



MEETING MINUTES
Regular Meeting of the Edina Planning Commission
Wednesday, April 28, 2010, 7:00 PM
Edina City Hall Council Chambers

MEMBERS PRESENT:

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

STAFF PRESENT:

Cary Teague, Kris Aaker and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the March 24, 2010, Planning Commission meeting were filed as submitted.

II. NEW BUSINESS:

2010.0002.10b

Jeffrey Parell and Tony Giannakakis
5500 Halifax Lane
5504 Halifax Lane
Lot Division

Planner Presentation

Planner Teague informed the Commission that Jeffrey Parell and Tony Giannakakis are proposing to shift the existing lot line that divides 5500 and 5504 Halifax Lane for the purpose of adding more land area in the side and rear yard of 5504 Halifax Lane. The existing home at 5500 Halifax would be torn down and a new home built. The home at 5504 Halifax Lane was recently built, and would remain. The new home at 5500 Halifax would be required to meet all applicable zoning ordinance standards as part of the building permit process. The proposal does not create a new lot.

Planner Tegue asked the Commission to recall that the applicant's recently made a similar request to shift the existing lot line, which was approved by the City. However, they have revised their plan for the purpose of adding additional land in

the side and rear yard to the south lot at 5504. The result of this new alignment would mean that the new home at 5500 Halifax would have to be smaller.

Planner Teague concluded that staff recommends that the City Council approve the Lot Division of 5504 and 5500 Halifax lane subject to the following findings:

1. The lot width of 5504 Halifax Lane currently does not meet the median lot width requirement. The resulting lot division would result in both lots meeting the median lot width requirement.
2. The resulting lots comply with all minimum lot size standards of Section 850.11 of the zoning ordinance.

Approval is also subject to the following Conditions:

1. Prior to the City of Edina filing the approving resolution shifting the lot line, the existing home at 5500 Halifax Lane must be removed from the site.
2. All building activity on either lot must comply with all minimum zoning ordinance standards.
3. Any new curb cuts would be subject to review and approval of the engineering department.

Appearing for the Applicant

Scott Massey, 1055 Wayzata Boulevard, Wayzata, MN

Discussion

A discussion ensued with Commissioners expressing concern with the lot division, particularly the notch in the lot line that in their opinion creates an irregular lot configuration for this area. Commissioners said their concern centers on the potential for owners of the vacant lot (5500 Halifax Lane) to request a variance (because of the notch) when a new home is constructed on the vacant lot. Commissioners asked for an explanation behind the irregular lot line readjustment.

Planner Teague explained that the owners of 5504 want to take advantage of the beautiful creek views and construct a permanent gazebo with cooking area. The property owner of 5500 has no objection to this reconfiguration. Planner Teague noted that after the lot division both lots continue to meet ordinance requirements.

Chair Fischer commented that in his opinion the notch would be hard to manage, especially in maintaining the grass, etc. Commissioners agreed. Commissioner Fischer also noted that he understands there are no rules preventing this

division; both lots comply with the ordinance. Planner Teague responded that is correct, adding that throughout Edina there are numerous irregular lot configurations; albeit not in this neighborhood.

Public Comment

Scott Massey said he is appearing on behalf of his client and explained that the proposed reconfiguration allows his client the opportunity to construct a gazebo and cooking area in his rear yard that would not require a variance. Mr. Massey said his client has no intention of expanding the home, pointing out it's a relatively new home. Regarding the adjoining property (5500) that lot is now vacant as per staff's request.

Further Discussion

Commissioner Forrest said she understands that the two lots continue to meet ordinance requirements; however, she wondered if this rearrangement meets the spirit of the ordinance. She pointed out this reconfigurations creates unusual lots in an area of traditional lots.

Commissioner Grabiell noted as previously mentioned that a new house will be constructed on the vacant lot, adding he doesn't want the owner of the vacant lot to come in and request a variance for the new house. Commissioner Grabiell asked Planner Teague if there is any way this concern could be attached to the lot. Planner Teague responded that he could have the building department "flag" the address so staff is aware of the variance concern when a building permit for new construction is submitted.

Commission Action

Commissioner Carpenter moved to recommend lot division approval based on staff findings and subject to staff conditions:

- 1. The existing home on 5500 Halifax Lane must be removed**
- 2. All building activity on either lot must comply with all minimum zoning ordinance standards.**
- 3. Any new curb cuts would be subject to review and approval of the engineering department.**

Including the condition that 5500 Halifax Lane is flagged referencing variance concern.

Commissioner Brown seconded the motion. Ayes; Carpenter, Staunton, Schroeder, Brown, Grabiell Fischer. Nays, Scherer, Forrest. Motion carried 6-2.

**5200 and 5202 Grandview Lane
Lot Division**

Planner Presentation

Planner Teague informed the Commission Mr. Gary Suomela is proposing to split his existing lot into two lots to create a lot line separation of the existing double-dwelling at 5200 and 5202 Grandview Lane. There is an existing swimming pool in the rear yard that would extend onto the south lot after the subdivision.

Planner Teague noted there was one duplex in this neighborhood that was divided in a similar manner. In addition, in 1979, this same lot was approved for this same lot division; however, the approving resolution was never filed at the County to officially separate the units. Conditions of approval at that time were that the swimming pool must be entirely fenced and be assigned to the north lot, and the separate sewer and water connections be installed. The utility connections were separated, however, the pool was not fenced to the north lot.

Planner Teague pointed out most of these duplexes in this area were constructed with a fire-rated wall separating the two units. It is assumed that this structure was similarly constructed. However, if it was not, the applicant has agreed to construct the necessary fire-wall between the two units. This would provide protection for each unit, should there be a fire on the other side.

Planner Teague concluded that staff recommends that the city council approve the lot division as requested, subject to the following conditions:

1. The two units must be separated by a fire-wall as approved by the building official. The approving resolution dividing the two lots will not be filed at Hennepin County prior to the building official's review and approval of a wall separating the two units.
2. A fence must be constructed around the swimming pool to separate it from the south lot. An easement must also be established over the portion of the swimming pool that encroaches onto the south lot. The approving resolution will not be filed until both of these items have been completed.

Discussion

A discussion ensued about the requirement of the easement pointing out that the easement is outside of the City's preveue and there is the possibility that the swimming pool could be removed. It was also noted that it appears from the survey that fencing on the subject property is on City right-of-way. Planner Teague said he would have Wayne Houle, City Engineer, review the survey and if Mr. Houle wants the fence removed from the right-of-way it would have to be

removed. Planner Teague suggested that if the lot division is approved the fence/right-of-way issue should be added as a condition of approval. Planner Teague said the City Attorney will review all conditions and file the Resolution only when all conditions are met.

Action

Commissioner Grabiell moved to recommend lot division approval based on staff findings and subject to the following conditions:

- 1. The two units must be separated by a fire-wall**
- 2. A fence must be constructed around the swimming pool to separate it from the south lot;**

With the following condition:

- 3. That the City Engineer reviews the fence encroachment on City right-of-way and if the Engineer deems that the fence needs to be removed removal of the fence is required before the Resolution is filed.**

Commissioner Brown seconded the motion. All voted aye; motion for approval carried

- Planning Commissioner Update on the Public Works Site Small Area Guide Plan Process-

Introduction

Chair Fischer introduced Commissioners Staunton and Schroeder informing the Commission and public that the two would be briefing the Commission on what occurred during the very fast-paced 21-day public works site small area guide process. Chair Fischer stated that although the process was fast-paced; everyone involved found it to be a very successful.

Commissioner Staunton introduced members of the Community Advisory Team (CAT) that were present at the meeting. Kim Montgomery, Nancy Grazzini-Olson, Andy Brown, Mike Platteter, Sue Davison, and Peter Sussman member of the Design Team.

Commissioner's Staunton and Schroeder delivered their presentation.

Public Comments

Mr. Brown addressed the Commission and said for him being involved in a pro-active process, not a reactive process, was a great experience.

Ms. Grazzini-Olson said she is the property owner of the building on Arcadia/Eden (on stilts) and agreed with Mr. Brown that the process was awesome to be part of.

Commissioner Comments:

Chair Fischer thanked Commissioners Schroeder and Staunton for their great job.

Commissioners expressed their wholehearted support for the project and thanks on an unbelievable effort.

2009.0004.10b

**Building Height Overlay
Ordinance Amendment**

Planner Presentation

Planner Teague reported that at last Tuesday night's City Council meeting, the Council considered the building height ordinance that the Planning Commission recommended at last month's meeting. The Council did not take any action on the ordinance; and delayed consideration until May 4, knowing that the Planning Commission was scheduled to meet before May 4. The Council noted that the Commission may wish to offer additional comments or information on the proposed amendment; in particular in regard to the issue of podium height.

Planner Teague explained that the proposed ordinance does not specifically address the podium height issue; rather it is addressed through the existing setback provisions where the building height determines setback. Further, we have recommended to the City Council that podium height would be further addressed through a PUD ordinance which could encourage buildings to be pulled up closer to the street to achieve the podium height principles within the Comprehensive Plan.

Planner Teague noted as the Planning Commission has discussed, the PUD would give the City the most leverage, and enable us to look at sites individually to determine if podium height is appropriate. The Commission concluded that pulling buildings up to the street by a variance may be problematic in proving a hardship.

Discussion

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Chair Fischer told the Commission it was very informative for him to watch last week's City Council meeting. Chair Fischer said after watching that meeting he came to the conclusion that the Council and the Planning Commission have similar goals and have more in common than originally thought. Commissioner Fischer said what he took from watching the meeting was that podium height was challenging to correctly understand and it meant different things to different people.

Commissioner Scherer asked Planner Teague what the Commission's assignment is on this task. Planner Teague responded the Commission can again discuss the building and podium height issue, offer comments, or stand by their previous action.

Chair Fischer suggested that the Commission meet jointly with the City Council to gain a better understanding of what podium height means to each Council/Commission member and how to achieve podium height if so desired. He acknowledged that either the ordinance or the Comprehensive Plan may need to be amended to gain compliance with Met Council. Commissioners expressed agreement that a joint meeting/work session is important to better address the issue of building height.

Commissioner Schroeder said in his opinion it would be great to know what everyone's definition of "podium" height was and how to achieve it. Commissioner Schroeder said if one takes the Southdale campus as an example he believes there are those that think podium height positions tall(er) buildings in the middle of the site; however, that isn't necessarily the case

Commissioner Grabiell commented that a good example of podium height would be the Foshay Tower. Commissioners agreed that was a good example.

Commissioner Forrest suggested that podium height could be varied according to density.

Planner Teague asked the Commission to recall they previously determined a way to achieve podium height was through the PUD process (things can be done parcel by parcel). He added one reason the City is struggling to define this tool is that parcels in the same zoning district need to have the same requirements.

Commissioner Staunton said he recalls that aligning the Zoning Ordinance with the Comprehensive Plan was a goal to achieve by July and asked Planner Teague how important it was to meet Met Council's time line. Planner Teague responded that Met Council is very aware the City is in the process of updating the Zoning Ordinance, adding that it's more important to the Met Council that land uses are in compliance, not the height of a building on a particular parcel.

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Commissioner Forrest asked if there is any concern that an application may come in during the re-write process. Teague stated that the City Council would have to make a decision at that time to either amend the Comprehensive Plan or the Zoning Ordinance, so they would be consistent.

Commissioner Staunton said if he understands State Statute correctly that the Comprehensive Plan supersedes the Zoning Ordinance. Planner Teague agreed.

Further discussion continued on the advantages of a joint meeting with the City Council with all Commissioners in agreement that a joint meeting be scheduled to discuss building and podium height. No formal action was taken.

Chair Fischer asked Planner Teague to convey this request to Council Members. Continuing, Chair Fischer acknowledged that the City Council is extremely busy; however, the Planning Commission would like to meet with them for an extended period of time; not just before a Council Meeting (if at all possible).