions or if an application has been made. Planner Teague said he believes the goal is to allow residents (at any one of the public meetings and hearings) a time to be heard.

### **V. OTHER BUSINESS:**

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**Topic:                      Planned Unit Development (PUD) – Intent, Goals or Purpose**

**Date Introduced:            January 13, 2010**  
**Date of Discussion:        February 24, 2010**

## **Introduction**

Planner Teague briefed the Commission on where they are in the process regarding PUD, adding he believes the PUD Ordinance will be built “as we go”.

Planner Teague explained that the Commission needs to keep in mind that when drafting a PUD Ordinance it needs to remain consistent with the Comp Plan, adding it may also be of benefit to establish a minimum parcel size. Planner Teague asked the Commission to comment on the applicability/criteria portion of the draft.

Chair Fischer asked Planner Teague how he “came up with” the minimum two acre parcel. Planner Teague responded he didn’t put much thought into it; however, there needs to be a reference point. Planner Teague pointed out if a PUD had been in place when the YMCA project was proposed that project would have been eligible for PUD because it’s over 2 acres.

Chair Fischer questioned if R-1 parcels would be eligible, adding he doesn’t believe that would be a good idea at this time. Commissioner Schroeder commented that the way to proceed on this may not be with a minimum parcel size; however, the City needs to find a way to encourage extraordinary design where appropriate, regardless of parcel size. Commissioner Schroeder added his thinking doesn’t include R-1 properties for redevelopment into a PUD. Chair Fischer agreed limiting parcel size may be a deterrent, adding the City doesn’t want to miss opportunities because of size. Continuing, Chair Fischer said in his opinion he would like to eliminate the 2 acre minimum requirement and eliminate the option for R-1 zoned properties to apply for a PUD. Planner Teague responded and suggested that a property could be exempted from size limitation if it is located on an arterial roadway.

Commissioner Forrest pointed out schools, churches, etc are also zoned R-1, adding maybe the door shouldn’t be closed for these sites especially since some of these sites are large.

Commissioner Carpenter said he agrees with previous comments to “stay away” from the R-1 Zoning District.

Chair Fischer stated in his opinion there is no benefit in including R-1 as a PUD option, adding the focus should be on where change could occur.

## **Action**

**Eliminate R-1 as a PUD option.**  
**Eliminate minimum parcel size requirement.**

**Continue discussion to March 10, 2010.**

**VI. INTERGOVERNMENTAL BUSINESS**

Chair Fischer acknowledged receipt of back of packet materials and reminded Commissioners to respond to the City's March 10<sup>th</sup> invitation to the Boards and Commissions Appreciation Dinner by March 3<sup>rd</sup>. Chair Fischer said the Zoning Ordinance Update Committee will meet after the dinner; at 7:30 PM not 7:00 PM as originally scheduled.

Chair Fischer stated the Small Area Guide Plan process continues and reported information on the process can be found on the City's website. Concluding, Chair Fischer said the City is "looking" for residents who would like serve on the "team". Chair Fischer said as of this date the "kick-off" is proposed for April 8, 2010 at City Hall.

Commissioner Risser updated the Commission on the Energy and Environment Commission (EEC) and invited all to attend an open house on March 23 hosted by the EEC. Commissioner Risser said the open house will held at City Hall in the Council Chambers beginning at 6:30 PM.

**VII. NEXT MEETING DATE:**

Chair Fischer asked everyone to note there is a date change for the March Planning Commission meeting because of Spring break. The meeting date of March 31<sup>st</sup> has been rescheduled to March 24, 2010.

**VIII. ADJOURNMENT:**

The meeting was adjourned at 9:00 PM

Submitted by:

*Jackie Hoogenakker*